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IN THE UNITED STATES DISTRICT COURTS
FOR THE EASTERN DISTRICT OF CALIFORNIA
AND THE NORTHERN DISTRICT OF CALIFORNIA

RALPH COLEMAN, et al.,

Plaintiffs,

No. CIV S-90-0520 LKK JFM P (E.D. Cal.)

v.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

MARCIANO PLATA, et al.,

Plaintiffs,

No. C 01-1351 TEH (N.D. Cal.)

v.

ARNOLD SCHWARZENEGGER,
et al.,

Defendants.

CARLOS PEREZ, et al.,

Plaintiffs,

No. C 05-5241 JSW (N.D. Cal.)

v.

MATTHEW CATE, et al.,

Defendants.

1 JOHN ARMSTRONG, et al.,

2 Plaintiffs,

No. C 94-2307 CW (N.D. Cal.)

3 v.

4 ARNOLD SCHWARZENEGGER,
5 et al.,

ORDER TO SHOW CAUSE

6 Defendants.
7 _____/

8 The Receiver in Plata, the Special Master in Coleman, and the Court Representatives in
9 Perez and Armstrong have presented to the judges in the above-captioned cases an agreement
10 that they have reached during the coordination meetings that they have held to date. The
11 agreement, which is attached to this order, is presented to the undersigned for review and
12 approval.

13 Good cause appearing, IT IS HEREBY ORDERED that the parties in the above-
14 captioned cases are granted until January 30, 2009, to show cause why the attached agreement
15 should not be adopted as an order of the court. Any response to this order to show cause shall be
16 filed in each of the above-captioned cases and served on all of the parties to all of the cases and
17 on the Receiver, the Special Master, and the Court Representatives. Thereafter, the request for
18 approval of the agreement will be taken under submission for individual and joint consideration
19 by the undersigned.

20
21 **IT IS SO ORDERED.**

22
23 Dated: 01/15/09



24 LAWRENCE K. KARLTON
25 SENIOR UNITED STATES DISTRICT JUDGE
26 EASTERN DISTRICT OF CALIFORNIA

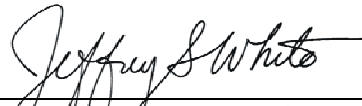
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Dated: 01/15/09



THELTON E. HENDERSON
SENIOR UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

Dated: 01/15/09



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

Dated: 01/15/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF CALIFORNIA

1 Health Care Administrative Appeals
2 Coordination Agreement

3 In May 2007, the Receiver filed his first Plan of Action. One of the objectives of the plan
4 of action was to “[r]edesign, pilot and implement a credible complaint and appeal process that is
5 efficient, responsive and effective in achieving rapid resolutions.” To achieve this objective a
6 plan of action was developed which included: 1) conducting a statewide analysis of the current
7 appeals process, 2) conducting stakeholder meetings, 3) drafting new policies and procedures,
8 and 4) developing a new process map that outlined the proposed Health Care Appeals,
9 Correspondence and Patient Advocacy (HCACPA) Program. This objective was incorporated
10 into the Receiver’s Turnaround Plan of Action which was filed with the *Plata* court on June 6,
11 2008. The Court approved the Receiver’s Turnaround Plan of Action on June 16, 2008.

12 A statewide analysis of the current appeals process was completed and a series of four
13 stakeholder meetings and two focus group meetings were conducted. Participants in the
14 stakeholder meetings included representatives from the Prison Law Office, Rosen, Bien, and
15 Galvan, the *Perez* Court Experts, and representatives of the Coleman Special Master, Inmate
16 Appeals Branch (IAB), Office of the Attorney General, CDCR Office of Court Compliance,
17 CDCR Office of Legal Affairs, CDCR Division of Correctional Health Care Services and
18 California Prison Health Care Services (CPHCS) staff. As a result of the stakeholder and focus
19 group meetings, a list of recommended revisions to the current health care appeals process was
20 submitted and approved by the stakeholders. Once approved, the recommended revisions were
21 submitted to the Receiver’s Chief of Staff for approval. The recommended revisions were
22 approved on June 16, 2008, and have been rolled out as a pilot program at four institutions
23 (Central California Women’s Facility, Mule Creek State Prison, Pelican Bay State Prison and
24 San Quentin State Prison), beginning on November 1, 2008. Once the pilot program has been
25 completed and assessed, recommendations will be submitted to the Receiver and the court
26 representatives for the *Armstrong*, *Coleman* and *Perez* cases for statewide implementation.

27 To determine whether to complete the transition of all health care appeals from custody
28 to the California Prison Health Care Services (CPHCS), staff is currently conducting an analysis
29 of the Americans with Disabilities Act (ADA) appeals process including a review of the current
30 *Armstrong* Remedial Plan, forms and past appeal responses. Once the analysis is completed,
31 CPHCS staff will reconvene the task force, comprised of the stakeholders listed above and the
32 *Armstrong* Court Expert, to discuss issues and possible changes to the current ADA Health Care
33 Appeals process. The task force recommendations will also address all current *Armstrong* court
34 orders and will be submitted to the Class Action Coordination group (also known as the
35 coordinating group or the coordinating parties) for comment.

36 The Receiver will assume responsibility for the new statewide health care appeals
37 program. To accomplish the initiatives described above, the Receiver has determined a need to
38 request a waiver of state law regarding the governance and process of administrative appeals
39 related to health care concerns. The request for waiver will only address those regulations which
40 fall under Title 15, California Code of Regulations, section 3084, et seq.