

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF RHODE ISLAND

CIVIL ACTION
NO. 77-0727

JOHN W. IASIMONE, JR., ET AL,)
 Plaintiffs,)

 VS.)

J. JOSEPH GARRAHY, ET AL,)
 Defendants.)

INTERIM CONSENT DECREE

1. Based upon the record and consideration of the responses filed by all the parties in conjunction with this case, this Interim Consent Decree ("Decree") is consented to by the parties and entered by the Court for the purpose of establishing a framework for providing a suitable living environment and habilitation services for each member of the plaintiff class, in accordance with federal and state constitutional standards. This decree will facilitate the process of negotiations for a possible final consent decree.

2. The defendants shall prepare and present to the Court and to the plaintiffs a comprehensive plan of service for the mentally retarded citizens of Rhode Island, with special emphasis on those persons currently residing at the Ladd Center (hereinafter "the service plan"), detailing the living arrangements and services necessary for the adequate habilitation of each class member. The plan should identify those services necessary for the eventual

habilitation of the class membership in the least separate, most integrated, least restrictive community setting. The plaintiffs and the defendants are in disagreement as to the legal and constitutional obligations of the defendants to provide each member of the plaintiff class with the least separate, most integrated, least restricted community setting. Therefore, the use of such terms within this Order is employed as a planning standard only and does not require implementation of such standard by the defendants under this Order.

3. The service plan shall include:

a. A statement of purpose and policy setting forth defendants' commitment and obligation to all mentally retarded persons, including plaintiffs, to provide them suitable community living arrangements together with such community services necessary for adequate habilitation.

b. A description of the mentally retarded persons to be served including demographic, developmental characteristics and service needs.

c. A description of a model services system taking into account the existing services provided by the Department of Mental Health, Retardation, and Hospitals (MHRH) and those services to be provided by other agencies.

d. A description of the method to be used to determine class members' service needs, to establish an individualized evaluation and service planning process by which defendants will provide a written individualized program plan to each member of plaintiff class and to provide annual periodic review thereof. Such description shall also include the specification of resources,

procedures, and a schedule for individual evaluations and the formulation of individual community program plans, and the periodic review thereof. The process for development of the individual service plan shall provide for the participation of the individual class member or his designated representative, parent, guardian or advocate, as appropriate, and the plan shall include provision for an independent review process in the event that any party shall disagree as to the merits of the individual service plan.

e. A description of the method to be used to establish an individual records system.

f. A description of the method to be used to establish a suitable case management service to provide a fixed point of accountability for each member of the class. The case management plan shall specify the proposed method for providing a sufficient number of qualified staff to manage the program plans for each member of the class.

g. A plan for the creation, development and maintenance of mechanisms to monitor a system of services to assure that living arrangements and other services of the necessary quality and quantity are provided to retarded persons, to provide for the physical health, safety, and well being of each member of the class.

h. A plan specifying the quantity and type of living arrangements and other services necessary to meet the needs of the plaintiff class.

i. The service plan shall specify the capital and programmatic needs at Ladd Center so that a safe and appropriate environment, adequate dental and medical care and adequate habilitation including care, treatment, education and training shall be afforded each member of the class, during the interim operation of Ladd Center and so long as he shall reside at Ladd Center.

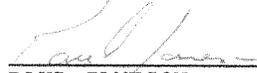
4. The defendants shall include within the service plan, management techniques, policies and procedures designed to provide ongoing services with the least disruption in the class member's life.

5. The defendants shall develop appropriate procedures for receiving comments and suggestions from representatives of the plaintiffs in the development and preparation of the service plan. The sole responsibility for the final content of the service plan will be that of the defendants, and the service plan need not be approved by the plaintiffs as a prerequisite to the defendants' compliance with this Order.

6. The defendants will complete the said service plan and file it with the Court and the plaintiffs on or before May 31, 1979.

7. For each component of the service plan as specified above, defendants will prepare an implementation schedule which will include the budgetary and staffing requirements necessary to implement the service plan and the proposed timetable for implementation. The implementation schedule shall provide for the interim operation and utilization of Ladd Center and a proposed timetable for replacement of services at Ladd with services in the community, as appropriate.

8. Defendant may meet the planning requirements by developing a comprehensive plan of services for the mentally retarded citizens of Rhode Island. However, in each and every component specified above such plan shall include and identify in particular the community living arrangements, community services, case management, and monitoring system, to be provided for all members of the class and shall include measures to insure the safety and well being of all Ladd Center residents and measures to assure that all activities at Ladd, both programmatic and otherwise, contribute to the prompt provision of services necessary to the habilitation of each member of the plaintiff class.



PAUL JAMESON
Counsel to the Plaintiffs



Ast. ATTORNEY GENERAL
Counsel to the Defendants



Counsel to the Defendants

Dated:

Approved and entered as an Order of the Court
this 6th day of April, 1979.



FRANCIS J. BOYLE
United States District Judge