

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES,

Plaintiff,

v.

STATE OF GEORGIA,

Defendant.

CIVIL ACTION
NO. 1:10-CV-249-CAP

O R D E R

For good cause shown, and in consideration of the status conference at which the Parties proposed modifications to the Settlement Agreement [Docket Nos. 112 & 115], the court hereby MODIFIES the Settlement Agreement as follows:

Section III.B.2.a.i(A):

ACT is a service that delivers comprehensive, individualized, and flexible treatment, support, and rehabilitation to individuals where they live and work. ACT is provided through a multidisciplinary team that shall include a psychiatrist, nurse, professional counselor, case worker, substance abuse specialist, vocational rehabilitation specialist, and peer specialist. Services are highly individualized and customized, and address the constantly changing needs of the individual over time. Among the services that ACT teams provide are: case management, initial and ongoing assessments, psychiatric services, assistance with employment and housing, family support and education, substance

abuse services, crisis services, and other services and supports critical to an individual's ability to live successfully in the community. The ACT team also will have a team leader who supervises team members, organizes team functions, and provides direct clinical services to ACT consumers.

Section III.B.2.a.i(G):

All ACT teams will operate with fidelity to the Dartmouth Assertive Community Treatment model. In order to provide the State with the flexibility to correct any perceived deficiencies in the ACT teams required to be created under this Agreement, the Independent Reviewer shall examine and review the performance of the ACT teams by July 1, 2012, but shall not make a determination of whether they operate with fidelity to the Dartmouth model until July 1, 2013. In addition, the State shall conduct a root cause analysis and develop a corrective action plan by September 1, 2012, regarding any perceived deficiencies in the ACT teams; the corrective action plan shall include timelines and provide for quarterly reporting on corrective actions until July 1, 2013.

Section IV:

A. By July 1, 2012, the State shall institute a quality management system regarding community services for the target populations specified in this Agreement. The quality management system shall perform annual quality service reviews of samples of

community providers, including face-to-face meetings with individuals, residents, and staff and reviews of treatment records, incident/injury data, and key-indicator performance data. The system's review shall include:

1. The implementation of the plan regarding cessation of admissions for persons with developmental disabilities to the State Hospitals.

2. The service requirements of this Agreement.

3. The contractual compliance of community service boards and/or community providers.

4. The network analysis.

B. The State's quality management system regarding community services shall analyze key indicator data relevant to the target population and services specified in this Agreement to measure compliance with the State's policies and procedures.

C. Beginning on February 1, 2013 and ending on February 1, 2015, the State's quality management system shall create a report at least once every six months summarizing quality assurance activities, findings, and recommendations. The State shall also provide an updated quality management plan by July 1, 2012, and a provisional quality management system report by October 1, 2012. The provisional quality management system report shall not be subject to review by the Independent Reviewer under Section VI.B of

this Settlement Agreement. The State shall make all quality management reports publicly available on the DBHDD website.

In addition, the court has considered the Amici Curiae's comments. Ms. Jones, the independent reviewer, needs no further authorization by the court to make recommendations regarding implementation of ACT and QMS to the State of Georgia officials. The court will not "require" the State of Georgia to implement her recommendations without further order. Nor will the court require Ms. Jones to oversee and coordinate training and technical assistance. Her role shall remain independent reviewer. All parties are encouraged to meet with the Amici for their recommendations. Since all parties believe Commissioner Berry will do so, no further order is needed. The court declines at this time to schedule annual status conferences with the parties, unless requested by the parties or the independent reviewer.

SO ORDERED, this 29th day of August, 2012.

/s/ Charles A. Pannell, Jr.
CHARLES A. PANNELL, JR.
United States District Judge