

Motion for Immediate Relief

Exhibit 12



U.S. Department of Justice

Civil Rights Division

SYC:JCP:DD:MRB:TDM:RAK:ALG:YD:dj
DJ 168-19-74, 75;
168-19m-68, 69, 70;
168-20-45, 46

*Special Litigation Section - PHB
950 Pennsylvania Avenue, NW
Washington, DC 20530*

September 4, 2009

BY FIRST CLASS MAIL AND EMAIL

Mary Lou Rahn
2 Peachtree Street, N.W.
Suite 22256
Atlanta, Georgia 30303

Jason Naunas, Esq.
Department of Law
State of Georgia
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

Re: United States v. Georgia, No. 1:09CV-119-CAP (N.D. Ga.)
Suicide At Georgia Regional Hospital - Savannah

Dear Ms. Rahn and Mr. Naunas:

We are in receipt of the Critical Incident Report regarding the August 27, 2009, suicide at Georgia Regional Hospital - Savannah ("GRHS"). We write to request additional information regarding that incident.

As you know, because of the significant deficits in care and treatment we found during our visit to GRHS from June 21-26, 2009, we raised significant concerns regarding the potential for a successful suicide attempt at GRHS during our exit briefing on June 26, 2009. In particular, our protection from harm consultant noted that the data gathered by GRHS's quality management was grossly inadequate, and she found substantial deficiencies in GRHS's supervision of patients. Additionally, our psychiatric consultant indicated that GRHS's psychiatric assessments had grave deficits, especially with regard to potential suicidality. Given the notice we gave the State and GRHS of these significant problems, this suicide is particularly troubling.

Pursuant to Section V.D. of the Settlement Agreement in this case, conditions or practices that pose an immediate and serious threat to the life, health, or safety of patients served by the Georgia Psychiatric Hospitals do not require that the State be

afforded a cure period. Thus, we ask that the State provide its responses to the requests below no later than September 21, 2009:

1. A description of the efforts undertaken at GRHS to prevent future suicides by patients.
2. A draft Root Cause Analysis or, if it is not yet available, a description of the process undertaken by the State to conduct an expedited root-cause analysis of the suicide; include the corrective action plans that respond to any findings identified by this analysis.
3. If not provided in response to Request No. 2, all witness statements, including any statements made by staff members or other patients, relating to the suicide.
4. The victim's clinical records from first admission through to his death.
5. If not provided in response to Request No. 4, all assessments of the victim from admission through to his death.
6. Nursing Services's 24-hour reports from August 26, 2009, through August 27, 2009, for all units on which the victim resided.
7. Staffing Daily Assignment Sheets from August 26, 2009, through August 27, 2009, for all shifts and all units on which the victim resided.
8. A list of all individuals who were on heightened supervision from August 26, 2009, through August 27, 2009, for all shifts and all units on which the victim resided, including name, unit, date(s), and supervision level.

If you should have any questions about this request, please feel free to contact me at (202) 514-6255, Mary Bohan at (202) 616-2325, Timothy D. Mygatt at (202) 305-3334, David Deutsch at (202) 514-6270, or Robert Koch at (202) 305-2302.

Sincerely,

Judy Preston by [signature]

Judy C. Preston
Deputy Chief
Special Litigation Section