



Legislative Fiscal Bureau

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Joint Committee on Finance

Paper #232

Inmate Health Care (Corrections -- Adult Corrections)

Bill Agency

[LFB 2007-09 Budget Summary: Page 108, #6]

CURRENT LAW

The Department of Corrections' Bureau of Health Services (BHS) administers inmate health care services that are provided at the 20 adult institutions, 16 correctional centers, and the three juvenile schools. Funding for BHS includes health care service contracts, pharmaceutical costs, limited-term positions for inmate health care, and other professional medical services.

Funding is also provided to the individual institutions for health care services, including mental health and dental services. The Department operates health services units at all 20 adult institutions, the three juvenile schools, and two of the correctional centers.

In 2005-06, the Department expended \$88.1 million for inmate health care services, including \$48.0 million for BHS costs and \$39.1 million for health services at individual institutions. For 2006-07, budgeted funding totals \$85.3 million for inmate health care.

GOVERNOR

Provide \$1,472,300 GPR and 30.25 GPR positions in 2007-08 and \$1,946,700 and 43.0 GPR positions in 2008-09 associated with prison health care. Funding and positions would be utilized to support health care services at Taycheedah Correctional Institution, Dodge Correctional Institution, Fox Lake Correctional Institution, and for the Department's Bureau of Health Services.

DISCUSSION POINTS

1. Under Wisconsin law, the standards for delivery of health services in the correctional facilities must be based on the "the standards of any professional organization that establishes standards for health services in prisons and that is recognized by the department." For health care services issues, Corrections recognizes the National Commission on Correctional Health Care (NCCHC), which provides recommendations for the management of correctional health services.

2. In 2005-06, health care expenditures totaled \$88.1 million GP for an average daily population of 22,412 adult inmates. The following table identifies these expenditures by category.

Department of Corrections Health Care Expenditures 2005-06

Salary and Fringe Benefits	\$30,367,500
Professional Medical Services/Other*	13,185,300
Pharmaceuticals	13,957,500
Limited-Term Employees	8,785,100
UW Hospitals and Clinics	9,452,900
UW Medical Foundation	1,670,100
Local Hospital	6,670,000
Waupun Hospital	<u>3,965,500</u>
Total	\$88,053,900

*Professional medical services and other costs include medical, optical, dental and laboratory services provided by private vendors, supplies and services, costs for contracted nursing services, and costs for claims processing and case management.

3. The NCCHC was commissioned by the U.S. Department of Justice's National Institute of Corrections to evaluate and assess Wisconsin's prison health care system. The NCCHC assessment was submitted to Congress by the National Institute of Corrections in December, 2002. The assessment, which included on-site visits to several correctional institutions, was critical of Wisconsin's prison health care, finding three general program areas: (a) an underdeveloped medical program without strong medical administrative leadership; (b) inadequate staffing levels; and (c) inadequate management controls to ensure quality health services.

4. The NCCHC assessment's recommendations for Wisconsin's prison health care included: (a) improved organization within the Department's Bureau of Health Services for overall administration of medical, dental, and mental health services in the institutions; (b) improved organization and monitoring of budgeted funding for health care; and (c) based on a health care staffing review of 15 facilities, additional staffing at each of the facilities, including clerical staff, licensed practical nurses, nurse clinicians, mental health personnel, pharmacy technicians, dental

assistants, dentists, and a physician (approximately 120 additional positions were specified, but recommendations also included proposals of increasing staff generally). The 15 facilities recommended for additional health care staffing were Dodge, Taycheedah, Racine, Milwaukee Secure Detention Facility, Columbia, Oshkosh, Fox Lake, Kettle Moraine, Green Bay, Waupun, Racine Youthful Offender Facility, Oakhill, Jackson, Redgranite, and Robert E. Ellsworth.

5. For the 2005-07 biennial budget, the Governor had recommended deleting 130.45 positions associated with inmate health care services to instead pursue contracting services for inmate health care. Given the uncertainties regarding potential future contracts or costs, the enacted budget bill instead restored the deleted positions and required the Department to submit a plan to the Joint Committee on Finance regarding the manner in which the Department would manage adult correctional health care and costs.

6. The Department submitted a report on February 3, 2006, indicating that Corrections would "continue to provide cost effective, quality health care utilizing staff within the walls of the Department's adult facilities and the DOC-operated central pharmacy while accessing outside vendors for services not available in the state's adult prisons." In identifying areas of focus for improving prison health care, the Department indicated:

"DOC will undertake a comprehensive effort to accredit all adult institutions that operate a health services unit (22 facilities) through the [NCCHC]. Accreditation will be phased in over six years, and will be timed to coincide with the next three biennial budgets. The goals of accreditation are to improve health care quality across the board and improve risk management throughout our facilities...

As the Department moves toward accreditation, health care quality will be raised across the board. However, several critical high priority areas of health merit additional and more immediate attention, including: Mental health, elderly and geriatric care, chronic and communicable disease management, substance abuse treatment, and gender-specific health care for female inmates. DOC will continue to pursue initiatives in these critical public health areas."

7. On May 1, 2006, the U.S. Department of Justice Civil Rights Division submitted a letter to the Governor to report its findings on an investigation of correctional mental health care at Taycheedah Correctional Institution. Based on its investigation, the Civil Rights Division concluded "that certain conditions at Taycheedah violate inmates' constitutional rights by failing to provide for inmates' serious mental health needs." Throughout the letter, the lack of sufficient staffing is cited:

- "Taycheedah fails to provide sufficient mental health care staff to meet the inmates' serious mental health needs."
- "Psychiatrist staffing at Taycheedah is grossly inadequate."
- "A physician, preferably a psychiatrist, is needed to evaluate whether psychotropic

medications should be initiated and to evaluate the continued administration for proper dosage and effectiveness."

- "Taycheedah lacks sufficient nursing staff to meet inmates' serious mental health needs for long-term maintenance on psychotropic medications."
- "Staffing for psychologists at Taycheedah is insufficient to provide timely and systematic screening and evaluation for mental illness among inmates."
- "Insufficient staffing in Taycheedah's Assessment and Evaluation Unit impedes the facility from having an adequate systematic intake assessment and triage process."
- "As a result of the limited number of psychologists, psychologists are limited to performing initial diagnostic assessments and managing crises."

8. In the letter, the Civil Rights Division recommends increasing staffing in order to provide adequate psychiatry coverage, medication delivery, nursing care, psychology coverage, mental health programming, and crisis services. The letter concludes:

"We hope to continue working with the State in an amicable and cooperative fashion to resolve our outstanding concerns regarding Taycheedah's mental health care... We are obliged to advise you that, in the entirely unexpected event that we are unable to reach a resolution regarding our concerns, the Attorney General may initiate a lawsuit pursuant to CRIPA [Civil Rights of Institutionalized Persons Act] to correct deficiencies of the kind identified in this letter... We prefer, however, to resolve this matter by working cooperatively with you and are confident that we will be able to do so in this case."

9. The Department indicates that it is currently in negotiations with the Civil Rights Division regarding mental health care at Taycheedah, and has informed the Division of the requested funding and staffing in Senate Bill 40.

10. Senate Bill 40 would provide \$1,472,300 GPR and 30.25 GPR positions in 2007-08 and \$1,946,700 GPR and 43.0 GPR positions in 2008-09 associated with prison health care. Funding and positions would be provided as follows:

- *Taycheedah Correctional Institution.* The bill would provide \$2,383,500 GPR and 33.25 positions, divided as follows: (a) \$1,022,300 and 20.5 positions in 2007-08 and \$1,639,600 and 33.25 positions in 2008-09 to expand mental health services and provide additional staffing for assessments and evaluations, nursing care, and the health services unit; (b) \$229,000 in 2007-08 and \$221,700 in 2008-09 for limited-term employees for psychiatry services; and (c) -\$312,500 in 2007-08 and -\$416,600 in 2008-09 as a result of savings from lower usage of contracted services positions. Staffing would include: 1.0 supervising psychiatrist, 2.0 psychologists, 1.5 psychologist supervisors, 5.25 psychological associates, 9.5 licensed practical nurses, 1.0 nurse practitioner, 4.5 nurse clinicians, 3.5 medical assistants, 3.5 associate medical program assistants, and 1.5 office

operations associates.

- *Dodge Correctional Institution.* The bill would provide \$275,500 GPR and 3.75 positions for Dodge's infirmary unit, divided as follows: (a) \$247,100 in 2007-08 and \$301,400 in 2008-09 and 3.75 positions annually; and (b) -\$117,000 in 2007-08 and -\$156,000 in 2008-09 associated with savings from lower usage of contracted dialysis care.

- *Fox Lake Correctional Institution.* The bill would provide -\$394,900 GPR and 1.0 GPR position, as follows: (a) one-time funding of \$46,500 in 2007-08 for dialysis equipment; (b) -\$234,000 in 2007-08 and -\$312,000 in 2008-09 associated with savings for lower usage of contracted dialysis care; and (c) \$52,000 in 2007-08 and \$52,600 in 2008-09 for 1.0 correctional officer position. The Department indicates that the additional correction officer is needed due to the location of the dialysis chairs at the institution's health services unit (HSU): "Line of site issues prevent the officers that are already providing security to the HSU to also cover the dialysis area."

- *Bureau of Health Services.* The bill would provide \$1,155,700 GPR and 5.0 GPR positions for, divided as follows: (a) \$383,000 GPR in 2007-08 and \$459,300 GPR in 2008-09 and 5.0 GPR positions annually associated with reorganization under the Bureau of Health Services for departmentwide health care management; and (b) \$156,700 GPR annually for limited-term employees for psychiatry services. Funding and positions would assist the Department with supervision of staff and with financial management and oversight of health care staff.

11. Providing the additional funding and staffing would address some of the issues identified in the NCCHC assessment and would assist the Department in its goal toward improving health care services. Specifically, the funding and staffing for Taycheedah would address the findings raised in the U.S. Department of Justice Civil Rights Division investigation.

12. Given the overall budget constraints facing the state, and the resulting need to prioritize state spending, the Committee may wish to provide additional funding and staffing, but focus on the needs at the specific institutions, and delete the provisions related to the Bureau of Health Services health care management staffing. Although this alternative would limit the Department's current ability to reorganize its centralized management of health care, funding and positions would still be provided for direct health care services for inmates at the institutions. Under this alternative, the bill would be modified by -\$539,400 GPR in 2007-08 and -\$615,900 GPR in 2008-09 and -5.0 GPR positions annually.

13. The Department indicates that if the provisions for health care are deleted that: (a) for the Bureau of Health Services, the Department would be limited in its ability to enhance supervision and its financial, budgeting, and planning capabilities for managing health care and health care costs; (b) for Taycheedah, the Department will be limited in its ability to address the concerns raised by the U.S. Department of Justice; and (c) for Dodge staffing and Fox Lake dialysis services, the Department will continue to need to rely on contracted care instead of cost-effective

direct care.

ALTERNATIVES TO BILL

1. Approve the Governor's recommendation to provide \$1,472,300 GPR and 30.25 GPR positions in 2007-08 and \$1,946,700 and 43.0 GPR positions in 2008-09 associated with prison health care. Funding and positions would be utilized to support health care services at Taycheedah Correctional Institution, Dodge Correctional Institution, Fox Lake Correctional Institution, and for the Department's Bureau of Health Services.

ALT 1	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	\$0	0.00	\$3,419,000	43.00

2. Approve the Governor's recommendation to provide funding and positions for Taycheedah Correctional Institution, Dodge Correctional Institution, and Fox Lake Correctional Institution, but delete the provisions related to the Department's Bureau of Health Services.

ALT 2	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	-\$1,155,300	- 5.00	\$2,263,700	38.00

3. Delete provision.

ALT 3	Change to Bill		Change to Base	
	Funding	Positions	Funding	Positions
GPR	-\$3,419,000	- 43.00	\$0	0.00

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