



Department of Public Safety and Correctional Services

Office of the Secretary Office of Government and Legislative Affairs

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BILL: HOUSE BILL 1476

POSITION: LETTER OF INFORMATION

EXPLANATION: This bill establishes the Independent Oversight and Review Board for Health Care of Inmates in State Correctional Facilities. The Board shall be granted access to copies of all policies, procedures and data obtained by the Department that relates to all aspects of Health care of inmates in State correctional facilities. In addition, the Board shall access the health care needs of inmates in comparison to non inmates; review and access if the health care needs of inmates are being met; and review policies and procedures with regards to grievances and complaints made by inmates.

COMMENTS:

- The Department of Public Safety and Correctional Services operates 17 State correctional facilities that house offenders sentenced to incarceration for 18 months and longer.
- The Department also runs the Baltimore City Jail, which houses pretrial detainees and inmates sentenced to incarceration for 18 months and less.
- HB 1476 establishes an Independent Oversight and Review Board for Health Care of Inmates in State Correctional Facilities under the Department of Health. Under the bill, the Board shall be granted access to copies of all policies, procedures, and data obtained by health care providers and the Department as it relates to all aspects of health care for inmates in State correctional facilities to ensure inmate needs are being met by current practices.
- **The requirements outlined in this bill are redundant and create duplicative processes that will have a fiscal impact. There are current laws, policies, and regulations in place to ensure appropriate delivery of health care services for inmates, as well as auditable standards for an inmate grievance process.**

- The bill would require the Board to develop an independent uniform health care grievance and complaint process.

The Department already has existing laws, regulations, contractual obligations and policies to ensure appropriate health care delivery to inmates, as well as an inmate grievance process.

- The Department has health care contracts in place with medical providers who deliver extensive medical treatment services, mental health treatment services, and dental care. The terms of service delivery are stipulated in each of the contracts and the contractors are legally required to adhere to the Department's regulations, policies, and procedures.
- The Department has a process in place for inmates to express concerns regarding their medical treatment or conditions of confinement. **The Administrative Remedy Process (ARP) is outlined in COMAR and allows an inmate to file a complaint regarding conditions of confinement, including medical treatment services.**
 - Each institution has an Administrative Coordinator to help inmates with completing forms and to provide guidance.
 - Requests for Administrative Remedy are formally investigated and include:
 - (a) Review of records, reports, policy and procedures, and other documents relevant to the inmate complaint;
 - (b) Finding of facts that chronologically identifies the events related to the inmate complaint;
 - (c) Recommendation and written justification to determine the inmate complaint is considered.
 - A response to the inmate's Request for Administrative Remedy is provided to the inmate within 30 days of the date the inmate filed the formal complaint.
 - The ARP has an appeal process. An inmate may appeal the warden's decision to the Commissioner of Correction and that decision may be appealed by the inmate to the Inmate Grievance Office (IGO).
- The Inmate Grievance Office (IGO) reviews and investigates all complaints filed by inmates. The IGO works hard to resolve all complaints at the administrative level. Grievances that are not administratively dismissed for procedural or substantive reasons are scheduled for hearings in front of an administrative law judge at the Office of Administrative Hearings. If the inmate is not satisfied with

administrative law judge's decision, he/she may file an appeal with the Circuit Court.

- The Maryland Commission on Correctional Standards (MCCS) is responsible for establishing standards for state, local and privately-operated correctional facilities. The Commission conducts audits of correctional facilities to determine levels of compliance, develop audit reports, and provide technical assistance to correct areas of noncompliance. **Minimum standards for adult correctional facilities audited by MCCS include:**
 - **Security and inmate control, inmate safety and healthcare, food services and sanitation, inmate rights and classification**
 - Audit teams consisting of selected and trained individuals employed in the field of criminal justice at the local and State levels shall be used in conjunction with staff of the Maryland Commission on Correctional Standards.
 - Audits of adult correctional institutions and adult detention centers are conducted at least every 3 years.

- DPSCS has recently signed a Memorandum of Understanding (MOU) with the American Correctional Association (ACA) to accredit all of our correctional facilities. Accreditation will require adherence to the newly released performance based standards manual, *Performance-Based Standards and Expected Practices for Adult Correctional Institutions* (5th ed.). This includes the newly created comprehensive best practices concerning inmate safety and healthcare developed as the result of five years of comprehensive national research and community input.

To provide the Board with the data and informational requirements HB 1476 will require additional staffing at an estimated cost to the Department of \$467,469.00.

CONCLUSION: The Department of Public Safety and Correctional Services respectfully requests this Committee consider this information as it deliberates on House Bill 1476.