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similarly situated*

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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Victor Parsons; Shawn Jensen; Stephen Swartz;
Dustin Brislan; Sonia Rodriguez; Christina
Verduzco; Jackie Thomas; Jeremy Smith; Robert
Gamez; Maryanne Chisholm; Desiree Licci; Joseph
Hefner; Joshua Polson; and Charlotte Wells, on
behalf of themselves and all others similarly
situated; and Arizona Center for Disability Law,

Plaintiffs,

v.

David Shinn, Director, Arizona Department of
Corrections; and Richard Pratt, Division Director,
Division of Health Services Contract Monitoring
Bureau, Arizona Department of Corrections, in their
official capacities,

Defendants.

No. CV 12-00601-PHX-ROS

**DECLARATION OF TANIA
AMARILLAS DIAZ**

1 I, Tania Amarillas Diaz, declare:

2 1. I am an investigator at the Prison Law Office (“PLO”) assigned to work on
3 the *Parsons* case. I am over the age of 18 and if called as a witness, I could and would
4 testify competently to the facts stated below, all of which are within my personal
5 knowledge.

6 2. On March 11-12, 2020, I participated in a monitoring tour of Arizona State
7 Prison Complex (“ASPC”)-Florence, along with other attorneys employed by the PLO,
8 the Arizona Center for Disability Law, the ACLU of Arizona, and the ACLU National
9 Prison Project.

10 3. In preparation for the tour, Plaintiffs’ counsel requested a list of all requests
11 for specialty referral submitted to Utilization Management for patients at ASPC-Florence
12 from November 1, 2019, to February 15, 2020, including (a) name and ADC number of
13 patient; (b) specialty type; (c) request status (routine, urgent, or emergent); (d) status of
14 request as of the date the report is run. Attached hereto as **Exhibit 1**, and filed under seal,
15 is a true and correct copy of the request (redacted).

16 4. In response to our request, Defendants produced a 21-page report listing the
17 1,001 specialty consult requests submitted between November 1, 2019, and February 15,
18 2020. The report contained 618 specialty consult requests submitted as “Routine,” 381
19 specialty consult requests submitted as “Urgent,” and two specialty consult requests
20 submitted as “Emergent.” The specialty consult requests span many specialties, including
21 neurosurgery, hem/oncology, cardiology, ENT, and gastroenterology. Attached hereto as
22 **Exhibit 2**, and filed under seal, is a true and correct copy of the list (redacted), as
23 produced and Bates-stamped ADCM1602422-ADCM1602442 by Counsel for
24 Defendants.

25 5. On March 9 and 10, 2020, I reviewed the status of 283 specialty consult
26 requests listed in the report produced by Defendants, focusing primarily on requests
27 whose status was listed as “Authorization Obtained.” I did this by checking the electronic
28 medical record for the relevant class member and consult request.

1 6. The report contained 276 specialty consult requests listed as “Authorization
2 Obtained.” I understand this to mean that the requests have been authorized but not yet
3 scheduled or completed. I reviewed the underlying medical records for 188 of those 276
4 requests. (I selected those 188 by scanning the specialty consult requests report for entries
5 listed as “Authorization Obtained” and prioritizing requests submitted on an urgent basis.)
6 I found that 85 out of those 188 requests (or 45%) were already out of compliance with
7 Performance Measures 50 and 51. That is, if they were submitted on a routine basis, it
8 already had been over 60 days since the consult request was submitted, meaning they
9 were out of compliance with Performance Measure 51 (“Routine specialty consultations
10 will be scheduled and completed within 60 calendar days of the consultation being
11 requested by the provider.”). Or, if they were submitted on an urgent basis, it already had
12 been over 30 days since the consult request was submitted, meaning they were out of
13 compliance with Performance Measure 50 (“Urgent specialty consultations and urgent
14 specialty diagnostic services will be scheduled and completed within 30 calendar days of
15 the consultation being requested by the provider.”).

16 7. For example, I reviewed the following specialty consult requests for five
17 separate class members. The list produced by Defendants listed the status of each of the
18 below requests as “Authorization Obtained.”

19 a) A routine request for a neurology consult was submitted on November 18,
20 2019, for “NEUROLOGY CONSULT PARKINSONS TREMORS WORSE
21 EVEN WITH INCREASES TO MEDICATIONS MORE TREMORS
22 INCREASED SEE MEDICATION DOSING INMATE NEUROLOGY
23 PLEASE.” According to Performance Measure 51, that consult should have
24 been completed by January 17, 2020. According to the electronic medical
25 record, the request was authorized on December 12, 2019; March 11, 2020;
26 and twice on March 18, 2020. Also according to the electronic medical
27 record, this class member has not been seen for this request as of March 19,
28 2020.

- 1 b) A routine request for ENT was submitted on December 2, 2019, for
2 “increased R ear pain for the last 2-3 months. His ear rings and throbs with
3 pain at night.” According to Performance Measure 51, that consult should
4 have been completed by January 31, 2020. According to the electronic
5 medical record, the request was authorized on December 12, 2019.
6 According to the electronic medical record, this class member has not been
7 seen for this request as of March 19, 2020.
- 8 c) An urgent request for hem/oncology was submitted on December 10, 2019,
9 for a follow-up with Dr. Arslan, hematologist/oncologist, who requested that
10 the class member return on November 8, 2019. According to Performance
11 Measure 50, that consult should have been completed by January 9, 2020.
12 According to the electronic medical record, the request was authorized on
13 December 20, 2019, and February 20, 2020. According to the electronic
14 medical record, this class member has not been seen for this request as of
15 March 19, 2020.
- 16 d) A routine request for cardiology was submitted on December 16, 2019, for
17 “abnormal 12/3/2019 EKG-sinus bradycardia, left posterior fascicular
18 block.” According to Performance Measure 51, that consult should have
19 been completed by February 14, 2020. According to the electronic medical
20 record, the request was authorized on January 8, 2020, and March 5, 2020.
21 According to the electronic medical record, this class member has not been
22 seen for this request as of March 19, 2020.
- 23 e) A routine request for gastroenterology was submitted on January 5, 2020, for
24 a HIDA scan. According to Performance Measure 51, that consult should
25 have been completed by March 5, 2020. According to the electronic medical
26 record, the request was authorized on January 21, 2020. According to the
27 electronic medical record, this class member has not been seen for this
28 request as of March 19, 2020. Attached as **Exhibit 3**, and filed under seal, is

1 a redacted version of a letter sent by Plaintiffs' counsel Rita Lomio and
2 myself to Defendants' counsel Timothy Bojanowski on March 17, 2020,
3 regarding delays in specialty care for this class member.

4 8. Attached as **Exhibit 4**, and filed under seal, is a redacted version of a letter
5 sent by Plaintiffs' counsel Rita Lomio and Amber Norris to Defendants' counsel Timothy
6 Bojanowski on March 18, 2020, regarding delays in specialty care for another class
7 member at ASPC-Florence.

8 9. Attached as **Exhibit 5**, and filed under seal, is a redacted version of a letter
9 sent by Plaintiffs' counsel Rita Lomio to Defendants' counsel Timothy Bojanowski on
10 March 19, 2020, regarding delays in specialty care for another class member at ASPC-
11 Florence.

12 I declare under penalty of perjury that the foregoing is true and correct.

13 This declaration was executed on March 20, 2020, in San Rafael, California.

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15 Dated: March 20, 2020

/s/ Tania Amarillas Diaz

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Tania Amarillas Diaz
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Dated: March 20, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2020, I electronically transmitted the above document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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