



“Homeward Bound” home and community-based services waiver for mentally retarded individuals who meet the intermediate care facility for the mentally retarded level of care, in accordance with the federal law and regulations promulgated by the Department of Health & Human Services, Centers for Medicare and Medicaid Services.

3. Defendants are directed to continue to make available to class members in the community all necessary services as administered and authorized under the rules and procedures for the Department of Human Services, the Oklahoma Health Care Authority, and the Department of Rehabilitation Services. The services will include residential services, medical services, employment services, transportation services, nutritional services, case management services, advocacy services offered through the Office of Client Advocacy, architectural modifications, assistive technology, and professional therapy services. Defendants must also continue to make available to class members both administrative and legal review of agency decisions that affect them.

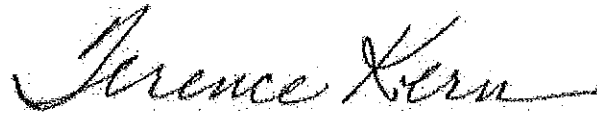
4. Defendants are directed to continue funding the supported living program for class members, said funding to include the daily room and board payment, medical supplement, property replacement supplement, residential size supplement and transportation supplement. Defendants are directed to diligently pursue adequate funding for the program, and to regularly analyze rates and pursue increases when necessary.

5. If Defendants fail to offer or make available to class members this system of community based services and supports, but otherwise continue to maintain a program of assistance to persons with mental retardation, Plaintiffs may seek enforcement of the

Permanent Injunction before this Court. In any such enforcement proceeding, Plaintiffs must demonstrate that Defendants have failed to make available a system of community based services and supports. In other words, a violation of this Permanent Injunction must be systemic in order to be actionable.

6. The Court finds that the directions and time line set out in the Order for the Transition of Responsibilities and Phase-out of the Combined Office of the Homeward Bound review Panel and the Guardian *Ad Litem* have been followed. This action shall be terminated and the case removed from the active docket of this Court.

ORDERED this 6th day of FEBRUARY, 2007.

A handwritten signature in cursive script that reads "Terence Kern". The signature is written in black ink and is positioned above a horizontal line.

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TERENCE KERN  
UNITED STATES DISTRICT JUDGE