

HOUSE MEMORIAL 106

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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

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

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

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

WHEREAS, under the corrections department's subsequent 2007-2016 private corrections health care contract with Corizon health of Tennessee, the nation's largest for-profit provider

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of inmate health care, over two hundred plaintiffs filed suit, alleging grossly negligent and inappropriate health care in New Mexico prisons; and

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

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

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

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

WHEREAS, before the change to privately contracted corrections health care, the corrections department

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administered its own health care directly or through contracts with other state agencies such as the department of health and the university of New Mexico; and

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

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

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

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NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the secretary of corrections be requested 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; and

BE IT FURTHER RESOLVED that the corrections department be requested to report the results of its study to the legislative finance committee, the legislative interim committee focused on courts, corrections and justice issues and the legislative health and human services committee by November 1, HHHC→2020
2019←HHHC; and

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