

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	2:14cv601-MHT
)	(WO)
JEFFERSON S. DUNN, in his)	
official capacity as)	
Commissioner of)	
the Alabama Department of)	
Corrections, et al.,)	
)	
Defendants.)	

PHASE 2A ORDER AND INJUNCTION ON CONFIDENTIALITY

On June 15, 2018, the parties submitted supplemental stipulations regarding confidentiality. They agreed that the stipulations should be reduced to an enforceable order and further agreed to some clarifications of the stipulations during an on-the-record hearing on June 18, 2018. Accordingly, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The stipulations (doc. no. 1894), as clarified during an on-the-record hearing on June 18, 2018, and as attached to this order, are approved.

(2) Defendants Jefferson Dunn and Ruth Naglich are ENJOINED and RESTRAINED from failing to comply with the attached provisions as clarified during on-the-record hearing on June 18, 2018.

DONE, this the 19th day of June, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE

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)	
Defendants.)	

ATTACHMENT

Stipulation Regarding Confidentiality

The Alabama Department of Corrections (ADOC) agrees to implement the matters set forth below within ninety (90) days of the Court's acceptance of and entry of an Order regarding these Stipulations.

- A correctional officer (a) assigned to a medical or mental health unit (including an Intensive Psychiatric Stabilization Unit, a Residential Treatment Unit, a Structured Living Unit), (b) assigned to a treatment team, or (c) who regularly receives protected

health information (as defined in the Confidentiality Agreement attached as Exhibit A) will be trained on confidentiality during Specialized Mental Health Training consistent with ADOC Administrative Regulation 604 entitled "Confidentiality in Mental Health Services and Mental Health Documentation" (as amended by Change #1 to AR 604).

- At the conclusion of the Specialized Mental Health Training, each correctional officer must agree to and sign the Confidentiality Agreement attached as Exhibit A.

- A correctional officer (a) assigned to a medical or mental health unit (including an Intensive Psychiatric Stabilization Unit, a Residential Treatment Unit, a Structured Living Unit), (b) assigned to a treatment team, or (c) who regularly receives protected health information may not receive protected health information or be present for the communication of protected health information, as defined in Exhibit A, until the correctional officer receives the Specialized

Mental Health Training and signs the Confidentiality Agreement attached as Exhibit A.

- A copy of a correctional officer's signed Confidentiality Agreement must be placed (1) in his or her personnel file and (2) a central location within the medical or mental health unit at his or her assigned ADOC facility.



KAY IVEY
GOVERNOR

State of Alabama



JEFFERSON DUNN
COMMISSIONER

Alabama Department of Corrections

301 S. Ripley
P. O. Box 301501
Montgomery, AL 36130

CONFIDENTIALITY AGREEMENT

Correctional officers with access to confidential health records are required by law and policy to safeguard confidential information. As an Alabama Department of Corrections (ADOC) employee, I agree to the following as a condition of my employment with the ADOC:

1. I understand that inmates have a legal privacy right to their protected health information. For purposes of this Confidentiality Agreement, "protected health information" means documents, communications, or information concerning the physical or mental health conditions of an inmate and the provision of care, services, or supplies related to the health of an inmate, including, for example, documents, communications, and information about an inmate's diagnosis, prognosis, treatment, test result, evaluation, assessment, and medical or mental health record. Protected health information also includes information expressed by the inmate for the purpose of treatment or in a treatment team meeting.

2. I understand that I may receive an inmate's protected health information as I perform the official duties of my job. It is my legal duty to keep confidential any protected health information I read, see, or hear.

3. I understand that protected health information must not be disclosed inside or outside of the ADOC to persons (such as ADOC employees, inmates, friends, and family) who lack a legitimate health-related need to know the protected health information. I will avoid inadvertent disclosure of protected health information through the communication of protected health information in a public or non-confidential environment.

4. I understand that I am prohibited from using any protected health information to harass or abuse an inmate.

5. I will report all known violations of ADOC privacy and security policies to my supervisor or another person in my chain-of-command immediately.

6. If my employment with the ADOC ends, then I will continue to be bound by my obligation under this Confidentiality Agreement.

7. I understand that any violation of this Confidentiality Agreement may result in disciplinary action and/or termination in accordance with ADOC Administrative Regulation 208 entitled "Employee Standards of Conduct and Discipline" (as amended by Change #1 to AR 208).

By signing below, I acknowledge that I have read and understand the terms of this Confidentiality Agreement and ADOC Administrative Regulation 604 entitled “Confidentiality in Mental Health Services and Mental Health Documentation” (as amended by Change #1 to AR 604).

Signature _____ Date _____

Print Name _____

A copy of this signed Confidentiality Agreement must be placed (1) in the employee’s personnel file and (2) a central location within the medical or mental health unit at the employee’s assigned ADOC facility.