

Westchester to privatize health care at jail

By Jorge Fitz-Gibbon and Jonathan Bandler • jfitzgib@lohud.com • April 3, 2010

VALHALLA — Westchester will hire a private company to provide health care for county jail inmates after Westchester Medical Center said it will refuse to do so amid cutbacks in county subsidies to the hospital.

The Valhalla medical center said it will end its contract to staff the jail infirmary as of July 24.

The move, first announced in a Jan. 25 letter from the hospital, has since prompted the county to start shopping around for private medical care providers for the first time in a decade, when a four-year stint of privatized care at the jail was scrapped amid controversy and a series of lawsuits.

Now two private vendors have already toured the jail medical facility and a third is scheduled to do so this month, sources said.

"There's no reason in the (medical center's) letter as to why they decided to terminate, so you'd have to go back to them and ask them why," said Ned McCormack, a spokesman for first-term Westchester County Executive Rob Astorino. "But three weeks after we got here we just received this letter that they wanted to terminate, which was their right."

"Since then we have been engaged in talking to a variety of vendors, multiple vendors, in terms of taking over the contract to provide these mandated services at the jail," McCormack said. "We're confident that by July 24, which is when the letter states that they want to terminate the contract, we'll have a provider, a qualified provider, in place."

The medical center provided the inmate care in recent years in exchange for \$12.5 million and other services from the county.

In a statement Friday, medical center President and CEO Michael Israel noted that he gave the county 180 days notice — far beyond the 60 days required in the contract — "in order to allow for a smooth transition."

"Unfortunately, the existing contract does not cover our costs, and we have lost millions of dollars over the past several years while providing exemplary service to the county," Israel said.

"With the elimination of all county support to the medical center, which helped offset these losses, we can no longer afford to operate the services at the

correctional facility at a loss," he said.

The move affects as many as 80 employees who are members of Local 9201 of the Civil Service Employees Association and the New York State Nurses Association. It is unclear how many jobs, if any, would be lost in the privatization.

Officials from both unions did not return several calls Friday.

Westchester last privatized the medical care of county jail inmates in January 1996, when it signed a two-year, \$10.1 million contract with EMSA Correctional Care, a Fort Lauderdale, Fla., health services contractor. The deal became controversial within months.

On May 17, 1996, Nancy Blumenthal, a 17-year-old inmate from Bedford, was found dead in her cell after hanging herself with bedsheets .

In subsequent county, state and federal investigations, EMSA was blamed for providing inadequate oversight and care at the jail.

The probes noted that Blumenthal, who was under psychiatric evaluation, had ceased taking the antidepressant drug Zoloft prior to her suicide.

The county said Dr. Harvey Lothringer, EMSA's jail psychiatrist, had taken the girl off the drug because she refused it.

Lothringer already had been a controversial figure in other ways. In 1962, he fled to Europe after he was accused of dismembering the body of a College of New Rochelle student who died during an abortion he performed.

He later served four years in prison after pleading guilty to manslaughter, according to published reports.

After his parole ended in 1973, Lothringer had his medical license reinstated and went to work at the Westchester jail as a staff psychiatrist. After 13 years there he was hired by EMSA.

After Blumenthal's suicide, her family and two former jail inmates sued the doctor, the county and EMSA alleging inadequate care. Blumenthal's mother later received a \$1.45 million settlement.

In a July 1996 report, the state Office of Mental Health chided EMSA's health services, saying the company "does not meet the minimum requirements." In December 1998, Westchester terminated its contract with EMSA and signed a two-year, \$13 million contract with another provider, Correctional Medical Services of St. Louis.

The county later blamed CMS for the 1999 death of a Mount Vernon man who

hanged himself at the jail while under suicide watch. The man's family sued and was awarded \$1.15 million in 2001.

By 2000, the county was ready to contract with Westchester Medical Center again.

Rocco Pozzi, then-commissioner of corrections, said at the time that the two private companies had not "performed up to the level of the medical center when they were here."

The deal with the medical center called for a maximum of \$9.3 million for inmate care, and required additional staff. The deal remained in place until this year.

McCormack, the county spokesman, said a private contractor would be hired without a public bidding process — medical service contracts are exempt from the public bid requirement.

The county wouldn't identify which, or how many, vendors have been contacted for the job.

But sources said one company that toured the jail infirmary is Nashville, Tenn.-based Correct Care Solutions, one of the nation's largest prison-care providers, with contracts in 13 states.

Records show that the company has been named in 140 federal lawsuits since 2004.

The company's founder and CEO, Jerry Boyle, was a vice president of EMSA when that company was under contract with Westchester. Also taken on a tour of the jail facility was Correctional Medical Care, based in Blue Bell, Pa.

CMC provides health care at seven county jails in New York state. The company has also had a contract with the state Office of Children and Family Services for the past five years to handle medical care at the Pyramid Reception Center in the Bronx.

Federal court records show that CMC has been sued 40 times in the past eight years.

McCormack assured that Westchester would find a qualified company, and said any past problems the county had in privatized inmate medical care were not relevant to the present-day search.

"I can't even comment on that," he said. "You're talking about stuff that happened way before we were here, and you're speculating on what's going to happen in the future. It's our job to get a qualified vendor in here and that's what we're looking at."