

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CIV 07-00470 WJ/DJS

THE STATE OF NEW MEXICO, and
ALFREDO VIGIL, Secretary, Department
of Health, in his Official Capacity, only

Defendants.

**JOINT MOTION TO ACCEPT CORRECTIVE ACTION PLAN
AS ORDER OF THE COURT**

Pursuant to Paragraph 3 of the Court's Order of May 28, 2009, the Plaintiff, the United States of America, and the Defendants, the State of New Mexico, and Alfredo Vigil, Secretary, Department of Health, hereby jointly present for the Court's approval the attached Corrective Action Plan ("CAP"). The CAP addresses areas of non-compliance with the Court's May 16, 2007 Settlement Agreement concerning conditions of resident care and treatment at the Ft. Bayard Medical Center ("Ft. Bayard").

The CAP sets forth actions, identifies the Ft. Bayard staff responsible for implementing those actions, and provides the current status of the State's efforts to implement those actions. Attached to the CAP are a series of policies and procedures and other documents that relate to, and provide further detail, about the action steps required by the CAP and are incorporated into the CAP by reference. The Parties recognize that these policies and procedures may be further refined and have agreed to work cooperatively on any further refinements.

The United States and its expert consultants have reviewed the CAP and attachments and agree that they are appropriate to address the areas of deficiency at Ft. Bayard.

Therefore, the Parties respectfully request the Court to enter the CAP as an order of the Court. A proposed Order will be provided by email.

Respectfully submitted,

FOR THE STATE OF NEW MEXICO

FOR THE UNITED STATES

Approved 7/30/2009
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Filed electronically 8/4/09
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