

SUPERIOR COURT OF THE STATE OF CALIFORNIA

AUG 14 2002

IN AND FOR THE COUNTY OF SAN FRANCISCO

GORDON PARK-LI, Clerk
BY: [Signature]
Deputy Clerk

DIANE BUDD, M.D., and WILLIAM-ZAKEE MCGILL, M.D., as individuals and taxpayers,

Plaintiffs,

v.

STEVEN CAMBRA, JR., in his official capacity as Acting Director, California Department of Corrections, SUSANN J. STEINBERG, M.D., in her official capacity as Deputy Director, California Department of Corrections Health Care Services Division; and DOES 1 through 50 inclusive,

Defendants.

Case No. 319578

ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND PERMANENT INJUNCTION AND ENTERING JUDGMENT

Hearing

Date: August 2, 2002

Time: 9:30 a.m.

Dept.: 302

HONORABLE A. JAMES ROBERTSON II

Action Filed: March 13, 2001

Trial Date: None

Pursuant to this Court's order granting plaintiffs' motion for summary judgment, the Court hereby finds that defendants are not in compliance with licensing requirements for health care facilities providing inpatient health services to that portion of the inmate population who do not require a general acute care level of basic services, in violation of Health and Safety Code sections 1253.

Therefore, IT IS HEREBY ORDERED that:

1. Except as specifically stated in this order, defendants, their agents, employees and successors in interest are enjoined from providing inpatient health services to that portion of the inmate population who do not require a general acute care level of basic services in any unlicensed "health facility," as that term is defined in section 1250 of the Health and Safety Code, and in any "outpatient housing unit," as that term is defined in Code of Regulations Title 22, section 79555, a definition adopted by defendants and which is hereby deemed to apply to them. However, to facilitate safe transfer of prisoners, defendants may provide inpatient health

1 services to that portion of the inmate population who do not require a general acute care level of
2 basic services in an outpatient housing unit for up to, but no more than, twenty-four (24) hours
3 after the doctor, psychiatrist, or psychologist refers the inmate for transfer to a facility permitted
4 to provide inpatient health services. When inpatient health services are first provided, medical
5 staff shall promptly inform custody staff of the need to transfer the prisoner to a licensed facility
6 capable of providing the necessary level of care.

7 2. Defendants may provide inpatient health services to that portion of the inmate
8 population who do not require a general acute care level of basic services at the Correctional
9 Treatment Centers located at California State Prison-Sacramento and Pelican Bay State Prison
10 until October 31, 2002.

12 3. Defendants may provide inpatient health services to that portion of the inmate
13 population who do not require a general acute care level of basic services at the Correctional
14 Treatment Center located at California State Prison-Los Angeles County until
15 November 30, 2002.

17 4. Defendants may provide inpatient health services to that portion of the inmate
18 population who do not require a general acute care level of basic services at the Correctional
19 Treatment Center located at Richard J. Donovan Correctional Facility until January 29, 2003,
20 provided that throughout that time defendants transfer any prisoner requiring inpatient health
21 services to a licensed community health care facility whenever the Correctional Treatment Center
22 at Richard J. Donovan Correctional Facility cannot provide substantially equivalent care to that
23 provided at a licensed inpatient health care facility. Any such transfer shall take place within
24 twenty-four (24) hours after the doctor, psychiatrist, or psychologist refers the inmate for transfer
25 to a facility permitted to provide inpatient health services. When inpatient health services are
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1 first provided, medical staff shall promptly inform custody staff of the need to transfer the
2 prisoner to a licensed facility capable of providing the necessary level of care.

3 5. Defendants may provide inpatient health services to that portion of the inmate
4 population who do not require a general acute care level of basic services at the Correctional
5 Treatment Center located at Centinela State Prison until April 30, 2003.

6 6. Defendants may provide inpatient health services to that portion of the inmate
7 population who do not require a general acute care level of basic services at the Correctional
8 Treatment Center located at Mule Creek State Prison until June 30, 2003.

9 7. Defendants may provide inpatient health services to that portion of the inmate
10 population who do not require a general acute care level of basic services at the Correctional
11 Treatment Center located at North Kern State Prison until July 31, 2003.

12 8. Defendants may provide inpatient health services to that portion of the inmate
13 population who do not require a general acute care level of basic services at the Correctional
14 Treatment Center located at California Institute for Women until November 30, 2003.

15 9. Defendants may provide inpatient health services to that portion of the inmate
16 population who do not require a general acute care level of basic services at the Correctional
17 Treatment Center located at California State Prison-Solano until June 30, 2004, provided that
18 throughout that time defendants transfer any prisoner requiring inpatient health services to a
19 licensed community health care facility whenever the Correctional Treatment Center at
20 California State Prison-Solano cannot provide substantially equivalent care to that provided at a
21 licensed inpatient health care facility. Any such transfer shall take place within twenty-four (24)
22 hours after the doctor, psychiatrist, or psychologist refers the inmate for transfer to a facility
23 permitted to provide inpatient health services. When inpatient health services are first provided,
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1 medical staff shall promptly inform custody staff of the need to transfer the prisoner to a licensed
2 facility capable of providing the necessary level of care.

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4 10. Defendants may provide inpatient health services to that portion of the inmate
5 population who do not require a general acute care level of basic services at the Correctional
6 Treatment Center located at Ironwood State Prison until 210 days after completion of
7 construction of the Correctional Treatment Center. Within 30 days of the award of the bid for
8 construction for this Correctional Treatment Center, defendants shall confer with plaintiffs and
9 together determine, and notify the Court of, a specific date for compliance.

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11 11. Either party may move the Court to modify this order. However, neither party may
12 move for modification without first meeting and conferring with the opposing party in a good
13 faith effort to informally resolve any dispute. Both parties reserve the right to object to any
14 proposed modification.

15 12. The Court shall retain jurisdiction to enforce the terms of this Order.

16 The Court hereby ENTERS judgment in this action in favor of plaintiffs.

17 IT IS SO ORDERED.

18 Dated: August 14, 2002

19 
20 Honorable A. James Robertson II
21 Judge of the Superior Court

22 Approved as to form.

23 Dated:

24 Michael J. Williams
25 Deputy Attorney General
26 Attorney for Defendants