



The TURNAROUND Lifeline

California Prison Health Care Services

INSIDE THIS ISSUE

Major Firepower Receiver Hires Top Litigator	1
Receiver's Corner Justice Will Be Done	1
Do You Know? Medical Transcription Pilot Program	1
▲ Above and Beyond ▲ Avenal's Stellar ADA Team	2
Construction: Pictures Tell Tale of "Classic" Efficiency	2

DO YOU KNOW? Medical Transcription Pilot

Medical Transcription will undergo a pilot program at four institutions for six months beginning March, 2009 in order to try a new centralized method of delivering the service. Under the current program there are 147 medical and mental services transcriber positions. About 25 of those positions remain unfilled. Those vacant positions will be moved to Sacramento and filled in order to pilot the centralized process through which providers dictate their notes into an automated system via the telephone and the transcribers also retrieve those notes by phone.

Meanwhile, the existing medical transcribers at those four facilities will remain in their current positions but may be loaned to other units during the pilot phase of the project. It's expected that a decision will be made in August of 2010 on whether to drop the concept, expand the pilot, or fully adopt the new method. If the pilot is successful and full implementation begins, Human Resources will launch a methodical placement plan consistent with the impacted employees' Memorandum of Understanding and civil service laws and rules. It must be emphasized that there are at least six months before any final decision is made on whether to implement the centralized program on a statewide basis and that it is the goal of the Receivership to implement the most effective transcription program available while minimizing, to the degree possible, any negative impact to current staff.

RECEIVER HIRES ONE OF THE COUNTRY'S TOP LITIGATORS JAMES BROSNAHAN KNOWN FOR SKILL AND EXPERTISE



James Brosnahan, J. Clark Kelso

Federal Receiver for California's Prison Health Care, J. Clark Kelso, a respected law professor himself, has added substantial legal firepower to the team that is litigating his contempt of court hearings against Governor Arnold Schwarzenegger and Controller John Chiang for failing to fund the 10K bed project. Kelso has hired one of the nation's most respected and recognized trial lawyers, James Brosnahan, of the San Francisco based law firm Morrison Foerster. Brosnahan recently concluded a review of the legal proceedings undertaken by the Receiver so far and says the case is on solid legal ground. "I think that the Receiver has a very strong case because of the careful way he has proceeded in Federal Court with each step and receiving a tremendous amount of input and agreement involving all the state agencies going back several years. The record shows there have been no objections to bringing the prisons into compliance with minimum constitutional standards."

Brosnahan would know. *The National Law Journal* listed him as one of the "Top 100 Most Influential Lawyers in America." He literally wrote the book on trying cases in California. His book, the *Trial Handbook for California Lawyers*, was published by Bancroft-Whitney. The Harvard Law School Graduate is the go-to-guy for the most sophisticated legal and corporate minds. He successfully defended a California Appellate Court Justice in disciplinary proceedings and his many successful court trials range from acting as the Lead Prosecutor in the Iran Contra hearings back in the early 1990s to the defense of a global positioning system inventor and the defense of the former Chairperson of Hewlett-Packard. The inductee of the State Bar of California's Hall of Fame, also successfully defended the City of Oakland in the Oakland Raiders litigation in their 5-month jury trial. But although Brosnahan packs mega-wattage in legal star-power, he has agreed to take this historic case for about 40% of his customary fees. "I think there is a need to illuminate prison conditions so that the public realizes we're talking about minimal health care, we're talking about addressing the minimal needs of human beings," he explains. Having served as special counsel to the California Legislature's Joint Subcommittee on Crude Oil Pricing, he is no stranger to the State Capitol, but he seems somewhat surprised at what some are calling the "political" tactics being taken by the Attorney General (A.G.) in defending the Governor and Controller in contempt proceedings. "That requires that the A.G. perform the lawyerly function of representing his clients. It doesn't allow for independent action as though it was only a pending policy matter. Contempt is a very serious problem for any office holder and they deserve, and I hope they will get, the kind of conciliatory representation required in those circumstances," he says. Because Brosnahan and Kelso agree this matter has reached a very serious stage. Brosnahan adds; "We're giving the defendants every chance to comply with Judge Henderson's orders. We want them to do that. We're very hopeful they will do that. But if anyone has to be found in contempt, it will certainly be done... reluctantly."



RECEIVER'S CORNER: JUSTICE WILL BE DONE BY J. CLARK KELSO

You've probably heard about our lawsuit against the Governor and the Controller. Let me share with you my thoughts on this subject.

Politicians being who they are, making politically unpopular decisions – even decisions that are consistent with good policy and law – does not come naturally. Much better to duck a decision today and get elected tomorrow, than to make hard choices that risk rejection at the polls.

Political inertia has been one of the major reasons California's prison system has fallen behind. Being "tough on crime" is politically easy. Not so easy is paying the bills to support the type of prison system that results from being "tough on crime."

I had hoped the combination of multiple Federal Court orders in four different Federal Court lawsuits would bring Sacramento's politicians to the table voluntarily. But horse trading and politics got in the way when Republicans decided they wouldn't vote for our construction program unless they got action on other prison legislation. And the Republican and Democrats deadlocked. I had also hoped, based upon extensive discussions throughout the Spring and Summer, the Administration would join us in taking

action once it became clear that the Legislature was not going to act. Unfortunately, politics seems to have overtaken the Schwarzenegger Administration as well. That's the bad news.

The good news is that Federal Courts are not swayed by politics. Federal judges are independent of the political branches, and they make decisions based on the Constitution and the law, not based upon poll numbers. By filing a motion in Federal Court, I have taken the funding issue out of a political context, and put it into a judicial context. In a judicial context, our case is very strong. We are supported by court findings over a six-year period which detail the prison's unconstitutional health care system, a series of court orders which the State has not opposed, active State participation in planning and designing our construction program, and the reality that we have already spent tens of millions of dollars in construction-related expenses. Ground has already been broken at several prisons where we are making improvements.

I am confident that we will secure the necessary financing. With the Court's help, justice will triumph over political expediency.



We're on the Web at:

www.cphcs.ca.gov

RECEIVERSHIP'S

MISSION

Reduce unnecessary morbidity and mortality and protect public health by providing patient-inmates timely access to safe, effective and efficient medical care, and coordinate the delivery of medical care with mental health, dental and disability programs.

Do you know?

The San Quentin Health Services Building will have 16 dental chairs and 52 beds for care (four of the beds will be equipped with negative pressure to house those needing respiratory isolation.)

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RECRUITMENT : DO YOU KNOW SOMEONE INTERESTED IN JOINING OUR HEALTH CARE TEAM?

Website: ChangingPrisonHealthCare.org

Phone: 1-877-793-HIRE (4473)

Ten Months Later,



Avenal ADA Team Vastly Improves Service



Avenal's ADA Team: (Left to Right) Maria Barriga and Marcel Salery R.N.

When R.N. Marcel Salery first took the job as Avenal State Prison's Americans with Disabilities Act Nurse, inmates would have to wait several months before getting needed wheelchairs, canes, or crutches. "Things were in complete disarray, no structure, no organization and no procedures to determine how inmates were

supposed to get things. There was no tracking in place to see if inmates had received an item that was ordered," he says. That was ten months ago; now, Nurse Salery beams with pride when he mentions that his two-person team delivers a doctor-issued appliance on the same day that it's ordered almost 50% of the time. "I'm blessed to say my superiors gave me the green light to get us into compliance. It was very stressful at first," he says. So Salery turned to "a lot of education." First, he read and analyzed the judges orders from the *Armstrong v. Schwarzenegger* lawsuit which orders that all state institutions- including prisons, must comply with Americans with Disabilities Act stipulations. With the safety of the custody officers in mind, he also got educated about appliances that can be turned into weapons. Then he went about changing the system the old fashion way. "Basically, go out and talk

to people, I would ask: when he (the provider) writes that order where do you send it?" He found out most orders were being sent to a dead end. He created forms so that orders for disability appliances could be placed, tracked and catalogued. And with the outstanding help of his assistant, Maria Barriga, he turned the ADA office around 180 degrees. "She does an excellent job. She's a hard worker, self motivated, and she takes a lot of personal pride in what she does." Now the team has even devised a tracking system that allows them to spot troubled areas that can delay their service. With their cataloguing system, they can even stockpile appliances for temporary users so that they can service inmates immediately when necessary. Everyone there, it seems, is taking notice. "they say, 'I just ordered it yesterday and I'm already getting it?' It's a good

feeling." He says it's all about helping people, no matter who they are, "you just see them as human beings." After all, he says, regardless of whether it may sound corny or not, "when I became a nurse I did it to help people." That's just what he's doing, and he's doing it so well that the Chief Medical Officer at Avenal, Ellen Greenman M.D. nominated his team as an Above and Beyond Prison Health Care Services featured team of the month. "It feels great to have someone recommend you for something like this. It shows, you're recognized, that you're trying to do your best and that you're doing a good job." Nurse Marcel Salery's goal when he took the job as Avenal's ADA Nurse was to become the best in the state. Many would agree that, 10 months later, he and his team have succeeded.

Efficient New Construction Methods Create Classic Look at San Quentin

Staff and inmates alike are watching in anticipation as the new Health Care Services Building at San Quentin State Prison continues to rise. (A) Pre-cast walls are now being attached to the steel frame – an amazing sight as a crane that stands several hundred foot high swings the massive walls into place. (B) A historic facade of an old building will be integrated into the new structure. This will help maintain the classic look of the building and meet the State of California's preservation requirements. During construction of the new building, health care services for San Quentin are working out of several modular buildings. (C) In a first for this facility, there is dedicated x-ray equipment. This cuts down significantly on having to transport inmates off site for x-rays, saving a tremendous amount of staff time and enhancing patient care.

