

EXHIBIT A

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

JOHN W. IASIMONE, JR., et al :  
VS. : C.A. NO. 77-0727  
J. JOSEPH GARRAHY, et al :

ORDER

Having considered the pleadings and stipulations filed herein,  
it is hereby

ORDERED, ADJUDGED and DECREED:

1. That the Stipulation (attached hereto) entered into and agreed to among the parties, is approved by the court, and is incorporated into this Order by reference, and is subject to the continuing jurisdiction of the court.

2. Upon substantial compliance with the terms of the Stipulation, any party may move for an order vacating the Stipulation, dismissing the underlying action, final judgment or other applicable relief.

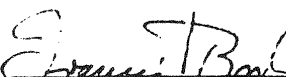
3. Any party may move to modify or vacate the provisions of the stipulation for good cause shown or as otherwise provided under the Federal Rules of Civil Procedure.

4. That the Defendant shall pay the reasonable attorneys' fees and costs of the Plaintiffs.

Per Order,

  
Clerk

ENTER:

  
Francis J. Boyle  
United States District Judge  
District of Rhode Island

April 29, 1982

STIPULATION

WHEREFORE, the parties as hereinafter defined, have been engaged in litigation in the United States District Court for the District of Rhode Island, said litigation identified as Iasimone, et al v. Garrahy, et al, C.A. No. 77-0727, and;

WHEREFORE, the parties are desirous of resolving the instant dispute without protracted litigation, and;

WHEREFORE, by entering this Stipulation neither the State Parties nor any one of them, make any admissions as to the allegations, factual or legal, contained in the Complaint, nor admit that the actions called for in this Stipulation are required by the provisions of any state or federal law or regulation, or the provisions of the Constitution of the United States or the Constitution of the State of Rhode Island, and;

WHEREFORE, the parties recognize that at the time the Complaint was filed the population at the Ladd Center was approximately 750 residents, that the present population at the Ladd Center is approximately 525 residents, and further that over 100 retarded citizens who were never institutionalized are now residing in State supported community residences, and;

WHEREFORE, the parties recognize those changes that have occurred at the Ladd Center, and;

WHEREFORE, it is the intention of the State parties to continue their policies and practices of the past regarding the reduction of the population of Ladd Center and providing for the care and treatment of retarded persons in the State of Rhode Island, and;

WHEREFORE, it is recognized that the Advocate Parties have and will continue to be responsible advocates for the rights of the mentally retarded population of the State of Rhode Island, and have made significant efforts on behalf of that population;

NOW THEREFORE, the parties, with the consent of the Court, stipulate and agree as follows:

1. The parties to this Stipulation shall be:

a) Those persons and organizations named as Plaintiffs in C.A. No. 77-0727, including their representatives, guardians, successors, assigns, agents, officers, employees and affiliates (hereinafter referred to as the "Advocate Parties"), and

(b) Those persons acting in their official capacities and Departments of State government identified as Defendants in C.A. No. 77-0727, including their successors, assigns, agents and employees; however, substituting for any person or persons sued in their official capacity any successor official who, pursuant to the provisions of Fed. R. Civ. P. 25(d), would be automatically substituted therefore in said civil action (hereinafter referred to as the "State Parties").

2. The State parties shall delegate among themselves and their subordinates responsibility for the actions necessary to implement this Stipulation.

3. The Advocate Parties, shall cooperate in good faith

with the State Parties in the implementation of all phases of this Stipulation.

4. This Stipulation applies to all class members. The class is defined as all persons who were residents of Ladd Center, on or after December 1, 1977 to the present.

5. Within their statutory and lawful authority, subject to the provisions of Paragraph 6 of this Stipulation, the State Parties agree to take action necessary to implement the following:

a) The Department of Mental Health, Retardation and Hospitals shall provide services for the development, education, rehabilitation and care to members of the class who are mentally retarded persons, excepting only such members of the class who elect to decline such services. The terms "development, education, rehabilitation and care", and "mentally retarded persons" shall be defined in accordance with the provisions of R.I.G.L. §40.1-22-3. Provided, however, that if under State law or regulation the provision of such services is mandated to be provided to a mentally retarded person by another agency outside of the control of the State parties, this provision of this Stipulation shall not apply.

b) The Department of Mental Health, Retardation and Hospitals will provide annual individualized assessments for members of the class residing in programs operated by the State Parties in accordance with the Title XIX regulations [42 CFR 442.400 Subpart (G)].

c) In accordance with the individualized assessments of those members of the class currently residing at Ladd Center, the

Department of Mental Health, Retardation and Hospitals shall move sufficient persons to community residential placements so that the maximum population at Ladd Center will fall within the following ranges:

Date:	May 1982	July 1982	July 1983	<sup>April 30, 1984</sup> July 1984	July 1985
Population:	525	465 to 485	390 to 410	315 to 335	215 to 240

d) Except as authorized under the provisions of State law relative to emergency admissions, no admission nor re-admission will be made to Ladd Center without an Order of a Court of the State of Rhode Island, pursuant to R.I.G.L. §40.1-22-1 et. seq. The Department of Mental Health, Retardation and Hospitals will continue to make every effort to prevent institutionalization at Ladd Center.

e) The State Parties, through the Division of Retardation, shall maintain the facilities and programs at the Ladd Center in such a manner as to be eligible for continued certification of the Center as an Intermediate Care Facility for the Mentally Retarded (ICF-MR) under Title XIX regulations. Provided, however, that in the event that substantial changes occur in the Title XIX program relating to standards of care for ICF-MR facilities, or relating to federal financial participation in the ICF-MR program, the Department shall promulgate regulations pursuant to R.I.G.L. § 40.1-22-4(5), consistent with standards currently in effect under the Title XIX program.

f) With respect to members of the class who reside at Ladd Center, the State Parties will use their best efforts to provide programs in accordance with the individualized assessments. The term "best efforts" shall be read in connection with the provisions of Paragraph 6 of this Agreement.

g) During the process outlined above, priority will be given to children residing at Ladd Center, except when otherwise indicated within an individual's annual assessment.

h) On or before <sup>March 15</sup> [January 1,] 1985, the State Parties shall provide to the Advocate Parties a plan relative to <sup>385-401 2/25/84</sup> future reductions in the population at Ladd Center and the time frames therefore, reflecting the intention of the State Parties to continue to provide those remaining residents of Ladd Center with individualized assessments as called for in Paragraph 5(b) of this Stipulation. In accordance with those assessments and resources available to the Division of Retardation, the Department of Mental Health, Retardation and Hospitals intends to provide additional community placements consistent with the standards set forth in Paragraph 5(a) of this Stipulation.

6. The State Parties shall make good faith efforts to obtain the approval of the General Assembly for all appropriations necessary to implement the provisions of this Stipulation. If after the State Parties have engaged in such good faith efforts, the appropriations and capital development funds to the Division of Retardation are insufficient to meet any one or more of the provisions of this Stipulation, the State Parties' obligations relative to such provision or provisions shall be considered null and void. Provided, however, it is expressly understood that the Advocate Parties make no admission, nor should be deemed to consent to the fact that insufficient appropriations or capital development funds, constraints, or failure of the legislature to fund this Stipulation in any way preclude the Advocate Parties from applying to the Court

for relief independent of this Stipulation under Iasimone, et al v. Garrahy, et al. In any such application, the Advocate Parties expressly reserve the right to raise any violations of Constitutional and/or statutory rights.

7. Reasonable access shall be given to the Advocate Parties through their designated representatives in order to monitor compliance with this Stipulation. For purposes of such monitoring the Advocate Parties, through counsel, shall designate the names of authorized representatives within sixty (60) days after entry of the Order in Iasimone, et al v. Garrahy, et al. The State Parties will receive reasonable advance notice of any changes in the list of authorized representatives. Access to confidential health care information shall be governed by the provisions of R.I.G.L. 5-37.3-1 et seq. and Title XIX regulations [42 CFR 442.502].

8. The parties agree to meet and confer to make reasonable efforts to resolve any difference with respect to compliance with this stipulation prior to any application to the Court for relief.

IN WITNESS WHEREOF, the parties hereto by and through their counsel have caused this instrument to be executed this day of \_\_\_\_\_, 1982.

For the Advocate Parties:

S. Arlene Violet, Esq.  
S. Arlene Violet, Esq.

Paul Jameson, Esq.  
Paul Jameson, Esq.

For the State Parties:

Allen P. Rubine, Esq.  
Allen P. Rubine, Esq.  
Special Assistant Attorney General

Deborah Clarke, Esq.  
Deborah Clarke, Esq.  
Legal Counsel  
Department of Mental Health,  
Retardation & Hospitals