



HR1122

LRB095 20610 DRJ 48691 r

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HOUSE RESOLUTION

2 WHEREAS, In 1992, a class of children in Cook County
3 eligible for Medicaid coverage ("plaintiffs") sued the
4 Illinois Department of Healthcare and Family Services ("HFS")
5 for violations of the federal Medicaid Act; and

6 WHEREAS, Plaintiffs alleged that HFS failed to provide
7 children in Cook County covered under Medicaid with access to
8 medical care and services equal to children who were not
9 covered under Medicaid; and

10 WHEREAS, The case went to trial in 2004 with Judge Joan
11 Lefkow finding in favor of the plaintiffs; and

12 WHEREAS, Parties to the suit held settlement negotiations
13 and came to an agreement in 2005; a consent decree was entered
14 on June 27, 2005 with Judge Lefkow; and

15 WHEREAS, Among the agreements in the consent decree, HFS
16 agreed to conduct a study regarding access to specialist
17 services by the children in the plaintiff class as well as
18 children in similar situations; and

19 WHEREAS, The consent decree required HFS to retain a
20 qualified expert who was subject to plaintiffs' "reasonable

1 approval"; and

2 WHEREAS, The consent decree required the parties to discuss
3 with the retained expert their views on the proper methodology
4 for the study; and

5 WHEREAS, In 2007, plaintiffs filed a motion to enforce the
6 consent decree with Judge Lefkow; plaintiffs argued that the
7 expert retained by HFS was not qualified because it had never
8 implemented a mail survey or an audit survey, which were the
9 two methodologies proposed by the parties; plaintiffs also
10 argued that the new expert had been retained without its
11 approval; lastly, the plaintiffs argued that defendants had
12 unduly delayed the completion of the study; and

13 WHEREAS, On November 29, 2007, Judge Lefkow found in favor
14 of the plaintiffs and ordered the parties to agree on a new
15 expert within 30 days; and

16 WHEREAS, As of March 2008, the parties have yet to agree on
17 an expert and the study remains incomplete; therefore, be it

18 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE
19 NINETY-FIFTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that
20 the members of the Illinois House of Representatives urge HFS
21 and the plaintiffs to come to an agreement on an expert by

1 April 30, 2008; and be it further

2 RESOLVED, That the expert and HFS finish the study and
3 complete a full report of the results by July 31, 2008; and be
4 it further

5 RESOLVED, That a copy of the report be delivered to every
6 member of the House of Representatives.