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

RALPH COLEMAN, et al.,

Plaintiffs,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

CASE NO. CIV S-90-0520 LKK
JFM P

**STIPULATION AND
ORDER RE:
CLINICAL COMPETENCY
OF PSYCHIATRISTS,
CONFIDENTIALITY OF
IDENTIFYING
INFORMATION**

STIPULATION

I.

STIPULATION ON REVISED PROGRAM GUIDE LANGUAGE

The parties, by and through their counsel, have agreed that the Revised Program Guide will state as follows:

A. All newly-hired psychiatrists must meet minimum credentialing criteria as follows:

Satisfactorily completed specialized training requirements in psychiatry
in programs that are accredited by the Accreditation Council for

1 Graduate Medical Education (ACGME) or certified by the Royal College of
2 Physicians and Surgeons of Canada.

3 Two patterns of training are acceptable:

4 1. Three-Year Psychiatry Residency Program

5 A broad-based clinical year of ACGME-accredited training in internal medicine,
6 family practice, or pediatrics; or an ACGME-accredited transitional year program
7 that included a minimum of four months of primary care; or an ACGME
8 accredited residency in a clinical specialty requiring comprehensive and
9 continuous patient care.

10 AND

11 Three full years of postgraduate, specialized residency training
12 in a psychiatry program accredited by the ACGME.

13 OR

14 1. Four-Year Psychiatry Residency Program

15 Four years of training in an ACGME-accredited program in
16 psychiatry is acceptable. A psychiatry PGY-1 must include at least four
17 months in internal medicine, family practice, and/or pediatrics. This
18 training must be in a clinical setting that provides comprehensive and
19 continuous patient care. No more than one month of this requirement may
20 be fulfilled by an emergency medicine rotation, as long as the
21 experience predominantly involves medical evaluation and treatment,
22 rather than surgical procedure. Neurology rotations may NOT be used to
23 fulfill this four-month requirement.

24 If the candidate's training program(s) is not currently accredited by the ACGME,
25 CDCR shall research the history of the program(s) to determine if it was
26 accredited at the time the candidate attended and completed the training.

27 B. All psychiatrists hired before January 2006 must meet the above criteria or must
28 undergo a court-mandated evaluation of their clinical competency for employment in the position

1 of psychiatrist with the California Department of Corrections and Rehabilitation.

2 C. In lieu of putting the deadline into the Revised Program Guide, the parties
3 stipulate that this process will be completed by June 1, 2007.

4 D. Defendants shall make periodic reports to Special Master Keating and Plaintiffs'
5 counsel concerning the evaluation process and the progress towards completion and will
6 promptly notify Mr. Keating and Plaintiffs' counsel of any circumstances that threaten to prevent
7 or impede the completion of the process by June 1, 2007.

8 **II.**

9 **STIPULATION FOR ENTRY OF PROTECTIVE ORDER**

10 E. To the extent Defendants provide, by the request of the Special Master or Court,
11 Plaintiffs' counsel with the identities of any psychiatrists hired before January 2006 who do not
12 meet the above minium credentialing criteria or who must undergo a court-mandated evaluation
13 of their clinical competency for employment in the position of psychiatrist with the California
14 Department of Corrections and Rehabilitation, the parties stipulate that the information will be
15 subject to a seal imposed by this Court to ensure it is maintained on a confidential basis pursuant
16 to applicable court rules.

17 Dated: 8/9/06

/s/ Lisa Tillman
Lisa A. Tillman, Esq.
Deputy Attorney General
Attorney for Defendants

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20 Dated: 8/8/06

/s/ Michael Bien
Michael W. Bien, Esq.
Rosen, Bien & Asaro, LLP
Attorney for Plaintiffs


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22 Dated: 8/10/06

/s/ Steve Fama
Steve Fama, Esq.
Prison Law Office
Attorney for Plaintiffs

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25 **ORDER**

26 This Court has reviewed the first portion of the above stipulation of the parties
27 concerning language to insert in the Revised Program Guide to address the clinical competency
28 of psychiatrists and hereby adopts it as an order of this court.

1 This Court has reviewed the second portion of the above stipulation of the parties
2 concerning the sealing of information containing or indicating the confidential nature of the
3 identities of those CDCR psychiatrists hired before 2006 who do not meet minimum
4 credentialing criteria. The Court approves the stipulated seal and makes it an order of the court.
5 Dated: September 8, 2006.

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9 LAWRENCE K. KARLTON
10 SENIOR JUDGE
11 UNITED STATES DISTRICT COURT
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