



David A. Clarke Jr.
Sheriff

County of Milwaukee
Office of the Sheriff

Date: February 20, 2013

To: Supervisor Marina Dimitrijevic, Chairwoman, Milwaukee County Board of Supervisors

From: Richard Schmidt, Inspector, Office of the Sheriff, Milwaukee County

Subject: **Request to Execute a Professional Service Contract with Armor Correctional Health Services, Inc. to provide Inmate Medical and Mental Health Services at the County Correctional Facilities of the Office of the Sheriff**

Pursuant to Milwaukee County Ordinance Chapter 56, the Sheriff is requesting referral to proper board committee for review and disposition, authorization to execute an inmate health services contract of inmates at the County Correctional Facilities of the Office of the Sheriff.

Background

The Office of the Sheriff maintains a medical and mental health unit responsible for providing inmate medical care in the two County Correctional Facilities. The County is currently operating under the Christensen Consent Decree, which dictates the minimum level of inmate care. Staffing for inmate medical and mental health services for 2013 was projected to be 121.3 FTE. Currently, there are 114 filled positions excluding hourly or pool employees. Dr. Ronald Shansky, the court appointed medical monitor for the Christensen Consent Decree, in his report to the County on January 26, 2013, now mandates 131.5 full time employees to meet his perception of the staffing that is needed to be in compliance with the *Christensen Consent Decree*.

The Office of the Sheriff has encountered severe difficulties in hiring and retaining Medical Doctors and Psychiatrists for the inmate medical unit. In the attempt to meet the mandated requirements of the consent decree, the Sheriff's Office has entered into multiple contracts for the provision of these services in the past few years, but the contractual personnel have been difficult to retain. The Medical and Mental Health unit has operated with vacant positions that should be filled in order for the Office of the Sheriff to be in compliance with the Christensen Consent Decree.

The 2013 Requested Budget for the Office of the Sheriff included a proposal to contract with a private vendor, Armor Correctional Health Services, Inc. effective January 1, 2013. Due to Armor's commitment to provide a new updated Electronic Medical Record (EMR) system, and its commitment to meeting or exceeding all requirements of the *Christensen Consent Decree* and obtaining National Commission on Correctional Health Care (NCCHC) certification within twelve months, the Office of the Sheriff is requesting to enter into a contact with Armor Correctional Health Services effective April 1, 2013.

Projected costs for the Inmate Medical and Mental Health unit for 2013 totaled \$17,599,836 if the inmate medical and mental health services remained status quo with the current staffing plan of 121.3 positions after vacancy and turnover. The costs did not include a new Electronic Medical Records system, which would need to be developed for the Office of the Sheriff. The Behavioral Health Division entered into a five-year \$5.2 million contract for the development of their new EMR. It is not known how much a new EMR for the Sheriff would cost.

The Department of Health and Human Services (DHHS) projected its 2013 costs to operate the Inmate Medical and Mental Health unit at a cost of \$18,084,081. The ability to include the Office of the Sheriff Inmate Medical and Mental Health unit on their new EMR was not determined.

The Office of the Sheriff is proposing the outsourcing of inmate medical and mental health services with Armor Correctional Health Services, Inc. at an annual contractual cost of \$16,217,380. The cost includes use of Armor Correctional Health Services, Inc.'s Electronic Medical Record system. In addition, there are the following remaining county costs included in the 2013 budget request: legacy costs of \$4,999,050, cross charges of \$979,741 and revenue of \$40,000 for a total 2013 projected cost of \$22,156,171. All current positions would be eliminated and replaced with employees of Armor Correctional Health Services, Inc. Current staff will be considered for positions with Armor Correctional Health Services, Inc. The following positions were requested for abolishment in 2013.

Current County Authorized Positions

| Job Title | FTE | Job Title | FTE |
|-------------------------|-------|---------------------------------|-------|
| Adm Asst | -2.0 | Asst Nursing Dir. Sheriff | -1.0 |
| Adm Asst NR | -1.0 | Adv Prac Nurse Prescriber | -8.5 |
| Admin Spec – Sheriff | -1.0 | House Physician 3 | -1.0 |
| Unit Clerk | -5.0 | House Physician 3 Hrly | -0.48 |
| Health Care Plan Spec 2 | -1.0 | Staff Psychiatrist | -1.0 |
| Med Asst | -6.0 | Staff Psychiatrist Hrly | -1.0 |
| LPN Sheriff | -21.5 | Med Director MH | -1.0 |
| RN1 | -37.5 | Med Dir Detention Serv | -1.0 |
| RN Pool | -2.49 | Case Mngt Spec Sheriff | -2.0 |
| RN 2 MH | -2.0 | Psych Soc Wkr Sheriff | -12.0 |
| RN 2 Staff Development | -2.0 | Psych Soc Wkr Coord Sh | -1.0 |
| Shift Sup | -6.0 | ExDir1 Nursing Director Sheriff | -1.0 |
| Shift Sup Hourly | -0.56 | ExDir2-Med &MH Prg Admns | -1.0 |
| Nurse Pract Pool | -1.0 | | |

The table below depicts the staffing level included within the proposed contract with Armor Correctional Health Services, Inc., which has been developed in consultation with Dr. Shansky, the Court appointed Court Monitor under the *Christensen Consent Decree*. It totals 131.5 positions compared to the 121.3 that the Office of the Sheriff included in its 2013 cost comparison.

Armor Proposed Staffing is identical to that mandated by Dr. Shansky as of January, 2013.

| Total Hours and FTEs by Position | | |
|---|---------------|---------------|
| POSITION | Hrs/Wk | FTE |
| Health Services Administrator | 40 | 1.00 |
| Medical Director | 40 | 1.00 |
| Physician | 60 | 1.50 |
| ARNP | 480 | 12.00 |
| Director of Nursing | 40 | 1.00 |
| Assistant Director of Nursing | 40 | 1.00 |
| RN-Quality Assurance | 40 | 1.00 |
| RN-Infection Control | 40 | 1.00 |
| RN-Staff Development | 80 | 2.00 |
| RN-Supervisor | 260 | 6.50 |
| RN | 1,240 | 31.00 |
| LPN | 1,040 | 26.00 |
| CMA | 240 | 6.00 |
| Unit Clerk | 200 | 5.00 |
| Administrative Assistant | 80 | 2.00 |
| Medical Records Supervisor | 40 | 1.00 |
| Medical Records Clerk | 360 | 9.00 |
| Chief Psychiatrist | 40 | 1.00 |
| Psychiatrist | 60 | 1.50 |
| Director of Mental Health Services | 40 | 1.00 |
| Psychologist | 40 | 1.00 |
| Psychiatric Social Worker | 480 | 12.00 |
| Case Management | 120 | 3.00 |
| RN-MH | 80 | 2.00 |
| Dentist | 40 | 1.00 |
| Dental Assistant | 40 | 1.00 |
| Total Hours / FTE | 5,260 | 131.50 |

The Office of the Sheriff anticipates entering into the contract with Armor Correctional Health Services, Inc. to provide inmate medical and mental health services at the County Correctional Facilities of the Office of the Sheriff effective April 1, 2013. It is a two-year contract with four additional one-year terms.

Recommendation

It is requested that the Milwaukee County Board of Supervisors approve the Sheriff's request to execute a professional services contract with Armor Correctional Health Services, Inc. to provide inmate medical and mental health services at the County Correctional Facilities of the Office of the Sheriff.

In addition to providing an updated Electronic Medical Record, Armor Correctional Health Services, Inc., Armor will meet or exceed all requirements of the Christensen Consent Decree and will obtain National Commission on Correction Health Care (NCCHC) certification within twelve months.

Dr. Shansky's report dated January 26, 2013, states that the County is **non-compliant** with the Christensen Consent Decree. The Sheriff's Office has recommended a feasible solution for the past two years that would provide the mandated new staffing plan by Dr. Shansky. Those recommendations have been rejected for implementation by the County Board, believing that the County's Human Resource Department would be able to find acceptable candidates for the Medical Director, Lead Psychiatrist and Health Service Administrator. That belief has not been realized. Now, the County's Human Resource Department has begun talks with a local medical college that have been attempted in the past, which resulted in untenable fiscal repercussions, and no promise of being able to fill the mandated positions in the consent decree. The continued pursuit of another venue to meet the mandates of the consent decree further delays the County's responsibility to comply with the decree.

Once again, the Sheriff's Office has provided the only known solution to the multi-year issue of getting the County in compliance with the Christensen Consent Decree.

The Decree further states in Part 1, Section 1, Part I, "*The County Board will approve costs associated with compliance.*" (Attached) It is therefore requested that the County approve the Armor Contract, which is the only known remedy for the County to achieve compliance for the requirements set forth in the *Christensen Consent Decree*.



Richard R. Schmidt, Inspector
Milwaukee County Office of the Sheriff

cc: Chris Able, County Executive
Supervisor Mark Borkowski, Chair, Judiciary, Safety & General Service Committee
Patrick Farley, director, Department of Administrative Services
Janelle Jensen, Committee Clerk
Jennifer Collins, Research Analyst