

# Provider Notice

## Subject: Class Action Plan Notice

***This notice is being sent on behalf of the Louisiana Department of Health (LDH)***

The litigation may affect your rights. Please read carefully.

### **PURPOSE OF THIS NOTICE**

This notice informs you about a class action lawsuit against the SECRETARY of the Louisiana Department of Health and the LOUISIANA DEPARTMENT OF HEALTH. You may be either a member of the class or a person who may be concerned with the interests of potential class members. Please read this entire notice.

### **BRIEF DESCRIPTION OF THE LAWSUIT**

This class action suit seeks to improve the mental health services that are available and provided to children and youth under age 21 who are on Medicaid. The lawsuit, *A.A. et al. v. Phillips*, was filed in federal district court in the Middle District of Louisiana on November 7, 2019 (case number: 19-00770-BAJ-SDJ). The lawsuit alleges that the Louisiana Department of Health is violating the Medicaid Act by failing to make intensive home and community-based (mental health) services available to Medicaid recipients under age 21 with mental health conditions or disabilities. The lawsuit also alleges that the Louisiana Department of Health has violated the Americans with Disabilities Act and the Rehabilitation Act because the state has failed to provide intensive home and community-based services to Medicaid recipients under age 21 with mental health disabilities and that failure puts those recipients at risk of unnecessary institutionalization in hospitals and psychiatric facilities.

On May 25, 2021, Judge Brian A. Jackson certified this case as a class action lawsuit on behalf of “All Medicaid-eligible youth under the age of 21 in the State of Louisiana (1) who have been diagnosed with a mental health or behavioral disorder, not attributable to an intellectual or developmental disability, and (2) for whom a licensed practitioner of the healing arts has recommended intensive home- and community- based services to correct or ameliorate their disorders.”

Judge Jackson appointed the Southern Poverty Law Center, National Health Law Program, National Center for Law and Economic Justice, Disability Rights Louisiana, and O'Melveny & Myers, LLP as legal counsel for the class. The class counsel would like to hear from you if you believe you are a class member or you are impacted by this lawsuit.

**If you or a child in your care is a Medicaid recipient under age 21 who has been unable to get Medicaid home or community-based mental health or behavioral health services, please contact the Southern Poverty Law Center at:**  
[https://www.splcenter.org/la\\_mental\\_health\\_lawsuit\\_contact\\_us](https://www.splcenter.org/la_mental_health_lawsuit_contact_us) or 1-800-358-2337.