

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 77-C-1093

FIDEL RAMOS, et al.,

Plaintiffs,

v.

RICHARD LAMM, et al.,

Defendants.

83 MAR 30 P2:

MODIFICATION OF AMENDED [MASTER] CONSENT ORDER

The parties have asked the Court to modify the Amended [Master] Consent Order entered by this Court on March 21, 1989, as set out below. The provisions of the 1985 Consent Order, as well as prior orders entered by the Court in this case, remain in full force and effect to the extent that they are not inconsistent with this order and previous orders of Court including the referenced Amended [Master] Consent Order.

Policies Relating To Testing And Treatment For The Human Immuno-deficiency Virus (HIV).

1. Defendant shall discontinue their current policy of testing all incoming inmates into the Department of Corrections for HIV. Defendants shall discontinue their general policy of segregating HIV positive inmates into their own residential living units, and agree to integrate, to the greatest extent possible, all such HIV positive inmates into the general population.

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To the extent that an inmate is segregated consistent with this policy, he shall be eligible for review and reclassification pursuant to Department of Corrections Regulations 202-1 and 203-1 along with all other inmates.

2. Defendants shall test for the presence of HIV when requested to by inmates, when such tests are medically indicated, or when defendants have reasonable suspicion, documented in the record, that an inmate has engaged in high risk behavior as defined by the Centers For Disease Control. Defendants shall take appropriate medical action and provide adequate treatment when an inmate is found to be HIV positive.

3. This policy contemplates three different classes of HIV positive inmates:

- a) inmates who are mainstreamed in the prison population;
- b) inmates who are housed separately, but integrated to the greatest extent possible into the general prison population;
- c) inmates who have engaged in high risk behaviors and have been administratively segregated.

Further, the defendants will house and treat any inmate in a medically appropriate manner who is actually suffering from ARC or AIDS.

4. Defendants shall take all steps necessary to protect the confidentiality of the medical information of HIV positive inmates, and will not disclose the HIV status of any inmate, except as allowed by law. When testing is permitted under this provision, the Department shall take such steps as required to maintain quality assurance and accuracy in such tests. When test

results are disclosed to inmates, medically appropriate pre- and post-test counseling programs shall be employed. The confidentiality of such test results shall be strictly maintained and stringent guidelines setting out who may receive such information and penalties for unauthorized disclosure shall be implemented.

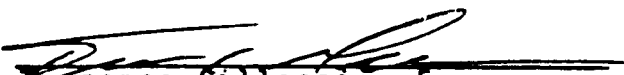
5. Prisoners who engage in the clearly defined but limited behaviors which transmit HIV shall be managed consistent with medical and security needs on a case by case basis. Reintegration of currently segregated population should occur with all deliberate speed but should recognize the desires, health, safety and security concerns of both the currently identified HIV positive inmates and the general population. HIV positive inmates wishing to remain segregated may continue to do so. Additionally, other alternatives such as placement out of state, in facilities where their HIV status is not known, or integration based on a staggered approach should all be considered.

6. A comprehensive AIDS education program for both staff and inmates (seropositive and seronegative) will be established. Prior to voluntary or for-cause testing the Department will counsel and educate all inmates as well as providing general education for inmates first coming into the prison system. Post-test counseling and education for both the seropositive and seronegative inmates shall be made available periodically throughout the year to all inmates. Provisions of the Department's policies concerning testing and treatment for HIV

shall be included in the Department's Medical Health Services Plan and reviewed by the joint experts of the parties as with any other provision and requirement of such Plan.

Dated March 28, 1989.

ATTORNEY GENERAL
STATE OF COLORADO

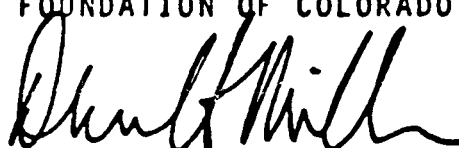


Terrence Gillespie, Esq.
Deputy Assistant Attorneys
General
1525 Sherman Street
Third Floor
Denver, Colorado 80203
(303) 866-5219

Attorneys for Defendants

Respectfully submitted,

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF COLORADO



David H. Miller, Esq.
815 East 22nd Avenue
Denver, Colorado 80205
(303) 861-2258

and

James E. Hartley, Esq.
Jay Jester, Esq.
Holland & Hart
555 17th Street, Suite 2900
PO Box 8749
Denver, Colorado 80201

Attorneys for Plaintiffs