

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

DEC 10 2004

at 3 o'clock and 00 P. M.  
WALTER A.Y.H. CHINN, CLERK

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Fukino, M.D.; Deputy Director for the Behavioral Health Administration of the Department of Health Michelle R. Hill; and Administrator of the Hawaii State Hospital Paul Guggenheim, hereby submit this Stipulation for Dismissal regarding the Hawaii State Hospital ("HSH") and in doing so state the following:

1. The United States filed this action on March 7, 1991, pursuant to the Civil Rights of Institutionalized Persons Act ("CRIPA"), 42 U.S.C. § 1997, for the purpose of protecting the constitutional and statutory rights of the patients of HSH.

2. On February 21, 2002, the District Court entered as an order of the court the Hawaii State Hospital Remedial Plan for Compliance, as amended by the parties' Stipulation dated February 21, 2002 ("HSH Plan"). The HSH Plan required the State to implement practices and procedures to bring the hospital into compliance with prior court orders.

3. During its most recent surveys of HSH and Kahi Mohala Behavioral Health Hospital (a private facility under contract with the State to provide care for patients of HSH), the court-appointed Evaluation Team found the State to be in substantial compliance with the requirements of the HSH Plan.

4. The United States recognizes and acknowledges the efforts on the part of the Defendants to improve conditions and services to patients at HSH. The United States particularly notes the efforts of Dr. Thomas Hester, Chief of AMHD;

Dr. Alan Radke, Medical Director of AMHD; Paul Guggenheim, Administrator of HSH; Dr. Rupert Goetz, Clinical Director of HSH; Connie Ching, Director of Nursing of HSH; Dr. Reneau Kennedy, Director of Forensic Services of AMHD, as well as the other professional, nursing, therapy, support, and direct care staff at HSH for the efforts put into improving conditions at HSH.

5. The parties jointly acknowledge and are appreciative of the efforts of the Special Master, Hon. Kevin S. C. Chang, and the Special Monitor, Kris McLoughlin, A.P.R.N., for their assistance in bringing the parties to this point of the litigation.

6. The parties are also appreciative of the efforts of the Evaluation Team, Dr. Ken Minkoff, Ms. Gail Hanson-Mayer, RN, CS, MPH, and Paul Gorman, Ed.D., in providing assistance to the parties in achieving a successful resolution to this matter.

7. The parties agree to dismiss with prejudice the HSH Plan, and all stipulations and orders related to HSH heretofore entered, except that Section I(1)(xi) of the HSH Plan is not dismissed. This specific Section governs the State's responsibility to develop a system of forensic services for mental health consumers and is integral to the success of the Plan for Community Mental Health Services ("Community Plan") that was entered as an order of the court on January 23, 2003.

The measures contained in this section are not otherwise set forth in the Community Plan. The parties have agreed that this section of the HSH Plan will continue to be monitored as part of the State's on-going obligation to implement the requirements of the Community Plan. The State further agrees to address and implement those requirements of the Community Plan that relate to HSH.

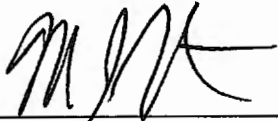
8. Therefore, the parties respectfully request the Court to enter an order to:

(A) Dismiss with prejudice the HSH Plan, and all stipulations and orders related to HSH heretofore entered, except:

(B) Section I(1)(xi) of the HSH Plan, as discussed in Paragraph 7 above.

DATED: Honolulu, Hawaii, 6 December 2004.

FOR THE DEFENDANTS:



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MARK J. BENNETT  
Attorney General

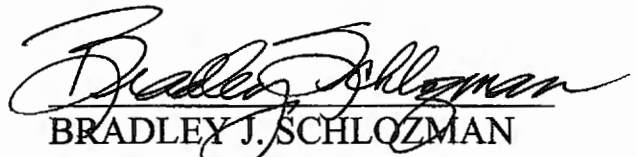


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United States of America v. STATE OF HAWAII, ET AL., Civil No. 91-001367  
DAE/KSC, U.S.D.C., District of Hawaii, STIPULATION FOR DISMISSAL OF  
HAWAII STATE HOSPITAL REMEDIAL PLAN FOR COMPLIANCE