

APPENDIX 11

Memorandum

Date : June 16, 2008

To : John Hagar, Chief of Staff
California Prison Health Care Receivership

via

Yulanda Mynhier, Director (A)
Plata Field Support Division

Subject : **HEALTH CARE APPEALS PROCESS-
REQUEST FOR APPROVAL OF CONCEPT**

Objective 4.2.2 of the Receiver's Strategic Plan states:

Convene a task force of stake holders to conduct a system-wide analysis of the statewide appeals process and recommend improvements to the Receiver.

To achieve this objective a plan of action was developed to establish a new streamlined appeals process that would be efficient, responsive and effective in achieving rapid solutions. The plan of action was initiated and included: 1) Conducting a statewide analysis of the current appeals process, 2) conducting stakeholder meetings, 3) drafting new policies and procedures, and 4) developing a new process map that outlined the proposed Health Care Appeals, Correspondence and Patient Advocacy (HCACPA) Program.

A statewide analysis of the current appeals process was completed and a series of four stakeholder meetings were conducted. Participants in the stakeholder meetings included representatives from the Prison Law Office, Rosen, Bien, and Galvan, Inmate Appeals Branch (IAB), Office of the Attorney General, Office of Court Compliance, Office of Legal Affairs, Division of Correctional Health Care Services (Perez and Coleman representatives), Kristina Hector, Teresa Reagle, Dwight Winslow, Jackie Clark, Controlled Correspondence and Litigation Management Unit (CCLMU) managers, and Regional Health Care Appeal Analysts (RHCAA).

During the stakeholder meetings participants were given the opportunity to identify problematic issues associated with the current appeals process. Participants identified the following issues:

- Appeals processed outside of designated time constraints.
- Patient/prisoner due process rights violations.
- Final approval of health care appeal responses are determined by non-health care staff, resulting in a higher risk of litigation and inappropriate patient/prisoner health care.
- Health care appeal issues inappropriately "screened out" by the Institutional Appeals Coordinator (IAC), thereby, effectively denying the patient/prisoner appropriate access to health care and increasing the risk of litigation.

Approved
 subject to 2 issues
 1) No amendments to Cal Regs until after pilot. Instead, file motion to temporarily waive state reg. re: state plan
 2) After review, consider adding ADA cases to pilot
 J. Hagar
 6/16/08

- Duplicative efforts by the HCAC and IAC related to tracking, copying, reviewing, etc.
- Non-compliance with the Armstrong Remedial Plan.

Stakeholders were also given the opportunity to provide suggestions regarding the new proposed appeals process. Additionally, representatives from the Plata Field Support Division and IAB conducted a focus group to examine and discuss the new proposed appeals process. The focus group included representatives from several institutions and consisted of HCACs, IACs, RHCAA's, a Correctional Health Services Administrator, and an Associate Warden-Health Care.

RECOMMENDATIONS

As a result of the stakeholder and focus group meetings, the recommended revisions to the current health care appeals process are as follows:

- Eliminate the Informal level of appeal which is an ineffective and a non-productive portion of the overall appeal process. This will reduce the workload and allow staff the appropriate amount of time to investigate and respond to health care related issues. All appeals will be submitted at the Formal level of appeal.
- Designate a Health Care Appeals Registered Nurse (HCARN) to review each health care appeal and correspondence for the purpose of identifying and responding to urgent/emergent health care issues.
- Establish a Patient Advocate Liaison (PAL) Open Line to precipitate face-to-face communication between health care staff and patient/prisoners to directly and informally resolve patient/prisoner health care issues in a responsive and timely manner.
 - A PAL pilot program was conducted at the Wasco State Prison (WSP) and the California State Prison-Sacramento (SAC) during 2007. SAC reported a 30 percent decrease in appeals received during the first month of the pilot. WSP reported no substantial decrease in the number of appeals received, but stated the PAL was responsible for appeals not increasing at WSP. Both institutions stated that the PAL provided patient/prisoners with a valuable program to expeditiously resolve patient/prisoner health care related issues.
- Establish a Correspondence program to resolve problematic patient/prisoner health care issues that do not meet the appeal processing criteria, to address correspondence submitted from entities other than patient/prisoners related to patient/prisoner health care concerns and to resolve health care related issues submitted by patient/prisoner that may be unable to access the PAL (i.e.: Administrative Segregation status, Out to Court status, etc.,)
- Designate the IAC as the responsible coordinator for all CDC 1824 (ADA) appeals. Eliminate the HCAC and health care staff from the CDC 1824 process except for disability evaluations, medical evaluations and treatment related to ADA appeals, and providing the outcome of the evaluations to the IAC.

NOTE: The Plata Field Support Division is currently working with the Custody Support Services Team to determine whether or not it is feasible and in the best interests of all parties to assume responsibility of ADA appeals. During the initial meeting, it was determined that additional research must be conducted before a recommendation could be made.

PILOT PROGRAM

It is further recommended that the above revisions to the statewide appeals process be implemented on a pilot basis at four institutions. The purpose of the pilot is to assess the impact of the program on staff workload, to ascertain the number of projected staff positions needed for the HCACPA program on a statewide basis, to determine if a centralized HCACPA program is feasible and/or viable, to ascertain the affect of the PAL and correspondence component as related to appeals, and to identify any problematic issues before statewide implementation. Additionally, all institution health care appeals staff will report directly to headquarters via the Plata Field Support Division, Litigation Management Unit, Health Care Appeals Field Support Section. The following institutions have been identified and are recommended for the pilot: Central California Women’s Facility (CCWF), Mule Creek State Prison (MCSP), Pelican Bay State Prison (PBSP), and the California State Prison-San Quentin (SQ).

Current staffing levels for the health care appeals program at each institution is generally based on the volume of health care appeals received. Given that the proposed HCACPA program has multiple components, and will impact staff workloads, it is anticipated that additional staffing will be required. The following matrix identifies the reported number of appeals received in 2007 at each recommended pilot institution, the current staffing for the Health Care Appeals Offices at the proposed pilot institutions, and the recommended additional staffing positions requested for the pilot institutions.

Institution	Appeals Received 2007	Current Staffing	Recommended Additional Staffing
SQ*	6274 / 522 per month	Registered Nurse Staff Services Analyst Office Technician	Registered Nurse Health Program Specialist I Office Technician
CCWF**	4881 / 407 per month	Associate Governmental Program Analyst Staff Services Analyst** Office Technician	Registered Nurse Health Program Specialist I Office Technician
MCSP	3440 / 287 per month	Staff Services Analyst Office Technician	Registered Nurse Health Program Specialist I Office Technician
PBSP	2143 / 179 per month	Correctional Counselor II Staff Services Analyst Office Technician	Registered Nurse Office Technician

*A RN, SSA, and OT are currently assigned to the Health Care Appeals Office at SQ and an additional RN staff is intermittently assigned to respond to appeal and correspondence issues as needed. However, it is recommended that another RN, HPSI, and OT position be established due to a continuing backlog of overdue appeals, the large volume of appeals processed, and the expectation of additional workload due to the PAL and correspondence component of the HCACPA program.

**CCWF currently has an SSA, temporarily reassigned from another department, assisting in the Health Care Appeals Office.

REQUIRED AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS

The proposed recommendations for the HCACPA program's health care appeals component shifts the majority of responsibility, as related to health care appeals, from the IAC to the HCAC. As such, amendments to the California Code of Regulations (CCR), Title 15, and the Departmental Operations Manual (DOM) will be required for the following regulations:

- CCR Section 3084.3-Appeals coordinator. Each institution head or parole region administrator shall designate an appeals coordinator, at a staff position level no less than correctional counselor II or parole agent II, who shall prior to acceptance for review screen and categorize each appeal originating in their area for compliance with these regulations and shall coordinate the processing of appeals.
 - DOM Section 54100.3-Each Warden or RPA shall implement the appeal procedure and shall ensure it operates with specified policies as set forth herein. At least one staff member, at no less than a CC-II, shall be designated as the appeals coordinator in each institution; and in paroles, one staff member of not less than PA-II shall be designated as the appeals coordinator in each parole region.
- It should be noted that CCR Section 3084.2(b) states "Informal attempt prerequisite. The inmate or parolee shall attempt to resolve the grievance informally with the involved staff, unless excepted by sections 3084.5(a)(3) and 3084.7." While it is recommended that each health care related appeal be processed at the formal level, this regulation should not require amendment, as the informal level of appeal is not being eliminated, but elevated in level to ensure appropriate processing of health care related appeals.

In 2006/07, health care appeals (medical, dental, mental health-excluding staff complaints and ADA) accounted for approximately 23 percent of all appeals processed at the institutional level through the institutional appeal offices. Therefore, the following is recommended upon approval and implementation of a statewide HCACPA program:

- Transfer the proportional percentage of the institution's budgeted position authority from the institutional appeals office to support the establishment of additional health care appeal positions; and
- Develop a Budget Change Proposal for the remaining positions.

If you have any questions or comments, please contact me at (916) 327-1205.



THERESA KIMURA-YIP
Associate Director
Plata Support Operations Section

Attachment

cc: Terry Hill, Chief Executive Officer, Office of the Receiver
Kristina Hector, Staff Attorney, Office of the Receiver
Yulanda Mynhier, Director (A), Plata Field Support Davison
Wendy Feichter, Health Program Manager II (A), CCLMU

REQUEST FOR APPROVAL OF CONCEPT

- Approved
- Disapproved

REQUEST FOR APPROVAL OF ADDITIONAL STAFFING

San Quentin:	Approved	Disapproved
• Registered Nurse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Health Program Specialist I	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Office Technician	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Central California Women's Facility		
• Registered Nurse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Health Program Specialist I	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Office Technician	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mule Creek State Prison		
• Registered Nurse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Health Program Specialist I	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Office Technician	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pelican Bay State Prison		
• Registered Nurse	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Office Technician	<input checked="" type="checkbox"/>	<input type="checkbox"/>



JOHN HAGAR
Chief of Staff
California Prison Health Care Receivership



Date

STATEWIDE INSTITUTION APPEALS BY CATEGORY

First Level - Appeals Completed

CATEGORY	DISC	CUST	MAIL	VISIT	PROP	CASE	STAFF	MEDICAL	LIV. COND.	LEGAL	PROG	SEG	W/P	REENTRY	TRANSFER	FUNDS	OTHER	ADA
ASP	58	210	113	15	175	92	44	913	217	44	66	3	54	6	17	84	8	734
CAL	5	10	154	35	388	25	268	273	142	78	118	0	37	0	3	103	0	43
CGG	57	264	83	38	233	68	3	219	163	23	34	0	23	2	26	124	5	60
CCI	70	92	67	10	319	77	93	658	140	65	95	21	19	1	27	163	0	287
CGWF	33	36	26	8	166	26	128	627	126	8	34	0	32	2	7	61	0	359
GEN	17	35	95	14	141	50	127	135	127	50	15	2	31	0	10	69	0	50
GIM	7	76	60	5	132	67	116	371	133	16	40	6	12	2	56	108	0	805
GIW	25	22	13	5	55	19	41	196	34	9	16	1	28	1	1	49	0	156
GMC	57	65	105	37	344	56	0	5	134	60	68	24	55	7	7	91	0	64
GMF	5	111	67	15	360	36	152	981	185	23	155	52	83	1	24	95	0	229
GOR	51	140	234	44	414	172	50	1673	613	183	134	83	157	8	168	196	1	609
GRC	11	53	52	7	228	16	29	113	12	6	71	0	13	0	5	92	0	208
GTF	59	214	175	39	578	153	121	1312	243	106	243	64	142	7	77	275	0	166
CVSP	21	34	107	17	247	32	79	81	78	2	54	0	18	1	41	105	0	102
DVI	15	81	73	10	94	61	113	267	288	25	122	11	60	3	55	96	0	891
FSP	23	66	58	24	197	19	68	440	105	17	39	3	18	0	19	131	0	46
HDSP	35	114	169	11	497	26	136	561	278	80	166	26	41	3	74	136	0	543
ISP	37	157	133	23	457	48	331	247	110	28	144	7	60	0	10	80	1	55
KVSP	25	144	192	70	503	57	28	818	260	114	217	60	94	1	43	138	0	336
LAC	63	376	201	68	443	89	236	1106	282	145	234	53	90	6	94	156	3	143
MCSP	16	40	127	18	265	22	243	949	213	38	96	5	63	6	4	68	0	103
NKSP	3	58	27	5	89	35	6	204	73	24	56	0	15	4	53	85	0	984
PBSP	45	147	403	13	348	59	128	348	267	50	217	49	94	0	35	101	0	36
PVSP	17	161	170	43	245	58	357	1121	206	32	108	5	56	4	36	138	0	282
RJD	9	113	87	28	327	44	111	520	291	86	88	0	41	1	3	111	4	237
SAC	69	51	177	57	344	60	160	575	522	105	86	55	72	2	43	135	0	30
SATF	18	210	203	43	315	74	728	1245	229	82	180	50	95	2	61	100	1	1465
SCC	45	203	85	22	102	4	65	233	107	10	124	4	16	3	5	63	10	122
SOL	85	181	122	49	249	79	204	1109	276	66	330	79	125	2	33	69	0	356
SQ	40	112	354	13	471	316	261	816	395	84	36	37	30	38	46	199	0	1139
SVSP	25	159	252	48	415	135	429	1219	322	90	250	46	103	4	116	165	0	644
VSPW	40	21	44	5	126	47	237	760	190	10	36	2	37	2	34	58	0	256
WSP	5	11	5	0	58	7	0	79	23	13	77	0	6	0	4	23	1	775
REG I	0	3	0	0	2	2	3	3	1	0	0	0	0	0	27	3	0	0
REG II	0	10	0	0	3	4	6	1	0	0	4	0	1	4	7	11	8	4
REG III	2	4	0	0	5	5	10	2	0	1	1	0	0	0	16	21	34	3
REG IV	1	3	2	0	5	13	25	7	0	0	1	0	1	235	26	14	9	14
TOTALS	1094	3787	4235	839	9340	2163	6136	20187	6765	1773	3765	748	1822	485	1313	3716	85	12336

Compiled by Inmate Appeals Branch - Sacramento

STATEWIDE INSTITUTION APPEALS BY CATEGORY

Second Level - Appeals Completed

CATEGORY	DISC	CUST	MAIL	VISIT	PROP	CASE	STAFF	MEDICAL	LIV. COND.	LEGAL	PROG	SEG	WIP	REENTRY	TRANSFER	FUNDS	OTHER	ADA
ASP	153	103	30	7	66	36	123	299	84	23	30	2	25	1	22	17	4	113
CAL	238	161	53	24	237	67	154	125	83	127	121	27	25	2	32	26	1	13
CCC	420	153	16	10	63	22	86	88	43	15	6	1	7	1	15	20	0	20
CCI	163	132	42	12	236	49	211	314	110	45	88	17	16	3	16	88	1	124
CCWF	89	26	8	2	55	6	24	196	26	2	10	8	5	1	17	12	0	31
CEN	220	24	40	7	30	29	40	66	51	28	6	5	3	0	6	21	0	3
CHM	45	8	12	1	1	24	27	79	16	6	4	2	5	0	6	16	0	68
CHW	103	39	2	1	9	5	37	41	14	8	7	1	5	1	2	7	0	8
CHC	473	71	44	30	131	95	150	677	53	51	38	33	19	3	31	46	0	235
CHF	159	56	74	17	116	70	119	340	80	47	136	23	23	0	24	101	0	67
CDR	269	47	87	13	164	143	714	534	187	93	46	29	48	2	67	53	0	108
GRC	131	14	15	0	25	60	8	32	3	2	17	2	2	0	3	15	0	12
GTF	329	162	98	20	193	89	57	431	99	47	86	46	41	0	73	106	0	32
GVSP	162	36	38	5	63	59	31	30	26	1	29	0	9	7	30	22	0	9
DVI	109	15	18	2	22	80	22	78	54	15	10	27	5	0	8	16	0	347
FSP	180	28	27	3	90	65	26	157	33	7	24	1	1	0	10	35	0	10
FDSP	294	86	66	6	200	49	93	209	99	45	80	23	17	0	67	34	0	188
ISP	274	63	47	10	137	37	103	72	54	22	83	5	28	0	6	24	0	9
KVSP	306	73	92	35	321	77	223	302	209	118	194	22	28	0	21	49	2	80
LAC	234	107	73	18	124	53	144	335	113	75	91	20	31	1	57	25	0	34
MCSP	358	163	74	21	200	34	114	394	98	24	52	32	52	0	35	17	0	35
NKSP	83	10	5	0	19	81	55	22	13	7	13	0	2	3	18	14	0	37
PBSP	269	95	609	11	203	120	129	156	123	38	81	36	43	0	35	39	1	11
PVSP	315	94	55	16	94	22	153	489	40	13	41	9	14	0	30	38	0	50
RJD	120	40	16	14	55	20	31	138	65	38	24	0	13	0	2	25	0	41
SAC	279	19	59	18	145	93	81	244	200	59	37	33	27	2	31	44	1	7
SATF	321	98	85	25	136	77	303	419	100	48	85	17	43	0	31	57	1	292
SCC	337	85	38	9	29	135	18	42	28	4	36	2	3	0	16	13	2	22
SOL	399	92	53	21	105	98	101	475	112	81	130	30	48	0	45	18	1	88
SQ	319	124	105	7	98	65	39	144	118	29	18	27	7	41	4	26	0	66
SVSP	203	67	89	28	180	72	114	477	129	56	163	21	27	0	75	56	0	109
VSPW	176	30	7	4	40	21	41	108	30	2	8	2	8	0	26	10	0	37
WSP	118	3	0	0	9	29	25	13	7	5	5	0	2	0	5	3	0	32
REG I	0	1	0	0	0	4	5	2	1	0	0	0	0	18	4	0	0	0
REG II	0	5	1	0	0	0	1	0	0	0	0	0	0	56	19	0	6	0
REG III	0	0	0	0	0	0	4	0	0	0	0	0	0	12	6	6	12	1
REG IV	0	0	0	0	4	0	4	1	0	0	1	0	0	56	5	6	2	2
TOTALS	7648	2390	2078	397	3616	1986	3610	7529	2501	1181	1800	493	632	210	900	1105	34	2341

Completed by Inmate Appeals Branch - Sacramento

ATTACHMENT #1

Recommended Staffing and Associated Duties

- Health Program Specialist I (HPSI) to be assigned to the HCACPA program. The HPSI duties will include, but are not limited to:
 - a) Coordinate all HCACPA program functions
 - b) Monitor and evaluate compliance with current policies and procedure
 - c) Responsible for overseeing the collection of credible institutional data, the creation and accuracy of statistical reports (trends, trend analysis, assessment of risk), and oversight of reports submitted to management
 - d) Participate in developing and/or revising health care policies, procedures, and practices as a result of the HCACPA data collection, analysis, and identification of problem areas. Coordinate with staff to ensure remediation and improvement of identified issues
 - e) Assist with the hiring process for HCACPA program positions
 - f) Responsible for the integrity of the screening process as related to appeals
 - g) Responsible for identifying problematic issues within the HCACPA program, creating a Corrective Action Plan (CAP) to remedy problematic issues, and follow-up to ensure that (CAP) action plan items are completed timely and appropriately.
 - h) Plan, develop, and implement training relating to the HCACPA program processes
 - i) Assist with responding to Second Level Appeals

- Registered Nurse (RN) to be assigned to the HCACPA program. The RN duties will include, but are not limited to:
 - a) Review all appeals and correspondences to identify urgent/emergent health care issues
 - b) Coordinate with all institutional health care services departments to ensure patient/prisoners are evaluated by an appropriate clinician within designated time constraints for urgent/emergent issues
 - c) Respond to "Emergency" appeals for which an urgent/emergent health care issue has been identified
 - d) Review appeals to identify duplicate medical issues
 - e) Act as a liaison with institutional staff and/or patient/prisoners to resolve problematic health care issues
 - f) Provide training to institutional staff on appeal, PAOL, and correspondence process, as needed
 - g) Assist with the PAOL when clinical intervention is required
 - h) Assist with appeal responses, as needed
 - i) Assist with correspondence responses, as needed

- Office Technician (OT) assigned to the HCACPA program. The OT duties include, but are not limited to:

- a) Track all correspondences and PAOL contacts in an electronic tracking system
- b) Ensure the integrity of the electronic tacking system
- c) Assist with researching correspondence and PAOL issues
- d) Assist with providing written responses for correspondences received
- e) Respond to requests from the CCLMU staff, other institutions, or outside agencies related to correspondence issues
- f) Respond to requests from CCLMU staff related to litigation issues
- g) Assist with the PAOL process, if needed
- h) All clerical functions associated with the HCACPA program (copying, filing, etc.)