

# Change to Class Action Settlement

**Read this notice carefully!**

**This is a notice about the Medicaid program for adults with developmental disabilities in Idaho. You may have gotten notices like this before. This one is different. There is new information.**

**There is a class action lawsuit about the program. It is called K.W. v. Armstrong. The lawsuit is in federal court in the District of Idaho. The case number is 12-cv-22.**

**The two sides settled the class action case in 2016 and the Court approved that settlement in January 2017.**

**The two sides now want to make a change to that agreement.**

## **What is the change?**

**The settlement required the Idaho Department of Health and Welfare to offer free training on how to handle appeals. The change is about who provides the training.**

**Before, the settlement required the Department to contract with an independent training provider. The Department found that there are not very many independent providers who are qualified.**

The change would allow the lawyers who represent you in the lawsuit to provide the training. Those lawyers are called “Class Counsel” because they represent the “class” of all adults with developmental and intellectual disabilities in this Medicaid program. These lawyers are:

Richard Eppink, of the American Civil Liberties Union (ACLU) of Idaho

James Piotrowski and Marty Durand, of Herzfeld & Piotrowski, LLP

**How does this change affect me?**

It may not. The change only affects who will provide the training. It does not change any other aspect of the training.

**How can I read the whole modification to the settlement agreement?**

You can either get it on the web or get a copy by mail.

To get it on the web, go to <https://tinyurl.com/yazzb3v4>

To get a copy by mail, call 208-364-1878, or write to:

Idaho Department of Health and Welfare  
3232 Elder Street  
Boise, ID 83705

**Do I need to do anything about this?**

No you do not need to do anything. If you have some objection to this change and you want to tell the judge, you must write a letter. Include your name, address,

phone number, and signature on the letter. On the first page of the letter, write in large letters:

**“K.W. v. Armstrong: objection to settlement modification.”**

**If you object, mail your letters to:**

**Judge B. Lynn Winmill**

**U.S. District Court**

**550 West Fort Street**

**Boise, ID 83702**

**You must mail your letters on or before **March 31, 2018.****

**When and where will the judge make a decision?**

**The judge will hold a hearing about the settlement:**

**Courtroom #3**

**U.S. District Court**

**550 West Fort Street**

**Boise, ID 83702**

**Date: Monday, April 23, 2018**

**Time: 11:00 a.m. Mountain Time**

**What if I have questions?**

**If you have questions about this change to the settlement, contact:**

**ACLU of Idaho  
PO Box 1897  
Boise, ID 83701  
(208) 344-9750, extension 1202  
[www.OurHealthandWelfare.org](http://www.OurHealthandWelfare.org)**

**The ACLU of Idaho represents the class in the lawsuit. The class includes all people in the adult DD program or who apply to the program.**

**All documents filed in the lawsuit are on file with:**

**U.S. District Court for the District of Idaho  
550 West Fort Street  
Boise, ID 83702**

**The case is *K.W. v. Armstrong*, no. 1:12-cv-22-BLW.**