

**NEW YORK CITY
BOARD OF CORRECTION**

January 12, 2000

MEMBERS PRESENT

Louis A. Cruz
David Lenefsky
Richard M. Nahman, O.S.A.
David A. Schulte

Excused absences were noted for Acting Chair John R. Horan and Board Members Canute C. Bernard, M.D., Stanley Kreitman, and Barbara A. Margolis.

DEPARTMENT OF CORRECTION

Bernard Kerik, Commissioner
Gary Lanigan, First Deputy Commissioner
Tom Antenen, Deputy Commissioner
Roger Jefferies, Deputy Commissioner
Sheila Vaughan, Deputy Chief
William Hurley, Assistant Chief
James Psomas, Assistant Chief
Joseph Guarino, Office of General Counsel
Liz Myers, Inspection and Compliance Division
Captain John Picciano

HEALTH & HOSPITALS CORPORATION - CORRECTIONAL HEALTH SERVICES

Ernesto Marrero, Executive Director
Michael Tannenbaum, Chief Operating Officer
Patrick H. Brown, M.D., Medical Director
Arthur Lynch, Director of Mental Health
George Axelrod, Director of Risk Management
Barry Edison, Chief Information Officer

OTHERS IN ATTENDANCE

Noah Caldwell, Vice-President for Network Information Services, St. Barnabas Hospital
Tracie Lucas, State Commission of Correction
George Thompson, Physicians' Assistant, St. Barnabas Hospital
Amy Webber, City Council
Rick Young, St. Barnabas Hospital

Board Member David A. Schulte chaired the meeting, calling it to order at 1:00 p.m. The minutes of the Board's December 8, 1999 meeting were approved unanimously.

Board Member David Lenefsky reported that on January 11, 2000 he toured Dorm 4 at the North Infirmity Command (NIC) which houses inmates with AIDS. He commended both DOC and St. Barnabas Hospital (SBH) staff for running a "first-rate" facility. He noted that conditions were much improved over those he had observed in the past. Mr. Lenefsky said that Dorm 4 was clean, and that the new medicines to treat AIDS were being used. Mr. Lenefsky said he had heard that a plan is being considered to consolidate several housing areas at NIC and to move Dorm 4 to Dorm 2B. He added that the several SBH staff with whom he spoke were unanimous in their opposition to the move, expressing to Mr. Lenefsky concerns about safety, security and the health of the inmate/patients because of the proximity of Dorm 2B to a housing area with sick inmates whose illnesses could be transmitted to the immune-compromised inmates with AIDS. Mr. Lenefsky asked representatives from DOC and SBH to present its proposals to the Board in a few weeks. DOC Commissioner Bernard Kerik agreed to do so.

Executive Director Richard Wolf presented the staff report. He asked for an update on the consent decree litigation, noting that a hearing is scheduled for February 7th. Joseph Guarino, DOC Counsel's Office, reported that the issues to be litigated are attorney visits, law library supplies, and inmate marriages. He said that depositions of inmate witnesses had been taken, adding that the proceeding will be a full hearing with considerable evidence to be presented. He said that environmental health issues will be considered at a later date, and noted that some issues may be "dropped" by Legal Aid rather than be argued before Judge Harold Baer. Mr. Schulte asked about the status of consent decree provisions concerning areas not mentioned by Mr. Guarino. Mr. Guarino said that provisions addressing issues not to be litigated are no longer in effect. Mr. Lenefsky said that an issue must rise to a constitutional level for the provision to remain in effect. Mr. Wolf suggested that even if Judge Baer were to find a present constitutional violation, he might fashion a narrower remedy than presently exists in the consent decree. Mr. Guarino agreed.

Mr. Wolf asked about the status of a proposal to move mental health-related beds from the Anna M. Kross Center (AMKC) on Rikers Island to the Vernon C. Bain Barge in the Bronx. First Deputy Commissioner Gary Lanigan said that the proposal involves moving to the Bain Barge a total of 488 mental health beds currently at various facilities on Rikers - 156 mental observation beds and 190 sub-acute beds at AMKC, 92 beds at the George Motchan Detention Center (GMDC), and 50 beds at the Otis Bantum Correctional Center (OBCC). He said 100 mental health beds would be retained on Rikers Island as an admissions-type facility. Mr. Lanigan said that DOC and SBH were assessing the feasibility of this proposal. Mr. Schulte asked how inmates on the Barge would receive medical treatment. Mr. Lanigan responded that physicians would work on the Barge. Mr. Lenefsky expressed concern about mental health care for inmates in general population on Rikers Island. Mr. Lanigan said that the 100 remaining mental health beds would be for that purpose. Deputy Executive Director Cathy Potler asked if the remaining beds were those in the Mental Health Center. Mr. Lanigan said that they were.

Ms. Potler noted that considerable planning was involved in setting up the Mental Health Center in AMKC, particularly Mod 1 which was designed to house inmates who had been identified as being at risk for suicide. She asked whether the mental observation/punitive segregation unit at the George R. Vierno Center (GRVC) was included in the proposal. Mr. Lanigan said this area would remain where it is, and reiterated that the proposal is in the preliminary planning stage and is subject to change. Noting that no inmates currently are housed on the Bain Barge, Mr. Wolf asked whether DOC would be required to obtain governmental approvals before again using it for inmate housing. Mr. Lanigan said this would not be necessary.

Mr. Wolf said that several cell blocks in the James A. Thomas Center (JATC) had been closed. He asked about plans to close the entire facility. Mr. Lanigan said that there are 357 inmates in JATC, and the plan is to close JATC by the end of the month except for the video tele-conferencing area. Mr. Schulte asked if DOC had 357 cells in other facilities. Mr. Lanigan said that DOC had available cells in GMDC and the Manhattan House of Detention. Commissioner Kerik said that DOC will renovate the building, and would reopen it if DOC needs additional capacity.

Mr. Wolf asked about the status of DOC's plans to ban smoking in the jails. Commissioner Kerik said that the Department was in ongoing negotiations with the unions. He said the City's Office of Labor Relations was coordinating the meetings.

Mr. Wolf asked representatives of Correctional Health Services (CHS) whether the City intends to exercise its option to extend the SBH contract for a fourth year, through the end of calendar year 2001. CHS Executive Director Ernesto Marrero said that CHS is analyzing contract-performance data to determine whether it should exercise the option, issue a Request for Proposals (RFP) or re-negotiate the existing contract. Mr. Lenefsky asked by when the decision had to be made. Mr. Marrero said CHS had a six-month "window" during which CHS may exercise the option. He added that a committee is updating the previous RFP so that if CHS decided not to exercise its option, it could promptly seek additional vendors. Board Member Louis Cruz asked Mr. Marrero to assess SBH's performance under the contract. Mr. Marrero said that the mechanism to make an assessment involves reviewing performance indicators. He said that CHS is completing its review of the fourth quarter of 1998. He added that reviews of the first two quarters of 1999 are occurring simultaneously, and CHS expects to soon "catch up" with its analysis. He said that without benefit of the analysis, he could not offer an assessment of SBH's performance. Mr. Cruz asked for Mr. Marrero's opinion of SBH's performance, based upon his experience thus far at CHS, rather than performance-indicator data. Mr. Marrero said that there have been more complaints than in previous periods. He said he had invited the Board and Legal Aid to present complaints directly to him. He added that CHS was developing a tracking system to better understand from where and when complaints are arising. Mr. Marrero said that he is not prepared to characterize St. Barnabas' performance at this time.

A motion to continue existing variances was approved unanimously. (Commissioner Kerik left the meeting.)

Michael Tannenbaum, Chief Operating Officer for CHS, presented a slide-show overview of the Smart Medical Record (SMR) system, the computer medical records system that is being implemented in all DOC facilities. Mr. Tannenbaum's presentation was augmented by Barry Edison, CHS's Chief Information Officer. Thereafter Noah Caldwell, SBH Vice-President for Network Information Services, presented some technical information about the system and discussed security features. Finally, Physicians' Assistant George Thompson discussed various SMR computer screens, explaining how individual practitioners will enter data from patient encounters directly into the system at computer terminals in the facility clinics. (Copies of each of the slides shown during the SMR presentation are attached hereto.) Mr. Marrero invited the Board Members to come to a facility clinic and observe the on-line operation of the SMR system.

The meeting was adjourned at 2:25 p.m.