

1 A MEMORIAL

2 REQUESTING THE SECRETARY OF CORRECTIONS TO UNDERTAKE A FORMAL
3 COST-BENEFIT ANALYSIS OF THE POSSIBILITY OF RETURNING TO A
4 HEALTH CARE SYSTEM DIRECTLY ADMINISTERED BY THE CORRECTIONS
5 DEPARTMENT IN PARTNERSHIP WITH OTHER STATE AGENCIES.

6
7 WHEREAS, in 1976, the United States supreme court ruled
8 in *Estelle v. Gamble* that all prisoners are entitled to
9 adequate medical care; and

10 WHEREAS, despite the ruling in *Estelle v. Gamble*, two
11 million three hundred thousand incarcerated Americans face
12 limited access to medical examinations and prescription
13 medication; and

14 WHEREAS, health care for inmates has been increasingly
15 privatized nationwide; and

16 WHEREAS, myriad reports nationwide and in New Mexico
17 demonstrate that privatized health care for inmates has led
18 to inadequate and costly care; and

19 WHEREAS, since the corrections department moved to a
20 private prison health care system, corrections health care
21 has been plagued by high costs, complaints of poor
22 performance, lawsuits by inmates and whistleblowers and
23 scandal; and

24 WHEREAS, in a May 2007 legislative finance committee
25 report, *Corrections Department: Review of Facility Planning*

1 *Efforts and Oversight of Private Prisons and Health Programs,*
2 it was observed regarding the then-current corrections
3 private health care contract with Wexford that the
4 corrections department had not "effectively monitored the
5 cost of medical services and has struggled to enforce key
6 contract provisions, such as staffing requirements, despite
7 applying nearly \$90 thousand in financial penalties", and the
8 report found that the quality of health care that Wexford
9 delivered was "inadequate"; and

10 WHEREAS, under the corrections department's subsequent
11 2007-2016 private corrections health care contract with
12 Corizon health of Tennessee, the nation's largest for-profit
13 provider of inmate health care, over two hundred plaintiffs
14 filed suit, alleging grossly negligent and inappropriate
15 health care in New Mexico prisons; and

16 WHEREAS, according to an April 2016 report in the *Santa*
17 *Fe New Mexican*, the corrections department showed a terrible
18 lack of oversight of the Corizon health contract for inmate
19 health care; and

20 WHEREAS, as recently as fall 2016, the corrections
21 department used staff employed by the corrections
22 department's current health care contractor, Centurion
23 correctional healthcare of New Mexico, to monitor Centurion's
24 performance of its contract with the corrections department
25 without any direction or oversight by the corrections

1 department itself; and

2 WHEREAS, for fiscal year 2018, the corrections
3 department's contract with Centurion is costing the state
4 forty-two million six hundred thousand dollars (\$42,600,000),
5 plus pharmaceutical costs and the cost of some behavioral
6 health services incurred through other vendors; and

7 WHEREAS, New Jersey's and Connecticut's correctional
8 systems contracted with state universities for inmate health
9 care to realize substantial savings, according to reports by
10 the Pew charitable trusts and the MacArthur foundation; and

11 WHEREAS, before the change to privately contracted
12 corrections health care, the corrections department
13 administered its own health care directly or through
14 contracts with other state agencies such as the department of
15 health and the university of New Mexico; and

16 WHEREAS, before privatizing its health care system, the
17 corrections department availed itself of deeply discounted
18 pharmaceutical pricing under the federal 340B program through
19 its partnerships with the department of health and the
20 university of New Mexico health sciences center to provide
21 hepatitis C treatment, HIV/AIDS care and telehealth services;
22 and

23 WHEREAS, the corrections department as a direct health
24 care administrator designed and implemented on-site dialysis
25 services, allowing inmates to receive on-site dialysis at the

1 long-term care unit in the central New Mexico correctional
2 facility; and

3 WHEREAS, before it contracted out for a privatized
4 health care system, the corrections department reported in
5 its fiscal year 1999 report that the medical services it
6 provided were "recognized as one of the great success stories
7 of the department", employing more than two hundred full-time
8 health care workers who provided ambulatory care and twenty-
9 four-hour on-site nursing care at all sites where inmates
10 were housed, a scenario that contrasts sharply with the
11 lawsuits and scandal that have plagued the corrections
12 department since privatization;

13 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
14 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary
15 of corrections be requested to undertake a formal cost-
16 benefit analysis of the possibility of returning to a health
17 care system directly administered by the corrections
18 department in partnership with other state agencies; and

19 BE IT FURTHER RESOLVED that the corrections department
20 be requested to report the results of its study to the
21 legislative finance committee, the legislative interim
22 committee focused on courts, corrections and justice issues
23 and the legislative health and human services committee by
24 November 1, 2019; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

1 transmitted to the governor, the secretary of corrections, the
2 chair and vice chair of the legislative finance committee, the
3 co-chairs of the New Mexico legislative council and the chair
4 of the legislative health and human services committee.=====

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