

THIRD COURT OF APPEALS OF TEXAS

**Chris Traylor, as Executive Commissioner of the Texas Health and Human Services Commission And the Texas Health and Human Services Commission v. Diana D., as Next Friend of KD, a Child Karen G., as Next Friend of TG and ZM, Children Guadalupe P., as Next Friend of LP, a Child Sally L., as Next Friend of CH, a Child Dena D., as Next Friend of BD, a Child OCI Acquisition, LLC**

No. 03-15-00657-CV, Third Court of Appeals of Texas (November 9, 2015)

SUMMARY

This document is a November 9, 2015 filing in the Texas Third Court of Appeals transmitting the parties’ pleadings concerning the defendants’ motion to modify a temporary injunction. The underlying Travis County litigation involves Medicaid reimbursement rates for pediatric therapy services and the authority of the Texas Health and Human Services Commission to adjust those rates. The attached pleadings address changed circumstances, alleged fundamental error, administrative rules, appropriations, and the scope of the temporary injunction.

CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                            |
|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Third Court of Appeals of Texas                                                                                                                                                                                                                                                                                                            |
| JURISDICTION       | Texas                                                                                                                                                                                                                                                                                                                                      |
| DECIDED            | November 9, 2015                                                                                                                                                                                                                                                                                                                           |
| DOCKET             | 03-15-00657-CV                                                                                                                                                                                                                                                                                                                             |
| DISPOSITION        | other                                                                                                                                                                                                                                                                                                                                      |
| PROCEDURAL POSTURE | The provided text consists of party filings concerning defendants' motion to modify a temporary injunction and does not contain the appellate court's merits opinion or disposition.                                                                                                                                                       |
| PRECEDENTIAL VALUE | unknown                                                                                                                                                                                                                                                                                                                                    |
| PARTIES            | Chris Traylor, as Executive Commissioner of the Texas Health and Human Services Commission, Texas Health and Human Services Commission v. Diana D., as next friend of KD, a child, Karen G., as next friend of TG and ZM, children, Guadalupe P., as next friend of LP, a child, Sally L., as next friend of CH, a child, Dena D., as next |

friend of BD, a child, OCI Acquisition, LLC d/b/a Care Options for Kids, ConnectCare Solutions, LLC d/b/a ConnectCare Therapy for Kids, Atlas Pediatric Therapy Consultants LLC, Pathfinder Pediatric Home Care, Inc.

## TOPICS

injunctions

motion for reconsideration

appellate procedure

administrative law

federal spending

## PRACTICE AREAS

civil procedure

administrative law

health law

federal spending

remedies

## FACTUAL BACKGROUND

The dispute concerns Texas Medicaid reimbursement rates for physical, occupational, and speech therapy and the applicability of administrative rules governing rate reviews and cost studies. Plaintiffs challenged proposed rate changes and obtained a temporary injunction restricting further action on the rates. Defendants argued that the injunction was overbroad, interfered with appropriations and Medicaid administration, and should be modified based on alleged fundamental error or changed circumstances.

## PROCEDURAL HISTORY

Plaintiffs obtained a temporary injunction in the Travis County District Court on September 25, 2015. Defendants appealed the temporary injunction and separately moved in the district court to modify it; the district court denied that motion. The supplied materials include plaintiffs' response, defendants' reply, and a transmittal letter, but no judicial opinion resolving the appellate proceeding.

## DISPOSITION

other

## CASES CITED

- Tex. Health & Human Servs. Comm'n v. Advocates for Patient Access, Inc., 399 S.W.3d 615, 628-29 (Tex. App.—Austin 2013, no pet.)
- Universal Health Servs., Inc. v. Thompson, 24 S.W.3d 570, 580 (Tex. App.—Austin 2000, no pet.)
- Pirtle v. Gregory, 629 S.W.2d 919, 920 (Tex. 1982)
- Henke v. Peoples State Bank, 6 S.W.3d 717, 721 (Tex. App.—Corpus Christi 1999, pet. dismissed w.o.j.)
- Cellular Mktg., Inc. v. Hous. Cellular Tel. Co., 784 S.W.2d 734, 735 (Tex. App.—Houston [14th Dist.] 1990, no pet.)
- Tober v. Turner of Tex., 668 S.W.2d 831, 835-36 (Tex. App.—Austin 1984, no writ)