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## Judge expands pay raises at state hospitals

**Ruling says the wages of mental health workers treating inmates must be within 5% of the salaries earned by their counterparts in prisons.**

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In a compromise greeted with joy by some staff at the state's beleaguered mental hospitals, a federal judge has ordered significant pay raises for all clinicians who treat patients transferred there for care from state prisons.

U.S. District Judge Lawrence Karlton late Thursday ordered the pay of the mental health workers raised to within 5% of the salaries earned by their counterparts in the prisons.

A May ruling by Karlton demanded raises only for psychiatric technicians, licensed social workers, psychologists and psychiatrists who directly care for prisoners — a relatively small percentage of the 5,000 or so patients in the hospital system.

But state Department of Mental Health Director Stephen Mayberg, fearing that raises for just some clinicians would wreak havoc inside the system, said the newly ordered hikes will be granted to all clinicians whose counterparts in prisons received raises earlier this year.

Mayberg also said he was pleased the court accepted less than full pay parity for hospital workers, since the governor's office believed parity could trigger a new wave of competition between the bureaucracies and lure clinicians away from the deeply troubled prisons.

"We're happy with the fact that we found a compromise we can all live with," Mayberg said.

Karlton, overseeing a class-action lawsuit on behalf of mentally ill prisoners, last December had ordered significant raises for prison mental health workers, deeming prisoners' care so poor as to be unconstitutional.

When it took effect in January, that order unintentionally triggered an exodus of staff from the hospitals to the higher-paying prison jobs. The new raises aim to slow that exodus.

Atascadero State Hospital on the Central Coast has been most affected by the staff bleeding. Earlier this year, Atascadero's recently retired executive director severely curtailed admissions, saying the hospital could no longer ensure patient and staff safety. Exhausted staff attributed a spike in suicides and other patient deaths this spring to the shortages.

Thursday's order is the latest move in a tortured battle over the pay hikes in recent months. The state Department of Mental Health initially proposed bringing only psychiatrists and senior psychologists to within 5% of the prison pay — and increasing the pay of psychiatric technicians and others to within 18% of the prison salaries.

After Karlton in late May ordered full pay parity for some workers, state officials on June 14 instead returned with a plan suggesting the 5% differential for everyone — a counteroffer that plaintiffs' attorneys said they were willing to try as long as the state moved more quickly to get hospital beds opened for sick prisoners.

Psychiatric technicians welcomed the compromise with relief late this week.

"The judge did it ... more money," Paul Hannula, an Atascadero psychiatric technician and union vice president, notified members on a bulletin board site for the California Assn. of Psychiatric Technicians. The pay disparities have wreaked havoc on the state's relatively thin mental health workforce, as psychiatrists and other clinicians abandoned state mental and veterans' hospitals as well as developmental disability facilities and county mental departments for more lucrative prison jobs.

Karlton's order relates only to pay for the state hospital clinicians, since they in part treat the mentally ill prisoners under his court's jurisdiction.

Ironically, the pay disparities that his December order created ended up hurting the very population he was trying to help, since Atascadero State Hospital plays a key role in treating the sickest prisoners.

In a long-term plan submitted to Karlton last December, state officials had pledged that 256 beds would be available at Atascadero for mentally ill prisoners — 25 acute beds and 231 intermediate-care beds.

But the admissions freeze at the hospital has since slammed the door on those sick prisoners. As of June 8, according to Karlton's order, only 67 prisoners were being treated at the facility. Others remain in prisons where long waiting lists for mental health beds persist, or in some cases are being released to the street without first being stabilized, said plaintiffs' lawyer Michael Bien.

"Defendants are providing to class members only 26% of beds at [Atascadero] called for by their plan," Karlton wrote in his order. "That is

unacceptable."

In the order, Karlton demanded that the state submit a plan within 30 days to open 125 intermediate beds at Atascadero and follow up with a plan by Nov. 30 to make all the beds available.

Bien reacted cautiously to the order, saying the governor's office had not taken a strong enough role in addressing the statewide crisis, which has also led to long waiting lists of jail inmates too ill to stand trial who cannot get into the hospitals for needed treatment. Instead they are languishing — often unmedicated and before their cases have been adjudicated — in strained county jails.

In negotiations with some unions representing hospital workers, Bien added, the state is proposing to reduce retirement compensation and other benefits in exchange for the salary hikes.

"I don't trust the state for one minute," he said. "We know they'll do anything to save pennies, and that means more people are going to die. This is part of a long battle."

The order came a day after Karlton held a joint hearing with U.S. District Judge Thelton Henderson — who is overseeing reforms to prison medical care — to consider capping the prison population due to persistently poor medical and mental health conditions.

Though they have not yet ruled, the judges indicated a willingness to appoint a three-judge panel that would explore setting such a population cap.

A third of the prisons' mentally ill population, Karlton noted in that hearing, is not getting adequate care.

Mayberg said he is in discussions with Atascadero's new director about reopening the beds at the hospital, which has been operating in emergency mode since a broken water main left the entire facility without water or power more than a week ago.

"We've got to get the hospital functioning," said Mayberg, who hopes to restart power today and commended staff and patients for handling the crisis calmly.

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