

George Latimer
County Executive

Department of Correction

Joseph K. Spano
Commissioner

70351

June 20, 2019

To: Honorable Board of Acquisition and Contract

From: Joseph K. Spano
Commissioner of Correction

Re: Authority to enter into an agreement with New York Correct Care Solutions Medical Services P.C. for the provision of comprehensive medical, dental and mental health services for all individuals in the custody of the Westchester County Department of Correction commencing July 26, 2019 and terminating July 25, 2022, with the County of Westchester having the sole option to renew the agreement for three (3) additional one (1) year renewal periods, for a total amount not to exceed \$44,156,082, payable pursuant to an approved budget.

Authority is hereby requested to enter into an agreement with New York Correct Care Solutions Medical Services P.C. ("NYCCS") for the provision of comprehensive medical, dental and mental health services for all individuals in the custody of the Westchester County Department of Correction in Valhalla, New York. The proposed agreement will commence on July 26, 2019 and terminate on July 25, 2022, with the County of Westchester ("County") having the sole option to renew the agreement for three (3) additional one (1) year renewal periods, upon the same terms and conditions. The agreement's total amount is not to exceed \$44,156,082, payable annually and respectively at a rate of \$14,397,000 [year 1], \$14,764,082 [year 2], \$14,995,000 [year 3] and pursuant to an approved budget. The parties have further agreed that if the average daily population increases or decreases by ten percent (10%) above or below 1,100 inmates in any given quarter, there shall be an associated modification of the sum due to the contractor.

Although this agreement is exempt from the Westchester County Procurement Policy and Procedures pursuant to Section 3 (a) (viii) thereof, the County issued a comprehensive Request for Proposals ("RFP") for the provision of the covered services. Two (2) entities submitted proposals. The proposals were evaluated based upon the criteria set forth in the RFP and NYCCS -- the Department's existing inmate health services provider since July 2010 -- was determined to be the most qualified proposer.

By way of background, preparation of the RFP, which ensures delivery of health care delivery for 1000+ people, was a process that took several months. The individuals receiving services under a resulting agreement have critical mental health disorders, significant addiction issues and highly-specialized medical needs. Some are expecting mothers, others are adolescents and seniors and many have preexisting disabilities and serious medical conditions such as cancer, HIV and diabetes.

In November of 2018, the County publicly issued the RFP on its website and received two proposals. The first was from existing provider NYCCS, a subsidiary of 'Wellpath,' a corporation formed following a recent merger of Correct Care Solutions and a California-based corporation (CMGC). The second proposal was submitted by Proactive, a subsidiary of Naphcare, a national jail health care provider that does not presently provide any services in New York State jails.

Both proposals were reviewed against the RFP, and against each other, line-by-line and in close consultation with the Westchester County Attorney, to ensure that all required services were accounted for in a fiscally and operationally responsible manner. Three rounds of follow-up questions were circulated to both NYCCS and Naphcare. Both had the opportunity to tour the entire correctional facility to ensure that they understood the scope of services expected.

After several months of intense vetting, reference checks and other important analysis (i.e. review of respective litigation histories as well as of national distinctions and awards), the Department of Correction respectfully requests authorization to enter into a new agreement with NYCCS to continue to provide health services to our population. Of note, our request for such authority is based upon several important factors, including:

- In 2017, the National Commission on Correctional Health Care (NCCHC) recognized Westchester and NYCCS's groundbreaking 'CORE' mental health reentry program as its National Program of the Year;
- Westchester is the only large jail in New York State with dual accreditation by the NCCHC and the American Correctional Association (ACA). Since 2010, NYCCS has passed six accreditation audits (three by NCCHC and three by ACA), all at a rate of 100%, including NCCHC's most-recent audit conducted this January (2019);
- NYCCS has a demonstrated record of providing excellent services to our special needs population, including women, young offenders, people with serious mental illness and/or chronic care needs, and individuals who are unsuitable for general population housing. Care provided to these individuals is of great importance and enhanced regulatory oversight (i.e. by New York State's Commission on Correction [NYSCOC], Office of Mental Health [NYSOMH] and Department of Health [NYSDOH], as well as the United States Department of Justice.
- NYCCS has experience as a provider to several other New York counties and maintains a productive relationship with the Westchester Medical Center, Empress Ambulance and dozens of community providers and specialists. It has an established workforce of 50-plus area residents, with a leadership team that has been operating in-facility for many years. All of these relationships and experience ensure that NYCCS has a wide array of

resources at its disposal to support DOC's 24/7/365 operation and its unique patient-specific challenges.

- NYCCS has fully supported DOC's recent opening of a state-of-the-art intake detoxification unit (SOAR: Structured Observation and Recovery), which provides enhanced supervisory and in-unit nursing for newly-admitted inmates who may be suffering from the effects of the opioid crisis. NYCCS also provides for use of Narcan and, over the past two years, has used it to save the lives of several patients suspected of having ingested drugs.
- NYCCS's proposal provides for complete autonomy of the onsite Medical Director on decisions related to patient care, including as to prescribed medication (regardless of cost), need for specialties or offsite care (i.e. radiology, OB-GYN, testing for disorders) and all other matters.
- NYCCS has worked in conjunction with the NYSDOH and the AIDS Institute and maintains a NYS-compliant HIV treatment and testing program (most recently reapproved on June 04, 2019). All inmates are offered free HIV and STI testing at intake and upon request, with existing community-based treatment regimens continued in custody.
- NYCCS's development of a suite of eight telemedical clinics directly enhances staff and population safety (and generates cost savings) by significantly reducing the number offsite trips to doctors' offices and specialty clinics.
- With NYCCS's assistance, in 2016 Westchester became the first county in New York certified by the United States Department of Justice as compliant with the Prison Rape Elimination Act (PREA), which ensures the protection of LGBTI people and other members of the agency's population from abuse.
- NYCCS has proceeded briskly to close oversight of virtually all medical and mental health care oversight by the Department of Justice, which stemmed from an investigation into conditions that existed in 2006-2007 (three years prior to NYCCS's contract inception).
- NYCCS's 'full risk' fee structure ensures significant cost containment for the County. It also provides for a commitment full defense and indemnification of all legal claims and a commitment to recoupment from third parties for offsite hospitalization costs while simultaneously ensuring a continued high level of patient care.
- NYCCS has committed to supporting live, in-person training for DOC's staff members in critical issues such as interaction with mentally ill persons, based upon curriculum developed in conjunction with multiple state and federal oversight agencies.

The goal of this agreement is to provide adequate and humane health care to all members of the Department of Correction's population. The performance by NYCCS will be monitored by Department of Correction staff utilizing regular reports.

I recommend approval of the attached proposed resolution.

APPROVED BOARD OF ACQUISITION & CONTRACT - 07/03/2019 - LISA MRIJAJ, SECRETARY

RESOLUTION

Upon a communication from the Commissioner of Correction, be it hereby

RESOLVED, that the County of Westchester (the "County") is hereby authorized to enter into an agreement (the "Agreement") with New York Correct Care Solutions Medical Services P.C. ("NYCCS") for the provision of comprehensive medical, dental and mental health services for all individuals in the custody of the Westchester County Department of Correction; and be it further

RESOLVED, that the Agreement shall be for a term of three (3) years commencing July 26, 2019 and terminating July 25, 2022, with the County having the sole option to renew the agreement for three (3) additional one (1) year renewal periods, with the same terms and conditions; and be it further

RESOLVED, that for the services rendered pursuant to the Agreement, NYCCS shall be compensated an amount not to exceed \$44,156,082, payable annually and respective at a rate of \$14,397,000 [year 1], \$14,764,082 [year 2], \$14,995,000 [year 3], for a total amount not to exceed \$44,156,082.00 for the initial three (3) year term, payable pursuant to an approved budget. The parties have further agreed that if the average daily population increases or decreases by ten percent (10%) above or below 1,100 inmates in any given quarter, there shall be an associated modification of the sum due to the contractor; and be it further

RESOLVED, that this Agreement is subject to appropriations; and be it further

RESOLVED, that this Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Contractor, then the Contractor

shall have the right to terminate this Agreement upon reasonable prior written notice; and be it further

RESOLVED, that the County Executive, or his duly authorized designee, is hereby authorized to execute such documents and take such actions as may be necessary and appropriate to effectuate the purposes hereof.

Account to be Charged/credited	Fund	Agency	Capital Project Or Org	Object/ Sub Object	Trust Account	Activity	Dollars
7/26/19-7/25/20	101	35	1000	4380			\$14,397,000
7/26/20-7/25/21	101	35	1000	4380			\$14,764,082
7/26/21-7/25/22	101	35	1000	4380			\$14,995,000

Budget Funding Year(s) 2019- 2022 Start Date 7/26/2019 End Date 7/25/2022
 (must match resolution)

\$44,156,082

Funding Source Tax Dollars \$44,156,082
 State Aid _____
 Federal Aid _____
 Other _____