



TUOLUMNE COUNTY

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September 18, 2013

TO: Honorable Judge, Donald Segerstrom
FROM: S. Todd Stolp M.D., Tuolumne County Health Officer
SUBJECT: Response to the Tuolumne County Grand Jury Report, 2012-13
Relating to Tuolumne County Jail Medical Services

EP
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FILED
SEP 25 2013
Superior Court of California
County of Tuolumne
BY 
Clerk

This letter is submitted in written response to the 2012-13 Grand Jury Final Report as it relates to inmate medical services at the Tuolumne County Jail. One section of the report (Medical Services) contained findings and recommendations addressed to the Tuolumne County Public Health Department. The Public Health Department appreciates the work conducted by the 2012-13 Grand Jury in evaluating the status of the Tuolumne County Jail facility and the systems that operate to assure that appropriate health services are provided to local inmates. Each of the relevant Grand Jury Findings and Recommendations is addressed below.

Section: Medical Services

Findings:

F-10. Inmates are properly and sufficiently medically assessed and medicated per state and local protocols and procedures upon intake.

Response: Agree.

F-11. The County Health Officer and Jail medical staff participates in Quality Assessment meetings to address medical issues and discuss medical care within the County Jail facility. The Sonora Regional Medical Center Emergency Room Director has attended these meetings on an annual basis.

Response: Agree.

F-12. The increase in long-term incarcerated individuals at the local level poses a serious risk to the county in terms of possible future litigation concerning allegations of inadequate long term medical care for jail inmates.

Response: Agree.

Recommendations:

R-11. The Grand Jury recommends that the County Health Officer, Jail medical staff and the Sonora Regional Medical Center Emergency Room Director continue to attend all QA meetings scheduled in the future. The Grand Jury acknowledges that the Sonora Regional Medical Center facility is a private organization that is not operated by the County, but does receive County funds for inmate emergency room care.

Response: The recommendation has been implemented. The importance of consistent representation by all parties at the quarterly Tuolumne County Jail Medical Quality Improvement Committee, including local hospital representation, has been emphasized. Alternate representatives will be sought when primary representatives are unavailable. At the July 2013 Jail Medical Services QA Meeting, a representative from Sonora Regional Medical Center was present and actively participated.

R-12. The Grand Jury recommends that the County Health Director and County Administrator continue to pursue available state funding for the health care and rehabilitative services of transferred AB109 inmates. The Grand Jury further recommends that they secure long term catastrophic liability insurance to protect the County from possible future litigation resulting from inmate medical suits.

Response: The recommendation requires further analysis. There have been three issues addressed pertaining to catastrophic liability coverage for "health care and rehabilitative services" and for protection against litigation brought against the county for any allegations of inadequate health care for inmates.

The first issue that was considered was whether to participate in an interim program called the "Low Income Health Program" (LIHP) to cover only a certain percentage of inmates for a period of six months. The cost of this program to the county was not considered cost effective for the small amount of protection the program would offer.

The second consideration is whether the expanded Medi-Cal program will offer any added protection to the County beginning in January 2014 when this goes into effect. Currently, the county's contract with California Forensic Medical Group (CFMG) for jail inmate medical services stipulates that CFMG will pay up to \$15,000 per patient episode for hospital care of inmates, leaving the county responsible for additional costs above that cap. Over the past ten years, additional costs for inpatient hospital care exceeding the cap have averaged less than \$15,000 per year. It is likely that reimbursement through the new expanded Medi-Cal program will diminish county exposure for the inpatient care of Medi-Cal eligible inmates. We are currently assessing the mechanisms that will be made available to reimburse the county for such costs when the expanded Medi-Cal program is launched. However, the details of the new coverage are not fully vetted at this time. Further information regarding eligibility requirements and reimbursement is needed before the local impact can be accurately determined.

In regards to the third consideration, securing catastrophic liability insurance to protect the County from possible future litigation resulting from inmate medical suits, the county must evaluate the costs of excess liability insurance in light of the pending Medi-Cal expansion outlined above. As indicated to the Grand Jury, quotes for catastrophic coverage have been

explored in the past, with proposed premiums in the \$30,000 per year range. We are currently reassessing available policies and will consider the risk/benefit of procuring a policy based upon the current market, the benefits offered, and the predicted magnitude of the risk to the county with a new inmate population influenced by AB 109. The initial analysis is estimated to be completed by December 20, 2013.