

Exhibit G

**“E-mail from Alan Foutz,
Dated September 4, 2025”**

From: Foutz, Alan - CO 10th Alan.Foutz@dhw.idaho.gov 
Subject: RE: Class Membership [EXTERNAL EMAIL]
Date: September 4, 2025 at 7:31 PM



To: Patrick Gardner pgardner@adolescentmentalhealth.org

Cc: Charron, Juliet - CO 10th Juliet.Charron@dhw.idaho.gov, Edmunds, Ross D. Ross.Edmunds@dhw.idaho.gov, bwillson bwillson@fyidaho.org, Brian Blalock bblalock@ylc.org, Brittany Shipley shipley.brit@gmail.com, Falsetti, Candace - CO 3rd Candace.Falsetti@dhw.idaho.gov, Helen Hardiman helen@hardimanlaw.com, Howard Belodoff hbelodoff@hotmail.com, Johnson, Vallenthia - Reg1 Vallenthia.Johnson@dhw.idaho.gov, Kelly Keele skil4life@aol.com, Kimberly Hokanson gkhokanson@gmail.com, Moore, Anita - CO 10th Anita.Moore@dhw.idaho.gov, Panitch, Adam - CO 3rd Adam.Panitch@dhw.idaho.gov, Porter, Ashley - CO 3rd Ashley.Porter@dhw.idaho.gov, Schuelke, Megan - CO 3rd Megan.Schuelke@dhw.idaho.gov

Patrick,

We received your email and understand that you are seeking more specific information and timelines regarding DHW's efforts to implement the Jeff D. Settlement Agreement's requirement for class membership determination and notification. DHW acknowledges that it does not currently have a process to send formal notification of class membership to potential class members. Following an assessment, DHW notifies families of program eligibility and provides copies of their CANS. Although the Settlement Agreement does not obligate agencies or providers to determine class membership, DHW is examining the most effective and efficient way to obtain all of the information it needs to make class membership determinations and then communicate its decisions to the providers so they can fulfill their responsibility to provide the results to youth and their families, which notice would then be followed by ensuring linkage to care planning per Appendix A.c. of the Jeff D. Settlement Agreement.

DHW is actively evaluating various approaches to develop effective and streamlined solutions to meet this requirement within its environment. DHW is currently engaged in internal meetings to outline potential options for youth accessing the Medicaid YES Program and those over 300% FPL as a starting point. DHW is also looking into the best way to use the CANS through the provider network and if the P-CIS platform could be used for notification. Additionally, DHW is completing research into other states to see how class membership determinations and notifications are done and what resources were needed. This work is being led by the System Design and Implementation CMH team in collaboration with the TCOM team and Medicaid's IBHP team.

It is important to note that these ideas are not final and there are several challenges to moving them forward, which is why ongoing conversations and planning are taking place to determine what is feasible in the current environment. DHW does not have a timeline for completion because each option has its own set of challenges that need to be worked through. DHW has significant concerns with authorizing all providers to determine class membership, and this requirement may need discussion or amendment. DHW is open to discussing strategies and ideas supportive of class membership identification and notification within the system of care that has been developed.

DHW remains committed to its ongoing discussions with class counsel to find a path forward.

Thanks.



Alan W. Foutz | Lead Deputy Attorney General

Health & Human Services Division

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From: Patrick Gardner <pgardner@adolescentmentalhealth.org>

Sent: Monday, August 18, 2025 7:27 AM

To: Foutz, Alan - CO 10th <Alan.Foutz@dhw.idaho.gov>

Cc: Charron, Juliet - CO 10th <Juliet.Charron@dhw.idaho.gov>; Edmunds, Ross D. <Ross.Edmunds@dhw.idaho.gov>; bwillson <bwillson@fyidaho.org>; Brian Blalock <bblalock@ylc.org>; Brittany Shipley <shipley.brit@gmail.com>; Falsetti, Candace - CO 3rd <Candace.Falsetti@dhw.idaho.gov>; Helen Hardiman <helen@hardimanlaw.com>; Howard Belodoff <hbelodoff@hotmail.com>; Johnson, Vallenthia - Reg1 <Vallenthia.Johnson@dhw.idaho.gov>; Kelly Keele <skil4life@aol.com>; Kimberly Hokanson <gkhokanson@gmail.com>; Moore, Anita - CO 10th <Anita.Moore@dhw.idaho.gov>; Panitch, Adam - CO 3rd <Adam.Panitch@dhw.idaho.gov>; Porter, Ashley - CO 3rd <Ashley.Porter@dhw.idaho.gov>; Schuelke, Megan - CO 3rd <Megan.Schuelke@dhw.idaho.gov>

Subject: Re: Class Membership [EXTERNAL EMAIL]

CAUTION: This email originated outside the Department of Health and Welfare's network. Verify links and attachments BEFORE you click or open, even if you recognize or trust the sender.

Good morning Alan—

Thank you for the Department's response dated July 25, 2025, "regarding the status of the Settlement Agreement requirement to determine and notify potential class members of the results of assessments that are to be used to determine class membership. . . ." I am writing to clarify your response, and request, once again, a substantive answer to our questions about the steps the Department is taking to implement the Jeff D. requirement that assessed Class Members be notified of their Class Membership status.

Class counsel previously alleged in our email dated June 16, 2025:

I write regarding Idaho's obligations under the Jeff D. class action settlement agreement to identify and assess whether children are Class Members eligible for services under the YES system of care, and notify them of their eligibility status. This is a foundational requirement of the Agreement because only children who are identified as Class Members are entitled to receive the services and supports guaranteed under the Settlement. If the State fails to correctly or consistently identify Class Members, or notify them of their eligibility, children who need and are entitled to care may be denied appropriate mental health treatment. Inasmuch as about 20,000 Idaho youths are likely Class Members, and less than seven thousand are initially identified by the CANS assessments annually, see QMIA SFY 2024 Q4, it is likely that thousands of youths who are Class Members may be unaware of their status and denied care as a result.

Class Members may be unaware of their status and denied care as a result.

The Jeff D. Settlement Agreement is clear that it is the responsibility of the Idaho Department of Health and Welfare and its sister youth-serving agencies to identify, screen and assess youths for potential Class Membership. See ¶¶ 28, 29, 30, 32, 33, 34, 35, 42, 73, 82, and Appendix A. In addition to requiring that the Department use the assessment process to determine class member status, Id. at ¶¶ 34, 35, 73.d., 82.j., and Appendix A at A-2, the Settlement requires that:

The results and clinical recommendations from the assessment will be provided to the person assessed and his or her family, unless such disclosure is prohibited by law or regulation. The agency or provider will also provide the results of Defendants' determination of class membership.

Appendix A at A-2.

According to the Jeff D. Implementation Plan, "IDHW will design, operate and maintain an Assessment Process to determine Class Membership status of children and youth referred to it beginning January 1, 2018." (Emphasis added.) Implementation Plan, Objective 3, D

In our email we specifically requested:

what steps are the Department taking to implement this Jeff D. requirement? Please provide details on who is responsible for addressing this requirement, what corrective steps are being taken, and the timelines for completing them, including when the Department will be able to assure Class counsel that:

(a) mental health assessments do formally and routinely determine class membership,

(b) notice of the results of the determination are being given to youths who are assessed and their families, and

(c) the Department is collecting and maintaining records to demonstrate these requirements are being met.

In instances where the Department's responses to the above questions include, depend on, or refer to written policies, programs, guidance or rules, please include a copy of the relevant materials with your response.

In the response entitled "DHW Response re Class Membership Notice," the Department "acknowledges that it does not currently have a process to send formal notification to class members." Moreover, the Department states, "There is currently no guidance or rule in place that requires agencies or providers. . . that a determination of class membership must be completed and the results of the determination be provided to the youth and family. . ."

Is it, nevertheless, the Department's position that it is currently complying with the requirement set forth above that youth assessed by the Department or its providers or agents are determining

Class Membership and notifying Class Members accordingly? If it is the Department's position that it is complying with the foregoing requirement, please provide all of the evidence that the Department claims support its position.

Class counsel's view is the Department has failed to comply with this foundational requirement that it promised to fully implement by January 1, 2018, or more than seven years ago.

In our July 25th email we requested that the Department provide details regarding its efforts to come into compliance. The Department's response in one paragraph provided none of the information requested. Instead, ten years after agreeing to take this essential step, the Department is still determining what to do, tempered by concerns about authorizing providers to make class membership determinations, and "open to discussing strategies and ideas. . ."

In other words, the Department failed completely to set forth its steps to comply with the Class Membership determination requirement, provide details on who is responsible for addressing this requirement, detail what corrective steps are being taken, or offer the timelines for completing them.

Accordingly, we again request substantive written answers to these questions. As our initial request in this matter was made two months ago, please provide your response to this follow-up within 15 days of the date of this email.

Regards,

Patrick

Signature Image



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On Jul 25, 2025, at 5:53 PM, Foutz, Alan - CO 10th
<Alan.Foutz@dhw.idaho.gov> wrote:

Attached please find the Department's response to Patrick's questions about determination and notice of class membership from his email dated June 16, 2025.



Alan W. Foutz | Lead Deputy Attorney General
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