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Deputy Clerk

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 IN AND FOR THE COUNTY OF
13 SAN FRANCISCO

14 **DIANE BUDD, M.D., and WILLIAM-ZAKEE**
15 **McGILL, M.D,**
16 Plaintiffs,
17 v.
18 **STEVEN CAMBRA, JR., et al.**
19 Defendants.

CASE NO. 319578

**STIPULATED
MODIFICATION TO THE
ORDER GRANTING
PLAINTIFFS' MOTION FOR
SUMMARY JUDGMENT AND
PERMANENT INJUNCTION
AND ENTERING
JUDGEMENT**

22 WHEREAS on November 15, 2002, the Court issued a permanent injunction and
23 entered judgment enjoining defendants, their agents, employees and successors in interest from
24 providing inpatient health services to that portion of the inmate population within the California
25 Department of Corrections and Rehabilitation (CDCR) who do not require a general acute level
26 of care of basic services in any unlicensed "health facility," as that term is defined in
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1 section 1250 of the Health and Safety Code, and in any "outpatient housing unit," as that term is
2 defined in Code of Regulations Title 22, section 79555^u. Under the terms of this order,
3 defendants were permitted to 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 (CTC) located at North Kern State Prison (NKSP) until July 31, 2003.
6 Likewise, defendants were permitted to provide this type of care at the CTC located at California
7 State Prison- Solano (CSP/Solano) until June 30, 2004, provided that throughout that time
8 defendants transfer any prisoner requiring inpatient health services to a licensed community
9 health care facility whenever the CTC at CSP/Solano could not provide substantially equivalent
10 care to that provided at a licensed inpatient health care facility.

11 WHEREAS NKSP has a renovated CTC containing 16 patient beds, 10 of which are
12 identified for mental health treatment program patients. Under the terms of the *Budd* order, no
13 patients have been admitted into this facility. In mid-July, CDCR attempted to obtain a license
14 for the CTC at NKSP. The Department of Health Services (DHS) performed a licensing
15 inspection at NKSP which resulted in a report, dated August 5, 2005 identifying areas of non-
16 compliance. NSKP has developed a corrective action plan and is currently working to rectify the
17 identified deficiencies. DHS is currently performing its licensing inspection.

18 WHEREAS CSP/Solano has a renovated CTC containing 15 patient beds, 13 of which
19 are identified for mental health treatment program patients. Under the terms of the *Budd* order
20 and with the approval of counsel, the institution utilized the CTC for their inmates only while the
21 institution prepared for licensure which was originally anticipated to be complete by July 2005.
22 In June of 2005, a major mechanical failure of the CTC's heating and air conditioning unit
23 delayed the July 2005 licensure. Replacement of the heating and air conditioning and other
24 minor repairs were completed on September 23, 2005. Upon completion of this minor
25 construction inmates needing CTC level of care were returned to the CTC.

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28 1. For the convenience of the Court, a copy of the Order Granting Plaintiffs' Motion For
Summary Judgment and Permanent Injunction And Entering Judgment is attached as Exhibit A.

1 CSP Solano has submitted their application for licensure to the DHS and are scheduled
2 for a licensing inspection on January 15, 2006.

3 WHEREAS the California Department of Corrections and Rehabilitation (CDCR) is
4 presently faced with a critical shortage of beds for inmates in need of acute inpatient mental
5 health services. As a result of this shortage, the Department has been treating some of its most
6 seriously mentally disordered inmates in inappropriate alternative housing, including Outpatient
7 Housing Units, non-medical holding and observations cells, and administrative segregation cells.
8 (See Letter from J. Michael Keating to Penny Godbold and Sandra L. Lusich, dated August 31,
9 2005, attached as Exhibit A.)

10 WHEREAS because of the critical shortage of beds and the inappropriate alternative
11 housing of seriously mentally disordered inmates, the parties have agreed to modify the *Budd*
12 injunction. The Department will be permitted to house and treat inmate patients with acute
13 inpatient mental health needs in the renovated unlicensed CTCs at NKSP and CSP/Solano State
14 Prison until February 1, 2006.

15 WHEREAS the DHS has been informed of the parties' intention and the proposed
16 stipulation.

17 THE PARTIES STIPULATE AS FOLLOWS:

18 1. The Department may utilize the CTC at NKSP until February 1, 2006, to house and
19 treat inmates with acute inpatient mental health needs to full capacity whether the inmates come
20 from within the facility or other CDCR institutions effective immediately upon the Court's
21 approval of this order.

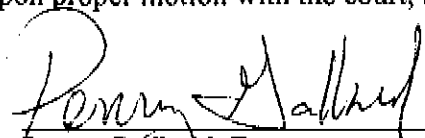
22 2. The Department may utilize the CTC at CSP/Solano until February 1, 2006, to
23 house and treat inmates with acute inpatient mental health needs to full capacity whether the
24 inmates come from within the facility or other CDCR institutions effective immediately upon the
25 Court's approval of this order.

26 3. The Department agrees that any patient removed from the renovated CTC at
27 CSP/Solano and NKSP prior to or during the DHS licensing inspection will be placed in a
28 licensed bed.


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4. The parties reserve the right to, upon proper motion with the court, seek to modify all court orders in this case.

Dated: 10/3/05

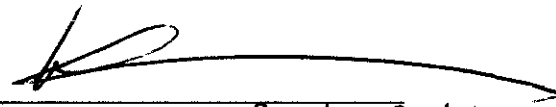

Penny Godbold, Esq.
Prison Law Office
Attorneys for Plaintiffs

Dated: 10/3/05


Sandra L. Lusich
Deputy Attorney General
Attorneys for Defendants

IT IS SO ORDERED.

Dated: 11/14/05


~~A. James Robertson, II~~ Ronald E. Quidachay
Presiding Judge, Superior Court

Stipulated Modification Of Court's Order 8- 11-3-05.wpd