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UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

RICHARD S., CYNTHIA R., VALDINA R., and ROES 1 through 800, individually and on behalf of all those similarly situated by WILLIAM CABLE, M.D. as Guardian ad Litem Plaintiffs, vs. DEPARTMENT OF DEVELOPMENTAL SERVICES OF THE STATE OF CALIFORNIA, FAIRVIEW DEVELOPMENTAL CENTER, SOUTH COAST REGIONAL PROJECT, HARBOR REGIONAL CENTER, REGIONAL CENTER OF ORANGE COUNTY, SAN DIEGO REGIONAL CENTER, SOUTH CENTRAL LOS ANGELES REGIONAL CENTER, WESTSIDE REGIONAL CENTER, DENNIS G. AMUNDSON, as Director of the DEPARTMENT OF DEVELOPMENTAL SERVICES STATE OF CALIFORNIA, HUGH KOHLER, as Executive Director of FAIRVIEW DEVELOPMENTAL CENTER, LILIA TAN FIGUEROA, M.D., as Medical Director of FAIRVIEW DEVELOPMENTAL CENTER, DAWN LEMONDS as director of SOUTH COAST REGIONAL PROJECT, and Does 1 through 500, inclusive, Defendants	CASE NO: DECLARATION OF JOCELYN DOROUGHTY, M.D., IN SUPPORT OF PLAINTIFFS' APPLICATION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION Date: March 20, 1997 Time: 10:00 a.m. Place: Federal District Court, Santa Ana, California

I, JOCELYN DOUGHERTY, M.D., declare

1. I am a Neurologist employed at Fairview Developmental Center, Costa Mesa, California since April, 1975.

2. I graduated with an M.D. from the University of Kansas in 1967. I completed my internship and Neurology residency from 1967-1972 at Presbyterian Hospital, San Francisco and the University of California, Davis. I then completed a two (2) year fellowship in Neuro-ophthalmology at Columbia University Medical School, New York City. During my fellowship I was a member of the clinical teaching faculty at the Bronx V.A. Hospital, New York City.

3. I am a licensed Physician and Surgeon in the State of California (Lic.# C30577).

4. I have twenty one (21) years experience in the medical care of the developmentally disabled at Fairview State Hospital.

5. I am a Diplomate of the American Board of Quality Assurance.

6. I am presently a member of the Medical Executive Committee and Secretary of the Medical Staff at Fairview Developmental Center, Costa Mesa, California.

7. There is an urgent need to call a temporary halt to discharges from Fairview Developmental Center to community placement, skilled nursing facilities or other non institutional settings until the community homes are established to be reasonably safe. Many homes have LVNs and no RNs.

8. Deaths of our discharged clients are numerous enough to indicate an alarming trend.

9. If the discharges continue we may expect additional

deaths.

10. A 1996 published peer reviewed medical article by Dr. David Strauss shows a 74% increased mortality of the developmentally disabled adults in the community as compared to the institutions in California.

11. On or about December 15, 1996, and since the filing of the Cable lawsuit, client "JB", who had been a long term Fairview patient, and a patient of mine, was transferred from the skilled nursing facility at Fairview to a private skilled nursing facility in Long Beach, California. Within twelve (12) days of transfer "JB" died. Despite having personally contacted client records at Fairview who called the coroner's office I have been able to found out few of the facts concerning JBs death. Fairview client records told me that it might take months for me to obtain the autopsy report.

12. I personally reviewed the medical chart, of patient "X" who was transferred from the skilled nursing facility at Fairview Hospital to private community placement at one of the group "soccer homes" which were built on land adjacent to Fairview. Shortly after such transfer patient "X" drowned in a bath tub in the home.

13. On or about 1994 patient "Y", who had been a long term resident at Fairview and was under my care for a short time, and had a nephrostomy tube, died within six (6) months of transfer and discharge from Fairview. I believed that he should not have been transferred.

14. I had been informed that doctors were not to give their opinion about the suitability of discharges.

15. I was informed that doctors could not call the coroner regarding the cause of death of their patients and I took this to extend to patients discharged.

16. Part of patient care is discharge planning and we are not allowed to participate in that aspect of patient care.

17. Therefore, Fairview patients subject to discharge are not getting the medical input that is required to ensure that their medical condition is stable enough for the placement that is being offered by the State.

18. Physicians and staff at Fairview are justifiably fearful that if they complain about the discharges they will suffer retaliation. This has a deleterious effect on proper placement.

19. The patient population at Fairview has been slashed to less than one third of its peak census.

20. More than 90% of the clients remaining at Fairview are the most severely and profoundly mentally disabled with serious medical problems.

21. Clients whose discharge from Fairview requires considerable experience and judgment are essentially being discharged by social workers who do not have the training and experience to gauge the suitability of the placement.

22. My experience in the DDS system is that follow up reports from the community are not given to physicians. Most reports that I hear about arrive at Fairview fairly long after the event. I have never received individual case reports through official channels.

23. I believe that I have an obligation to know what

becomes of my discharged patients, but I am not allowed to know what happens to my patients.

24. A temporary halt to discharges is needed to ensure quality care.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on: Mar 19 1997

JOCELYN DOUGHERTY, M.D., DECLARANT