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UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

ORDER

No. 2:90-cv-0520 KJM DB P

On August 3, 2023, the court ordered the parties, within thirty days, to "meet and confer under the supervision of the Special Master concerning defendants' draft Telemental Health Services Policy" (hereafter draft Policy) and "file a joint report on the outcome of the meet and confer." August 3, 2023 Order, ECF No. 7901 at 2. On September 5, 2023, the parties filed the required Joint Report. ECF No. 7935. The Joint Report sets out areas of agreement on the draft Policy, id. at 3, as well as areas of disagreement, id. at 4 and Ex. C, ECF No. 7935-3.

During recent staffing enforcement proceedings, the court reiterated it has not "closed the door on" defendants' expanded use of telepsychiatry specifically or telemental health more broadly. Reporter's Transcript of Hearing (RT 9/29/2023), ECF No. 8013, at 9. Defendants are in the early stages of implementing the draft Policy. Reporter's Transcript of Hearing (RT 10/02/2023), ECF No. 8013-1, at, e.g., 221, 230. As the court discussed with the parties during closing arguments following the enforcement proceedings, disputes, if any, about defendants'

draft Policy must be resolved sooner rather than later. To that end, the parties will be directed to meet and confer under the supervision of the Special Master to clarify whether, and if so what, outstanding disputes over the draft Policy remain. Thereafter, the Special Master shall file a short report on the outcome of those discussions. The Special Master shall include with that report a proposed Telemental Health Services Policy for the court's approval. Notwithstanding the provisions of the July 29, 2019 stipulation and order, ECF No. 6230, the parties will have fourteen days thereafter in which to file responses to the Special Master's report and proposed Telemental Health Services Policy.

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

- 1. Within ninety days from the date of this order, the parties shall meet and confer under the supervision of the Special Master to clarify whether, and if so what, outstanding disputes remain over defendants' Telemental Health Services Policy and the Special Master shall file a short report on the outcome of those discussions;
- 2. The Special Master shall include with his report required by this order a proposed Telemental Health Services Policy for the court's approval; and
- 3. The parties will have **fourteen days** thereafter in which to file responses to the Special Master's report and proposed Telemental Health Services Policy.

DATED: December 14, 2023.

CHIEF UNITED STATES DISTRICT JUDGE