

NOTICE OF PROPOSED SETTLEMENT OF CLASS ACTION CONCERNING INCONTINENCE BRIEFS FOR CHILDREN UNDER AGE 21

This Notice is being sent to you to inform in the you of the proposed settlement of the lawsuit, Ekloff v. Rodgers.

This case was filed to (1) require the Arizona Health Care Cost Containment System (AHCCCS) to provide incontinence briefs to children under age 21 who are incontinent due to their disabilities and whose doctors had certified the briefs to be medically necessary and (2) to require reimbursement to parents who had paid for these briefs. The Court certified a class of children under 21 who required incontinence briefs due to their disabilities and of parents who had privately paid for these briefs. The Plaintiffs won at the trial court level, but Defendants appealed the Court's decision, and the injunction was temporarily stayed. The Plaintiffs and Defendants now propose to settle this case, including dismissal of the appeal.

GENERAL TERMS OF THE PROPOSED SETTLEMENT

1. AHCCCS will provide incontinence briefs, including pull-ups, up to a maximum of 240 per month, to AHCCCS members over 3 years old and under 21 years who (1) have a documented disability that causes incontinence and (2) a doctor's prescription. More than 240 briefs per month will be provided to members with chronic diarrhea and/or spastic bladder when medically necessary per the prescribing physician.
2. AHCCCS will reimburse parents for the cost of briefs/pull-ups purchased between June 25, 2005 and the date of this notice under specific circumstances.
3. AHCCCS will provide a notice and an opportunity for a hearing for denials/terminations of coverage.

YOUR RIGHT TO OBJECT TO THE PROPOSED SETTLEMENT

If you are a class member, you have the right to let the Court, the attorneys, and the parties know if you object to this proposed settlement. The Court has set a hearing on Friday, November 17, 2006, at 1:30 p.m. at the following address:

United States District Court
Courtroom of Judge Raner Collins
405 West Congress St., Tucson, AZ 85701

You may attend the hearing and present any objections. You may also send written objections to the Court at the above address, postmarked ten (10) business days before the hearing. If you do not make written objections or attend the Court hearing, the Court and the parties will assume you have no objections to the settlement.

IF YOU HAVE QUESTIONS ABOUT THIS NOTICE OR WANT A COPY OF THE SETTLEMENT AGREEMENT

- C Download a copy of the settlement agreement from the AHCCCS website at www.ahcccs.state.az.us or from the Arizona Center for Disability Law website at www.azdisabilitylaw.org.
- C Contact the Plaintiffs' attorneys at: Sally Hart / Jennifer L. Nye
Arizona Center for Disability Law
100 N. Stone Ave., Ste. 305, Tucson, AZ 85701
(520) 327-9547 or 1-800-922-1447 (Voice/TDD)