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UNITED STATES DISTRICT COURT

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FOR THE WESTERN DISTRICT OF TENNESSEE

ROBERT L. GIBSON
CLERK OF DISTRICT COURT
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF TENNESSEE, et al.,)
)
 Defendants.)

Civil Action No.
92-2062-M1a

EMERGENCY ORDER

After holding a hearing by telephone conference call with the parties and the Court Monitor on June 30, 1995, and upon consideration of the Court Monitor's Expert Developmental Medicine Physician's report (Exhibit 1), this Court orders that Defendants take the emergency measures listed below at the Arlington Developmental Center. The provisions of this Order are effective June 30, 1995, and include action already begun by Defendants.

1. Within 48 hours, Defendants shall retain a Developmental Medicine Physician to be full-time at Arlington Developmental Center. This physician shall be approved by the Court Monitor's Developmental Medicine Physician Consultant.

2. The duties of the Developmental Medicine Physician shall include, but not be limited to, the following:

a. With the Developmental R.N., thoroughly evaluate, develop a comprehensive treatment plan, and clinically oversee the care of all critically ill or critically-at-risk individuals (physically or mentally) identified by the Medical Director;

b. With the Medical Director, oversee the provision of all medical care at the facility, including monitoring of care delivered by on-call physicians, nurse practitioners and consultants and training all physicians in the medical care of developmentally disabled individuals;

c. Participate in the Nutritional Management Program for Nutritionally-at-Risk individuals, including assessment of individuals, attending Nutritional Management meetings as appropriate and monitoring the effectiveness of treatment plans;

d. Work closely with the psychiatrist and Chief of Psychology for individuals with severe behavior/psychiatric disorders who are at significant risk of harm;

e. With the Medical Director, establish written agreements with hospitals and emergency medical service providers regarding acutely ill individuals;

f. With the Medical Director, monitor the care provided in acute care hospitals and assure adequate communication regarding Arlington residents' medical needs and treatment;

g. With the Medical Director, assure that no Do Not Resuscitate ("DNR") orders are issued inappropriately, and that DNR orders and treatment decisions are not based upon an individual's degree of retardation.

3. In addition to the Developmental Medicine Physician, and the Medical Director, Defendants shall have on duty within two weeks four primary care physicians. These physicians must be approved by the Court Monitor's Developmental Medicine Physician Consultant.

4. Defendants shall immediately retain the services of additional physicians for night coverage.

5. Within one week, Defendants shall retain the services of a full-time psychiatrist.

6. Defendants shall retain two Developmental Nurses approved by the Court Monitor's Nurse Consultant. The duties of Developmental Nurses shall include, but not be limited to the following:

a. With the Developmental Medicine Physician, thoroughly assess, treat, and monitor individuals identified as critically ill (physically or mentally), who have been identified by the Medical Director, Remedial Order Facilitator or Assistant Superintendents;

b. Evaluate and monitor on request by the Developmental Medicine Physician, individuals experiencing acute events and assist the IDT in determining appropriate treatments and precautions;

c. Examine nursing assignments and reassign available nurses, as needed, to achieve desired citizen outcomes, with every nurse on staff except the Nurse Educator and the Infection

Control Nurse, responsible for some direct citizen care during their assigned shifts;

d. Attend Nutritional management Team meetings and evaluate selected individuals;

e. Assist individuals to eat with one accompanying nurse, at three mealtimes per week, in a total of three different homes on grounds;

f. Assist the Nurse Educator in developing and implementing training in developmental nursing competencies in addition to medication administration, and spot-monitoring of safe, appropriate medication administration to individuals with developmental disabilities.

7. Defendants shall contract with two Developmental Nurse Consultants within two weeks.

8. Defendants shall hire to the capacity of one hundred thirty-six (136) nurses as called for by the Plan of Correction agreed to on April 12, 1995. To carry out this recruitment effort, the Central Office will temporarily assign Pat Womack to Arlington. Nurses, not developmental technicians, must monitor the progress of residents whose conditions are critical.

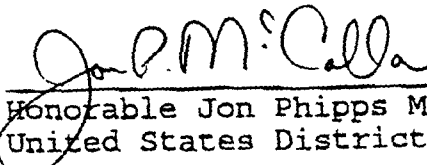
9. Defendants shall negotiate written agreements with hospitals within sixty days.

10. Defendants shall negotiate written agreements with emergency medical service providers within sixty days.

11. The Commissioner will identify and empower a single individual acceptable to the Court Monitor to be accountable for the accomplishment of each of these emergency motions. These individuals will report in writing on their progress every two (2) days to the Court Monitor who will keep the Court and the United States informed of their progress.

12. Until Defendants have retained a Developmental Medicine Physician in compliance with the Remedial Order and the Court Monitor's Developmental Physician advises the Court that these emergency measures have stabilized physician services at Arlington, a state of medical emergency with heightened scrutiny by the Court will continue and additional remedies may be imposed.

The above is HEREBY ORDERED this 3 day of July, 1995.


Honorable Jon Phipps McCalla
United States District Judge