

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN

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KRISTINE FLYNN, *et al.*,

Plaintiffs,

v.

Case No. 06-C-0537

JAMES DOYLE, *et al.*,

Defendants.

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**JOINT MOTION TO INCORPORATE SETTLEMENT TERMS**

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Pursuant to Federal Rule of Civil Procedure 23(d), the Parties jointly ask the Court to enter an Order incorporating “Appendix C to Settlement Agreement,” into the Settlement Agreement (Doc. No. 272-1) approved by the Court on December 2, 2010 (Doc. No. 274).

Paragraph I(A)(2)(a) of the Settlement Agreement requires the Consultant and the Parties to develop Compliance Indicators and Compliance Thresholds for each of the 12 TCI Medical Care Standards. Paragraph I(A)(2)(a)(i)(2) states that these “Compliance Indicators and their corresponding Compliance Thresholds will be incorporated into the agreement as enforceable terms with the understanding that Compliance Indicators may be modified by the Consultant and TCI health care staff, with input from Plaintiffs’ counsel, to reflect operations needs of the institution.”

The Parties and the Consultant have developed and agreed upon the Compliance Indicators and Compliance Thresholds for the TCI Medical Care Standard “Nonemergency

Health Care Requests and Services” and have set them forth in “Appendix C to Settlement Agreement,” attached hereto. The Parties respectfully ask the Court to enter an Order incorporating Appendix C into the Settlement Agreement previously approved.

Pursuant to Civ. L.R. 7.1(a), undersigned counsel certifies that no separate supporting brief will be filed with this motion.

Dated May 23, 2011

Respectfully submitted,

/s Gabriel B. Eber

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UNITED STATES DISTRICT COURT  
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**APPENDIX C to SETTLEMENT AGREEMENT**

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The Parties to the Settlement Agreement [Document No. 264-1] in the above matter, by their counsel, state as follows:

1. The Parties have complied with Section I(A)(2)(a)(i) of the Settlement Agreement, as modified on March 8, 2011.
2. The attached Compliance Indicators and Compliance Thresholds for "Non-Emergency Health Care Requests and Services" are hereby submitted for incorporation into the Settlement Agreement pursuant to Section I(A)(2)(a)(i)(2) of that agreement. The Compliance Thresholds set forth in the attached document are enforceable as part of the Settlement Agreement.
3. As set forth in the attached document, the "Performance Goal" for each Compliance Indicator represents a target level of performance that TCI will seek to achieve in accordance with principles of patient safety and quality improvement. Performance Goals are not enforceable as part of the Settlement Agreement.
4. The Parties and Consultant agree that the Compliance Thresholds set forth herein are for the sole purpose of determining compliance with terms of the Settlement Agreement in the above-captioned matter.

5. The Compliance Indicators and Compliance Thresholds have been created to reflect specific circumstances at the Taycheedah Correctional Institution. Neither Party represents that attainment of the Compliance Thresholds for any given Compliance Indicator has any legal or Constitutional significance beyond determining compliance with the Settlement Agreement in the above-captioned matter. This Appendix is not admissible for any reason in any action other than the above-captioned matter.

6. All terms used in this Appendix shall have the same meaning given them in the Settlement Agreement.

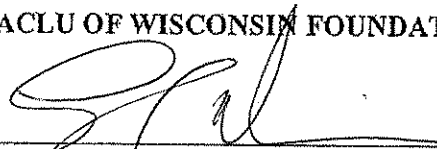
7. This Appendix may be signed in counterpart originals.

Dated: 5/18/2011 NATIONAL PRISON PROJECT  
OF THE ACLU FOUNDATION



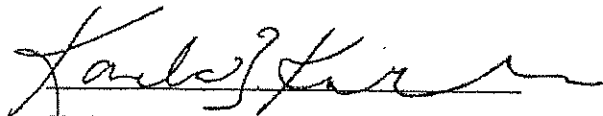
Gabriel B. Eber  
Staff Counsel

Dated: 5/23/11 ACLU OF WISCONSIN FOUNDATION



Laurence Dupuis  
Legal Director

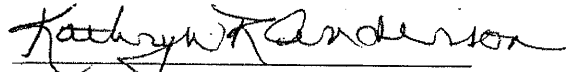
Dated: WISCONSIN DEPARTMENT OF  
JUSTICE



Karla Z. Keckhaver  
Assistant Attorney General

Dated: 5/17/2011

**WISCONSIN DEPARTMENT OF  
CORRECTIONS**

A handwritten signature in cursive script, reading "Kathryn R. Anderson", written over a horizontal line.

Kathryn R. Anderson  
Chief Legal Counsel

| Measure #  | Compliance Indicator                                                                                                                                           | Compliance Threshold                                                   | Performance Goal                                                       |
|------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|
| P-E-07.001 | Prisoners in General Population have opportunity daily to request health care                                                                                  | Complies                                                               | Complies                                                               |
| P-E-07.002 | Prisoners in Seg have opportunity daily to request health care                                                                                                 | Complies                                                               | Complies                                                               |
| P-E-07.005 | Correctional officers pass urgent oral requests for health care to nurse without filter                                                                        | ≥ 90%                                                                  | 100%                                                                   |
| P-E-07.006 | Inmate/patient verbal requests for healthcare are responded to in a timely and appropriate manner without filter from custody staff.                           | x - y* grievances/1000 population/year                                 | x - y* grievances/1000 population/year                                 |
| P-E-07.007 | Correctional officers pass urgent oral requests to nurse without filter; nurses assess patient timely                                                          | all specific complaints followed up; consistent with chart review data | all specific complaints followed up; consistent with chart review data |
| P-E-07.010 | Verbal request for health care are triaged/acted on by an RN.                                                                                                  | Complies                                                               | Complies                                                               |
| P-E-07.011 | Verbal request for health care are triaged/acted on in a clinically appropriate timeframe.                                                                     | ≥95%                                                                   | 100%                                                                   |
| P-E-07.012 | The disposition (triage decision) related to the patient's verbal request for healthcare is documented in the patient's medical record.                        | ≥ 90%                                                                  | 100%                                                                   |
| P-E-07.015 | The disposition (triage decision) related to the patient's verbal request for healthcare is clinically appropriate.                                            | ≥95%                                                                   | 100%                                                                   |
| P-E-07.020 | Sick call resulting from verbal requests occurs in a timely manner.                                                                                            | ≥95%                                                                   | 100%                                                                   |
| P-E-07.030 | Health Services Requests are date stamped when received in the Health Services Unit                                                                            | ≥ 90%                                                                  | 100%                                                                   |
| P-E-07.033 | Health Services Requests are paper-triaged by RN                                                                                                               | Complies                                                               | Complies                                                               |
| P-E-07.034 | RNs who paper-triage are credentialled to do so                                                                                                                | Complies                                                               | Complies                                                               |
| P-E-07.035 | Health Services Requests are paper-triaged within 1 day (24 hours)                                                                                             | ≥95%                                                                   | 100%                                                                   |
| P-E-07.040 | Health Services Requests paper-triage is clinically appropriate                                                                                                | ≥95%                                                                   | 100%                                                                   |
| P-E-07.043 | The written response to the Health Service Request is respectful                                                                                               | ≥ 90%                                                                  | 100%                                                                   |
| P-E-07.050 | If indicates the need for RN sick call appointment, it was conducted in a timely manner.                                                                       | ≥95%                                                                   | 100%                                                                   |
| P-E-07.052 | If triage of the Health Services Request indicates the need for a sick call appointment directly with Advanced Care Provider, was conducted in a timely manner | ≥95%                                                                   | 100%                                                                   |

| Measure #  | Compliance Indicator                                                                                                                                                                                                    | Compliance Threshold                | Performance Goal                    |
|------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|
| P-E-07.055 | If the sick call visit with the RN indicates the need for follow up appointment with practitioner, was seen in a timely manner.                                                                                         | ≥95%                                | 100%                                |
| P-E-07.060 | Sick call conducted by credentialed RNs                                                                                                                                                                                 | Complies                            | Complies                            |
| P-E-07.063 | Sick call occurs in a clinical setting                                                                                                                                                                                  | Complies                            | Complies                            |
| P-E-07.065 | Satisfied with care during sick call                                                                                                                                                                                    | all specific complaints followed up | all specific complaints followed up |
| P-E-07.066 | Satisfied with care during practitioner follow up to sick call                                                                                                                                                          | all specific complaints followed up | all specific complaints followed up |
| P-E-07.080 | If a Health Services Request results in a visit with an Advanced Care Provider (either directly through paper-triage or by sick call RN referral), the visit with the Advanced Care Provider was clinically appropriate | ≥ 95%                               | 100%                                |



**TCI Medical Care Standard #1**  
**(Methodology)**

May 17, 2011

| Measure #  | Means of Assessment | Denominator                                                                                                                                            | Numerator                                                                                                                                      |
|------------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| P-E-07.005 | Chart Audits        | # verbal requests for healthcare during the timeframe reviewed (n=max# regardless if source from orrectional officer log or Health Services Unit log). | # denominator entries with documentation in both the Health Services Unit log and custody log for verbal request (timeframe within 30 minutes) |
| P-E-07.006 | Chart Audits        | 1000                                                                                                                                                   | (# grievances for this issue in month) * 1000/average daily population this month*12                                                           |
| P-E-07.011 | Chart Audits        | # verbal requests for healthcare during the timeframe reviewed (n= max # regardless of source)                                                         | # denominator entries where the timeframe for triage is determined to be clinically appropriate.                                               |
| P-E-07.012 | Chart Audits        | # verbal requests for healthcare during the timeframe reviewed (n= max # regardless of source)                                                         | # denominator entries that have a corresponding note in the medical record indicating the triage disposition.                                  |
| P-E-07.015 | Chart Audits        | # verbal requests for healthcare during the timeframe reviewed (n= max # regardless of source)                                                         | # denominator entries where the disposition is determined to be clinically appropriate by the reviewer.                                        |
| P-E-07.020 | Chart Audits        | # verbal requests for healthcare during the timeframe reviewed (n= max # regardless of source) that resulted in a disposition of sick call             | # denominator entries where the disposition results in a sick call visit, where the sick call occurred in a clinically appropriate timeframe.  |
| P-E-07.030 | Chart Audits        | # Health Services Requests reviewed                                                                                                                    | # denominator entries that have a date stamp indicating receipt in HSU                                                                         |
| P-E-07.035 | Chart Audits        | # Health Services Requests reviewed                                                                                                                    | # denominator entries for which date of triage is within 1 day of request                                                                      |
| P-E-07.040 | Chart Audits        | # Health Services Requests reviewed                                                                                                                    | # denominator entries for which paper triage plan was clinically appropriate                                                                   |
| P-E-07.043 | Chart Audits        | # Health Services Requests containing written responses to patients reviewed                                                                           | # denominator entries for which the indicated in the paper triage is respectful                                                                |
| P-E-07.050 | Chart Audits        | # Health Services Requests containing referrals to RN sick call reviewed                                                                               | # of denominator where sick call appointment occurs in a timely manner < 1 weekday/3 weekend days)                                             |
| P-E-07.052 | Chart Audits        | # Health Services Requests containing direct triage referral to an Advanced Care Provider reviewed                                                     | # of denominator which take place w/i time frame planned                                                                                       |

# **TCI Medical Care Standard #1** **(Methodology)**

May 17, 2011

| Measure #                                                                                                                                                                                                                                         | Means of Assessment | Denominator                                                                                                        | Numerator                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| P-E-07.055                                                                                                                                                                                                                                        | Chart Audits        | # Health Services Requests in which the sick call RN recommended follow up with an Advanced Care Provider reviewed | # denominator entries for which visit with Advanced Care Provider was timely |
| P-E-07.080                                                                                                                                                                                                                                        | Chart Audits        | # Health Services Requests containing Advanced Care Provider visits reviewed                                       | # of denominator entries for which care is appropriate                       |
| Measure #                                                                                                                                                                                                                                         | Means of Assessment | Action                                                                                                             |                                                                              |
| P-E-07.001                                                                                                                                                                                                                                        | Inspection          | Inspect policy, training curricula, examine practice                                                               |                                                                              |
| P-E-07.002                                                                                                                                                                                                                                        | Inspection          | Inspect policy, training curricula, examine practice                                                               |                                                                              |
| P-E-07.010                                                                                                                                                                                                                                        | Inspection          | Inspect policy, examine practice                                                                                   |                                                                              |
| P-E-07.033                                                                                                                                                                                                                                        | Inspection          | Inspect policy, examine practice                                                                                   |                                                                              |
| P-E-07.034                                                                                                                                                                                                                                        | Inspection          | Inspect training files of triagers                                                                                 |                                                                              |
| P-E-07.060                                                                                                                                                                                                                                        | Inspection          | Inspect policy, examine practice, review training files of sick call nurses                                        |                                                                              |
| P-E-07.063                                                                                                                                                                                                                                        | Inspection          | Examine practice                                                                                                   |                                                                              |
| P-E-07.007                                                                                                                                                                                                                                        | Prisoner Interviews | Conduct interviews                                                                                                 |                                                                              |
| P-E-07.065                                                                                                                                                                                                                                        | Prisoner Interviews | Conduct interviews                                                                                                 |                                                                              |
| P-E-07.066                                                                                                                                                                                                                                        | Prisoner Interviews | Conduct interviews                                                                                                 |                                                                              |
| * There is not yet sufficient experience with this measure at TCI to assign appropriate values to x and y. TCI will begin measuring this metric. The consultant will work with WDOC to establish appropriate values after more data is collected. |                     |                                                                                                                    |                                                                              |