informs the Court that the situation has not changed: defendants still, as of that date, employed the same number of case managers that they did in January. Suppl. Report at 7.

III. IMPLEMENTATION OF INDIVIDUAL HABILITATION PLANS

The Court adopts in full the proposed findings of fact submitted by the Special Master in her January Report regarding the requirement that defendants develop and regularly review class members' individual habilitation plans. See January Report at 19-21. (The Supplemental Report included no further or updated proposed findings of fact on this subject.)

IV. GENERAL RECOMMENDATIONS

In addition to her proposed findings and recommendations on specific areas of non-compliance, the Special Master included general recommendations, pursuant to the requirement in the October 11, 1995, Order of Reference, that she include dates in the proposed Remedial Plan by which defendants must satisfy each element of the Plan and specific monetary penalties for non-compliance. See January Report at 23-24; Suppl. Report at 8. The Court adopts in great part the general recommendations of the Special Master, as detailed in Part IV of the Remedial Plan, issued this date.

V. CONCLUSION

Defendants have, for over two years, chronically and unapologetically violated the terms of nearly every aspect of this Court's multiple Consent Orders. Defendants' unrelenting contempt of this Court's orders, and their seeming inability to

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longer, after the DHS Controller has assigned the invoice a voucher number.)

3. A statement that, to the best of his or her knowledge, the affiant has made a concerted and good-faith effort to determine the payment status of all provider invoices for court-ordered services in this case, and that the affiant knows of no other undisputed claims for which the District of Columbia owes payment to any vendor providing services to the plaintiff class.

It hereby further is

ORDERED, that HCF auditors shall conduct desk audits of provider accounts at least once a year, and shall conduct field audits, as required by federal regulations, every third year. Field audits may not be conducted more than every three years unless, in the professional judgment of HCF, circumstances indicate that an on-site, extensive audit is necessary to determine a provider's reasonable costs.

D. Sanctions for Nonpayment of Care Providers

The Court adopts the Special Master's recommendations contained in her Supplemental Report, and, to the extent the recommendations do not conflict, the recommendations contained in her January Report, regarding sanctions for defendants' failure to timely pay class care providers. Accordingly, it hereby is

ORDERED, that should defendants fail to purge their contempt by paying acceptable provider invoices within 30 days of

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submission, as required by this Remedial Plan, at the end of the first month in which defendants report that there are outstanding Medicaid payments due but not paid within 30 days of submission of an acceptable invoice, defendants shall be assessed a coercive civil fine of $5,000 a day, until the overdue payments are made. The amount overdue shall be determined from the sworn submission of the Chief Financial Officer or the Director or Controller of the DHS, or his or her designee, and, if necessary, from supplemental submissions from the Special Master and/or the Court Monitor. (Payments are considered "made" on the date that they are mailed to providers. If, at any time, the Court is informed that defendants are not mailing payments to providers on the date they represent those payments are mailed, the Court will consider setting a prompt contempt hearing for those individuals involved.) It hereby further is

ORDERED, that with respect to non-Medicaid payments found to be overdue, defendants shall be assessed a coercive civil fine of twice the amount overdue. The amount overdue shall be determined from the sworn submission of the Chief Financial Officer or the Director or Controller of the DHS, or his or her designee, and, if necessary, from supplemental submissions from the Special Master and/or the Court Monitor. It hereby further is

ORDERED, that civil fines shall be paid to the Clerk of the Court and placed in a segregated account, from which the Court, at the recommendation of the Special Master, may order payment to providers. It hereby further is

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ORDERED, that the Special Master may hear the claim of any class care provider whose undisputed or accepted claim, as described in the 1996 Remedial Plan, has not been paid by defendants within 30 days of the date of submission to the appropriate agency. The Special Master may then recommend to the Court findings of fact and conclusions of law regarding whether the claimant-provider should be paid with funds from the civil fines account. See Fed. R. Civ. P. 71 ("When an order is made in favor of a person who is not a party to the action, that person may enforce obedience to the order by the same process as if a party . . . .").

E. Negotiating Long-Term Contracts with Providers

The Court fully adopts the recommendations contained in the Special Master's Supplemental Report regarding accelerating the negotiation of long-term contracts between the District and class care providers. In addition, the Court adopts the Special Master's general recommendation, contained at page 24 of her January Report, that defendants be required to renegotiate its contract with DC Arc for the continued services of the Court Monitor, if this Remedial Plan increases or otherwise modifies the current obligations of the Court Monitor. Accordingly, it hereby is

ORDERED, that the City Administrator, as the individual to whom the city's Procurement Task Force reports, shall, after consultation with the Special Master and the Court Monitor, establish a process for the negotiation and final conclusion of

contracts with all vendors providing services to the Evans class, so that all Evans care providers have contracts of at least one year's duration with the District government, by October 31, 1996. It hereby further is

ORDERED, that defendants shall conclude contracts with all class care providers by October 31, 1996. It hereby further is

ORDERED, that with respect to any contracts unconcluded by October 31, 1996, defendants shall submit unconcluded contracts to binding arbitration of disputes arising in contract negotiations, before an arbitrator appointed by the Court. It hereby further is

ORDERED, that if defendants fail to conclude all outstanding contract negotiations or submit unconcluded contracts to binding arbitration by October 31, 1996, defendants shall be fined $1,000 per day for each vendor providing services to class members without a contract (not including temporary contracts). Fines shall be deposited with the Clerk of the Court in defendants' civil fines account, as discussed above. It hereby further is

ORDERED, that to the extent that this Remedial Plan meaningfully modifies the monitoring responsibilities of the Court Monitor, defendants shall renegotiate their contract with DC Arc for the Court Monitor.

II. REMEDIES FOR DEFENDANTS' CONTINUING CONTEMPT IN FAILING TO MAINTAIN PROPER CASE MANAGEMENT RATIOS AS REQUIRED BY PAST CONSENT ORDERS

The Court adopts the Special Master's recommendations contained in the January Report and the Supplemental Report,

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although the Court changes the dates by which defendants must come into compliance with the case management ratios set out in past Consent Orders, to account for the passage of time between the Special Master's submissions and the issuance of this Remedial Plan. Accordingly, it hereby is

ORDERED, that no later than September 30, 1996, defendants shall obtain the case management services that would be provided by at least four additional full-time case managers in the MRDDA, to bring the total to 29. Defendants may do so by hiring four full-time case managers as employees of the DHS, or contracting for the private provision of at least four full-time equivalent case management positions. It hereby further is

ORDERED, that by September 30, 1996, defendants shall have achieved the capacity to provide a sufficient number of full-time case managers, or full-time equivalent case managers with whom the city has privately contracted, to create the one-to-sixty ratio of case managers to clients which long has been agreed to and is part of the Consent Orders. It hereby further is

ORDERED, that every three months, beginning October 1, 1996, defendants shall submit to the Court Monitor a list of each case manager employed by or under contract with the MRDDA, and the names and/or other identifying indicia of MRDDA clients assigned to each case manager. (This requirement includes MRDDA clients who are not members of the plaintiff class; without disclosure of every MRDDA client assigned to a case manager, the Court Monitor cannot discern whether defendants are in compliance with the

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ratio required by this Court's multiple Consent Orders.) It hereby further is

ORDERED, that if defendants should fail to provide sufficient case managers to come into compliance with the required ratio by September 30, 1996, the Court will levy a coercive civil fine of $1,000 a day, to be paid into the same civil fines account discussed above, until defendants can establish that they are in compliance with the required ratio. It hereby further is

ORDERED, that if defendants are still in non-compliance with the required ratio of case managers to MRDDA clients by October 31, 1996, the civil fine shall increase to $3,000 a day, beginning November 1, 1996.

III. IMPLEMENTATION OF INDIVIDUAL HABILITATION PLANS

The Court adopts in great part the recommendations of the Special Master contained in the January Report. Accordingly, it hereby is

ORDERED, that no later than sixty days after the date of this Remedial Plan, defendants shall purchase, lease, or contract for sufficient copying capacity to make individual habilitation plans ("IHP's"), or an accurate summary indicating changes in any IHP since the last review, available to persons concerned with the provision of services to MRDDA clients. Such individuals shall include, but are not limited to, the Special Master, the Court Monitor, family of the class member, day program providers, and residential providers. It hereby further is

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