

Bulletin ID: No. 5 - Consent Order to Expedite Payment of FY05 Claims Local Code DMH 19

On July 31, 2006, Department of Mental Health (DMH) and the plaintiffs' counsel in the Dixon case filed a joint motion with the US District Court, asking Chief Judge Hogan to sign a consent order to expedite payment of FY 05 claims to providers. The consent order was signed on August 1, 2006 (the "Consent Order"). A copy of the Consent Order is attached.

The Consent Order covers payments for FY 05 services only, for amounts that are agreed upon by DMH and the provider. A spreadsheet showing the amounts that DMH believes are owed for reworked MHRS claims submitted as of July 12, 2006 has been circulated by the Dixon plaintiffs' counsel, over the last few weeks, showing the progress of the re-work of MHRS claims.

In order to receive an expedited payment under the terms of the consent order, a provider must submit the following information to DMH:

1. A written declaration that the vendor is in danger of closing or reducing services to mental health consumers who are Dixon class members, thereby causing potential harm to those class members;
2. A written declaration that the vendor is unable to secure necessary alternative financing to await payment through the ratification or other processes required by District of Columbia law;
3. A signed statement that the amount of the expedited payment is the total due and owing for all services rendered in FY 2005.

For purposes of the declaration, Dixon class members have been defined by the US District Court as "individuals who are or may be hospitalized in a public hospital under the District of Columbia's 1964 Hospitalization of the Mentally Ill Act, DC Code Section 21-501 et seq." See *Dixon, et al. v. Barry, et al.*, 967 F. Supp 535 (DDC 1997). The definition includes any person who has been or may in the future, be involuntarily hospitalized at Saint Elizabeths Hospital, pursuant to the District's civil commitment laws (also known as the Ervin Act).

The DMH Office of General Counsel has prepared a sample declaration that meets the necessary elements required by the consent order. The declaration must include all of the elements contained on the attached sample, including a statement that the signatory is authorized to sign the declaration and settle FY 2005 claims. A copy of the sample declaration is also attached. Please note that this version of the declaration is slightly different from the draft declaration that was previously circulated by the plaintiffs counsel and contains required language regarding the authority of the signatory.

[Declaration draft](#) [PDF]

If you have questions about the amount of the reworked claims or about other claims you may have for other types of services provided in FY 05, please contact James Jackson at (202) 671-2986 or jamesv.jackson@dc.gov. (Email is preferred.)

Please submit the original signed declaration to James V. Jackson, Management Program Officer. We will process each request for payment after the Office of General Counsel reviews the declaration to ensure that it meets all of the requirements of the Consent Order.