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

13
14 **RALPH COLEMAN, et al.,**

15 Plaintiffs,

16 v.

17 **GAVIN NEWSOM, et al.,**

18 Defendants.
19

2:90-cv-00520 KJM-DB (PC)

**STIPULATION AND [PROPOSED]
ORDER APPROVING EXTENSION OF
THE IMPLEMENTATION PERIOD FOR
THE CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION'S
TELEPSYCHIATRY POLICY**

20 On March 27, 2020, the Court approved the parties' stipulation proposing a provisional
21 policy regarding the California Department of Corrections and Rehabilitation's (CDCR) use of
22 telepsychiatry to provide mental health services to its inmate-patients. (ECF No. 6539.) The
23 parties agreed that the provisional telepsychiatry policy would be implemented within 120 days of
24 the Court's approval of the stipulation, or by July 25, 2020 (this Saturday). (*Id.* at 2.) During this
25 120-day period, the parties agreed that Defendants would complete the internal monitoring
26 process allowing Defendants to provide notice to Plaintiffs and the Special Master, as required by
27 the provisional policy. (*Id.*) The stipulation further provided that if Defendants believed that the
28 120-day period should be extended due to the COVID-19 pandemic's impact on CDCR, they

1 would meet and confer with Plaintiffs' counsel and the Special Master concerning an extension of
2 that period. (*Id.*)

3 Since the Court approved the parties' stipulation on March 27, Defendants have worked
4 diligently to construct and implement CDCR's Telepsychiatry Resource Management Tool, and
5 educate mental health program staff throughout CDCR regarding the tool's use. Working closely
6 with CDCR Information Technology staff, officials have made significant strides toward
7 developing a system to notify stakeholders of telepsychiatry's use under the provisional policy,
8 but they have not been able to complete the tool given resource conflicts and operational
9 exigencies posed by the COVID-19 pandemic. Additional time is needed so that CDCR can
10 complete and validate the Telepsychiatry Resource Management Tool, train statewide institution
11 staff to ensure accurate data entry, train headquarters staff to use the system and provide program
12 oversight, and implement to tool throughout CDCR's mental health program sites.

13 On July 23, 2020, the parties met and conferred regarding an extension of the
14 implementation period with the Special Master and members of his team. Based on the report
15 provided by CDCR staff, the parties and Special Master agree that Defendants have been
16 diligently working on development of the Telepsychiatry Resource Management Tool, and that
17 giving Defendants additional time to complete and validate the tool and take further actions to
18 implement it throughout CDCR is appropriate.

19 Accordingly, the parties agree that the time for Defendants to complete the internal
20 monitoring process and implement CDCR's provisional telepsychiatry policy shall be extended
21 by 30 days. If Defendants believe that a further extension of the implementation period is
22 needed, they will meet and confer with Plaintiffs' counsel and the Special Master concerning an
23 extension. If no agreement is reached, Defendants may seek an order from the Court extending
24 the implementation period.

25 The Special Master has reviewed and concurs with this stipulation.

26 **IT IS SO STIPULATED.**

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Dated: July 24, 2020

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/s/ Kyle A. Lewis
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Deputy Attorney General
Attorneys for Defendants

Dated: July 24, 2020

ROSEN BIEN GALVAN & GRUNFELD LLP

/s/ Lisa Ells
Lisa Ells
Attorneys for Plaintiffs

IT IS SO ORDERED.

Dated: _____

KIMBERLY J. MUELLER
UNITED STATES DISTRICT COURT