

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

MEMISOVSKI, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 92 C 1982
)	
BARRY S. MARAM, Director of the)	Judge Joan Humphrey Lefkow
Illinois Department of Public)	Magistrate Judge Martin C. Ashman
Aid and CAROL L. ADAMS,)	
Secretary of the Illinois Department)	
of Human Services,)	
)	
Defendants.		

**PLAINTIFFS' STATEMENTS SETTING FORTH
THE QUALIFICATIONS OF EACH EXPERT WITNESS**

Plaintiffs (the "Children Class"), by and through their undersigned counsel, and pursuant to the Court's Revised Pretrial Scheduling Order dated December 9, 2003, present their statements setting forth the qualifications of each expert witness for the Children Class. There have been no stipulations reached as to the qualifications of the expert witnesses for either party. The Children Class sets forth in this document the qualifications of the Children Class' expert witnesses and the qualifications of the Children Class' hybrid fact/expert witnesses.

Retained Experts¹

1. **Dr. Thomas Darling, PhD.** Dr. Darling is the Director of Government and Technology for the Schaefer Center for Public Policy in the Division of Government and Public Administration at the School of Public Affairs at the University of Baltimore. Dr. Darling earned a Ph.D. in 1994 from Rockefeller College of Public Affairs and Policy, State

¹ These statements are general summaries and are not meant to limit the scope of the witnesses' testimony or expertise.

University of New York at Albany. Dr. Darling has extensive professional and academic experience performing quantitative analysis of computer data files. He teaches graduate level courses in statistics, analytical computer data techniques, information technology, database design, management science, and public management in the University of Baltimore's Doctorate of Public Administration and Masters of Public Administration programs. Dr. Darling also serves as Director of the Information Resources Management specialization in both the Doctoral and Masters program.

Dr. Darling has been actively involved in developing outcome-based performance measures for a variety of Maryland state agencies providing services to children and their families, including the Department of Human Resources (Maryland's social service agency); the Governor's Office of Children, Youth, and Families; the Maryland Partnership for Children, Youth, and Families; and, the Deputy Secretary for Operations at the Department of Health and Mental Health (Maryland's Medicaid agency).

The Children Class retained Dr. Darling to evaluate the extent to which the State Officials' records show that Medicaid-enrolled children in Cook County receive federally-mandated EPSDT services and to determine the number of medical providers who provided preventive and ongoing health care services to Medicaid-enrolled children during a defined period of time. In performing his analyses, Dr. Darling analyzed computer data that the State Officials maintain in their Medicaid Management Information System ("MMIS") on all services and associated payments provided to Children on Medicaid, as well as information pertaining to the providers and recipients of each service. Dr. Darling also analyzed data from Cornerstone -- a computer system purporting to compile immunization

data from the MMIS as well as the Cook County Department of Health, the City of Chicago Department of Health, and not-for-profit community health agencies.

Dr. Darling used the MMIS and Cornerstone encounter data to determine the level of well-child services, blood lead screens, vision screens, hearing screens and immunizations that have been provided to the Children for the period of July 1, 1998 through December 31, 2001.

2. **Dr. Sam Flint, Ph.D.** Dr. Flint earned a Ph.D. at the University of Chicago School of Social Service Administration where his dissertation addressed the medical care provided to children on Medicaid. He is an Adjunct Professor in the School of Business and Nonprofit Management at North Park University, where he teaches graduate level courses in health economics, and he works as an independent consultant on health care and social policy for medical organizations, government entities, and advocacy groups. Dr. Flint has spent 30 years in health policy and social services, including 18 years at the American Academy of Pediatrics ("AAP"), serving as Associate Executive Director from 1993 to 1998. He has published ten articles in peer-reviewed journals on health policy and health economics, including several that address the Medicaid program, and has also authored five textbook chapters. Dr. Flint also recently managed Governor Blagojevich's Health Care Transition Team.

The Children Class retained Dr. Flint to: (1) analyze how Medicaid reimbursement rates in Illinois compare to reimbursement rates paid by other payers such as Medicare and private insurance; (2) determine whether Illinois Medicaid reimbursement levels are sufficient to cover average private practice overhead expenses in Chicago and Cook County; (3) perform a survey of relevant published studies within the field of health

economics, including studies in which he participated, to analyze whether the level of reimbursement is the primary factor in a physician's decision to accept, limit, or not accept Medicaid-insured patients; and (4) determine whether, based on the foregoing analyses, Illinois Medicaid reimbursement rates are sufficient to enlist enough child health providers in Cook County to make medical services available to Medicaid recipients to the same extent as such services are available to the general population in Cook County.

3. **Dr. Timothy Shanahan, Ph.D.** Dr. Shanahan earned his PhD. from the University of Delaware. He is a Professor of Urban Education at the University of Illinois at Chicago and the Director of the UIC Center for Literacy. He has served as a member of the Board of Directors of the International Reading Association, and is currently on the Board of the National Family Literacy Center. Dr. Shanahan served on the White House Assembly on Reading, and the National Reading Panel, a group convened by the National Institute of Child Health and Development by the request of Congress to evaluate research on successful methods of teaching reading. He currently chairs two other federal panels: one that is reviewing literacy research on language minority children and one on preschool and family literacy. He has authored more than 100 research articles, chapters, and other publications.

The Children Class retained Dr. Shanahan to perform a computerized readability and document design analysis of a series of documents from the Illinois Department of Public Aid's ("IDPA") Healthy Kids program, including notices IDPA sends to Medicaid-eligible children in Cook County. Dr. Shanahan used a "comparative text-based readability analysis" and a supplementary expert document examination to estimate the problems posed for readers by these documents.

Unretained Experts²

4. **Herbert T. Abelson, M.D.** Dr. Abelson is the George M. Eisenberg Professor and Chairman, Department of Pediatrics at the University of Chicago Pritzker School of Medicine and the Physician in Chief of the University of Chicago Children's Hospital. He is a member of AAP and the Illinois Chapter of the American Academy of Pediatrics ("ICAAP").

Dr. Abelson is qualified to testify about his experience as a pediatrician on the South Side of Cook County treating Medicaid-eligible children and privately insured children in outpatient and inpatient settings. As Chairman of the Department of Pediatrics, Dr. Abelson has knowledge of the economics of inpatient and outpatient pediatric practice, the effect of Medicaid reimbursement rates and payment cycles on the provision of care and physicians' willingness to treat Medicaid-eligible children, the inability of Medicaid reimbursement rates to meet overhead costs, and the poor quality of clinics, federally qualified health centers and pediatricians available for Medicaid-eligible children. He has knowledge of the effect of Medicaid reimbursement rates on the decision of the University of Chicago Hospitals in 2003 to close its major outpatient practice to new Medicaid patients, to limit the opening of new outpatient clinics to suburban areas with low Medicaid patient populations and to close outpatient clinics in urban areas with high Medicaid patient populations.

5. **Maria Corpuz, M.A.** Ms. Corpuz is the Administrative Manager, Section of Neonatology, Assistant to Directors in Research and Evaluation, Perinatal Center,

² The Children Class has not retained or deposed these witnesses, and these statements are subject to the witnesses' testimony at trial.

and Senior Fiscal Analyst, Department of Pediatrics/Administration at the University of Chicago/University of Chicago Children's Hospital. Ms. Corpuz has researched and published articles on medical costs in neonatal intensive care units.

Ms. Corpuz is qualified to testify as to her knowledge and experience in the cost of running a pediatric practice in a hospital clinical setting, the difficulty of referring Medicaid-eligible patients from an inpatient setting to qualified pediatric providers on the South Side of Chicago, and the effect of Medicaid reimbursement rates and payment cycles on the economics of hospital clinical practice.

6. **Thomas B. Green, M.D.** Dr. Green is a pediatrician, Pulmonary Specialist and Physician-in-Chief at Children's Memorial. He is a professor and Chair of the Pediatrics Department at Northwestern University Medical School. He is an active member of ICAAP.

Dr. Green is qualified to testify as to his knowledge and experience treating Medicaid and privately insured patients in outpatient and inpatient setting on the North Side of Cook County and the causes of an increasing percentage of Medicaid patients presenting at Children's Memorial and a correlating decreasing percentage of insured patients presenting at Children's Memorial. He can testify to his knowledge of the economics of inpatient and outpatient pediatric practice and the effect of Medicaid reimbursement rates on the provision of care, the inability of Medicaid reimbursement rates to meet overhead costs, the effect of paperwork and billing cycles on physicians' willingness to accept Medicaid-eligible patients, and his knowledge of physicians and specialists who limit their practice to Medicaid on the Children's KidsDoc referral network.

7. **Ray J. Jurado, D.D.S.** Dr. Jurado is a pediatric dentist and Head of the Division of Dentistry at Children's Memorial Medical Center and the Program Director of Advanced Pediatric Dentistry.

Dr. Jurado is qualified to testify about his knowledge of the necessity of preventive dental care for children, the necessity of a dental periodicity schedule and the effect of the failure to receive timely dental care, including the presentment of Medicaid-eligible children with severe dental problems due to lack of available preventive care, and the reasons why a general dentist is not qualified to care for children. Dr. Jurado can also testify to his experience referring Medicaid-eligible patients to pediatric dentists when compared with privately insured patients and to his knowledge of pediatric dentists who limit their practice to Medicaid, the economics of a dentistry practice with a high Medicaid patient caseload and the effect of Medicaid reimbursement rates on the practice, the failure of Medicaid reimbursement rates to meet overhead costs and the need for Children's Memorial to limit Medicaid patients to those who are also patients at the hospital due to economics.

8. **Steven Elliot Krug, M.D.** Dr. Krug is the Medical Director of the Emergency Department and President of the Pediatric Faculty Foundation at Children's Memorial Hospital. He is a Professor of Pediatrics at Northwestern University Medical School and a Specialty Advisor to the American Medical Association on the RBRVS Update Committee (regarding Medicare rate setting methodology) and a member of the Committee on Coding and Reimbursement of AAP. Dr. Krug was also a Member of the Emergency Medical Services for Children Project of the federal Health Resources Services Administration and a current emergency room site surveyor for the Illinois Department of

Public Health. He has conducted research and published articles on the subject of Medicaid-eligible children and their admissions to the emergency room.

Dr. Krug is qualified to testify as to his knowledge and experience as an emergency room physician on the North Side of Cook County treating Medicaid-eligible patients versus patients with private insurance and referring Medicaid-eligible patients to specialists and pediatricians when compared to patients with private insurance. Dr. Krug is also qualified to testify about the severity of medical problems presented by Medicaid-eligible children in the emergency room when compared to patients with private insurance due to the inaccessibility of primary care to Medicaid-eligible children and the incapability of emergency rooms to handle preventive care such as immunizations and well-child developmental visits. Dr. Krug also has firsthand knowledge about Illinois Medicaid reimbursement rates and billing payment cycle when compared to private insurance.

9. **Steven Lelyveld, M.D.** Dr. Lelyveld is an emergency room physician and past Section Chief of Pediatric Emergency Medicine at the University of Chicago Children's Hospital. He is Professor in Pediatrics at Northwestern University Medical School and University of Chicago Pritzker School of Medicine. He is the President of ICAAP and a fellow of AAP. He is a past member of the Illinois Department of Public Aid Medicaid Advisory Committee and was the Chair of Pediatric Health Care Sub-Committee of the Governor Blagojevich Transition Team.

Dr. Lelyveld is qualified to testify as to his experience and expertise as an emergency room physician on the South Side of Cook County. He can testify to his experience referring Medicaid-eligible patients when compared with patients with private insurance to specialists and pediatricians, the difficulty of referring patients to federally

qualified health clinics due to over-capacity, the capability of emergency rooms to handle preventive care such as immunizations and well-child developmental visits, and the effect of Medicaid reimbursement rates and payment cycles on physicians' willingness to accept Medicaid-eligible patients when compared to patients with private insurance.

10. **Barry Newman, M.D.** Dr. Newman is an Associate Professor of Clinical Surgery and Pediatrics in the Division of General Surgery at Loyola University Medical Center. He is a member of AAP and ICAAP.

Dr. Newman is qualified to testify about the access of Medicaid-eligible patients to specialty care when compared to privately insured patients, the comparison of Medicaid reimbursement rates for specialty care to private insurance reimbursement rates, the effect of Medicaid reimbursement rates, paperwork and billing cycles on the economics of specialty practice. He can also testify to his experience with specialists who limit their practice or do not accept Medicaid-eligible patients due to the reimbursement rates, paperwork and billing cycle.

11. **Mark Rosenberg, M.D.** Dr. Rosenberg is a private practice pediatrician and Professor of Pediatrics at the University of Wisconsin School of Medicine. He was the Chair of the Illinois Department of Public Health Immunizations Advisory Committee. He has also served as a consultant to the Illinois Department of Public Aid on the inclusion of certain immunizations in the Illinois State Plan. He is a past President of ICAAP.

Dr. Rosenberg is qualified to testify as to his knowledge and experience as a general pediatrician treating Medicaid and privately insured patients in a private practice setting and referring patients with Medicaid versus patients with private insurance to

specialists or other pediatricians. He can testify as to the economics of private pediatric practice and the effect of low Medicaid reimbursement rates when compared to private insurance rates on private practitioners' willingness to serve Medicaid-eligible children.

His knowledge and experience as past ICAAP President and as a Chair of the State Committee on immunizations enables him to testify about the development, methodology and necessity of the AAP Periodicity Schedule, the effect on children of failure to receive timely well-child screens and services, the analyses completed by ICAAP on the reasons why physicians do not accept Medicaid patients, the tendency of physicians to limit their practice to Medicaid patients, the difficulty for Medicaid patients to access preventive health care, and the effect of administrative billing issues and payment cycle on physicians' unwillingness to accept Medicaid.

12. **Michael Savage.** Mr. Savage is CEO of Access Community Health Network, a network of 26 community health centers, many of which are Federally Qualified Health Centers (FQHCs), in Cook County that provide primary health care to thousands of patients including children on Medicaid and children on private insurance.

Mr. Savage is qualified testify about the effect of Medicaid FQHC reimbursement rates on the economic practice of FQHCs and the methodology underlying FQHC reimbursement rates and billing practices. Mr. Savage is also qualified to testify as to the adequacy and practice of various methods of communication with patients about health services. Mr. Savage is also qualified to testify as to the capacity of FQHCs to accept Medicaid patients in Cook County.

DATED: March 5, 2004

MEMISOVSKI, et al.

By: _____
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