

STATE OF MAINE
KENNEBEC, ss

SUPERIOR COURT
CIVIL ACTION
DOCKET NO. CV-89-088

PAUL BATES, et al.,

Plaintiffs

v.

ORDER

COMMISSIONER,
DEPARTMENT OF HEALTH AND
HUMAN SERVICES, et al.,

Defendants

Based on the recommendation of the Court Master, there being no objection by counsel, pursuant to paragraph 12 of the 1990 Settlement Agreement

IT IS HEREBY ORDERED:

1. Active court supervision of the Riverview Psychiatric Center is terminated.
2. Active supervision of the Department's community-based mental health system will continue.
3. Termination of active supervision at Riverview does not terminate the Consent Decree nor Riverview's performance obligations thereunder. The operation of Riverview remains subject to the continuing jurisdiction of the Court, and the Consent Decree remains enforceable. Plaintiffs remain entitled to seek injunctive relief pursuant to paragraph 7 of the Consent Decree and paragraph 303 of the Settlement Agreement. Absent reinstatement of active supervision, the Court Master shall not exercise the authority set forth in paragraphs 292 through 302 of the Settlement Agreement with respect to Riverview. The Court Master shall, however, retain the right of access to Riverview provided in the first sentence of paragraph 302.
4. The Compliance Standards adopted by the Court Master pursuant to Section 291 of the Settlement Agreement will remain in effect, subject to amendment by the Court Master in consultation with counsel for the parties.
5. Either counsel for Plaintiffs or the Court Master may seek reinstatement of active supervision of Riverview for violation of the 1990 Settlement Agreement.
6. The Department must continue to submit quarterly reports of both Riverview (supplemented by weekly "civil discharge plan and community standards reports"

as currently provided) and community-based services, pursuant to ¶ 280 of the Settlement Agreement, to the Court Master and counsel for the plaintiffs.

7. With specific reference to Riverview, the Department must continue to submit reports pursuant to paragraphs 27, 184(m), 189, 192 and 198. The reporting requirements of paragraphs 184(m) and 189 may be satisfied by providing timely notice to the patient advocate of the use of seclusion, restraint or protective devices.

Dated: Dec. 8, 2011



Andrew M. Horton, Superior Court Justice