



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
OFFICE OF THE SECRETARY

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June 9, 2011

The Honorable Karen Keiser, Chair
Senate Health & Long-Term Care Committee

The Honorable James Hargrove, Chair
Senate Human Services & Corrections Committee

The Honorable Christopher Hurst, Chair
House Public Safety & Emergency Preparedness
Committee

The Honorable Eileen Cody, Chair
House Health Care & Wellness Committee

Dear Legislators:

By letter, the Department of Corrections (DOC) is reporting our actions and status with respect to implementation of Chapter 324 Laws of 1999, Extraordinary Medical Placement (EMP). The letter addresses the DOC's accomplishments in those areas specified in RCW 72.09.620.

This is the eleventh report to the Legislature on the EMP program. This program provides for the placement of an offender in an alternative community setting, in lieu of total incarceration, under the supervision of a community corrections officer, if the following conditions are met:

1. The offender has a medical condition that is serious and is expected to require costly care or treatment;
2. The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and
3. It is expected that granting the Extraordinary Medical Placement will result in a cost savings to the state.

Since the program was initiated in July 1999, sixty-eight (68) offenders have been placed in the community. This report summarizes the results of the EMP program from January 1, 2010 through December 31, 2010.

In summary, the total cost avoidance to the State of Washington under this program was \$53,641 for the year reported. This represents the difference between the state portion of what the Department of Social and Health Services (DSHS) Medicaid program paid to purchase health care services for Medicaid eligible individuals on EMP and what DOC would have paid for their incarceration if the offender had not been in this program. By moving these seriously ill offenders to alternative settings to complete their sentences or to expire, DOC was able to assure best use of its infirmary beds, while reducing the costs to the state for the required services.

"Working Together for SAFE Communities"

Extraordinary Medical Placement

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The primary constraint to placement continues to be obtaining a viable acceptable site for placement. Because of the vulnerable patient population in nursing homes, placing offenders in this setting is a challenge.

A key element in the success of this program has been the close working relationship between the DOC and the branches of DSHS responsible for Medicaid eligibility determinations and for placement in care facilities. Without the cooperation of the Department of Social and Health Services staff, community placements could not occur. The Office of the Attorney General has also been very helpful in working with the DOC to obtain guardianships when family is absent or uncooperative.

Attached is a table that displays detailed information regarding the EMP program for the last four years.

The Department of Corrections will continue to manage and monitor this program closely. Please contact Susan Lucas at (360) 725-8270 if further clarification is needed.

Sincerely,



Eldon Vail
Secretary

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Enclosure

cc: Members of Senate Health & Long-Term Care Committee
Members of House Health Care & Wellness Committee
Members of Senate Human Services & Corrections Committee
Members of House Public Safety & Emergency Preparedness Committee
Susan N. Dreyfus, Secretary, DSHS
Rob McKenna, Attorney General
Cheryl Strange, Assistant Secretary, DOC
Clela Steelhammer, Legislative and Policy Coordination Manager, DOC
Barbara B. Curtis, RN, Director of Nursing, DOC

Extraordinary Medical Placement (EMP)

| | CY 2007 | CY 2008 | CY 2009 | CY 2010 |
|--|---------|---------|---------|---------|
| Offenders considered for EMP during the reporting period: | | | | |
| Number of new referrals for EMP: | 28 | 33 | 53 | 41 |
| Number considered for EMP referred in a previous year: | 14 | 19 | 29 | 14 |

| Outcomes of offenders considered during the reporting period: | | | | |
|---|-----------|-----------|-----------|-----------|
| Number that died prior to placement/consideration: | 8 | 5 | 11 | 7 |
| Number who were denied placement because they did not fit the medical criteria (RCW 9.94A.728(4)(a)): | 13 | 10 | 31 | 10 |
| Number of denials from the Headquarters Community Screening Committee: | 0 | 6 | 4 | 3 |
| Number who were released prior to placement/consideration: | 1 | 0 | 12 | 4 |
| Number who were denied placement by the DOC Secretary: | 0 | 0 | 1 | 1 |
| Number who were placed in EMP during the current reporting period: | 1 | 2 | 7 | 10 |
| Number of offenders who refused EMP consideration: | 0 | 0 | 2 | 0 |
| Number who are being considered for EMP at the end of the reporting period: | 19 | 29 | 14 | 22 |
| Total who were considered for EMP during this reporting period: | 42 | 52 | 82 | 55 |

| Total number of offenders who were approved for EMP during the reporting year: | | | | |
|---|---|---|---|----|
| Total number who were on EMP status sometime during the reporting period: | 5 | 3 | 9 | 11 |
| Number that were approved for EMP but are actively awaiting placement in the community: | 0 | 0 | 0 | 1 |

| EMP offenders removed from the program during this reporting period: | | | | |
|---|---|---|---|---|
| Number who returned to prison due to a change in placement: | 1 | 0 | 0 | 0 |
| Number who returned to prison due to a violation: | 1 | 0 | 1 | 0 |
| Number who returned to prison due to medical condition improving: | 0 | 0 | 0 | 0 |
| Number who died while on EMP: | 1 | 0 | 3 | 3 |
| Number who released while on EMP: | 1 | 1 | 1 | 5 |

| Cost avoidance to the State of Washington for the reporting year: | | | | |
|--|--|--|------------|--------------|
| DOC (EMP days used per yr x avg cost per day/offender): LESS | | | (\$91,742) | \$ (227,654) |
| State portion of Medicaid payments for community care: | | | \$84,132 | \$ 174,013 |

| | | | | |
|-----------------------------|--|--|------------------|--------------------|
| Total Cost Avoidance | | | (\$7,610) | \$ (53,641) |
|-----------------------------|--|--|------------------|--------------------|

Note: The cost avoidance calculation has been updated to reflect an increased incidence of Medicaid eligibility for offenders. The updated calculation takes into account the State's share of what the Medicaid program paid for care provided in the community. Due to this change, savings amounts for years prior to 2009 are not comparable to more current estimates and therefore have been eliminated.