

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
THE DISTRICT OF COLUMBIA,)
Honorable Vincent C. Gray,)
Mayor, District of Columbia,)
in his official capacity only;)
DEPARTMENT OF MENTAL HEALTH,)
Stephen T. Baron, Director,)
Department of Mental Health,)
in his official capacity only;)
and SAINT ELIZABETHS HOSPITAL,)
Patrick J. Canavan,)
Chief Executive Officer,)
Saint Elizabeths Hospital,)
in his official capacity only)
Defendants.)

Civ. No. 07-889 (TFH)

FILED

OCT 26 2011

Clerk, U.S. District & Bankruptcy Courts for the District of Columbia

MODIFIED SETTLEMENT AGREEMENT

- A. This Modified Settlement Agreement (the "Agreement" or "Modified Agreement" is entered into between the United States and the District of Columbia, the District of Columbia Department of Mental Health, and St. Elizabeths Hospital (collectively, "the District").
B. This Agreement modifies the original Settlement Agreement ("Original Agreement"), that the United States Department of Justice ("United States") and the District entered to resolve the United States' investigation of St. Elizabeths Hospital ("SEH" or "Hospital") pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997. This Court entered the Original Agreement on June 25, 2007.

- C. Since the United States and the District entered into the Original Agreement, the District has made substantial progress in remedying the problems the United States identified in its May 23, 2006, letter to the District summarizing its investigative findings. The parties have worked collaboratively to implement the Original Agreement, and agree that it is in their mutual interest and the interests of the individuals in SEH's care to continue doing so.
- D. The parties thus agree to modify the Original Agreement as set forth in this Agreement.
- E. The Effective Date of this Agreement shall be the date that the United States District Court for the District of Columbia enters an order adopting this Agreement as a modification to the parties' Original Agreement.
- F. By 12 months from the Effective Date of the Modified Agreement, the District shall obtain substantial compliance with the following provisions contained in the Original Agreement:
 - 1. V.A.2.b
 - 2. V.A.2.c
 - 3. V.A.2.e
 - 4. V.B.5
 - 5. V.B.7
 - 6. V.B.9
 - 7. V.C.2
 - 8. V.C.6
 - 9. V.C.7
 - 10. V.D.1
 - 11. V.D.2
 - 12. V.D.3
 - 13. V.D.4
 - 14. V.D.5
 - 15. V.E.1
 - 16. V.E.3
 - 17. VI.A.1
 - 18. VI.A.2
 - 19. VI.A.6.a
 - 20. VI.A.6.d
 - 21. VI.B.1
 - 22. VI.B.2.c
 - 23. VI.B.5
 - 24. VI.D

25. VII.A
26. VII.A.1
27. VII.A.3
28. VII.A.4
29. VII.C
30. VII.C.1
31. VII.D
32. VII.E
33. VIII.A.1.d
34. VIII.A.1.e
35. VIII.A.2.b.iv
36. VIII.B.1.a
37. VIII.B.1.e
38. VIII.B.1.f
39. VIII.B.2
40. VIII.B.3
41. VIII.B.4.e
42. VIII.D.2
43. VIII.D.3
44. VIII.D.4
45. VIII.D.6
46. VIII.D.8
47. VIII.D.9.a
48. VIII.D.9.b
49. VIII.D.9.c
50. VIII.D.11
51. X.A.1
52. X.A.2
53. X.B.1
54. X.B.2
55. X.C.6
56. X.C.7
57. X.C.8
58. X.E
59. X.F.1
60. X.F.2
61. X.F.3
62. X.G
63. XI
64. XII.A
65. XII.A.2
66. XII.A.3
67. XII.B

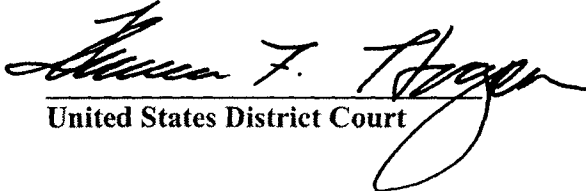
- 68. XII.B.4
- 69. XII.C
- 70. XII.E
- 71. XII.E.2
- 72. XII.E.3
- 73. XIII.B
- 74. XIII.B.1
- 75. XIII.B.2
- 76. XIII.B.3
- 77. XIII.C
- 78. XIII.C.1
- 79. XIII.C.2
- 80. XIII.C.3
- 81. XIII.D

- G. The following text will replace the language contained in provision VIII.D.1 of the Original Agreement:
 - 1. The Hospital will develop and implement clinical audits and oversight to ensure changes in physical status are identified and treated.
 - 2. The District shall obtain substantial compliance with modified provision VIII.D.1 within 12 months of the Effective Date of this Agreement.
- H. The provisions listed in Section F and G above shall collectively be referred to as the Retained Provisions.
- I. All parties stipulate to the dismissal of the remaining provisions contained in Parts V-XIV of the Original Agreement.
- J. The United States District Court for the District of Columbia shall have continuing jurisdiction over enforcement of this Agreement and the Original Agreement as modified by this Agreement until the District reaches sustained compliance with the Retained Provisions for a period of one year. If the District is able to reach sustained compliance with certain provisions of the Agreement for a period of one year, the United States will no longer monitor or require evaluation of such provisions. If the parties agree that the District is in sustained compliance with each of the Retained Provisions, and has maintained sustained compliance for at least one year, the parties may file a joint motion to dismiss with the Court. Noncompliance with mere technicalities, or temporary failure to comply during a period of otherwise sustained compliance, shall not constitute failure to maintain sustained compliance. At the same time, temporary compliance during a period of otherwise sustained noncompliance, shall not

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constitute sustained compliance. This paragraph modifies provision XVI.K of the Original Agreement.

SO ORDERED this 20 day of October, 2011.


United States District Court

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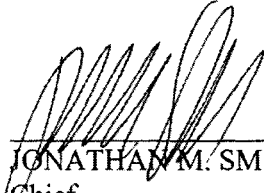
AGREED TO BY THE UNDERSIGNED:

Dated this 13th day of October, 2011.

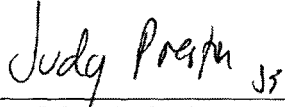
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