



SENT VIA EMAIL: jdcarter@cuyahogacounty.us

December 15, 2020

Cuyahoga County Council
2079 East Ninth Street - 8th Floor
Cleveland, Ohio 44115

Public Safety & Justice Affairs Committee
Michael J. Gallagher, *Chairperson*
Nan Baker, *Vice Chair*
Dan Brady, *Member*
Yvonne Conwell, *Member*
Scott Tuma, *Member*

Dear County Council Committee Members:

On behalf of the Children's Law Center, we are writing to share our concerns about the proposed resolution to contract with for-profit Wellpath, LLC for the medical care of all youth detained in the Cuyahoga County Juvenile Court Detention Center. We urge this Council to reject the proposed resolution "R2020-0288," which seeks to award healthcare and management services of detained youth in the amount of \$4,566,261.00, during the period of 1/1/2021 – 12/31/2023.

As a non-profit legal service organization dedicated to protecting the rights of children and youth, representing them in cases involving juvenile justice, and protecting them from harm within the systems that serve them, we consider the proposed resolution against the best interest of Cuyahoga County's children. The youth detained in the Cuyahoga County Juvenile Detention Center ("JDC") are between 12-18+ years old, primarily African-American males, and were already vulnerable and disadvantaged before entering the JDC. These children primarily come from low-income neighborhoods that do not always have regular access to medical care.

The COVID-19 pandemic has illustrated the disparities in access to healthcare in impoverished areas and the disparate impact on people of color. The CDC's social vulnerability index tracks poverty as a critical factor in a community's ability to prevent suffering in a crisis, such as this pandemic.¹ These youth often present with complex medical, mental health, and educational needs upon admission into – and throughout their stay at – the JDC. Many of these needs for medical and medication management are acute and without reliable and ethical care these youth could be at risk, which may also jeopardize the safety of staff and other residents.

¹ https://www.atsdr.cdc.gov/placeandhealth/svi/fact_sheet/fact_sheet.html

The JDC has previously contracted with MetroHealth, a public non-profit, to provide healthcare services to detained youth. This proposed resolution would be a departure from the community-based, not-for-profit care to what has been classified as the nation's largest for-profit provider of health care to correctional facilities. This proposed resolution is contradictory to this Council's unanimous recognition that MetroHealth provides the "best" medical care and awarding them a three-year contract for medical care in the Cuyahoga County Jail as the way to move forward towards "excellent health care in our jails."²

At a time when the COVID-19 pandemic continues to devastate the nation, Cuyahoga County has felt the impact. The JDC has experienced outbreaks and with staff entering the facility from the community each day and continued youth admissions, the need for vigilant and competent medical care will remain a high priority. The youth who are being held are awaiting their day in court—they have not been adjudicated delinquent (or found guilty) of these charges. When a Juvenile Court takes a child into custody, it has a duty to ensure its policies provide for the care and protection of the child.³

Wellpath is a lucrative business that contracts in over 500 facilities in 34 states. Across the country, the same alarming themes in Wellpath's services have been documented, including: doctors and nurses failing to diagnose and monitor life-threatening illnesses and chronic diseases; employees denying urgent emergency room transfers; failing to spot or treat serious psychiatric disorders; and allowing common infections and conditions to become fatal.⁴

Wellpath was created in 2018 after a multibillion-dollar private equity firm combined with a smaller competitor (the merger of Correct Care Solutions ("CCS") and Correctional Medical Group Companies). While CCS generated about \$1.5 billion in revenue annually, as reported prior to the 2018 merger, its name was associated with numerous lawsuits.⁵ CCS is listed as a defendant in at least 1,600 lawsuits in federal court.⁶ Wellpath finds itself at the center of continued lawsuits – at least 250 federal suits – and in scathing media reports, including:

- In Michigan's Macomb County Jail, CCS was hired to provide medical care starting in September 2011 and, since then, at least 20 inmate deaths have been reported. One such case received international attention—a 2015 federal lawsuit, still pending, was filed against CCS and various medical personnel connected to the company after a man was determined to have died of acute withdrawal from medications as well as dehydration and seizures.⁷

² <https://www.cleveland.com/cuyahoga-county/2019/04/cuyahoga-county-approves-42m-deal-with-metrohealth-for-jail-health-care.html>

³ Ohio Rules of Juvenile Procedure Rule 1(B)-(C)

⁴ <https://www.cnn.com/interactive/2019/06/us/jail-health-care-ccs-invs/>

⁵ <https://www.scribd.com/document/391528197/FINAL-Master-List-of-1395-CCS-Cases-4848-9407-7557>

⁶ <https://amp.newsobserver.com/news/politics-government/article245292565.html>

⁷ <https://www.metrotimes.com/news-hits/archives/2020/03/12/lawsuit-targets-billion-dollar-company-making-life-and-death-medical-decisions-in-michigan-jails>



- In North Carolina’s Forsyth County Jail, Wellpath’s first contract with the county spanned from 2012-2017 and during this time, there were four deaths that prompted lawsuits against Wellpath.⁸
- A recently filed federal suit stemming from Michigan’s Grand Traverse County Jail outlines that, “[e]ffectively, Wellpath’s policy is to cut patients with mental illness off their psychotropic medications first and ask questions later, in violation of clearly established constitutional rights and its common law duties.”⁹
- CNN investigated complaints and problems at nearly 120 locations in 32 states:
 - “Internal documents and emails, medical records, autopsy reports, audits, interviews with more than 50 current and former employees and scathing correspondence from government clients show that amid a focus on ‘cost containment’ and massive corporate growth, the company has provided substandard care that has led to deaths and other serious outcomes that could have been avoided.”
 - Former employees documented concerns of how the company put their medical licenses in legal jeopardy, risked patient safety, and provided deficient staff training.
 - In the last five years, they have been sued for more than 70 deaths and inmates alleged prolonged suffering, ongoing complications, shortened life expectancy and debt.¹⁰
- The US Department of Justice, in a rare move in December, declared the medical program at Hampton Roads Regional Jail in Virginia jail unconstitutional—finding inmate requests were ignored or otherwise not taken seriously resulting in serious harm and death under CCS’s medical care.¹¹ In the past two fiscal years, the DOJ’s Civil Rights Division has opened *only two* investigations related to health care in the nation’s several thousand jails and prisons—Wellpath oversees the care in one of these jails.¹²

We urge this Council to reject the proposed resolution and avoid the potential risk of harm to the already vulnerable children in the JDC. Local governments who previously hired the company have come out to condemn Wellpath’s practices, and at least one classifies its performance as morally reprehensible. **Cuyahoga County’s children deserve better.** For the sake of their wellbeing, we ask that the Cuyahoga County Council reject the proposed resolution for Wellpath’s healthcare and management services of children detained in the JDC.

⁸ <https://amp.newsobserver.com/news/politics-government/article245292565.html>

⁹ <https://www.metrotimes.com/news-hits/archives/2020/03/12/lawsuit-targets-billion-dollar-company-making-life-and-death-medical-decisions-in-michigan-jails>

¹⁰ <https://www.cnn.com/interactive/2019/06/us/jail-health-care-ccs-invs/>

¹¹ <https://www.cnn.com/interactive/2019/06/us/jail-health-care-ccs-invs/>

¹² <https://amp.theatlantic.com/amp/article/597871/>



If you have additional questions or need more information, you can reach me by email at lwinsberg@childrenslawky.org or contact our office at (859) 431-3313. Thank you for your time and consideration.

Sincerely,

/s/ Acena Beck
Acena Beck
Executive Director

/s/ Leah Winsberg
Leah Winsberg
Staff Attorney

