

Children's Issues Series:
Access to Home-Based Mental Health Services
***Rosie D. v. Patrick* and the Children's Behavioral Health Initiative**
(CBHI)

For an overview of home-based behavioral health services for children available through MassHealth and how to access them, including providers by region, see: <http://www.clcm.org/cbhi.pdf>

To search for a provider by type of service and geographic area, see: <http://www.mabhaccess.com/>

Note that logging in as a guest user, enables you to conduct a search.

For comprehensive information about *Rosie D.*, including information on how to access services, see: www.rosied.org

What is the *Rosie D.* case and why is it important?

Rosie D. v. Patrick is a class action lawsuit brought on behalf of Medicaid-eligible children and adolescents under the age of 21 who need, but are not receiving, the home-based mental health services necessary for them to remain with their families and in their home communities. Without appropriate home-based services, these children can be at risk for prolonged or unnecessary hospitalization or other out-of-home placement, as well as removal from their local schools and communities.

The lawsuit was based on the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) provisions of the federal Medicaid Act, which require the Commonwealth to provide Medicaid-eligible children with access to preventative screening, diagnostic evaluations, and medically necessary behavioral health services. In January 2006, the federal court found the Commonwealth in violation of EPSDT requirements. In July 2007, it entered a final judgment that included a detailed remedial plan. This plan has dramatically altered the landscape for Medicaid-funded mental health care in Massachusetts, creating a new service delivery system designed to empower and support youth and families and successfully maintain their connections to home, community and school settings.

What specific reforms did the Court order and when did they become available?

The Commonwealth undertook an ambitious system reform effort in coordination with the plaintiffs and under the supervision of the Court and Court Monitor. The Judgment describes the redesign of the Medicaid children's mental health system in Massachusetts and the pathway to obtaining home-based services. It also established deadlines for critical steps in the implementation process.

Behavioral health screening became available to MassHealth members in January of 2008. Standardized diagnostic assessments began in November of 2008. Additional home-based services, including Intensive Care Coordination, In Home Therapy, In Home Behavioral Therapy, Therapeutic Mentoring and Family Partners became available between July and November of 2009.

What are intensive home-based services and how will children and families access these services?

The Commonwealth's new mental health service system is based upon an integrated and coordinated approach to treatment planning and service delivery, informed by nationally recognized principles of "wraparound" care. Home-based services are highly individualized, child and family centered and strength based. These services can be provided in any appropriate setting where the child is located, including natural or foster homes, community activities, schools or after-school programs. Families and providers will set goals for each identified service, consider appropriate locations and strategies for implementation and monitor progress towards identified outcomes.

For youth receiving Intensive Care Coordination (ICC), a care coordinator will work in partnership with the family, conducting a comprehensive home-based assessment and identifying and coordinating a single treatment team. Together the team will develop an integrated plan of care which describes the youth and family's vision, identifies their strengths and needs, and articulates their service goals and preferences. This plan informs and guides delivery of care in the community across providers and service settings. The care planning team can include educational service providers, a collaboration which creates opportunities to coordinate Individual Education Plan (IEP) goals with community treatment planning efforts and to consult regarding ongoing behavioral health needs.

Who is eligible to receive remedial services under the Court's order?

Any Medicaid-eligible child under 21 years of age with a Serious Emotional Disturbance (SED), as described under federal law (either IDEA regulations or the SAMHSA Public Health Act) is potentially eligible for the wrap-around treatment planning service known as Intensive Care Coordination (ICC). These youth must also be in one of two MassHealth eligibility categories, Standard or CommonHealth.

SED can include a range of serious emotional, behavioral or mental health disorders. The definitions above consider a number of factors, including the nature and duration of a child's condition and the extent to which it substantially interferes with his or her functioning in a variety of contexts, including home, school and community. Children and adolescents with developmental disabilities, autism spectrum or substance abuse disorders are also eligible for ICC, provided they have a co-occurring serious emotional disturbance.

Other discrete home-based services do not require a finding of SED, but are available to Medicaid-eligible children who satisfy specific medical necessity criteria. These criteria and service specifications can be found at www.rosied.org. Youth receiving MassHealth

Family Assistance who need remedial services beyond In-Home Therapy and Mobile Crisis Intervention should consider transferring to MassHealth CommonHealth, an eligibility category based on the youth's disability.

Where can I get more information about the home and community based behavioral health services developed under *Rosie D. v. Patrick*?

Following the Federal District Court's liability decision in 2006, the Center for Public Representation developed the website www.rosied.org. This site provided information and resources regarding the litigation, the design and implementation of the service system, and ongoing monitoring of the Court's judgment. As plaintiffs' counsel, the Center continues to regularly update this site with news, features, and ongoing litigation concerning the provision of home-based services to *Rosie D.* class members.

What other resources are available to guide advocates, schools and providers as they support youth and families seeking care?

Pursuant to its court-ordered obligations, the Commonwealth has engaged in various notice and informing activities, including outreach to MassHealth members, education of various community stakeholders, and development of Interagency Protocols with EOHHS child-serving agencies. Available materials include MassHealth member notices, brochures and referral guides for professionals and schools. For more information on how to download or request printed copies of these materials, follow the CBHI link on the MassHealth website. Discussion of the CBHI Interagency Protocols can be found at www.rosied.org under past features. The Protocols themselves are available in the website's document library under implementation materials.

In addition, the Children's Law Center has published the *Quick Reference Guide on CBHI Mental Health Services for Youth*, a resource designed to support advocates and attorneys in their representation of *Rosie D.* class members. Copies of this guide can be requested by contacting the Children's Law Center at (781) 581-1977.

How can families locate CBHI providers in their communities?

EOHHS and MassHealth have developed a website, www.mabhaccess.org, which allows families or referring entities to locate area providers by service, using the youth/family's zip code. This site requires providers to regularly update information regarding their capacity to accept new referrals. Simply click "Guest Login," select the service for which you are searching, and click on the desired provider. Contact information for the chosen provider will appear at the bottom of the page.

Where can I get additional information about applications for Mass Health?

MassHealth's website provides basic eligibility information and application forms which can be used by youth and families seeking access to CBHI services based on income (Standard or Family Assistance) or disability (CommonHealth). This information can also be requested by calling MassHealth customer service at 1 800 841-2900 (TTY) 1 800 497-4648. Tips for accessing MassHealth's CommonHealth benefits can be found at www.rosied.org. For further discussion of the MassHealth program and its

multiple eligibility categories, see the Mass Law Reform Institute's *MassHealth Advocacy Guide*, available on their website, www.mlri.org.

Where can I receive additional technical assistance or legal advocacy for eligible clients?

The Center for Public Representation and its Legal Network are available to provide technical assistance, advice and advocacy to advocates, class members and their families. Information about the Legal Network and how to contact participating attorneys can be found at www.rosied.org under "How to Get Help."

***This information is general in nature and not intended as legal advice.
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