

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF PUERTO RICO**

ROBERTO NAVARRO AYALA, et al,

Plaintiffs,

v.

GOVERNOR OF PUERTO RICO, et al.

Defendants.

Civil No. 74-1301 (HL)

ORDER

I. Brief History of the Case:

In 1974, Roberto Navarro Ayala, a mentally retarded patient at the Río Piedras Psychiatric Ward Hospital (RPPH), filed a civil rights class action in this Court. The complaint rightfully asserted that the federally protected constitutional rights of the patients were being violated by overcrowding, inadequate care, and harsh conditions at RPPH. In April of 1997, the Court approved a stipulated consent decree which included eighty-six standards that the parties consented to observe at the Hospital. Thereafter, in February of 1985, the Court appointed Dr. David M. Helfeld, former Dean of the University of Puerto Rico Law School, as a Special Master, in order to ensure the parties compliance with the 1977 stipulation agreement, and to provide the Court with reports on the Hospital's progress. Slowly but

surely, the Hospital made tremendous improvements throughout the long and tortuous path of this institutional reform litigation. For example, on June 18, 1997, the Court entered an order finding that significant progress had been achieved at RPPH. In March of 1999, RPPH received accreditations by the Joint Commission for the Accreditation of Health Care Organization (J.C.A.H.C.O.) and by Medicare, respectively. Thereafter, on August 11, 2000, the parties filed a Joint Stipulation and Order of Dismissal, which the Court adopted, asserting substantial compliance with the Consent Decree, pledging to maintain the J.C.A.H.C.O. accreditation, and agreeing to maintain a yearly appropriated budget of at least \$18,929,000.00, to adequately provide for the health, welfare, safety and treatment of the patients at RPPH. (See Docket No. 494). Finally, on January 28, 2002, the Court **dismissed the case** and issued an order providing, in relevant part, that its “order of March 9, 2000 (docket no. 476) and the joint Stipulation and Order of Dismissal of August 11, 2000 (docket no. 494) shall remain in effect to ensure the continued constitutional protection of the patients of the RPPH.” (See Docket No. 503.)

II. The 2003-04 investigation:

In March of 2003, the Court received communications from various sources alleging violations of the Court’s January 28, 2002 order, specifically that: (1) the budget for the Rio Piedras Hospital for the forthcoming fiscal year had been reduced from the \$18,929,000.00 required by the Court’s order; (2) that during the present and past fiscal years funds budgeted for the Hospital were transferred to cover costs not related to the Hospital’s operations; and

(3) that the decision to close down the San Patricio Mental Health Clinic was in violation of the Court's findings that the existence of *pre* and *post* Hospital support systems were essential to ensure and safeguard the RPPH's patient's constitutional rights. After conducting a status conference with the parties, the Court reappointed Dr. Helfeld on April 29, 2003, as Special Master, to conduct an investigation relative to the allegations of non-compliance by the RPPH. (See Docket No. 508). Contrary to the parties' assumptions, the Court did not reopen the case, but rather utilized its inherent powers to appoint the Special Master to investigate the allegations and report his findings to the Court. Thereafter, the Court conducted numerous status conferences with the parties and received a total of five (5) voluminous and comprehensive reports by Dr. Helfeld detailing certain deteriorating conditions at the RPPH. Defendants, in turn, responded to Dr. Helfeld's reports, detailing the administrative and fiscal measures that the Hospital had implemented in its efforts to address the Court's concerns as to the deteriorating conditions at the Hospital. The plaintiff class also had an opportunity to file a reply to the Special Master's Fifth and Final Report. (See Docket No. 594). Dr. Helfeld's mastership expired on August 30, 2004.

The Court has reviewed Dr. Helfeld's reports and the responses of all the parties, and concludes that at this time the RPPH is in substantial compliance with the consent decree and the January 28, 2002 order. First, it appears from the information contained in the Special Master's Second Report, and the motions filed by the Commonwealth defendants, that the budget for the RPPH was not reduced from the \$18,929,000.00 required by the Court's order

of January 28, 2002, but was increased to \$21,429,000.00. In addition, the information presented to the Court shows that the Commonwealth defendants have no intention to close down the San Patricio Mental Care Health Center, and that the funds budgeted for the Hospital had not been diverted to cover any costs other than those related to the Hospital's operations. In addition, the Court finds that the Commonwealth defendants have taken a series of administrative and fiscal measures to address the RPPH's *pre* and *post*-Hospitalization services. The RPPH is also in the process of ensuring its compliance with the requirements for the upcoming J.C.A.H.C.O. accreditation scheduled in March of 2005.

Plaintiffs have requested that the Court "close" this case. Since the case has not been "reopened," the Court takes plaintiffs' motion as a request to cease further federal judicial intervention in this matter, given that the RPPH's current conditions are consonant with constitutional mandates. (See Plaintiffs' Response to the Special Master's Fifth and Final Report, Docket No. 594). The Court is satisfied that the Commonwealth defendants are cognizant of the importance of safeguarding the constitutional rights of the patients at the RPPH. The Court expects the Commonwealth defendants to comply with all the requirements necessary to ensure the Hospital's renewed accreditation this upcoming March, and continue complying with *pre* and *post*-Hospitalization continuum. In an effort to ensure the Hospital's continued compliance with the consent decree, the Court hereby **increases** it previous

budgetary mandate of \$18, 929,000.00 to **\$23,000,000.00** per fiscal year.¹

In summary, the Court hereby ratifies its prior order of January 28, 2002 (Docket No. 503), incorporating the order of March 9, 2000 (Docket No. 476), and the joint stipulation of dismissal of August 11, 2000 (Docket No. 494). **Whereupon, the Court hereby ORDERS that:**

(1) All monies received by or credited to the Puerto Rico Department of Health and Anti-Addiction Services Administration or its successor, or the monies received by RPPH from Medicare or any private entities in payment or reimbursement for medical or psychiatric services rendered at the Hospital shall be allocated by the Government of Puerto Rico to the Hospital's operational account(s) and used as operating funds. Until further order of the Court, such monies shall not be used by the Department of Health, the Mental Health and Anti-Addiction Services Administration, the Hospital, or any other Puerto Rico governmental agency or instrumentality for any purpose other than as specified herein; and (2) that in accordance with the joint stipulation, the Commonwealth pledges to maintain the J.C.A.H.C.O. accreditation, and shall henceforth maintain a yearly appropriated budget of at least \$23,000,000.00 to adequately provide for the health, welfare, safety and treatment of the patients at the RPPH.

In conclusion, the Court finds that there is currently no evidence of constitutional violations at the RPPH that would warrant further federal judicial involvement in this case. As the First Circuit Court of Appeals has recently stated in another institutional reform litigation case in this District, the court's oversight of the RPPH "cannot—and should not—last

¹ It is a fact that the Commonwealth defendants had already afforded more funds to RPPH's yearly budget as a response to the institution's new financial reality

forever.” See e.g., Morales Feliciano v. Rullan, 378 F.3d 42, 60 (1st Cir. 2004). Copy of this Order shall be notified to the Secretary of Health, the Director of the Commonwealth’s Budget Bureau, the Hospital’s Medical Director, and the Hospital’s Executive Director.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 10th day of January 2005.

S/ HECTOR M. LAFFITTE
U.S. District Judge