

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

EDWARD BRAGGS, et al.,)
)
 Plaintiffs,)
)
 v.)
)
 JEFFERSON S. DUNN, in his)
 official capacity as)
 Commissioner of)
 the Alabama Department of)
 Corrections, et al.,)
)
 Defendants.)

CIVIL ACTION NO.
2:14cv601-MHT
(WO)

PHASE 2A ORDER AND INJUNCTION ON MENTAL-HEALTH
IDENTIFICATION AND CLASSIFICATION REMEDY (CODING)

On April 23, 2018, the parties submitted stipulations to the court regarding mental-health intake. In open court on April 24, 2018, they agreed that the stipulations should be reduced to an enforceable order and further agreed to some clarifications of the stipulations. Accordingly, it is the ORDER, JUDGMENT and DECREE of the court as follows:

(1) The stipulations (doc. no. 1779), as clarified in open court on April 24, 2018, and as attached this order, are approved.

(2) Defendants Jefferson Dunn and Ruth Naglich are ENJOINED and RESTRAINED from failing to comply with the attached provisions, as clarified in open court on April 24, 2018 and as attached this order.

DONE, this the 25th day of April, 2018.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE

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Commissioner of)	
the Alabama Department of)	
Corrections, et al.,)	
)	
Defendants.)	

ATTACHMENT

The parties agree to submit the following stipulations to the court regarding (a) the ADOC's mental health coding system, and (b) the implementation of the SMI flag and new MH coding system (the "Stipulation"):

1. Serious Mental Illness ("SMI")

1.1. The parties' prior stipulations regarding the SMI designation or flag are set forth in the Order dated March 30, 2018. Doc. No. 1720.

1.2. Because the court accepts this Stipulation in resolution of the issues pertaining to the ADOC's SMI designation or flag:

1.2.1. By July 1, 2018, ADOC will begin assessing all incoming inmates to determine whether they should be designated as experiencing a "serious mental illness" as defined above and assigning the SMI designation as part of the intake process.

1.2.2. ADOC shall assess all inmates on the mental health caseload and, to the extent clinically indicated, assign the SMI designation no later than September 30, 2018.

1.2.3. For the purpose of implementation of this Stipulation, inmates who carry a diagnosis in the ADOC of any Psychotic Disorder, Bipolar Disorders, or Major Depressive Disorder can be automatically assigned the SMI designation based upon their diagnosis, rather than upon an individualized SMI evaluation.

1.2.4. Beginning July 1, 2018, all inmates on the mental health caseload shall undergo evaluation for an SMI Designation during their next scheduled treatment team meeting.

1.2.5. Any inmate assigned to restrictive housing who has not undergone a screening for an SMI Designation shall undergo screening, as described in the pre-placement screening protocol developed by Drs. Burns and Perrien, prior to placement in restrictive housing, and shall within 7 days of placement in restrictive housing, have the 7-day mental health assessment described by Drs. Burns and Perrien.

1.2.6. Until such time as ADOC develops the technological capability to include the SMI designation in IMAS or other ADOC software, mental health staff shall report to ADOC each week the individuals at each facility who have the SMI designation. The listing of inmates at each facility with an SMI designation shall be

provided on a weekly basis to the Warden of the respective facilities, who shall determine who, among the facility staff, must be provided with the list to ensure compliance with the Stipulation.

2. Revised Mental Health Coding

2.1. New Coding System: The ADOC shall implement a mental health coding system, consisting of the following mental health codes:

2.1.1. Mental Health Code A: assigned to inmates who are not currently receiving ongoing mental health service and are not on the caseload;

2.1.2. Mental Health Code B: assigned to inmates who require outpatient mental health services at intervals of _____,¹ and have demonstrated stable coping skills for a period of six months or more and can be housed in facilities that do

1. The applicable interval shall be determined by the court after hearing evidence and argument during the Psychotherapy Remedial trial.

not provide daily on-site coverage by mental health staff;

2.1.3. Mental Health Code C: assigned to inmates who require outpatient mental health services at intervals of 30 to 60 days, have any diagnosed mental disorder (excluding substance use disorders) currently associated with an impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person's ability to meet the ordinary demands of living and must be housed in facilities that provide daily on-site coverage by mental health;

2.1.4. Mental Health Code D: assigned to inmates who are receiving chronic or acute mental health services and require placement in a specialized housing unit;

2.1.5. Any inmate's assigned Mental Health Code shall be reviewed and revised, as appropriate, by the

inmate's treatment team at each treatment team meeting.

2.2. Implementation of Revised Mental Health Coding:

because the court accepts this Stipulation in resolution of the issues pertaining to the ADOC's mental health coding system, the ADOC shall implement the mental health coding system, as defined in Section 2, above, consistent with the following:

2.2.1. ADOC shall begin using the Revised Mental Health Coding System for inmates arriving through the intake process beginning no later than the latter of: January 1, 2019, or one hundred twenty (120) days after the court issues its Remedial Order on Psychotherapy setting the interval of care for inmates assigned to Mental Health Code B.

2.2.2. On or before April 1, 2019, all inmates on the mental health caseload shall be re-coded pursuant to the Revised Mental Health Coding

System. This shall occur during their next scheduled treatment team meeting.

2.2.3. All inmates currently coded as MH-0 shall be converted to Mental Health Code A under the Revised Mental Health Coding System, though such coding shall be reconsidered at the time of referral for evaluation and/or in the event of an assessment by a member of the mental health staff.