

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MAINE
SOUTHERN DIVISION

U. S. DISTRICT COURT
DISTRICT OF MAINE
SOUTHERN DIVISION
RECEIVED AND FILED

OCT 10 1978

ELIZABETH SAX, CLERK

BY: _____
DEPUTY CLERK

* * * * *

ARDIS POLK, et al., *

PLAINTIFFS *

vs. *

JAMES LONGLEY, et al., *

DEFENDANTS *

* * * * *

Civil Action
Docket No. 76-168-SD

CONSENT DECREE

The parties having agreed to entry of this decree, and the Court having reviewed the law and pleadings, it is hereby ORDERED, ADJUDGED, and DECREED as follows:

1) The order of this Court dated December 2, 1976, certifying this matter as a class action pursuant to Rule 23 is affirmed and made final.

2) The class shall be defined as all present and prospective applicants for Medical Assistance benefits under Title XIX of the Social Security Act, as amended, and all persons on whose behalf such application for Medical Assistance benefits have been made, or will have been made, who are residents of the State of Maine, and who, within forty-five (45) days of application, as of December 2, 1976, had not been sent, or, subsequent to December 2, 1976, have not been sent or will not have been sent, either (1) a written notice of denial, or (2) a valid notice of eligibility for Medical Assistance benefits.

3) Recognizing that much of the subject matter of this action has been dealt with in Chapter 714 of the Maine Public Laws of 1978, enacted with advice and cooperation of the parties, the defendants and their agents agree to act in accordance with the provisions of Chapter 714. It is the understanding of the parties, however, that the provisions of Chapter 714 are specifically not incorporated into this decree.

4) Within thirty (30) days from the date this decree is signed, the defendants shall implement regulations to insure that, for all applications involving incapacity or disability, the

Department will make every reasonable effort to obtain medical information necessary to process that claim.

5) The defendants or their agents shall promptly reimburse all named plaintiffs for payments they have made for all covered medical expenses during their period of eligibility.

6) The defendants, for one year from the date of this decree, shall provide plaintiffs' attorneys with monthly reports specifying, statewide and for each region, the number of cases pending at the first of each month, the number of applications received during the month, the number of cases "spending-down", the number of open cases, and the number of denials that month.

7) The defendants shall, for one year from the date of this decree, provide plaintiffs' attorneys with monthly reports for each region indicating the number of cases waiting, from application to notification, less than thirty-one (31) days, from thirty-one (31) to forty-five (45) days, from forty-six (46) to sixty (60) days, and more than sixty (60) days. They shall also insure that records be maintained containing the names, addresses, and date of application of all persons whose applications have not been processed within forty-five (45) days.

8) The defendants shall, for one year from the date of this decree, provide plaintiffs' attorneys with monthly reports stating the number of personnel assigned to process medical assistance applications in each office.

9) The defendants shall provide all new applicants for Medical Assistance with written notice that their applications will be processed within the prescribed time limit and of the essential provisions of this decree and Chapter 714 of the Public Laws of 1978. The parties agree that the notice attached hereto is sufficient to meet the requirements of this paragraph.

10) The parties agree to the following notice to be published for three (3) successive weeks in the Maine Sunday Telegram and in the next issue of "Concern":

POLK v. LONGLEY

Civ. No. 76-168-SD

NOTICE TO MEDICAID APPLICANTS

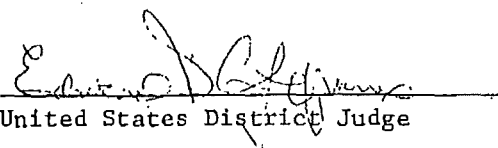
There is a case now in the United States District Court in which the plaintiffs have challenged the failure of the Maine Department of Human Services to decide upon Medicaid applications within the required time limit. The plaintiffs are people who applied for Medicaid and whose applications were not acted upon within forty-five (45) days. The Court has ordered that all Medicaid applicants are plaintiffs in this case and are controlled by the judgment in this case.

After many months of negotiating, the lawyers for the plaintiffs and the lawyers for the Department of Human Services have agreed upon a consent decree, and the United States District Court has approved the consent decree.


The decree requires the Department of Human Services to act on all Medicaid applications within forty-five (45) days. If the Department fails to act within forty-five (45) days, and if its failure to act is not caused by the applicant, or the source of his or her medical information, the applicant will receive a temporary Medicaid card. The decree also has a provision requiring the Department to make every reasonable effort to obtain medical reports for those applicants whose eligibility for Medicaid depends upon a finding of disability. The decree also requires the Department of Human Services to provide compliance reports to the Pine Tree Legal Assistance lawyers for the plaintiffs for the next year.

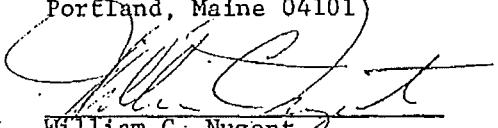
11) This Court will retain jurisdiction over this matter for a period of one year from the date of this order, in order that, at the request of either party to this action, the Court may review the procedures of defendants and the compliance of defendants with the terms of this decree.

DATED: October 16, 1978


United States District Judge

SEEN AND AGREED TO:


Susan Calkins
Attorney for Plaintiffs
146 Middle Street
Portland, Maine 04101


William C. Nugent
Assistant Attorney General
Attorney for Defendants
221 State Street
Augusta, Maine 04333

NOTICE TO ALL APPLICANTS FOR MEDICAL ASSISTANCE

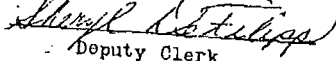
State and federal law direct that you must be notified of a decision on your application as soon as possible and no later than forty-five (45) days from the time we receive your application. However, that limit does not apply if the application cannot be processed because you (or your source of medical information, if your application is based upon disability) fail to cooperate in providing necessary information.

If you have not received a decision on your application, within forty-five (45) days (and you and your source of medical information have provided all necessary information), you are entitled to receive a temporary medical card. This card will entitle you to receive all covered medical assistance until you receive notice of our decision on your application. Even if you are found not to have been eligible, you will not be asked to repay any medical assistance provided during this period.

If you have not received a decision by the date noted above, and you have not received a temporary medical card, please contact your local office of the Department of Human Services immediately.

A TRUE COPY.

ATTEST: Elizabeth Sax, Clerk

By  Deputy Clerk