



# Chisholm: a class-action lawsuit on behalf of Medicaid-eligible children with Developmental Disabilities

Disability Rights Louisiana (DRLA) is a statewide non-profit agency providing FREE legal services, advocacy, and other supports to people with disabilities of all ages.

The Chisholm lawsuit<sup>1</sup> was filed in federal court because Louisiana's Medicaid agency was leaving eligible children waiting for years to receive services through what is now called the New Opportunities Waiver (NOW). Louisiana's Medicaid agency has a duty to actively identify and arrange needed services for these children<sup>2</sup>. The judgments and settlements in this case intend to provide class members with improved services, not financial compensation.

Disability Rights Louisiana (DRLA) continues to enforce Chisholm requirements. If you or your child qualifies as a Chisholm Class Member, and there are covered services which you have requested but not received, DRLA may be able to help!

## Who is a Chisholm Class Member?

This class action lawsuit applies to people in Louisiana who:

- have a Developmental Disability
- receive Medicaid
- are at least 3 years of age but have not yet turned 21, and
- are on the waiting list / registry for a DD Medicaid Waiver (NOW, ROW, Supports Waiver, and/or Children's Choice Waiver).

## What is required by law under the Chisholm settlement?

- Better notices to Medicaid recipients about what services are available to people who are not on a Waiver
- Support Coordinators to help class members access all needed services before they get a waiver<sup>3</sup>
- Support Coordinators must identify additional services that might help class members, even before the family requests those services
- Services (including nursing and speech / occupational / physical therapy) must be made available in the home when needed
- Access to one-on-one assistance to locate a nurse, therapist, or personal care provider within 10 working days
- Medicaid cannot deny "prior approval" of services or medical supplies for paperwork reasons,
- A request for prior approval to continue services at the same amount cannot be denied, unless there is evidence of significant medical improvement
- Psychologists, Applied Behavioral Analysis (ABA) therapists, and emergency mental health services during crisis for children with autism
- Access to other needed services, like MultiSystemic Therapy and Therapeutic Foster Care.

1. Civil Action No. 97-3274, EDLA, Judge Carl Barbier

2. Medicaid agencies are required to perform Early and Periodic Screening, Diagnosis, and Treatment for recipients under age 21. Louisiana must provide these recipients with all services any state covers (outside of a Waiver), even if not in its own "state plan" for adults. This is called EPSDT.

3. For children under the age of 3, Support Coordination is through EarlySteps.

**Contact us:**

**Call: 800-960-7705**

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