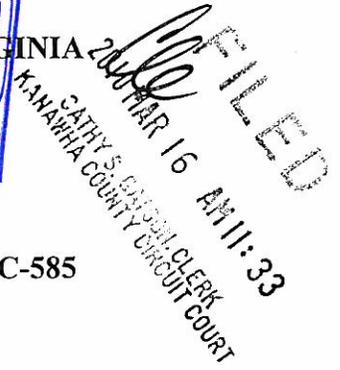


IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA



E.H., et al,
Petitioners,

v.

Civil Action No. 81-MISC-585
Judge Louis H. Bloom

MATIN, et al.,
Respondents.

ORDER

On March 10, 2010, the Court received a letter from the Court Monitor, enclosing a timetable chart that specifically lists the target dates required for completing the activities necessary for submitting the TBI Waiver Program. Said chart was developed with the participation and approval of both the respondents and petitioners at the "Special Meeting of the Parties" held on March 9, 2009. The Court Monitor also approves of said target dates listed in the timetable.

The TBI Waiver Timeline is as follows:

- 1) March 9, 2010: The Respondents to draft concepts for TBI waiver application and submit to the parties for review and achieve consensus.
- 2) May 1, 2010: Conduct statewide public forums based on agreed draft concepts for the TBI Waiver.
- 3) May 15, 2010: Analysis of stakeholder comments and adjustments to the waiver application completed based on comments.
- 4) June 1, 2010: Revised draft TBI waiver application submitted to the parties for consensus.
- 5) June 1, 2010: Meeting between the DHHR and purchasing and/or relevant agency to discuss need for expediting procurement strategy.

- 6) June 15, 2010: Procurement Strategy is submitted to purchasing for vendors to perform the administrative functions of the waiver.
- 7) Thirty days following the award of the contract, Contractor submits to BMS the policies and procedures dependent on the approved proposal.
- 8) August 1, 2010: BMS completes those policies and procedures not dependent on contract approval.
- 9) August 1, 2010: The DHHR begins submitting portions of preliminary draft application to CMS for review and comment.
- 10) Following the preceding deadline and dependent on the Center for Medicaid & Medicaid Services (“CMS”) action, comments are received from CMS and application changes made based on preliminary review, with any substantive changes reviewed by the parties for consensus.
- 11) October 1, 2010, final application submitted to CMS for review and approval. This begins the 90-day clock for review, but it may be stopped by the CMS.
- 12) The following activities are to occur after the submission of the final application to CMS and are dependent on action by the CMS:
 - a. Draft TBI policy manual posted for comment.
 - b. CMS submits questions or concerns regarding application.
 - c. Responses sent to the CMS regarding questions.
 - d. The CMS approves the TBI waiver once all clarifications are met.
 - e. Finalize procedures and publish policy manual.
 - f. Finalize management agreements for the administrative functions based on final approval.
- 13) February 1, 2011: Begin enrollment. (30 days after approval by the CMS).

Based on the foregoing, the Court does hereby **ADOPT** the above targets dates as contained in the timetable chart as deadlines in relation to the TBI Waiver Program and further **ORDERS** that all parties comply with said deadlines. The objections of any party aggrieved by this Order are noted and preserved.

The Clerk is **DIRECTED** to send a certified copy of this Order to all counsel of record and to the Court Monitor.

ENTERED this 15th day of March 2010.



Louis H. Bloom, Judge

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF MARCH 16 2010
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
C. Gatson

3/16/10
Data _____
Clerk _____
Copies sent to _____
_____ of record
On ref. _____
(please indicate)
By C. Dunn
_____ certified 1st class mail
_____ fax
_____ hand delivered
_____ of departmental
Other directives accomplished
C. Gatson
Deputy Circuit Clerk