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FILED
DISTRICT COURT OF GUAM
JAN 16 2015
JEANNE G. QUINATA
CLERK OF COURT

7 Attorneys for the United States of America

8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE TERRITORY OF GUAM

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 vs.
14 TERRITORY OF GUAM, et al.,
15 Defendants.

CIVIL CASE NO. 91-00020
ORDER

16 This matter came before the Court for a settlement conference on January 15 and 16,
17 2015. Present for the United States were Assistant U.S. Attorney Mikel Schwab and Assistant
18 U.S. Attorney Jessica Cruz (in person) and Jeffrey Murray and Shelley Jackson, Department of
19 Justice, Civil Rights Division (by phone). Present for the Territory of Guam were Assistant
20 Attorney General Kathy Fokas and Jose San Agustin, Director of the Department of Corrections
21 (“DOC”). J. Bradley Klemm, the Independent Monitor, was also present. The conference
22 focused on the outstanding issues and a timeline for the DOC’s development, revision, and
23 implantation of a plan that provides adequate medical, dental and mental health care for inmates
24 and detainees.

1 As reflected in the Joint Status Report of September 26, 2014 (ECF No. 288), the United
2 States and the Territory of Guam (“Parties”) had previously agreed upon, and the Court hereby
3 orders the following timelines:

4 1. **Formulary.** Within 30 days of the Effective Date¹ of this Order, DOC shall
5 establish and implement a written list of prescription and nonprescription medication that are
6 ordinarily available to authorized prescribers, including consultants working at DOC.

7 2. **Health Record Format.** Within 30 days of the Effective Date of this Order,
8 DOC shall establish and implement policies and procedures to ensure that health records are
9 properly created and maintained for all inmates and detainees.

10 3. **Informed Consent.** Within 30 days of the Effective Date of this Order, DOC
11 shall establish and implement policies and procedures to ensure that all examinations, treatments,
12 and procedures are governed by applicable informed consent practices.

13 4. **Infection Control.** Within 90 days of the Effective Date of this Order, DOC shall
14 establish and implement effective Infection Control program in DOC facilities to ensure that
15 inmates receive healthcare in a clean, safe, and healthy environment.

16 5. **Pharmaceutical Operations.** Within 90 days of the Effective Date of this Order,
17 DOC shall establish and implement policies and procedures to ensure effective and efficient
18 pharmaceutical operations at DOC facilities.

19 6. **Receiving Screening.** Within 120 days of the Effective Date of this Order, DOC
20 shall establish and implement a receiving screening process that is performed on all inmates and
21 detainees upon their arrival at DOC facilities to ensure that their emergent and urgent health
22 needs are met.

23 7. **Initial Health Assessment.** Within 180 days of the Effective Date of this Order,

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¹ “Effective Date” is defined as February 16, 2015.

1 DOC shall establish and implement policies and procedures to ensure that all inmates and
2 detainees receive an initial health assessment by a qualified healthcare professional.

3 8. **Nonemergency Health Assessment (“Sick Call”).** Within 180 days of the
4 Effective Date of this Order, DOC shall establish and implement policies and procedures to
5 ensure that: all inmates and detainees have the opportunity daily to request health care; requests
6 for healthcare are documented and reviewed for immediacy of need; and sick call is conducted
7 on a timely basis in a clinical setting by qualified healthcare professionals.

8 9. **Procedure in the Event of an Inmate Death or Suicide.** Within 270 days of the
9 Effective Date of this Order, DOC shall establish and implement policies and procedures to
10 ensure that the death of any detainee or inmate is reviewed to determine the appropriateness of
11 clinical care; to ascertain whether changes to policies, procedures, or practices are warranted;
12 and to identify issues that require further study.

13 10. **Infirmary Operations.** Within 270 days of the Effective Date of this Order,
14 DOC shall establish and implement policies and procedures and maintain adequate staffing
15 levels to ensure that infirmary care is appropriate to meet the serious needs of patients.

16 11. **Quality Assurance Process.** Within 270 days of the Effective Date of this Order,
17 DOC shall establish and implement a Continuous Quality Improvement program that monitors
18 and improves healthcare delivered in DOC facilities.

19 Upon further agreement by the Parties in discussion with the Court on January 15-16,
20 2015, the Court hereby orders as follows:

21 1. **Psychotropic Medication.** Within 45 days of the Effective Date of this Order,
22 DOC shall establish and implement policies and procedures for ensuring that all inmates and
23 detainees receive timely administration of prescribed psychotropic medications.

24 2. **Emergency Services.** Within 120 days of the Effective Date of this Order, DOC

1 shall review, update and implement policies and procedures for providing emergency medical
2 care to inmates and detainees.

3 3. **Continuity of Care.** Within 120 days of the Effective Date of this Order, DOC
4 shall establish and implement policies and procedures for inmates and detainees to receive
5 continuity of medical care upon placement at the DOC facility.

6 4. **Suicide Prevention.** Within 120 days of the Effective Date of this Order, DOC
7 shall establish and implement policies and procedures pertaining to suicide prevention.

8 5. **Intoxication and Withdrawal.** Within 120 days of the Effective Date of this
9 Order, DOC shall review, update and implement policies and procedures for identifying and
10 addressing the medical care needs of incoming inmates and detainees who may be intoxicated
11 when placed in a DOC facility. DOC shall provide training and standard procedures to its
12 correction officers in identifying and treatment of intoxicated inmates and detainees.

13 6. **Emergency Psychotropic Medication.** Within 120 days of the Effective Date of
14 this Order, DOC shall review and update as necessary policies and procedures for administering
15 emergency psychotropic medication. DOC shall provide records for inspection and document
16 review to ensure that policies and procedures for emergency psychotropic medication have been
17 implemented.

18 7. **Chronic Care.** DOC reports that every inmate and detainee needing medical
19 treatment for chronic medical conditions has been identified and is receiving such care. Within
20 120 days of the Effective Date of this Order, DOC shall provide a list of inmates and detainees
21 receiving medical services for chronic conditions and medical records of such inmates and
22 detainees reflecting regular medical treatment. DOC shall further review and update its policies
23 and procedures for chronic care, as necessary, within 120 days of the Effective Date of this
24 Order.

1 8. **Mental Health Screening and Evaluations.** Within 120 days of the Effective
2 Date of this Order, DOC shall establish and implement policies and procedures to ensure that all
3 inmates and detainees are screened and, if necessary, evaluated for mental health care needs.

4 9. **Nursing Assessment.** Within 180 days of the Effective Date of this Order, DOC
5 shall review and update, as necessary, its policies and procedures and ensure that such policies
6 and procedures are implemented for nursing assessments that allow for appropriate triage,
7 diagnosis and treatment of the medical needs of inmates and detainees.

8 10. **Basic Mental Health Services.** Within 180 days of the Effective Date of this
9 Order, DOC shall review, update and implement its policies and procedures for administration of
10 basic mental health services. DOC shall further provide the United States with medical charts
11 and/or records reflecting implementation of such policies and procedures.

12 11. **Oral Care.** Policies and procedures regarding oral care received by inmates and
13 detainees appear lacking and particularly problematic. Within 180 days of the Effective Date of
14 this Order, DOC shall establish and implement policies and procedures for ensuring that inmates
15 and detainees receive medically necessary dental health services in conformance with the
16 national standard for detention facilities.

17 12. **Seclusion and Restraint.** Within 180 days of the Effective Date of this Order,
18 DOC shall establish and implement policies and procedures, including training for correction
19 officers, for seclusion and restraint of inmates and detainees.

20 13. **Nursing Staffing.** The DOC facility currently employs four full-time nurses. As
21 agreed by the Parties, DOC shall secure at least one more full-time nurse within 180 days of the
22 Effective Date of this Order. DOC shall further include in its implementation plan a process for
23 routine self-evaluation of all conditions required by the Settlement Agreement.

24 14. **Electronic Locking System.** The Court further orders the Territory of Guam and

1 DOC to secure funding and complete the repairs to the electronic locking system for Units 5, 6,
2 7, and 17 at the DOC facility by September 30, 2015. Counsel for DOC has agreed to assist the
3 Director of DOC in preparing the presentations and requests for funding to the U.S. Department
4 of Interior and the Guam Legislature.

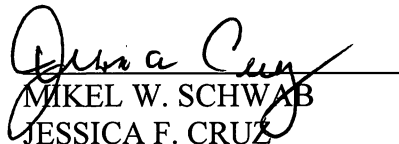
5 15. **Reporting.** The Court further orders DOC to file a progress report under seal
6 every 30 days of the Effective Date of this Order on all matters agreed upon in the September 26,
7 2014 Status Report (ECF No. 294) and matters addressed in this Order. At the conclusion of this
8 lawsuit, the monthly reports will be unsealed. In addition, DOC shall continue to submit bi-
9 weekly reports regarding clinical operations at DOC to the Monitor and the United States.

10 The parties shall continue to establish, review, revise, and implement policies and
11 procedures to conform with the standards and guidelines established by the National
12 Commission on Correctional Health Care in *Standards for Health Services in Jails, Standards*
13 *for Health Services in Prisons, and Standards for Mental Health Services in Correctional*
14 *Facilities. See National Commission on Correctional Health Care,*
15 <http://www.ncchc.org/standards-guidelines> (last visited January 16, 2015).

16 APPROVED AS TO FORM AND CONTENT this 16th day of January, 2015:

17 ALICIA A.G. LIMTIACO
18 United States Attorney
Districts of Guam and the NMI

19 By:


20 MIKEL W. SCHWAB
21 JESSICA F. CRUZ
22 Assistant U.S. Attorneys

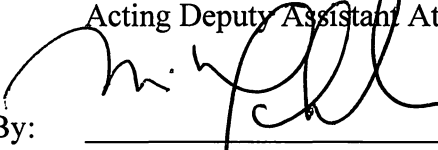
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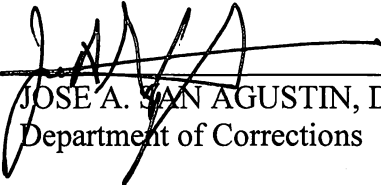
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By: 
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JOSE A. SAN AGUSTIN, Director
Department of Corrections


J. BRADLEY KLAMM
Independent Monitor

SO ORDERED this 16th day of January, 2015.


ALEX R. MUNSON
Senior District Judge