

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

EDWARD BRAGGS, et al.	)	
	)	
Plaintiffs,	)	
	)	
	)	
v.	)	
	)	
	)	
JEFFERSON DUNN, in his official	)	
capacity as Commissioner of the	)	
Alabama Department of Corrections,	)	
et al.	)	
Defendants.	)	
	)	

CIVIL ACTION NO.  
2:14-cv-00601-MHT-GMB  
Judge Myron H. Thompson

**NOTICE OF FILING OF STATUS  
OF NEGOTIATIONS AND AGREEMENTS**

The Parties hereby provide the following notice on the status of negotiations and agreements related to mental-health staffing and suicide prevention measures:

1. The Parties submit their agreement on suicide prevention measures attached hereto as **Exhibit 1**.

2. The Parties notify the Court of their following agreement on mental health staffing:

A. The Alabama Department of Corrections (“ADOC”) shall amend the current contract for and have mental-health staffing consistent with or greater than the staffing ratios set forth by Drs. Perrien and Metzner and Catherine

Knox, (as contained in Doc. 2385-1), except as agreed by the Parties and with the following adjustments:

(1) A shift relief factor shall not be applied for Program Managers and Clerks.

(2) Until September 30, 2020 (the end of the initial term of the contract with ADOC's mental-health vendor), ADOC and its mental-health vendor shall apply the following shift relief factors for all other mental health staff:

- a. A 1.2 shift relief factor for new positions that are staffed five (5) days per week;
- b. A 1.68 shift relief factor for all new positions that are staffed seven (7) days per week; and
- c. A 1.1 shift relief factor for existing positions.

(3) Starting October 1, 2020, ADOC shall apply an actual shift relief factor determined by Drs. Perrien and Metzner and Catherine Knox no later than September 1, 2020 for all mental-health positions other than Program Managers and Clerks.

B. The ratio of Certified Registered Nurse Practitioner ("CRNP") to psychiatrist shall be 1.25:1 on a statewide basis, but not on a facility by facility basis.

C. All CRNPs working as mental health staff must be approved to work in psychiatry pursuant to applicable Alabama nursing board standards within twelve (12) months of this agreement or, for later employed CRNPs, within twelve (12) months of his or her employment.

D. For eighteen (18) months after the start of his or her employment, ADOC's mental-health vendor may consider an Associate Licensed Counselor ("ALC") as a MHP, provided that the ALC is working toward his or her licensure as a Licensed Professional Counselor ("LPC"). Before becoming a LPC, an ALC cannot complete suicide risk assessments or conduct follow-up examinations on his or her own. The ALC can participate in suicide risk assessments conducted by an independently licensed MHP or another independently licensed mental-health professional such as a psychiatrist, psychologist, or CRNP or other appropriate licensed professional, as a part of the ALC's training. After six (6) and twelve (12) months of employment, each ALC's progress toward meeting the licensure requirements shall be assessed to evaluate his or her progress towards licensure. If the ALC has not reached 600 hours of supervised time toward licensure by the six (6) month assessment, 1,200 hours of supervised time toward licensure by the twelve (12) month assessment, or achieved licensure by eighteen (18) months after commencing employment, the ALC shall no longer be considered or counted as a MHP.

E. Up to ten percent (10%) of the MHPs working in ADOC for the mental-health vendor can be ALCs working towards their licensure as LPCs, as discussed above in the preceding paragraph.

F. Activity Technicians will work two shifts five (5) days per week and at least one shift on Saturdays and Sundays each week.

G. ADOC and its mental-health vendor may substitute MHPs for psychologists on a facility-by-facility basis, provided that the total number of MHPs and psychologists is equal to or greater than the number would be if applying the consultants' ratios. MHPs shall conduct only work for which a doctorate level clinician is not necessary, as determined by ADOC's Director of Psychiatry.

3. No later than September 10, 2019, the Parties will agree to a staffing matrix consistent with paragraph 2 above and applied to the average mental-health caseload from January to May, 2019. The agreed upon staffing matrix will be filed with the Court by September 13, 2019.

4. Finally, the Parties hereby give notice to the Court that they are continuing to negotiate monitoring and the PLRA language.

Dated: September 6, 2019

Respectfully Submitted,

/s/ Maria V. Morris

Maria V. Morris

One of the Attorneys for Plaintiffs

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