

1 XAVIER BECERRA
 Attorney General of California
 2 WILLIAM C. KWONG
 Acting Senior Assistant Attorney General
 3 DANIELLE F. O'BANNON
 JAY C. RUSSELL
 4 Supervising Deputy Attorneys General
 ELISE OWENS THORN, State Bar No. 145931
 5 CHRISTINE M. CICCOTTI, State Bar No. 238695
 CHAD A. STEGEMAN, State Bar No. 225745
 6 Deputy Attorneys General
 1300 I Street, Suite 125
 7 P.O. Box 944255
 Sacramento, CA 94244-2550
 8 Telephone: (916) 324-4921
 Fax: (916) 324-5205
 9 E-mail: Elise.Thorn@doj.ca.gov
Attorneys for Defendants

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

15 **RALPH COLEMAN, et al.,**
 16
 Plaintiffs,
 17
 v.
 18
 19 **EDMUND G. BROWN JR., et al.,**
 20
 Defendants.

2:90-cv-00520 KJM-DB (PC)
**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.
 28

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.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

DATED: June 8, 2017.


UNITED STATES DISTRICT JUDGE