

1 WO

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Victor Antonio Parsons, et al.,

10 Plaintiffs,

11 v.

12 Charles L. Ryan, et al.,

13 Defendants.
14

No. CV-12-0601-PHX-DKD

ORDER

15
16 Plaintiffs filed a Motion to Enforce the Stipulation (Doc. 2520) concerning several
17 performance measures, including PM 50 at Tucson, which requires urgent consultations
18 and urgent specialty diagnostic services to be scheduled and completed within thirty (30)
19 calendar days of the consultation being requested by the provider. At its April 11, 2018
20 Status Hearing, the Court held a ruling in abeyance on this particular PM at this facility
21 because the February CGAR reports reflected compliance at 87% (Doc. 2782, 4/11/18
22 Hr'g Tr. at 24:4-10). At the May 9, 2018 Status Hearing, however, the March CGAR
23 reports showed that compliance dropped to 76% (Doc. 2801-1 at 144), without specifying
24 a detailed remedial plan to address the longstanding deficiency. Because PM 50 at
25 Tucson has been non-compliant since at least March 2017, with the exception of June
26 2017 (86%) and February 2018 (87%), the Court finds PM 50 at Tucson to be
27 substantially non-compliant as it has been non-compliant for three or more consecutive
28 months in the last 18 month period (*See* Doc. 2644; Doc. 1185 at ¶ 10(b)(ii)). Defendants

1 must therefore create a remedial plan tailored to this PM and file it with the Court no later
2 than June 6, 2018.

3 Accordingly, **IT IS ORDERED** that PM 50 at Tucson is substantially non-
4 complaint.

5 **IT IS FURTHER ORDERED** directing Defendants to file a remedial plan
6 tailored to PM 50 no later than June 6, 2018.

7 Dated this 11th day of May, 2018.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



David K. Duncan
United States Magistrate Judge