

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 13-21570-CIV-BLOOM

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIAMI-DADE COUNTY, THE BOARD
OF COUNTY COMMISSIONERS, *et al.*,

Defendants.

JOINT STATUS REPORT

Pursuant to the Court's Order filed on April 16, 2018, ECF No. [104], the parties provide the following status report regarding Defendants' compliance with the action items due April 16, 2018.

1. In compliance with the Court's Order dated March 27, 2018 ("the Order"), ECF No. [91], on April 6, 2018, Defendants produced to the United States and the Independent Monitors documents pertaining to the action steps in paragraphs 6(a)-6(k) of the Order.

2. The Order required that the parties and Independent Monitors meet and confer, by April 11, 2018, to discuss the items submitted on April 6, 2018.

3. The United States and Defendants held a meet-and-confer on the afternoon of April 10, 2018; the Independent Monitors were unavailable. During this telephonic conference, the United States expressed concerns about the following deficiencies in the submissions provided by Defendants:

- a. The Order required Defendants to develop and provide "a template or form to document consistent information about patients upon their return from

off-site care and use that form to communicate with providers about the continuation of care.” Order, at § 6(c). Defendants provided a screen shot of a form nurses are to complete within the electronic health record. The form is entitled “Reason for Outpatient Visit/Nursing Call” and seeks information regarding the reason a patient was sent to an off-site provider. As depicted in the screen shot, the form does not include any fields intended to gather information about patients’ conditions “upon their return from off-site care” and does not include any fields intended to “communicate with providers about continuation of care” upon patients’ return to the jail. Defendants committed to providing the United States and the Independent Monitors with additional screen shots demonstrating material that met the requirements of the Order.

- b. The Order required Defendants to “produce an audit, with findings and recommendations, of three months of data, to analyze the status of compliance with the clinical restraints policy.” Order, at § 6(d). Defendants, who proposed the three-month time frame, determined that there was no data available for January, February or March 2018, as no clinical restraints were used during that time period. Defendants agreed to go back to the time period when clinical restraints were last used and produce such information.
- c. The Order required Defendants to produce an audit, “including findings and analysis” incorporating data regarding (1) the number of patients on each mental health level, (2) the number of level I and level II patients who have

an interdisciplinary treatment plan and the timeframe in which each patient receives a follow-up plan, and (3) how patients who are not required by policy to receive an interdisciplinary treatment plan are assessed and evaluated to ensure their needs are addressed. Order, at § 6(g). The findings and analysis provided by Defendants were incomplete and insufficient. The analysis did not address the question presented and did not incorporate all of the data points required. Further, regarding subsection (3), Defendants did not provide any data regarding patients not on an interdisciplinary treatment plan, but simply provided a summary statement about procedure. Defendants agreed to provide an improved version of this submission.

4. The day after the parties conferred, the Independent Monitors provided feedback to Defendants via written correspondence, received on the afternoon of April 11, 2018. In that feedback, the Independent Monitors expressed concerns about the completeness and quality of a number of the submissions, particularly with respect to the internal audits, and the inadequacy of findings and analysis.

5. The Independent Monitors and the parties participated in the meet and confer on the afternoon of Friday, April 13, 2018. During this telephonic meet and confer, Defendants agreed to address the concerns raised by the Independent Monitors, and to provide updated submissions to the United States and the Monitors on April 16, 2018.

6. The Monitors and the United States have concerns about the sufficiency of the submissions provided by the Defendants on April 6, 2018. The Monitors and the United States will review the updated submissions to make final determinations about whether Defendants have

achieved compliance with the action steps. The parties and the Independent Monitors will file a Joint Declaration to advise the Court of this determination by April 20, 2018.

7. On April 16, 2018, the Independent Monitors provided the parties with their availability between now and the end of the year. The parties will use that information to inform the Proposed Fourth Revised Summary Action Plan requested by the Court. *See* ECF No. [104].

Dated: April 16, 2018

Respectfully submitted,

FOR THE UNITED STATES

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2018, I electronically filed the foregoing document with the Clerk of Court using CM/ECF and served all parties listed below.

/s/ Jennifer Wedekind

Jennifer Wedekind

SERVICE LIST

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United States District Court, Southern District of Florida
Case No. 13-21570-Civ-Bloom

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