

80-2136 plar  
(Consent Order)  
(mediation)

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

JUN 10 1992

CLERK, U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

TWELVE JOHN DOES, et al., :  
Plaintiffs, :  
v. :  
DISTRICT OF COLUMBIA. et al., :  
Defendants, :

C.A. No. 80-2136  
(JLG)

CONSENT ORDER

Upon consideration of plaintiff's Motion for Finding of Contempt, Imposition of Sanctions, and Award of Attorney's Fees for Medical and Mental Health Conditions at Lorton Central Facility, the report of the Special Officer of the Court dated March 13, 1992, (which the Court has adopted as its own findings of fact), the agreement of the parties and the entire record herein, it is

ORDERED as follows:

1. Physicians.

After July 20, 1992, defendants shall pay monetary sanctions if they fail to maintain six full-time physicians at the Central Facility infirmary in accordance with their revised staffing plan of August 20, 1991. In addition to the physicians presently assigned to Central Facility, an additional 1.5 physicians will be assigned to Central by July 6, 1992, and one additional physician will be assigned by July 20, 1992. Sanctions shall be \$250.00 per day for every physician short of the six physician requirement. Defendants reserve the right to claim the defense of impossibility.



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These positions will continue to be subject to the provisions set forth in paragraph 1 of page 3 of the Consent Order filed on June 14, 1991. Records sufficient to show the number and identity of physicians working at the Central Facility infirmary shall be furnished in defendants' monthly compliance reports. The parties acknowledge that they are discussing the feasibility of plans to reduce the medical staff at the Central infirmary in connection with the possible relocation of Central infirmary beds to the Correctional Treatment Facility and this Consent Order is not intended to prejudice those efforts.

2. Psychologists.

On and after July 7, 1992, defendants shall pay monetary sanctions if they fail to maintain four full-time psychologists and two full time masters degree social workers in temporary satisfaction of the consent decree requirement for six psychologists. Such sanctions shall be \$250.00 per day for every psychologist and/or social worker short of the above-referenced requirement. Defendants reserve the right to claim the defense of impossibility. These positions will continue to be subject to the provisions set forth in paragraph 1 of page 3 of the Consent Order filed on June 14, 1991.

Within 90 days of this Order, the Special Officer shall investigate and make a report and recommendation to the Court as to whether masters degree social workers should, consistent with the purposes of the Decree, continue to staff any of the six required psychologist positions. The parties shall file comments on the

Special Officer's Report within fifteen days. The Court shall consider the Special Officer's recommendations in light of the parties' comments and shall decide whether to modify the consent decree so as to permit masters degree social workers to fill some of the six psychologist positions.

3. Psychiatrist.

Within 90 days of this Order, the Special Officer shall review and recommend whether the consent decree requirements for a board-certified psychiatrist should be waived for Dr. Thompson and whether Dr. Thompson's schedule constitutes full-time service within the meaning of the consent decree requirement for a full-time psychiatrist.

4. Special Officer's Authority to Contract Out.

In the event that the Special Officer contracts out for medical and mental health positions pursuant to the Order of December 14, 1989, defendants are liable for all costs and expenses incurred by such contracts. Defendants, plaintiffs and the Special Officer are directed to devise a procedure to facilitate the Special Officer's ability to contract for the medical and mental health positions. The parties shall present their proposed procedure to the Court no later than July 15, 1992. If the parties are unable to reach agreement, plaintiffs may renew their request to the Court to order defendants to place \$100,000.00 in the Registry of the Court in order to establish a fund that will permit the Special Officer to contract for medical and mental health staff on a temporary basis.

5. Handicapped Inmates.

Defendants, in consultation with the Special Officer, shall employ within 45 days the services of a qualified psychiatrist to evaluate the care, services, and physical facilities available to handicapped inmates. Also in consultation with the Special Officer, defendants shall within 90 days develop, implement and comply with an effective program to address the special needs of the physically handicapped inmates at Lorton Central, including such improvements to the physical structure as are necessary. Within 60 days of this Order, defendants shall keep wheelchairs and other equipment for handicapped inmates in good repair.

6. Special Diets.

Defendants shall provide special diets to inmates whose medical needs require such diets. Within 90 days, defendants, in consultation with the Special Officer, shall design, implement and comply with a plan to ensure that the special medical dietary needs of all inmates at the facility are met. The Court authorizes the Special Officer to employ the services of such experts as she may require to assist defendants to devise and implement such a plan.

7. Ambulance.

Within five days of this Order, defendants shall maintain the ambulances in good working order and shall keep the ambulances fully stocked with necessary supplies. Defendants shall certify in their monthly compliance reports as to whether the requirements of this paragraph are met.

8. Emergency Medical Response System.

Within 60 days of this Order, defendants, in consultation with the Special Officer of the Court, and any experts whom the Special Officer may require, shall design, implement and comply with a plan to improve the emergency medical response system, including EMT training for medical staff who ride on the ambulance.

9. Facilities.

Within 60 days of this Order, defendants, in consultation with the Special Officer of the Court, and any experts whom the Special Officer may require, shall design and implement a plan to address and remedy the general maintenance and structural deficiencies in the Infirmary and Dormitory 20 found in the Special Officer's Report of March 13, 1992.

10. Procurement.

Within 60 days of this Order, defendants shall design, implement and comply with a plan to improve the procurement of necessary drugs, medical supplies and equipment. The Special Officer will evaluate whether the remedial plan cures the procurement problems noted in her report of March 13, 1992.

11. Computerized Pharmacy System.

Within 60 days of this Order, defendants shall develop a plan for implementing a computerized pharmacy recording system to perform drug utilization reviews and to establish patient profiles. The plan shall include a schedule for implementation which shall be complied with.

12. Sick Call at Control Cells.

Defendants shall cause sick call rounds to be performed seven times weekly at the control cells by either licensed physician's assistants or medical doctors. In their monthly compliance reports to plaintiffs' counsel, defendants shall include a list of the medical personnel who performed the daily sick call at the control cells.

13. Quality Assurance Plan.

Pursuant to the Order of December 14, 1989, defendants and the Special Officer of the Court shall submit a medical quality assurance plan to the Court within 45 days of this Order, or a longer period as deemed necessary by the Special Officer. The plan shall include a schedule for prompt implementation. Defendants shall implement the plan according to such schedule and shall comply with the plan.

14. Specialty Clinic Access.

Within 60 days of this Order, defendants, in consultation with the Special Officer of the Court and any experts whom they may require, shall design and implement a plan to improve access to specialty medical clinics, so that all inmates receive access to such clinics within a time period that is medically appropriate in the judgment of the treating physician.

15. Verification of the Monthly Compliance Report.

Defendants shall submit each segment of the monthly compliance report with the signature and printed name of the attesting official. The attesting official shall declare under penalty of

perjury, to the best of his or her knowledge and belief upon reasonable inquiry, that all statements in the pertinent portion of the monthly compliance reports are true and accurate.

16. Expenses of Compliance.

The full expenses of all of the foregoing measures shall be borne by the District of Columbia, in accordance with the Court's Order appointing Ms. Lopes as Special Officer, where applicable.

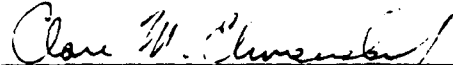
17. Attorneys' Fees and Expenses.

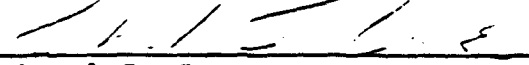
Defendants shall pay plaintiffs' counsel their reasonable attorney's fees and costs associated with bringing this motion and with monitoring compliance with the Court's orders and Consent Decree as amended. The parties are directed to negotiate concerning the amount of such fees and expenses.

  
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June L. Green  
United States District Judge

June 10, 1992  
Date

Consent to and copies to:

  
\_\_\_\_\_  
Clare M. Elmendorf, Esquire  
Covington & Burling  
1201 Pennsylvania Avenue, N.W.  
P.O. Box 7566  
Washington, D.C. 20044

  
\_\_\_\_\_  
Richard S. Love  
Assistant Corporation Counsel, D.C.  
Office of the Corporation Counsel  
Correctional Litigation Section  
1923 Vermont Avenue, N.W.  
Suite NLL-3  
Washington, D.C. 20001

CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of June, 1991,  
I caused copies of the foregoing Joint Motion for Adoption of  
Consent Order Resolving Motion for Contempt on Medical and  
Mental Health Issues and proposed Consent Order to be  
delivered by first-class, postage prepaid mail to:

Grace M. Lopes, Esq.  
Special Officer of the Court  
Suite 400  
1130 - 17th Street, N.W.  
Washington, D.C. 20036

  
Clare M. Elmendorf  
Clare M. Elmendorf