

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P

vs.

GRAY DAVIS, et al.,

Defendants.

ORDER

By order filed October 20, 2006, the special master was directed to “monitor closely the swap of acute inpatient beds between California Medical Facility and Atascadero State Hospital” and report to the court within ninety days on the status of the swap and delays in transfers to mental health crisis beds. (Order, filed October 20, 2006, at 3.) On January 22, 2007, the special master filed a report as required by the October 20, 2006 order. By order filed March 9, 2007, the court adopted in full the special master’s January 22, 2007 report and directed the special master to file a further report on May 1, 2007.

On May 1, 2007, the special master filed a further report on the status of the swap. The special master reports that the swap, which was intended to create 75 additional mental health crisis beds for class members, “did not help alleviate defendants’ inadequate stock” of mental health crisis beds, and has failed. (Special Master’s Supplemental Report on the Status of

1 the Swap of Acute Inpatient Beds Between the California Medical Facility and Atascadero State
2 Hospital and Delays in Transfers to Mental Health Crisis Beds, filed May 1, 2007 (May 1, 2007
3 Supplemental Report, at 2-3). The special master recommends that the swap be reversed and that
4 the twenty-five beds at Atascadero State Hospital be returned to use as mental health crisis beds.
5 (Id. at 3.)¹

6 On May 15, 2007, defendants filed a response and objections to the special
7 master's May 1, 2007 report. Defendants object to the finding that the swap failed, and they
8 request that the recommendation for twenty-five mental health crisis beds at ASH be made
9 subject to the availability of staff.

10 After review of the record herein, and good cause appearing, the May 1, 2007
11 report and recommendation of the special master will be adopted in full. The order concerning
12 pay parity for DMH clinicians serving Coleman class members and staffing for Coleman beds at
13 Atascadero State Hospital issued concurrently with this order applies in full to beds to be
14 returned to use as mental health crisis beds at ASH.

15 In accordance with the above, IT IS HEREBY ORDERED that:

16 1. The Special Master's May 1, 2007 Supplemental Report and the
17 recommendations contained therein are adopted in full;
18 2. The bed swap between California Medical Facility and Atascadero State
19 Hospital is reversed; and

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23 1 The special master also indicates that he has accepted a proposal from defendants to
24 separate two units at California Medical Facility, S-1 and S-2, using S-1 for acute inpatient care
25 and S-2 for mental health crisis bed care, "as long as those patients in S-2 who are in need of
acute care may be transferred to S-1 or to another acute inpatient care unit." (May 1, 2007
Supplemental Report, at 3.) In their response, defendants represent they will comply with the
special master's condition. (Defendants' Response to May 1, 2007 Supplemental Report, at 2.)

3. The twenty-five beds at Atascadero State Hospital that were included in the swap shall be returned to use as mental health crisis beds for Coleman class members.

DATED: May 23, 2007.

Lawrence K Karlton
LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT