

FILED 4/4/01  
Doc 4  
✓ ORDER 9/10/01

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
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JAMES BENJAMIN, et al.,

Plaintiffs,

75 Civ. 3073  
(MEL)

- against -

ANTHONY J. SCHEMBRI, et al.,

STIPULATION AND ORDER

Defendants

and related cases.

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-----X

ERIC VEGA, et al.,

Plaintiffs,

-against-

RICHARD KOEHLER, et al.,

82 Civ. 6475 (MEL)

Defendants.

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The City of New York (the "City") has proposed to make substantial cuts in its Fiscal Year ("FY") 1995 budget for medical services to City jail inmates. Plaintiffs have engaged in discovery to assess the impact of these cuts. The parties have agreed that some of these cuts, as described below, shall not be carried out, and that the defendants shall implement the remainder.

It is hereby stipulated that:

1. Proposed cuts in the City's FY 1995 budget that would have the effect of reducing the current operations of the Montefiore Medical Center-Rikers Island Health Services (MMC-RIHS)

laboratory, and would indirectly result in the elimination of the MMC-RIHS post of Coordinator of Directly Observed Therapy for inmates taking tuberculosis medications shall not take place, and these services shall be funded in FY 1995 at levels at least sufficient to maintain their current operations.

2. MMC-RIHS will not be required to absorb the costs of these operations through other cuts in its FY 1995 budget.

3. The City agrees to fund in FY 1995 the number of beds, up to the existing 140 beds, in the Contagious Disease Unit on Rikers Island sufficient to meet the clinical need for such beds. Nothing in this stipulation shall be deemed to limit plaintiffs' rights under previous Court orders regarding the isolation of inmates with contagious communicable diseases.

4. The City has the responsibility in FY 1995 for purchasing drugs and medical supplies for the use of city inmates, including those drugs and supplies necessary for the operation of peritoneal dialysis, but if MMC-RIHS purchases drugs and supplies for the use of City inmates, in accordance with the procedures and contract in effect between MMC-RIHS and the City, the City shall reimburse MMC-RIHS for any such purchases.

5. All other proposed reductions in the Correctional Health Services and MMC-RIHS' FY 1995 budget shall go into effect as of July 1, 1994, without prejudice to plaintiffs' utilization of the discovery provisions of the Federal Rules of Civil Procedure to monitor the effects of such reductions, and without prejudice to plaintiffs' right to challenge such reductions after observing their effects. These reductions will, among other things, result

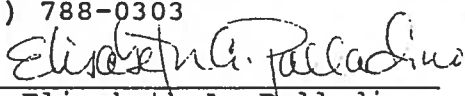
in the closure of the infirmaries at the Anna M. Kross Center and the Correctional Institution for Men, the reduction of staff at the West Facility clinic, the elimination of the position of Clinical Supervisor on Call on the midnight to 8 a.m. shift, the elimination of clerk positions on the midnight to 8 a.m. shift at certain correctional facilities on Rikers Island, and the reduction of certain specialty clinics on Rikers Island.


6. If the Brooklyn Correctional Facility re-opens, plaintiffs shall be permitted to utilize the discovery provisions of the Federal Rules of Civil Procedure to determine whether any reduction in medical services has occurred there.

7. Nothing in this stipulation shall be deemed to supersede the provisions of the July 10, 1991 Stipulation between the parties in this case.

Dated: New York, New York  
June 29, 1994

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IT IS SO ORDERED:

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United States District Judge