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

RALPH COLEMAN, et al.,

2:90-cv-00520 KJM-DB (PC)

Plaintiffs,

V.

EDMUND G. BROWN JR., et al.,

Defendants.

**STIPULATION REGARDING
ADDENDUM TO PROGRAM GUIDE
REGARDING TRANSFER
TIMEFRAMES; ORDER THEREON**

22 The parties, with the concurrence of the Special Master, stipulate as follows:

23 On April 19, 2017, the Court entered an order directing the parties to “meet and confer
24 under the supervision of the Special Master to develop an addendum to the Program Guide that
25 identifies circumstances under which time after an inmate-patient is referred to inpatient mental
26 health care should be excluded from Program Guide timelines for transfer to such care and
27 timelines for completion of the referral process when such circumstances are present.” (ECF No.

1 5610.) The Court further directed the parties to complete and submit the addendum to the Court
2 for review and final approval within forty-five days. (*Id.*)

3 The parties have met and conferred and, under the supervision of the Special Master,
4 stipulate as follows:

5 1. The Mental Health Services Delivery System 2009 Program Guide sets forth transfer
6 timeframes for admission to inpatient facilities. The Program Guide requires that inmates be
7 admitted to an acute-care program within ten days of referral and an intermediate-care program
8 within thirty days of referral. (Program Guide at 12-1-16.) On occasion, transfer timeframes
9 cannot be met due to circumstances outside Defendants' control.

10 2. The parties agree, based on recommendations from the Special Master, that the
11 following three categories warrant exceptions to the Program Guide transfer timeframes for
12 inpatient mental health care: (1) an inmate-patient is physically unavailable for transfer to a
13 psychiatric inpatient program (acute and intermediate care facility) due to being ordered to appear
14 in state or federal courts, necessitating transfer either out of the institution or to an institution
15 nearest the court; (2) an inmate has a medical issue that cannot be treated at a psychiatric inpatient
16 program and that is more urgent than his or her need for inpatient mental health treatment, which
17 then causes a delay in the transfer to an inpatient bed; and (3) circumstances outside of
18 Defendants' control, and other than the preceding-enumerated exceptions, which cause a delay in
19 transfer to a psychiatric inpatient program beyond the Program Guide timelines.

20 3. Tracking and Reporting of Exceptions to Inpatient Transfer Timeframes. Defendants
21 track inmate-transfers to inpatient beds on a daily basis and collaborate between mental health,
22 custody, Health Care Placement Oversight Program, and DSH in order to ensure expeditious
23 patient movement. Defendants shall develop tracking for all patients who exceed timeframes and
24 will, by the fifteenth of each month, report admissions and exception activity for the previous
25 calendar month. The monthly report shall include inmate-specific details to support reported
26 exceptions to the Program Guide transfer timeframes. Defendants will provide a template for this
27 reporting to the Special Master and Plaintiffs for comment prior to finalizing it.

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1 4. For the following five months, from June through October, the parties shall meet and
2 confer in a monthly telephone conference, under the supervision of the Special Master, to review
3 the exceptions to the inpatient transfer timeframes reported for the prior month. In advance of
4 each monthly call, Defendants shall provide the Special Master and Plaintiffs, in writing,
5 individualized detail explaining the circumstances of the claimed exceptions to the extent that
6 such detail is not provided in Defendants' monthly filing. The purpose of the monthly call is to
7 (a) review Defendants' application of the individual inmate exceptions and refine the precise
8 contours of the above-enumerated three exceptions; and (b) develop timelines for the completion
9 of the referral process following resolution of the reason for the delay in transfers to inpatient
10 care. No fines shall accrue for inmates who qualify for one of the above-enumerated exceptions.
11 At the end of the five-month period, the parties shall jointly propose language for an addendum to
12 the Program Guide consistent with the Court's April 19, 2017 Order at 13-14, including timelines
13 for completion of the referral process when the relevant exceptions are present.

14 IT IS SO STIPULATED.

15 || Dated: June 5, 2017

/s/ Elise Owens Thorn
ELISE OWENS THORN
Deputy Attorney General
Attorneys for Defendants

/s/ Lisa Ells
LISA ELLS
Attorney for Plaintiffs

ORDER

Upon receipt of the parties' stipulation, the court has conferred with the Special Master. With the understanding that the Special Master will closely supervise the proposed monthly review process to ensure that all reported exceptions are reasonable, and also to ensure that refinement of the precise contours of the above-enumerated third exception in particular avoids creating exceptions that swallow the fundamental rules established in this long-running case, the foregoing stipulation is approved.

1 IT IS SO ORDERED.
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4 DATED: June 8, 2017.
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10 UNITED STATES DISTRICT JUDGE
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