IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF PUERTO RICO

4 | Plaintiff

COMMONWEALTH OF PUERTO RICO, et. al.

٧.

UNITED STATES OF AMERICA

Defendants

CIVIL NO. 99-1435 (GAG)

ORDER

The Court expects the Commonwealth to ensure the health, safety, and welfare of participants by complying with the Court's many orders. To that end, the Commonwealth must adequately fund the operation of the MRP through the entire fiscal year. The Commonwealth has designated \$40.9 million dollars as the MRP budget, which is roughly the same as the past fiscal year's budget. However, only \$22.3 million dollars of that amount has been directly designated to the MRP. The Court expects the remaining funds (\$11.7 million within the Department of Health and \$6.8 million within OMB) to be made readily available whenever necessary to meet the needs of participants, who shall be guaranteed their full rights under the Constitution and law of the United States.

To help ensure this, the Commonwealth shall report monthly to the Court, Dr. McGee, and the United States the total amount expended by the MRP so that all parties can better monitor funding needs as certain thresholds are approached. In addition, the Commonwealth shall provide information each month to Dr. McGee that shows that community providers are being paid monthly in a timely manner.

As was discussed fully at the May 14, 2009 status conference, the transition order of December 10, 2008 (Docket 794) continues to be in effect such that no personnel will be fired and/or positions eliminated without Court approval. This, however, does not include terminations of

Civil No. 99-1435 (GAG) 2 individual employees for cause. However, if there are terminations for cause, the court expects the 2 Commonwealth to refill the position with another employee in a timely manner. 3 If the Commonwealth would like to re-structure the services provided to MRP participants, 4 lit shall provide such a proposal to Dr. McGee and the United States with ample notice and time to 5 allow for their review and input. 6 The Court reiterates the need for the Commonwealth to address the outstanding vocational needs of dozens of participants. This includes the need to hire additional Job Coaches and Job Promoters. The Court has raised this issue on numerous occasions and expects prompt actions on this matter. 10 The Commonwealth shall make payment in full to Dr. McGee for all approved outstanding linvoices by September 15, 2009. If payment is not made by this date, the Court anticipates issuing 12 a show cause order as to why the Commonwealth has failed to comply. 14 The Court urges the Commonwealth to maintain programmatic and leadership continuity within the MRP in order to better ensure needed programs, services, and protections to the 15 16 participants. The Court anticipates monthly status hearings and visits of homes and centers. The next one will occur on October 19, 2009. 18 19 SO ORDERED. In San Juan, Puerto Rico this 17th day of August, 2009. 20 21 22 S/Gustavo A. Gelpí 23 GUSTAVO A. GELPI United States District Judge 24 25 26

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