

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE MEMORIAL 106  
**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**  
INTRODUCED BY  
Antonio "Moe" Maestas

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

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

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

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

WHEREAS, myriad reports nationwide and in New Mexico

underscored material = new  
[bracketed material] = delete

1 demonstrate that privatized health care for inmates has led to  
2 inadequate and costly care; and

3 WHEREAS, since the corrections department moved to a  
4 private prison health care system, corrections health care has  
5 been plagued by high costs, complaints of poor performance,  
6 lawsuits by inmates and whistleblowers and scandal; and

7 WHEREAS, in a May 2007 legislative finance committee  
8 report, *Corrections Department: Review of Facility Planning*  
9 *Efforts and Oversight of Private Prisons and Health Programs*,  
10 it was observed regarding the then-current corrections private  
11 health care contract with Wexford that the corrections  
12 department had not "effectively monitored the cost of medical  
13 services and has struggled to enforce key contract provisions,  
14 such as staffing requirements, despite applying nearly \$90  
15 thousand in financial penalties", and the report found that the  
16 quality of health care that Wexford delivered was "inadequate";  
17 and

18 WHEREAS, under the corrections department's subsequent  
19 2007-2016 private corrections health care contract with Corizon  
20 health of Tennessee, the nation's largest for-profit provider  
21 of inmate health care, over two hundred plaintiffs filed suit,  
22 alleging grossly negligent and inappropriate health care in New  
23 Mexico prisons; and

24 WHEREAS, according to an April 2016 report in the *Santa Fe*  
25 *New Mexican*, the corrections department showed a terrible lack

.208896.1

underscoring material = new  
~~[bracketed material] = delete~~

1 of oversight of the Corizon health contract for inmate health  
2 care; and

3 WHEREAS, as recently as fall 2016, the corrections  
4 department used staff employed by the corrections department's  
5 current health care contractor, Centurion correctional  
6 healthcare of New Mexico, to monitor Centurion's performance of  
7 its contract with the corrections department without any  
8 direction or oversight by the corrections department itself;  
9 and

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

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

19 WHEREAS, before the change to privately contracted  
20 corrections health care, the corrections department  
21 administered its own health care directly or through contracts  
22 with other state agencies such as the department of health and  
23 the university of New Mexico; and

24 WHEREAS, before privatizing its health care system, the  
25 corrections department availed itself of deeply discounted

.208896.1

underscoring material = new  
[bracketed material] = delete

1 pharmaceutical pricing under the federal 340B program through  
2 its partnerships with the department of health and the  
3 university of New Mexico health sciences center to provide  
4 hepatitis C treatment, HIV/AIDS care and telehealth services;  
5 and

6 WHEREAS, the corrections department as a direct health  
7 care administrator designed and implemented on-site dialysis  
8 services, allowing inmates to receive on-site dialysis at the  
9 long-term care unit in the central New Mexico correctional  
10 facility; and

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

21 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
22 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary  
23 of corrections be requested to undertake a formal cost-benefit  
24 analysis of the possibility of returning to a health care  
25 system directly administered by the corrections department in

.208896.1

underscoring material = new  
~~[bracketed material]~~ = delete

1 partnership with other state agencies; and

2 BE IT FURTHER RESOLVED that the corrections department be  
3 requested to report the results of its study to the legislative  
4 finance committee, the legislative interim committee focused on  
5 courts, corrections and justice issues and the legislative  
6 health and human services committee by November 1, 2020; and

7 BE IT FURTHER RESOLVED that copies of this memorial be  
8 transmitted to the governor, the secretary of corrections, the  
9 chair and vice chair of the legislative finance committee, the  
10 co-chairs of the New Mexico legislative council and the chair  
11 of the legislative health and human services committee.

