

## **ATTENTION SSI MEDICAID BENEFICIARIES:**

### **NOTICE OF CLASS ACTION SETTLEMENT AND HEARING**

J.M. et al. v. Crittenden, et al. (U.S.D.C. Northern Dist. Ga. 1:18-cv-568) is a federal lawsuit filed in 2018 on behalf of Medicaid beneficiaries in Georgia who are receiving SSI Medicaid benefits because they receive Supplemental Security Income (“SSI”) benefits. The case concerns alleged improper redeterminations of Medicaid eligibility (commonly referred to as “continuing Medicaid determinations”) for Medicaid Home and Community Based Services (HCBS) Waiver recipients as well as children under 19 years of age who are terminated from SSI Medicaid.

The Court has certified this case as a class action. This means that the case will help not only the people who filed the case but also SSI Medicaid beneficiaries who are Medicaid HCBS Waiver recipients or are under 19 years of age and whose SSI Medicaid will be terminated in the future. The Plaintiffs contend that the Ga. Dept. of Community Health (“DCH”) and the Ga. Dept. of Human Services (“DHS”) did not properly redetermine potential Medicaid eligibility for people losing their SSI Medicaid benefits. The parties have reached a settlement of the case and are asking the Court to approve the Settlement Agreement. This Notice is being published to inform you of the proposed settlement of this class action lawsuit.

**Why am I Receiving This Notice?** You have been identified by the Defendants as a possible Class Member or the parent/guardian of a minor Class Member.

**Who is Included in the Class?** The class includes all Georgia Medicaid recipients who have been terminated from SSI and who are either (1) a current Medicaid HCBS Waiver recipient (i.e., NOW/COMP, ICWP, CCSP, or SOURCE), or (2) under the age of 19.

**What Does the Proposed Settlement Provide?** If the Court approves the settlement agreement, DCH and DHS agree to make changes to the process for redetermining Medicaid eligibility of Class Members that include the following:

- Class Members will have their Medicaid eligibility redetermined under all available Medicaid classes of assistance;
- Class Members will have their Medicaid eligibility and benefits maintained while their Medicaid eligibility is being redetermined;
- Class Members with disabilities under 19 years of age will be referred for a determination of eligibility under the Katie Beckett program<sup>1</sup> if they are determined ineligible for all other Medicaid classes of assistance;
- DCH or DHS will contact Class Members (or their parents/guardians) if they need more information to determine eligibility; and
- DCH and DHS will revise the notice letters they send to class members to enhance clarity and provide additional information.

**How Can I Get More Information?** A copy of the Settlement Agreement is available on the websites of the Georgia Department of Community Health at <https://dch.georgia.gov/meetings-notice/public-notice> and the Georgia Department of Human Services at <https://dfcs.georgia.gov/services/how-do-i-apply-medicaid>. If you have any questions about this lawsuit or about your rights, you may contact the attorney who filed the case, Joshua H. Norris. You can reach Mr. Norris at (678) 420-5517 or at [josh.norris@childrenshealthlaw.org](mailto:josh.norris@childrenshealthlaw.org).

**Will Class Members Receive Money from the Settlement?** No. There are no monetary awards to any Class Member as part of the Settlement Agreement.

**Who is the Lawyer for the Class Members?** The Court appointed the following attorney to represent the Class Members as class counsel:

Joshua H. Norris  
Law Office of Joshua H. Norris  
One West Court Square  
Suite 750  
Decatur, Georgia 30030

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<sup>1</sup> The Katie Beckett program provides Medicaid eligibility to certain children with disabilities under 19 years of age who live at home and who require the level of care provided in a hospital, skilled nursing facility, or an intermediate care facility for individuals with intellectual or developmental disabilities.

If you have any questions for class counsel or want to request that a copy of the Settlement Agreement be mailed to you, you may contact Mr. Norris at (678) 420-5517 or [josh.norris@childrenshealthlaw.org](mailto:josh.norris@childrenshealthlaw.org).

**How Do I Tell the Court If I Disagree with the Settlement Agreement?** All Class Members have the right to state any objection they may have to the Settlement Agreement and to give reasons why they think the Court should not approve it. If you wish to object to the Settlement Agreement, you may file a written objection as follows:

- The objection must include the name and number of the case: J.M. v. Crittenden, Case No. 1:18-cv-0568;
- The objection must include a statement of the reasons why the Court should not approve the Settlement Agreement;
- The objection should be no longer than 10 pages in length;
- The objection must include the name, address, telephone number, and signature of the individual submitting it;
- The objection must be submitted by U.S. Mail and postmarked no later than **April 22, 2022** to class counsel:

Joshua H. Norris  
Law Office of Joshua H. Norris, LLC  
One West Court Square  
Suite 750  
Decatur, GA 30030

Mr. Norris will provide the Court and counsel for DCH and DHS with the objections he receives. Please note that it is not sufficient to simply state that you object. Objections must state the reasons why the Settlement Agreement should not be approved.

**Where and When Will the Court Decide Whether to Approve the Settlement Agreement?** The Fairness Hearing will be held before the Honorable Amy Totenberg, United States District Court Judge, in Courtroom 2388 in the Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, GA 30303-3309, on **June 1, 2022** at **2:00 p.m.** At the hearing, the Court will consider whether the

Settlement Agreement is fair, reasonable, and adequate. The Court will consider any objections made according to the procedures described above.

**NOTICE OF ALTERNATE VIDEO PROCEEDING:**

You may attend the Fairness Hearing set for 6/1/2022 at 02:00 PM before Judge Amy Totenberg via Zoom video proceeding.

Connection Instructions: Join ZoomGov Meeting -

<https://ganduscourts.zoomgov.com/j/1612497031>. Meeting ID: 161 249 7031.

Passcode: 756108. Audio 1-669-254-5252. You must follow the instructions of the Court for remote proceedings available [here](#). The procedure for filing documentary exhibits admitted during the proceeding is available [here](#). *Photographing, recording, or broadcasting of any judicial proceedings, including proceedings held by video teleconferencing or telephone conferencing, is strictly and absolutely prohibited.*

**Do You Have to Come to the Fairness Hearing If You Filed an Objection?**

No. All Class Members are welcome to attend the Fairness Hearing, but no one is required to attend. If you submit an objection in accordance with the procedures described above, the Court will consider it and you are not required to come to Court to talk about it.

**How Does Class Counsel Get Paid for His Work?** Mr. Norris has requested the Court award him attorney's fees and costs incurred in this litigation. Mr. Norris has claimed 798.4 hours of work on this case and is requesting \$419,160.00 in attorney's fees and \$5,977.73 in expenses. If awarded by the Court, Defendants would be responsible for payment of Mr. Norris' attorney's fees and costs. **Class Members will not be charged for Mr. Norris' fees or costs.** You may contact Mr. Norris at [josh.norris@childrenshealthlaw.org](mailto:josh.norris@childrenshealthlaw.org) or (678) 420-5517 if you would like a copy of Mr. Norris' motion for attorney's fees and costs. Class Members may object to Mr. Norris' motion for attorney's fees and costs by making a written objection. The written objection should follow the same procedures above for objecting to the Settlement Agreement.