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8		The Honorable Thomas S. Zilly	
9	UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON		
10	AT SEATTLE		
11	LEVI TOWNSEND,	NO. C 00-0944Z	
12	Plaintiff,	JOINT STATUS REPORT	
13	v.	(Corrected Copy)	
14	LYLE QUASIM, Secretary of the State of Washington Department of Social and		
15	Health Services,		
16	Defendant.		
17	Pursuant to the Stipulated Agreement and Order Staying Proceedings, entered by the		
18	Court on January 20, 2004, the parties submit the following Joint Status Report.		
19	A. Stay of Proceedings		
20	The Court stayed further proceedings herein until June 1, 2004, to allow the		
21	Defendant Secretary an opportunity to implement an in-home medically needy Medicaid		
22	waiver program as set forth in paragraphs 3 and 4 of the Stipulated Agreement. If the		
23	program were established by that date, the parties further agreed that the proceedings should		
24	be stayed for an additional period of two years.		

The Medically Needy In-Home Waiver (MNIW) program was established on or

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about May 1, 2004, has been approved by the federal Centers for Medicare and Medicaid

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1 Services (CMS), and has been funded by the State Legislature. Program rules have been 2 adopted and published in the Washington State Register. The in-home waiver program was 3 fully operational by June 1, 2004. 4 Counsel for the plaintiff class have concerns about aspects of the program, in 5 particular the medically needy income level (MNIL) set by the State, as well as the 6 inapplicability of spousal impoverishment rules. Defendant's Medical Assistance 7 Administration (MAA) is reviewing the fiscal impact of a change in the MNIL, and there is 8 currently no need for this Court's intervention. 9 10

The parties are in agreement that the proceedings herein should be stayed for a further period of two years, consistent with the limitations set forth in the Stipulated Agreement and the specific items below:

## 2. Class Representative.

Because of the change in circumstances of the existing class representative, it is anticipated that the parties will stipulate to substitute or add an additional class representative within the stay period.

## 3. Attorney Fees.

The parties agree that Plaintiffs may defer a request for attorney fees accrued since January of 2004 until a later time, and that such a deferral is without prejudice to Plaintiffs' ability to request reasonable fees for necessary work during the period of the stay.

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1	DATED this 23 <sup>rd</sup> day of June, 2004.		
2		Respectfully submitted,	
3		MacDONALD, HOAGUE & BAYLESS	
4		/-/ A 1 D1	
5		/s/ Andrea Brenneke By:	
6		Katrin E. Frank, WSBA #14786 Andrea Brenneke, WSBA #22027 Attorneys for Plaintiff	
7		Attorneys for Plaintiff	
8		ATTORNEY GENERAL OF WASHINGTON	
9		/a/ Alan Cmith	
10		/s/ Alan Smith By:	
11		Alan Smith, WSBA #22188 William L. Williams, WSBA #6474	
12		Assistant Attorneys General Attorneys for Defendant	
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1 CERTIFICATE OF SERVICE I hereby certify that on June 23, 2004, I electronically filed the foregoing with the Clerk 2 of the Court using the CM/ECF system which will send notification of such filing to the 3 following: Katrin E. Frank and Andrea Brenneke. 4 5 6 7 Alan Smith, WSBA #22188 William L. Williams, WSBA #6407 8 Attorneys for Defendant Attorney General of Washington 670 Woodland Square Loop SE 9 PO Box 40124 10 Olympia WA 98504-0124 (360) 459-6558 11 (360) 459-6689 (fax) AlanS@atg.wa.gov 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26