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Admitted in: ME

October 27, 2015

Mary C. Mayhew, Commissioner
Department of Health and Human Services
Commissioner's Office
221 State Street
11 State House Station
Augusta, ME 04333-0011

Re: Bates v. DHHS, Superior Court Civil Action Docket # CV-89-088

Dear Commissioner Mayhew,

Enclosed you will find a copy of the site visit report regarding Riverview Psychiatric Recovery Center prepared by Elizabeth Jones. Based on this report and my own observations I conclude that in many respects the management of Riverview has failed to make satisfactory progress in achieving the changes referenced in their response, dated January 22, 2015, to the first Jones Report dated November 3, 2014.

By way of summary, I would suggest that the results thus far are as follows:

Recommendation #1. Execution of response pertaining to treatment team meetings and to employment is unsatisfactory.

Recommendation #2. Execution of response pertaining to the inculcation of recovery oriented practices is unsatisfactory.

Recommendation #3. Execution of response pertaining to design and implementation of case conferences regarding challenging class members is unsatisfactory.

Recommendation #4. Execution of response pertaining to increased opportunities for class members on the forensic units is partly satisfactory in that forensic clients now have access to the treatment mall but the offerings on the treatment mall remain unsatisfactory.

Recommendation #5. Response has been satisfactorily achieved with the merger of Lower Saco into the main hospital.

Recommendation #6. Execution of response pertaining to restrictive practices including access to outdoor areas is unsatisfactory.

Mary C. Mayhew, Commissioner
Page 2
October 27, 2015

Recommendation #7. Execution of response pertaining to independent review of restrictive measures including MOAB practices is unsatisfactory.

Recommendation #8. Execution of response pertaining to independent review mandated by paragraph 188 of the Consent Decree is unsatisfactory. Execution of response pertaining to reporting on the use of restrictive practices pursuant to paragraph 189 is satisfactory and is indeed commendable.

Recommendation #9. Execution of response pertaining to adequacy of staffing is unsatisfactory.

Recommendation #10. Execution of response pertaining to the use of "float" staff is unsatisfactory.

Recommendation #11. Response pertaining to supplemental pay was delayed but otherwise satisfactorily executed.

Recommendation #12. Execution of response pertaining to staff discussions of means to reduce the pressures experienced by staff is unsatisfactory.

Recommendation #13. Execution of response pertaining to qualifications of mental health workers is unsatisfactory.

Recommendation #14. Execution of response pertaining to the reporting of abuse is satisfactory and commendable.

Recommendation #15. Execution of response pertaining to consultation with staff and class members regarding abuse, neglect and exploitation is satisfactory.

Recommendation #16. Execution of response pertaining to timely reporting of abuse and neglect to Adult Protective Services, Licensing, Court Master and Plaintiffs' counsel is satisfactory and commendable.

I plan to forward this report to the Court and Counsel and make it public on Monday November 1, 2015. In the meantime, if you have any comments or questions, I would be pleased to hear from you.

Sincerely,



Daniel E. Wathen

Daniel E. Wathen

DEW/jac
Enclosure