

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>OSCAR SALAZAR, <i>et al.</i>,</b>	:	
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	<b>Civil Action No. 93-452 (GK)</b>
	:	
<b>THE DISTRICT OF COLUMBIA, <i>et al.</i>,</b>	:	
	:	
<b>Defendants.</b>	:	

**MEMORANDUM OPINION**

Plaintiffs have filed a Motion for Leave to Conduct Limited Discovery Concerning Compliance With the Dental Order of October 18, 2004. Upon consideration of the Motion, Defendants' Opposition, Plaintiffs' Reply, as well as the entire record herein, the Court concludes that the Motion should be **granted**.

Plaintiffs are correct that more than one year after this Court found, on October 18, 2004, that Defendants were in violation of ¶ 36 of the Settlement Order of January 25, 1999, with respect to providing dental services to the Plaintiff Class, "serious questions exist as to defendants' compliance with the Dental Order." Plaintiffs' Mot. at 2. In their Motion, Plaintiffs identify important unanswered questions such as how many licensed dentists participate in the Medicaid Program and whether that number is sufficient, whether MCOs are paying reimbursement rates to providers that are sufficiently high to ensure their adequate participation, the mechanics of the reimbursement rates that the MCOs do pay their dental providers for services to the Plaintiff class, whether and under what conditions the MCOs subcontract the provision of dental services, and an up-to-date provider list. Plaintiffs have attempted on several occasions to obtain this information, all of which is

essential for them to carry out their monitoring obligations. Moreover, Dr. Ireys, the Court's Monitor, was also unable to obtain information on the payments made by MCOs to their dental providers or dental subcontractors when preparing both his June 17, 2003 Report and his January 27, 2006 Report. To the extent that such information is considered by the Defendants or the MCOs to be proprietary and confidential, that information may be protected by entry of a Protective Order. Plaintiffs have offered on numerous occasions to enter into such a Protective Order. The parties should be able to negotiate one amongst themselves, but if they are unable to, the Court will then enter an appropriate one.

Plaintiffs have an obligation to monitor compliance with the Court's Order for the benefit of the Class, and the information they seek is all very relevant to the Dental Order of October 18, 2004. Defendants have not established that compliance will be unduly burdensome. Because Plaintiffs have been unable to obtain this information voluntarily from the MCOs and Defendants, they are now entitled to a Motion permitting them to conduct limited discovery on the questions raised in their Motion.

July 10, 2006

/s/  
Gladys Kessler  
United States District Judge

**Copies via ECF to all counsel of record**