

# Medical Services at the Jails

## How Does the Sheriff-Coroner Manage Oversight?

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### Summary

Santa Cruz County outsourced its jail medical services to a private for-profit corporation in 2012. The reasons expressed for the privatization of these services included inadequate staffing and the lack of in-house expertise in the delivery of health services. There was also concern that the implementation of the Public Safety Realignment Action (AB109) would result in long-term stays in the County's correctional facilities, which would require a major change in the delivery of health care services. Jail medical services have been enhanced and increased since the engagement of California Forensic Medical Group (CFMG). However, the Grand Jury concluded that there is a lack of transparency and accountability on the part of CFMG and there is insufficient oversight by the Sheriff-Coroner's office.

The Grand Jury recommends that the Sheriff-Coroner's office increase oversight and transparency of medical services by using an independent expert and obtaining independent accreditation of the jail's medical services at each site. The Grand Jury also recommends a policy covering medically fragile inmates of any age.

### Background

It is estimated that one-half of all state and local prisons in the country have outsourced healthcare services at a cost of about \$3 billion per year. By outsourcing medical services, governments are better able to estimate fixed, predictable medical costs, and avoid increased expenses associated with employee benefits and pensions.<sup>[1]</sup> An article in *Modern Health Care Magazine* stated that on-site healthcare facilities potentially reduce security risks and costs involved in transferring prisoners to off-site medical facilities. A further benefit is the shift of most of the risk to the vendor when there are adverse medical outcomes.<sup>[1]</sup>

In September of 2012, California Forensic Medical Group contracted with the Santa Cruz County Sheriff's Department to provide managed medical and dental care services at three of the County's correctional facilities: the Main Jail, Blaine Street, and Rountree.<sup>[2]</sup> Historically, medical services had been provided by the County's Health Services Agency (HSA) and later by the Sheriff-Coroner's Office. In the August 1, 2012, Sheriff-Coroner's proposal to the Santa Cruz County Board of Supervisors, the Sheriff-Coroner recommended outsourcing of jail medical services for the following reasons:

- The changing landscape of inmate medical care
- The expertise of private correctional health providers in managing costs
- The impact of AB 109 and longer-term inmates

- CFMG was “accredited” and that by contracting with CFMG, the Santa Cruz County jail medical services would also be accredited.<sup>[3]</sup>

CFMG is a for-profit corporation providing managed healthcare. CFMG contracts with 27 other counties covering 64 correctional facilities.<sup>[4]</sup> Some of these facilities have been accredited by CMA-IMQ. However contracting with CFMG as an organization does not automatically grant accreditation to our facilities. CFMG entered into an agreement with Santa Cruz County to provide medical and dental care in compliance with California Code of Regulations, Minimum Standards for Local Detention Facilities (Title 15) and the California Medical Association-Institute of Medical Quality (CMA-IMQ) accreditation standards.<sup>[2][5][6]</sup>

Basic correctional medical care in the State of California is required to comply with the standards set by the State of California-California Code of Regulations Title 15. These standards state that, within a correctional setting, provision of inmate medical care shall be based on medical necessity.<sup>[6]</sup>

The 2013/2014 Grand Jury conducted an investigation into five deaths at the Main Jail.<sup>[7]</sup> Due to the lack of substantive responses to the 2013/2014 report, the current Grand Jury decided that the management of medical services in the main jail warranted further investigation. Since then, the Santa Cruz County Jail has experienced another in-custody death.<sup>[8]</sup>

## Scope

This investigation focused on jail medical services, currently provided by California Forensic Medical Group (CFMG) under a contract with Santa Cruz County, which began on September 17, 2012. These medical services are provided to the inmates at the Santa Cruz County Main Jail and at the Blaine Street and Rountree facilities.

The Grand Jury focused on the following issues:

- The Sheriff-Coroner’s oversight of the CFMG contract
- CFMG contract performance
- CFMG compliance with Title 15-California Code of Regulations, Minimum Standards for Local Detention Facilities (Title 15) and California Medical Association-Institute of Medical Quality (CMA-IMQ) standards

Additionally, this Grand Jury reviewed the most recent in-custody death.

## Investigation

The Grand Jury reviewed relevant online materials (newspaper articles, websites, previous California county grand jury reports, etc.) and records provided by the Sheriff’s Office. We also reviewed the California Forensic Medical Group (CFMG) Policy and Procedures Manual and CFMG records to the extent that they were made available for our inspection. The Grand Jury conducted site tours of the Santa Cruz County detention

facilities where CFMG provides services. The Grand Jury conducted interviews of personnel at various levels who could provide insight into the subject matter.

### ***Oversight of the Medical Contract***

As the facility administrator, the Sheriff-Coroner has the responsibility to ensure that emergency and basic health care services are provided to all inmates in the correctional facilities of Santa Cruz County. To fulfill these responsibilities, the County and Sheriff-Coroner have entered into a contract with California Forensic Medical Group (CFMG) as an independent contractor. The Sheriff-Coroner's responsibility for oversight of the CFMG contract<sup>[2]</sup> includes contract management and quality assurance.<sup>[3]</sup>

For the provision of inmate medical services, California Forensic Medical Group's contracted responsibilities include:

- Screening and assessment of inmates
- Inmate referral to appropriate medical and mental health care providers
- Provision of primary medical care, including administration of medications
- Custodianship of inmate medical records
- Bearing acute hospital and specialty care costs (capped at \$15K per occurrence)
- Bearing the costs of pharmaceuticals (capped at an aggregate of \$10K annually for HIV medications)
- Bearing emergency transportation costs
- Ongoing orientation and in-service health related training to corrections staff
- Provision of necessary medical information for continuity of care when transferring inmates between the jail and inpatient facilities
- Provision of dental care at the Main Jail and Rountree
- Compliance with Title 15 requirements and CMA-IMQ accreditation standards<sup>[2]</sup>

The Sheriff-Coroner's responsibilities include:

- Referral to CFMG staff, when indicated, upon inmate booking
- Routine transportation of inmates to off-site medical facilities
- Review and approval of CFMG site specific policies and procedures manuals
- Participation in quality management meetings
- Collection and forwarding to CFMG of inmate medical care grievances
- Receipt and review of CFMG's contractually required reports<sup>[2]</sup>

Santa Cruz County Health Services Agency (HSA) provides mental health services to the facilities in coordination with CFMG staff who deliver the medications prescribed by HSA staff.<sup>[2]</sup>

The Grand Jury was told that the contract with CFMG has improved the care of inmates in the county. In addition we were told that CFMG provides a more organized delivery of health care and has expanded medical services offered to inmates. The Sheriff-Coroner is now better able to control and manage the more predictable medical care costs.

However, the Grand Jury was told that the Sheriff's Department does not have personnel with the knowledge and training necessary to ensure that the appropriate quality of care is being provided by CFMG, including compliance with CMA-IMQ accreditation standards.

CMA-IMQ will, for each applicant site, survey and review compliance with their standards, and grant accreditation as appropriate. The Grand Jury understands that accreditation is the only means by which a facility's adherence to CMA-IMQ standards can be verified. The Grand Jury was told that there are no plans to pursue CMA-IMQ accreditation.

The Grand Jury found no evidence of any formal oversight activities by the Sheriff-Coroner's Office. Among those interviewed, none were aware of the full scope of CFMG's reporting obligations under the contract. The Sheriff-Coroner's Office does not have an independent medical professional assigned to review reports, or to be sure they are aligned with CFMG's contractual responsibilities. Quality Management activities performed and corrective actions taken were not detailed in the annual report as required by the contract.<sup>[2][9][10]</sup>

### ***California Forensic Medical Group Quality Assurance***

California Forensic Medical Group manages a Quality Assurance (QA) committee, which meets quarterly. In the 2013 and 2014 Annual Reports to the Sheriff-Coroner, the sections on QA contain no details of the review, findings or actions taken by the QA committee.<sup>[9][10]</sup> The Grand Jury reviewed the QA meeting minutes maintained in the CFMG office. From this review of minutes and the Annual Report, it was not possible to ascertain whether the QA findings and documentation were being used to support improvement in jail medical care. The Annual Report only states CFMG's contractual obligations and does not document issues which have been identified and resolved, improvements made in medical services, or revisions to policies and procedures.

CFMG employs an external medical consultant to conduct peer review and audit cases.<sup>[9]</sup> However, the Sheriff-Coroner's office has no independent medical professional to advise them and assist with oversight of the ongoing performance of jail medical services.

A CFMG physician comes in for 8 hours per week and reads and signs off on activity reports. On occasion, this doctor sees patients whose needs cannot be met by CFMG nurses or physician's assistants.

The 2013 and 2014 QA reports do not reveal the state of medical care, or actions taken to improve delivery of medical care.

### ***Records Review***

The Grand Jury requested records from CFMG regarding policies and procedures and compliance with required standards. CFMG provided only limited on-site access to site specific policy and procedures manuals. The Grand Jury was also provided copies of

the CFMG Annual Reports for 2013 and for 2014.<sup>[10][9]</sup>

California Health and Safety Code Section 101045 requires an annual inspection of the detention facilities by HSA. As part of the Title 15 inspection, the County Health Officer is required to review site specific policies and procedures for medical care. CFMG does not allow the health officer to retain a copy of the site-specific policies and procedures, making the review process more difficult.

The current contract for medical services does not include any provisions for ready access by authorized review agencies to the documentation of policies and procedures and their implementation. Clarifying and revising contract language would allow for the appropriate agencies to receive copies of policies and procedures and any actions taken to implement them.

### ***Medical Care Compliance***

The current contract between the Sheriff-Coroner and CFMG states that all health care services performed by CFMG will comply with:

1. Title 15 of the California Code of Regulations;
2. California Medical Association - Institute of Medical Quality - Accreditation Standards (CMA-IMQ) for Adult Correction Facilities; and
3. All other applicable laws, regulations, codes, and guidelines relating to health care services and programs in correctional facilities.<sup>[2]</sup>

The Sheriff-Coroner's 2012 supplemental budget language to engage CFMG stated that in-house medical services were not CMA-IMQ accredited, but that after the engagement of CFMG, they would be accredited.<sup>[3]</sup> However, it is not the medical services provider that is accredited, but the actual facility. The contract as written between the county and CFMG only requires CFMG to meet CMA-IMQ standards, but does not require accreditation of the detention facilities.

Although CFMG is obligated under its contract to provide services in compliance with CMA-IMQ standards, there is no qualified Sheriff-Coroner staff member assessing and monitoring such compliance. CFMG has not provided the Sheriff with documentation that the facilities have met the accreditation standards of CMA-IMQ.

The Grand Jury reviewed the annual Title 15 inspection report conducted by the County HSA. This report verifies Title 15 health standards compliance.

### ***Jail Death Review***

In November 2014 a 65-year old female was arrested, jailed, and then died while in custody. A nurse completed her intake health screen and at that time the inmate did not make a complaint. She had previously been incarcerated, so her medical history was on record. She was not housed in the "O" unit, the wing of the jail where those who need increased medical observation are housed. Instead, she was housed in "G" unit with the general population for 36 hours before she filed a medical request.

On the night of her death, around midnight, she complained of back pain to the on-duty Corrections Officer (CO). The CO alerted the on-duty nurse who took the inmate's vital signs. Vital signs did not indicate that the inmate was in distress. She was placed on a lower bunk. More than an hour later she requested pain medication. She was checked again approximately one hour later. Subsequently, when she did not come to get her morning medications, the CO went to investigate. She was found unresponsive at 4:30 am; the nurse was called, who took vital signs and then sounded a panic alarm (Code 3) and began cardiopulmonary resuscitation (CPR). The inmate was pronounced dead at 5:25 am. The official autopsy determined that the inmate died of natural causes.<sup>[11]</sup>

The Grand Jury reviewed the jail records made available to the Grand Jury, pertaining to the medical care of the deceased inmate. The next of kin gave the Grand Jury a release to view the full medical records, however CFMG did not provide access to these records. Within the limited access provided, no substantive medical care deficits were found relative to current protocol as understood by the jurors. With respect to the handling of the Code 3, the subsequent management of the scene and the death investigation, we identified no deviations from policy or protocol.

### ***Policy Change Recently Made***

In January 2015, the Prudent Care for Incarcerated Seniors program was implemented, providing an increased level of care for inmates aged 65 years or older.<sup>[12]</sup>

However, inmates younger than 65 with serious or multiple health risk factors (chronic medical conditions, history of alcohol/substance abuse, malnourishment, history of seizure disorders, etc.) are not being identified for the level of care in the Prudent Care plan.

## **Findings**

**F1.** The office of the Sheriff-Coroner has exercised minimal oversight of its contract with California Forensic Medical Group.

### **Response from the Santa Cruz County Sheriff-Coroner:**

**DISAGREE** - The Sheriff and designees are actively involved in oversight of the medical services provided by CFMG.

At the request of the Sheriff-Coroner and pursuant to the provision of Section 101045 of the California State Health and Safety Code, the Public Health Division of the Health Services Agency conducts an Annual Inspection of the County Detention Facilities.

A supervisor attends a joint medical, mental health and custody Crisis Intervention Team meeting five days a week. A facility commander frequently attends the meeting, and the chief deputy occasionally attends the meeting.

The chief deputy and the facility manager regularly attend the quarterly multi-disciplinary quality assurance committee.

The chief deputy frequently consults and works with CFMG management to review

and/or modify procedures to improve medical services, reduce risk and prevent negative outcomes.

The facility manager frequently meets with CFMG medical supervisors to review and/or modify procedures to improve medical services, reduce risk and prevent negative outcomes.

The watch commander and jail supervisors daily interact with CFMG medical providers in a collaborative approach to provide medical services to inmates.

The facility manager and chief deputy oversee the Suicide Response Team, a collaborative team comprised of Corrections, County Mental Health and CFMG Medical.

- F2.** The office of the Sheriff-Coroner lacks independent medical expertise to oversee California Forensic Medical Group's delivery of medical services to county detention facilities.

**Response from the Santa Cruz County Sheriff-Coroner:**

**PARTIALLY DISAGREE** - Although the Sheriff-Coroner does not directly employ or contract a physician to oversee the medical services contract, the County Health Officer, a licensed physician, as well as other county medical and health officials, regularly participate in quarterly quality assurance meetings and perform independent reviews on an annual basis.

At the request of the Sheriff-Coroner and pursuant to the provision of Section 101045 of the California State Health and Safety Code, the Public Health Division of the Health Services

Agency conducts an Annual Inspection of the County Detention Facilities.

- F3.** The absence of quality assurance findings and corrective actions in the California Forensic Medical Group Annual Report of Medical Services compromises the ability of the Sheriff-Coroner to oversee and ensure the quality of care in the county jails.

**Response from the Santa Cruz County Sheriff-Coroner:**

**DISAGREE** - Quality assurance review meetings occur quarterly and attended by representatives from several disciplines and authorities other than medical professionals associated with CFMG including the County Health Officer, the County Director of Nursing; the County Behavioral Health Manager; the County Psychiatrist; the Sheriff's Chief Deputy.

At the request of the Sheriff-Coroner and pursuant to the provision of Section 101045 of the California State Health and Safety Code, the Public Health Division of the Health Services Agency conducts an Annual Inspection of the County Detention Facilities.

As a component of CFMG's Quality Management / Assurance Management

Program, CFMG contracts a local physician to peer review medical practices and participate with The Local Medical Peer Review Committee conducts routine audits of medical services.

**No response from the California Forensic Medical Group**

- F4.** Current procedures for monitoring inmates younger than age 65 do not identify their potential need for a higher level of care.

**Response from the Santa Cruz County Sheriff-Coroner:**

**DISAGREE** - Existing medical screening procedures apply to all arrestees, regardless of age, to identify any arrestees or inmates who require medical evaluation or care.

**No response from the California Forensic Medical Group**

- F5.** The contract with California Forensic Medical Group lacks provisions for external review by authorized investigative persons or agencies.

**Response from the Santa Cruz County Sheriff-Coroner:**

**DISAGREE** - The Minimum Standards for Local Detention Facilities Title 15 Regulation 1205 – Medical and Mental Health Records requires the health authority to maintain medical records, confers the physician-patient confidentiality privilege and requires controlled access to records. CFMG maintains a Standardized Transfer of Medical Information policy.

The policy manual provides for various types of reviews, including In-Custody Death Review; Local Medical Peer Review and Quality Assurance Review. Specific legal authority for access to medical records need not be repeated in policy.

The Public Health Division of the Health Services Agency conducts an Annual Inspection of the County Detention Facilities, during which representatives of the Agency reviews CFMG policies.

As a component of CFMG's Quality Management / Assurance Management Program, CFMG contracts a local physician to perform external peer review of physician practices. The Local Medical Peer Review Committee conducts routine audits of medical services.

**No response from the California Forensic Medical Group**

- F6.** Without accreditation, contractual adherence to California Medical Association-Institute for Medical Quality accreditation standards cannot be verified.

**Response from the Santa Cruz County Sheriff-Coroner: AGREE**



## Recommendations

**R1.** The Sheriff-Coroner should designate qualified personnel to oversee the medical services contract provisions and compliance with standards. (F1)

**Response from the Santa Cruz County Sheriff-Coroner:**

**WILL NOT BE IMPLEMENTED** - Several layers of review currently exist: CFMG employs a licensed physician to supervise and perform medical services in the county detention facilities; CFMG contracts a licensed local physician to perform external peer review of physician practices. The Local Medical Peer Review Committee and conducts routine audits of medical services; the Public Health Division of the Health Services Agency conducts an Annual Inspection of the County Detention Facilities, during which representatives of the Agency reviews CFMG policies.

The 2015 Grand Jury report Medical Services at the Jails does not provide evidence that medical services to inmates would be improved by designating additional personnel to oversee medical services or provide evidence to suggest non-compliance with standards. The Sheriff-Coroner will continue to work to achieve the best medical services available for inmates.

**R2.** The Sheriff-Coroner should obtain independent oversight of its jail medical services by medically qualified personnel. (F2)

**Response from the Santa Cruz County Sheriff-Coroner:**

**WILL NOT BE IMPLEMENTED** - The report does not provide evidence that medical services to inmates would be improved by designating additional personnel to oversee medical services or provide evidence to suggest non-compliance with standards. The Sheriff-Coroner will continue to work to achieve the best medical services available for inmates.

**R3.** The Sheriff-Coroner should, upon contract renewal, require its contractor for jail medical services to provide site specific policy and procedure manuals to the County Health Officer and other authorized reviewers. (F5)

**Response from the Santa Cruz County Sheriff-Coroner:**

**REQUIRES FURTHER ANALYSIS** - The Sheriff-Coroner will consider, upon contract renewal, requiring its contractor for jail medical services to provide site specific policy and procedure manuals to the County Health Officer and other authorized reviewers.

**R4.** The Sheriff-Coroner should direct its medical care services contractor to include in its annual report quality assurance findings and corrective actions taken as required in the current contract for medical services. These annual reports should

be available for review by authorized agencies. (F3)

**Response from the Santa Cruz County Sheriff-Coroner:**

**REQUIRES FURTHER ANALYSIS** - The Sheriff-Coroner will consider, upon contract renewal, requiring its medical care services contractor to include in its annual report quality assurance findings and corrective actions taken as required in the current contract for medical services. These annual reports should be available for review by authorized agencies.

- R5.** The Sheriff-Coroner should require, at the time of contract renewal, that the jail medical services provider obtain and maintain California Medical Association-Institute for Medical Quality accreditation for the Main Jail, Blaine Street, and Rountree detention facilities. (F6)

**Response from the Santa Cruz County Sheriff-Coroner:**

**REQUIRES FURTHER ANALYSIS** - The Sheriff-Coroner will consider, upon contract renewal, requiring , that the jail medical services provider obtain and maintain California Medical Association-Institute for Medical Quality accreditation for the Main Jail, Blaine Street, and Rountree detention facilities.

- R6.** The Sheriff-Coroner should direct the medical care services contractor to develop and implement procedures to identify at intake and then monitor medically fragile inmates younger than 65 years of age. (F4)

**Response from the Santa Cruz County Sheriff-Coroner:**

**HAS BEEN IMPLEMENTED** - Policies and procedures have been in place and will continue to be in place to identify at intake and then monitor medically fragile inmates younger than 65 years of age.

## **Commendations**

- C1.** We commend the Sheriff-Coroner and California Forensic Medical Group for providing expanded on-site detention facility medical services. Medical services, such as dental care, medical imaging, and other procedures are now provided more efficiently and without the need for costly transport to off-site medical facilities.
- C2.** We commend the Sheriff-Coroner and California Forensic Medical Group for the provision of expanded medical services at the Rountree Men's Medium Security Facility. Inmates with medical needs, who formerly could only be housed at the Main Jail, are now eligible for housing at the Rountree Men's Medium Security Facility.
- C3.** We commend the Sheriff-Coroner for implementation of the Prudent Care for Incarcerated Seniors program, which provides an increased level of care, or alternative custody arrangements, for inmates age 65 or older.

## Responses Required

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Sheriff-Coroner	F1 – F6	R1 – R6	60 Days Aug. 31, 2015

## Responses Requested

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
California Forensic Medical Group	F3 – F5	none	90 Days Sept. 29, 2015

## Definitions

- **Blaine Street:** *Blaine Street Women’s Minimum Security Facility* - Santa Cruz County’s minimum security detention facility for women located behind the Main Jail
- **CFMG:** *California Forensic Medical Group, Inc.*
- **CMA-IMQ:** *California Medical Association-Institute for Medical Quality*
- **Correctional Facility:** a place to house inmates, generally long term; prison
- **CO:** *Corrections Officer*
- **Detention Facility:** a place to house inmates, generally short term; jail
- **HSA:** *Health Services Agency* - a Santa Cruz County agency
- **Inmate:** inhabitant of a correctional or detention facility, either sentenced by the Courts or held before trial
- **Main Jail:** *Water Street Maximum Security Jail* - County of Santa Cruz’s largest detention facility located in the City of Santa Cruz
- **QA:** *Quality Assurance*
- **Rountree:** *Rountree Men’s Medium Security Facility* - medium detention facility for Santa Cruz County located in Watsonville
- **Title 15:** from the California Code of Regulations, establishes minimum standards for local detention facilities

## Sources

### References

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RN, MSN. NP-c, Medical Program Manager, California Forensic Medical Group, Santa Cruz County.

11. County of Santa Cruz Sheriff-Coroner, Autopsy Report, 12/16/14.

12. Santa Cruz Sentinel Senior Prudent Care Program

<http://www.santacruzsentinel.com/general-news/20150202/new-program-aims-to-improve-senior-care-at-santa-cruz-county-jail>

**Site Visits**

Santa Cruz County Main Jail  
Roundtree Men's Medium Security Detention Facility  
Blaine Street

**Web Sites**

<http://www.co.santa-cruz.ca.us/>

<http://cfmg.com/>