

**NEW YORK CITY  
BOARD OF CORRECTION**

**January 11, 2007**

MEMBERS PRESENT

Hildy J. Simmons, Chair  
Rosemarie Maldonado, Esq.  
Paul A. Vallone, Esq.  
Milton L. Williams, Jr., Esq.  
Gwen Zornberg, M.D.

Excused absences were noted for Vice Chair Michael J. Regan and Members Stanley Kreitman, Richard Nahman, O.S.A., and Alexander Rovt.

DEPARTMENT OF CORRECTION

Martin Horn, Commissioner  
Carolyn Thomas, Chief of Department  
Stephen Morello, Deputy Commissioner for Public Information  
Florence Hutner, General Counsel  
Mark Cranston, Commanding Officer, Office of Policy and Compliance (OPC)  
Ronald Greenberg, Director, OPC  
Michael Saucier, Director, Public Relations

DEPARTMENT OF HEALTH AND MENTAL HYGIENE

Louise Cohen, Deputy Commissioner  
Jason Hershberger, M.D., Assistant Commissioner, Correctional Health Services (CHS)  
Robert Berding, Director, Clinical Services, CHS  
Maria Gbur, M.D., Medical Director, CHS  
Alison O. Jordan, Executive Director, Transitional Health Care  
George Axelrod, Director of Risk Management, CHS

OTHERS IN ATTENDANCE

Harold Appel, M.D., Contract Administrator, Doctors Council  
Martha Kashickey, Public Education Associate, Innocence Project  
Shannon McCue, Budget Analyst, Office of Management and Budget  
Anjali Nadig, Legal Aid Society, Prisoners' Rights Project (PRP)  
Becky Pinney, Group Vice President, Prison Health Services (PHS)  
Trevor Parks, M.D., Medical Director, PHS Medical, P.C.  
Milton Zelermyer, PRP

Chair Hildy Simmons called the meeting to order at 9:35 a.m. A motion to approve minutes of the December 14, 2006 Board of Correction meeting was approved without opposition.

BOC Member Gwen Zornberg, M.D., chair of the Health Committee, presented a report, as follows:

The Board has raised concerns about the Performance Indicators (PIs) for the Prison Health Services (PHS) contract. The PIs must be viewed in the context of innovations occurring at the Health Department, which is working to develop a more comprehensive health care system that will be connected with local communities. The Committee has been having discussions with the Department of Health and Mental Hygiene (DOHMH) to the effect that the PIs need to be modernized. The overarching issue is a computerized intake system, which has been sought for years. A computerized system will improve the comprehensiveness of care and communications, linking the care to the community.

At the last Board meeting, there was a discussion regarding the HIV counselors. There are multiple layers of HIV counseling related to testing and treatment. The Department of Health has informed the Board that doctors, physicians' assistants, and the HIV counselors all have been counseling inmates on these issues. The Board is here to insure that the transition to a more comprehensive system is seamless. The issue of the counselors will again be discussed at the Health Committee meeting, which will follow the Board meeting.

DOHMH has requested a renewal of the variance for psychotropic drugs.

DOHMH Deputy Commissioner Louise Cohen said that DOHMH was entering into negotiations with PHS to extend the contract to provide correctional health services to inmates on Rikers Island. She reminded the Board that the Department had published a concept paper exploring the idea of having community-based vendors provide correctional health services at borough facilities, and perhaps also at the Rose M. Singer Center. She reported that at two meetings convened by DOHMH to elicit feedback from the concept paper published in December, the Department heard suggestions from prospective vendors about what elements ought to be included in an RFP. Chair Simmons asked whether the meetings caused Ms. Cohen to be encouraged that there are vendors who may be interested in providing services. Ms. Cohen said yes.

Assistant Commissioner Jason Hershberger, M.D. addressed the issue of Performance Indicators. He said that there still are some areas where improvement is needed. He said that DOHMH is looking to revise the PIs to better measure outcomes, and is considering modifications to all of the PIs. Dr. Hershberger then provided some data regarding HIV rapid testing. He said that the number of tests given increased from 7,096 in 2004, to 26,531 in 2005. He added that DOHMH does not yet have the figures for the final quarter of 2006. Dr. Hershberger said that an analysis of the number of tests given at intake compared to those given post-intake revealed the following: in 2004, the

majority of tests were administered after intake (5,400), whereas in 2005, more than 13,000 tests were administered at intake; in September, 2006 1,828 tests were given at intake and 623 were given post-intake. Board Member Paul Vallone asked how the testing process will operate going forward. Dr. Hershberger said it will be the same system as previously discussed with the Board.

Dr. Hershberger said that DOHMH sought renewal of the psychotropic medication variance because it has proven to be beneficial to correctional health service delivery and consistent with the Minimum Standards. He said that DOHMH allows providers to write 28-day prescriptions only for patients who are stable, which means the patient has been seen at least on a weekly basis with no change in status. Dr. Hershberger said that a 28-day prescription is standard in the community, and the net effect is effective care with a significant reduction in paperwork. Dr. Zornberg asked whether provider staff have reported reductions in paperwork, and Dr. Hershberger said yes, adding that the variance has enabled providers to see more patients.

Ms. Cohen mentioned that collaboration among PHS providers, DOHMH staff and DOC staff had enabled large numbers of inmates at the Eric M. Taylor Center (EMTC) to receive flu vaccinations one day. BOC Deputy Executive Director Cathy Potler asked how many inmates received flu shots. Dr. Hershberger said that on December 19<sup>th</sup> 1,500 patients were screened and 640 received vaccinations. Ms. Cohen added that many inmates already had been vaccinated, or the number of inmates receiving vaccinations on December 19<sup>th</sup> would have been much higher. Dr. Hershberger said the process was undertaken on January 9<sup>th</sup> at the Rose M. Singer Center, where 830 inmates were screened and 378 were vaccinated. Ms. Cohen said that almost 200 inmates already had been vaccinated.

A motion to extend the psychotropic variance for six months was approved without opposition.

Board Member Stanley Kreitman, chair of the Minimum Standards Review Committee, said that the Board had received preliminary approval from the Law Department to publish proposed amendments to the Standards. He said the document to be published is 45-pages long. He said there will be a public hearing and ample opportunity for all interested parties to comment at the hearing and in writing. He said the public process begins now, and asked the Chair to set dates for the hearing and the comment period. Chair Simmons said the goal will be to have the document published in the *City Record* on January 19 and January 22. She said the published document was contain the dates for the hearing and comment period. Chair Simmons said that, after taking into consideration comments from Board Members and others, she was proposing that a public hearing take place on Tuesday, April 17<sup>th</sup>, which is approximately 90 days after publication. She proposed that the close of the written comment period be on May 21<sup>st</sup>. Chair Simmons said that this would make the comment period 122 days, noting that the 120<sup>th</sup> day, May 19<sup>th</sup>, falls on a Saturday. She said that based on the feedback the Board has received, this schedule will give people who wish to comment adequate time to do so. She said that BOC Executive Director Richard Wolf has arranged for an appropriate space for the public hearing, and suggested that the Members approve the

proposed schedule so that publication can go forward. A motion to approve the dates passed without opposition. Chair Simmons said that the hearing will begin at 9:30 a.m. in the City Planning Commission's hearing room on Reade Street. She said that, assuming that the comment period closes on May 21<sup>st</sup>, the Board's June meeting is scheduled for June 14<sup>th</sup>, and the goal should be for the Board Members to have a public discussion, consider each amendment that is proposed, and have a final vote at that time. She reminded the Members that each proposed amendment will be voted upon separately. Chair Simmons said the staff will have a lot of work to do, receiving all of the comments and putting them into a form that will make them useful for the Members' deliberations. She said that comments received prior to the public hearing will be disseminated to the Members for their review before the hearing. Chair Simmons said that the period from May 21<sup>st</sup> until June 14<sup>th</sup> should be sufficient time for the Members to assess the matters at hand and have a vote at the June 14<sup>th</sup> meeting. She said that whatever amendments are adopted must be sent to the Law Department for final approval, after which the final document must be published in the *City Record* and a copy must be given to the Speaker of the City Council. She said the amendments become effective thirty days thereafter. Chair Simmons said that the process should be concluded by September. She thanked Mr. Kreitman and the Members of the committee, noting that they have worked hard -- some for almost three years -- and that "there is light at the end of the tunnel".

DOC Commissioner Horn thanked Mr. Kreitman and his colleagues. He said he knew that the Department's proposals had been given serious consideration. He said he looks forward to seeing the published version of the proposals.

A motion to renew existing variances was approved without opposition. A motion to go into executive session to discuss a personnel matter was approved without opposition.

The public meeting was adjourned at 9:56 a.m. The Board convened in executive session until 10:10 a.m.