

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
PARIS DIVISION

LINDA FREW, et al.,  
Plaintiffs,

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v.

ALBERT HAWKINS, et al.,  
Defendants.

CIVIL ACTION NO. 3:93CV65  
SENIOR JUDGE WILLIAM  
WAYNE JUSTICE

CORRECTIVE ACTION ORDER:  
TOLL FREE NUMBERS

**Decree References:**

¶247: “Toll-free numbers for EPSDT recipients will be staffed sufficiently by well trained personnel. Each recipient will receive prompt service by a person who is knowledgeable, helpful and polite. All calls will be answered promptly absent equipment failure. Equipment will be adequate so failure results only from circumstances beyond Defendants’ control, such as bad weather. TDH will make reasonable arrangements to meet the needs of recipients who do not speak English. No calls may be “answered” by a tape recording during working hours except in unusual circumstances. ”

*See also Decree ¶¶ 2, 3.*

Citation for Finding of Decree Violation: *Frew*, 109 F.Supp.2d at 641-646; 401 F.Supp. 2d at 662.

**IT IS ORDERED:**

- Within three months of entry of the corrective action plan Order, the following toll free lines will comply with promptness standards outlined below: Texas Health Steps, Enrollment Broker, and the Statewide Medicaid Helpline. Within nine months of entry of the corrective action plan Order, the toll free MTP line will also comply with these standards.

- Promptness standards for Defendants' toll free numbers are: Equipment will be adequate so that failure results only from circumstances beyond Defendants' control, such as bad weather, and: a) each call will be answered by a live person within a "maximum average"<sup>1</sup> of 300 seconds, even if the call is initially answered by IVR or other equipment; b) the average monthly wait to speak to a live person after the IVR message and conclusion of user selection of menu items will not exceed 60 seconds; c) the maximum abandonment rate each month will not exceed 10%; (d) no more than 2% of calls will be "answered" by busy signals, disconnections, or other technical problems that prevent the caller from receiving help from staff; and e) no calls will be "answered" by "clearing the queue" (i.e., "answering" only to ask callers to call back later or to tell callers staff will contact them later). These standards apply to all toll free numbers, whether they are answered in English or in Spanish.
- When Defendants enter into new contracts for provision of toll free number services, the contracts will include these standards. The contracts will be written so that the toll free numbers standards are enforceable and so that Defendants are entitled to reasonably frequent reports about toll free number performance. For this purpose, "new contract" means new, amended and/or renewed contracts with current contractors as well as contracts with new contractors.
- Beginning no later than six months after entry of the corrective action plan Order, Defendants will provide toll free number promptness reports to the Court and Plaintiffs with their quarterly reports to the Court. The reports will include monthly data for each toll free number.
- In addition, if any toll free number violates any of the above standards for three consecutive months, Defendants will provide daily reports about the toll free number(s) in violation for each

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<sup>1</sup> The "maximum average" will be computed by adding the maximum waits in queue for each working day of the month and dividing by the number of working days.

day of the month in which the violation occurs. These reports will be presented in Defendants' next quarterly report.

- Beginning two years from the date of entry of the corrective action orders ("order entry date"), counsel will confer to determine what further action, if any, is required. If the parties agree, they will so report to the Court within 120 days following the second anniversary of the order entry date. If the parties cannot agree within 90 days of the second anniversary of the order entry date, the dispute will be resolved by the Court. If the parties cannot agree, either party may file a motion within 30 days of the completion of discussion among counsel.