

COUNCIL OF THE CITY OF PHILADELPHIA
COMMITTEE ON RULES

Room 400, City Hall
Philadelphia, Pennsylvania
Wednesday, February 27, 2013
9:10 a.m.

PRESENT:

COUNCILMAN WILLIAM K. GREENLEE, CHAIR
COUNCILWOMAN CINDY BASS
COUNCILWOMAN JANNIE BLACKWELL
COUNCILMAN BOBBY HENON
COUNCILMAN CURTIS JONES, JR.
COUNCILMAN JAMES KENNEY
COUNCILMAN DENNIS O'BRIEN
COUNCILWOMAN BLONDELL REYNOLDS BROWN
COUNCILWOMAN MARIAN B. TASCO

RESOLUTION 130025 - Resolution authorizing the
Committee on Rules to hold public hearings to
examine the City's intent to contract with
Corizon Health, Inc. to provide healthcare
services to inmates in the Philadelphia Prison
System.

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COUNCILMAN GREENLEE: Good

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morning. This is the Committee on Rules.

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Presently we have Councilman Kenney, the

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Vice Chair of the Committee; Councilman

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Henon; and myself, and other members will

7

be joining us.

8

Ms. Marconi, will you please

9

read the title of the resolution before

10

us today.

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THE CLERK: Resolution 130025,

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resolution authorizing the Committee on

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Rules to hold public hearings to examine

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the City's intent to contract with

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Corizon Health, Incorporated to provide

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healthcare services to inmates in the

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Philadelphia Prison System.

18

COUNCILMAN GREENLEE: Thank

19

you. Would you please call the first

20

panel that we have for us today.

21

THE CLERK: William Galvano and

22

Daniel Schidlow.

23

(Witnesses approached witness

24

table.)

25

COUNCILMAN GREENLEE: Good

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2 morning to you both.

3 (Good morning.)

4 COUNCILMAN GREENLEE: Senator,
5 I think you're first on our list, so if
6 you'd like to please identify yourself
7 and then proceed.

8 SENATOR GALVANO: Yes. My name
9 is Bill Galvano. I'm an attorney with
10 the law firm of Grimes Goebel in Manatee
11 County, Florida. I'm also a member of
12 the Florida Senate, but I'm here today on
13 behalf of --

14 COUNCILMAN GREENLEE: Pull the
15 microphone just a little closer. This
16 isn't the greatest for acoustics in this
17 place.

18 SENATOR GALVANO: Is that
19 better?

20 COUNCILMAN GREENLEE: That's
21 good. Thank you.

22 SENATOR GALVANO: Do you want
23 me to start over?

24 COUNCILMAN GREENLEE: No.
25 That's fine. You're good. Thank you.

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2 SENATOR GALVANO: As I was
3 saying, Chair, I'm here today on behalf
4 of Correctional Medical Care, CMC. I'm
5 also here with Stephen Sheller, who is
6 appearing on their behalf.

7 Correctional Medical Care, by
8 way of background, has been in the
9 correctional business for over 12 years.
10 They've done work in the Commonwealth of
11 Pennsylvania for the past ten years.
12 They currently have close to 7,000
13 inmates that they are servicing providing
14 medical healthcare for.

15 The company is owned by a
16 female of Spanish Guatemalan decent, so
17 it is a qualified minority-owned business
18 and meets the requirements of Executive
19 Order 03-12, as it did 02-05.

20 We're here this morning
21 following an objection and a protest to
22 the procedures through which the
23 Philadelphia Prison System contract was
24 awarded to Corizon Healthcare. We are
25 objecting to it and we are protesting

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2 that award.

3 By way of background, in June
4 of 2012, June 7th to be exact, an RFP
5 went out, to which there were two
6 responses. One was from CMC that I just
7 described; the other was from Corizon.
8 Corizon was the incumbent at the time,
9 and while being the incumbent, it did
10 have issues that I'll go into in a
11 moment.

12 In August of '12, the best and
13 final offers were presented to the
14 System, and at that time, CMC was
15 offering to meet the requirements at a
16 price of 38 million. Corizon was at 42
17 million. So it was CMC that was the
18 lower bidder. And this contract, which
19 has an initial term of one year, followed
20 by renewals, if it were to go the life of
21 the contract, it would have been some \$14
22 to \$16 million less that CMC was offering
23 to do this service for.

24 CMC was ready, willing, and
25 able and would have started at the start

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2 date of September 1st servicing this
3 contract had it been chosen. I'd also
4 like to note when it would begin, it
5 would have had at that point 96 percent
6 minority participation. And in addition
7 to being a lower bidder, would also have
8 instituted new goals and objectives to
9 reduce costs, such as off-site
10 utilization through its partnership with
11 Hahnemann University Hospital.

12 So CMC's bid was the lower bid.
13 At the time of the RFP, the contract, I
14 think, needed to be put back out. There
15 were no less than 50 civil rights suits
16 pending at that time filed by
17 Philadelphia prisoners in Federal Court
18 in the Eastern District of Pennsylvania,
19 and the basis of the lawsuits, among
20 other things, alleged deliberate
21 indifference to the medical needs of the
22 Philadelphia prisoners.

23 In September, instead of having
24 the contract start, an extension was
25 granted for six months despite CMC being

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2 ready to go, and had by that extension
3 not been granted and CMC got the
4 contract, I think it's important to note
5 that the taxpayers would have saved
6 roughly 1.75 million over the last six
7 months.

8 In December 2012, a notice of
9 intent to contract was posted. That's
10 how CMC discovered it. There was no
11 communication despite requests for
12 updates from CMC. It did not go, as you
13 know, to the Council, and that notice
14 cited a handful of reasons for making
15 that determination or making the decision
16 to go with Corizon.

17 One was experience. Now,
18 again, CMC has been in the business for
19 over 12 years. There were multiple
20 references that accompanied the response
21 to the RFP. Emre Umar, who you will hear
22 from later this morning, has been in the
23 business for over 20 years.

24 Long-term cost effectiveness
25 was also mentioned. Again, this is an

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2 RFP that had two responses. One was
3 substantially lower. So the cost
4 effectiveness would have had to have gone
5 with CMC.

6 There was also a statement
7 about transition. These type of
8 contracts, the City lists them as general
9 consulting, and for the most part, you
10 retain a large part of the
11 infrastructure, and at no time was there
12 ever any hesitancy on CMC's part to be
13 able to transition into the contract.

14 And then there was a reference
15 to superior reputation. And I want to
16 spend a little bit of time with that.

17 During the RFP process, the
18 Office of Inspector General was
19 investigating Corizon for intentionally
20 circumventing the anti-discrimination
21 laws of the City. You have in your
22 packet an executive summary from the
23 Office of Inspector General, and there
24 were several important findings that they
25 had. One was that they had set up a

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2 pass-through scheme with a company that
3 existed in face only so that CMC could
4 qualify for the minority contracting
5 status. This company, as pointed out by
6 the Office of Inspector General, provided
7 no commercially acceptable function. It
8 was a facade.

9 The personnel from the company,
10 which is JHK, admitted that this was
11 their purpose, and, in fact, they said it
12 was quite beneficial to them because they
13 didn't have to do anything really,
14 provide any service, yet they were making
15 money off this contract. This whole
16 scheme came to light not by Corizon but
17 by allegations and someone tipping that
18 this was going on.

19 So Corizon was allowing this
20 company to use its name in order to
21 qualify. And this investigation was
22 going on during the RFP process. And
23 here's the kicker: They were paying this
24 company for the use of its name and
25 passing that cost through to the City.

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2 So not only were they creating a facade,
3 but they weren't even paying for it. The
4 actual services were being provided and
5 paid for to a sister company of Corizon.
6 So they were making money through a
7 sister company with the facade that they
8 were actually contracting with an
9 independent minority company.

10 The investigation further found
11 that in order to do this, they had to
12 submit provider agreements, monthly
13 listings, solicitation, and commitment
14 forms; in other words falsifying
15 documents. Again, all during the course
16 of this RFP while the system was making
17 the decision as to who to contract with
18 and who had the better reputation.

19 As a result of the
20 investigation, the Office of Inspector
21 General recommended that PHS, Corizon,
22 and its personnel be debarred from
23 participation in any City contract for a
24 period of two years.

25 Now, eventually a settlement

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2 agreement was reached in July. Remember,
3 we had the RFP pending with the start
4 date of September 1st. And when that
5 settlement agreement was reached on July
6 16th, there were certain conditions that
7 Corizon had to meet. Enhancements they
8 were called, things like additional
9 compliance officers, training, review of
10 policy and procedures, in addition to a
11 fine of 1.85 million. These enhancements
12 had to be implemented over a period of 75
13 days, with a six-month reporting
14 requirement.

15 What that did from a timing
16 standpoint was put their compliance
17 outside the start date of the original
18 RFP. So at the end of the day, Corizon,
19 by virtue of getting an extension to the
20 start date in the RFP, was afforded an
21 opportunity to come into compliance with
22 the settlement of the fraud. Also, it
23 had the benefit of distancing them from
24 the bad press and put them in a better
25 posture coming forward on the new

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2 contract.

3 According to, as I understand,
4 Philadelphia Home Rule, the extension
5 must be based on the best interest of the
6 City. And that begs the question, how,
7 if you have one company ready, willing,
8 and able for less money to begin a
9 contract on September 1st and another
10 company that has been under investigation
11 and determined to have committed a
12 fraudulent act and falsified documents,
13 how is that extension in the best
14 interest of the City? And, again, how
15 can this event occur during an RFP and
16 then the Prison System go back and say
17 there is a superior reputation? It's
18 almost like being engaged and extending
19 the wedding because one party is
20 cheating. It just doesn't make sense.

21 The contract, as I stated, was
22 ultimately awarded to Corizon. At the
23 time of the award, again, there were no
24 less than 50 civil rights suits. In
25 2013, I believe we're somewhere around 40

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2 new civil rights actions.

3 In addition, the City had been
4 experiencing problems with funded
5 vacancies. At one time Corizon was being
6 funded for positions that were not filled
7 up to 20 percent. The company was losing
8 contracts, not just in Pennsylvania but
9 throughout the United States. And so you
10 had, forgetting the investigation, all
11 those factors that were playing into this
12 scenario.

13 In addition, the City had been
14 incurring costs for a watchdog, an
15 auditor to work in and monitor this
16 company. Again, where is the superior
17 reputation?

18 You're going to hear testimony
19 today from Dr. Schidlow, who is to my
20 left. He is Dean of Drexel University
21 College of Medicine. He's going to
22 elaborate on the relationship that they
23 had with Hahnemann Hospital, which was
24 going to partner with CMC in this
25 endeavor, and Robert Pablich, Vice

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2 President of Business Development, will
3 speak to that as well.

4 Emre Umar is here, the
5 President of Correctional Medical Care,
6 to talk about their ability to do the
7 contract, their willingness, their
8 ableness to accomplish it. Former Deputy
9 Superintendent John Caceci from Monroe
10 County Jail, who experienced the exact
11 same type of funded vacancy issue that
12 has been experienced in the Philadelphia
13 Prison System, will testify this morning,
14 and he'll talk about how they actually
15 took a proactive measure and went after
16 Corizon for the dollars that were
17 utilized to fund these vacancies and
18 recovered a substantial sum of money. I
19 believe it was half a million dollars.

20 You'll hear from Dr. Dimino,
21 who has worked with CMC's Montgomery
22 County Commissioner of Health, as well as
23 Mr. Glemser, who is here this morning,
24 who is a former inmate, who has firsthand
25 experience regarding the function and the

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2 way that Corizon works.

3 We have in your packet
4 submitted testimony from Tom Wigger,
5 Superintendent Albany County
6 Correctional.

7 So we are here -- and I
8 appreciate that you had this hearing.
9 We're here because the process is
10 suspect. The extension that occurred
11 during the course of the process is
12 suspect. The very narrow buzz word,
13 boilerplate description of why Corizon
14 was chosen is suspect. And the idea that
15 a lower contract with a company which in
16 most respects has a better reputation not
17 getting the award is suspect. And the
18 idea that the Council was removed from
19 this process, and perhaps had they not
20 been, there might have been an
21 opportunity to delve deeper into several
22 of these issues that existed and have
23 recently been highlighted.

24 Thank you, sir.

25 COUNCILMAN GREENLEE: Thank

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2 you. We're going to hear from
3 Dr. Schidlow first before we have any
4 questions.

5 I would like the record to
6 reflect that Councilwoman Reynolds Brown
7 and Councilwoman Tasco, both members of
8 the Committee, are present, as is
9 Councilwoman Blackwell.

10 Doctor, please identify
11 yourself for the record and proceed.

12 DR. SCHIDLOW: Good morning.
13 My name is Daniel Schidlow. I'm the
14 Annenberg Dean and Vice President for
15 Medical Affairs of Drexel University
16 College of Medicine. My purpose here
17 this morning is to tell you about our
18 College of Medicine, our partnership with
19 Hahnemann University Hospital, and the
20 quality of care that we give to the
21 Delaware Valley and to the community.

22 First of all, allow me to say
23 that we are the largest or one of the two
24 largest private medical schools in the
25 country. We have 260 students per year

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2 to a total of about 1,100 medical
3 students. We also graduate master's
4 degree students in a variety of
5 disciplines and graduate students who go
6 on to scientific work. Drexel University
7 has also a College of Nursing and Health
8 Professions in a distinguished School of
9 Public Health. So as a university, we
10 have a comprehensive approach to
11 healthcare and to healthcare education
12 and research.

13 Our College of Medicine has
14 gained reputation over the years. Today
15 we have over 14,000 applicants for 260
16 slots in our College of Medicine. So we
17 have a really quite remarkable group of
18 students who come to our school.

19 Our clinical partner is
20 Hahnemann University Hospital in the
21 adult world. We employ over 260
22 physicians, and every physician that
23 practices at Hahnemann University
24 Hospital is part of our faculty. There
25 are standards of conduct. There are

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2 standards of quality of care that we very
3 strictly enforce and also follow.

4 We have policies on compliance
5 and on service, on patient satisfaction,
6 and a variety of other aspects that lead
7 to us believing that we provide really
8 outstanding care in the City of
9 Philadelphia and in the Delaware Valley
10 and to any partner, clinical partner or
11 service partner or contracted
12 organization that we serve. We are a
13 diverse school and a diverse body of not
14 only students but of providers. We are
15 very, very proud of our track record.

16 Hahnemann University Hospital
17 has in addition many top doctors in the
18 City of Philadelphia and best doctors in
19 the country. Also, we run a large
20 residency program in what we call
21 post-graduate training programs in
22 various specialties. Over 550 physicians
23 receive their residency training at
24 Hahnemann University Hospital. So there
25 are various levels of care and scrutiny

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2 that go into taking care of one
3 individual in need of medical care.

4 We believe that we are poised
5 to partner with any organization to
6 provide an absolutely outstanding quality
7 of care that will meet any anyone's
8 standards, and we look forward to
9 engaging with the hospital in creating
10 this and many other partnerships to the
11 benefit of the City.

12 Thank you.

13 COUNCILMAN GREENLEE: Thank
14 you, Doctor and Senator.

15 Questions, please? Councilman
16 Kenney.

17 COUNCILMAN KENNEY: Thank you.

18 Thank you for your testimony.
19 Doctor, I think one of the things that
20 came as a result of some of the press
21 coverage of this situation were comments
22 from the Administration relative to the
23 inability of Hahnemann and CMC to provide
24 adequate care for our prisoners, and I
25 know that may have been upsetting to the

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2 institution, as prestigious as Hahnemann
3 is, and I wanted to know if you can just
4 kind of react to some of the comments
5 that were made by members of the
6 Administration relative to Hahnemann and
7 CMC's inability, in their opinion, to
8 provide adequate service.

9 DR. SCHIDLOW: Sure. I can
10 speak certainly to Hahnemann University
11 Hospital. Hahnemann University Hospital
12 is a tertiary quaternary healthcare
13 center. We take care of absolutely
14 everything from a common cold to a heart
15 transplantation and anything in between.
16 The physicians that we have on staff are
17 qualified, Board-certified physicians.
18 We have facilities at Hahnemann that are
19 comparable or better than many others in
20 the City.

21 I have great difficulty
22 understanding that anyone can say that
23 the system is not prepared or able to
24 take care of any kind of patient
25 regardless of the type of patient or

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2 where the patients reside.

3 COUNCILMAN KENNEY: Thank you.

4 COUNCILMAN GREENLEE: Thank

5 you.

6 Any other questions or

7 comments?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, thank you both very much for your
11 time and for your statements here.

12 Ms. Marconi, you want to call
13 the next witness, please.

14 THE CLERK: Lou Giorla.

15 COUNCILMAN GREENLEE: And as
16 the Commissioner is coming up, once again
17 the Chair recognizes Councilman Kenney.

18 COUNCILMAN KENNEY: Thank you,
19 Mr. Chairman. I'll wait for the
20 Commissioner to be seated.

21 (Witnesses approached witness
22 table.)

23 COUNCILMAN KENNEY: I want to
24 say at the outset of the Commissioner's
25 testimony that I think you do a really

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2 good job running our prisons. I'm very
3 proud of the way you've provided your
4 service to our city since the time you've
5 been there. It's light years better than
6 what we had experienced before. And
7 clearly you've drawn the short straw
8 today, and I want to let you know that
9 any comments or questions that I make to
10 you are not in any way personal. I
11 respect you and admire you. I'm not
12 happy with the process that's been
13 undertaken, but I don't want you to think
14 or either of you to think that I'm in any
15 way attacking you if we get into some
16 tough questions.

17 So I want you to understand at
18 the outset I think you've done a great
19 job as our Prison Commissioner. I think
20 sometimes, however, in this kind of
21 situation -- I know this Administration
22 prides itself on transparency. This
23 seems to be a more translucent process in
24 this particular case than transparent.
25 And that's my opinion, which I'm

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2 expressing now, because it's just as the
3 more and more I've looked into this, the
4 more difficult it is to understand why
5 we're here today.

6 Secondly, one of the reasons
7 why we're here today is this process
8 that's been employed probably since the
9 Rendell Administration -- and, again,
10 this Administration did not invent this
11 process, but this issue of one-year
12 grants of contracts with two- and
13 three-year options in order to circumvent
14 this body and vetting a public contract,
15 which is anywhere between \$150 and \$160
16 million in public money, does not need to
17 somehow come through this body to me is
18 abhorrent, and I think winds up putting
19 us in this situation more often than I
20 want to be as a result of the belief this
21 Administration and past Administrations
22 that somehow Council doesn't have a role
23 in allowing public money to be spent.

24 I know in the private sector
25 that if a CEO of a company were to award

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2 a contract of that magnitude without
3 telling the Board of Directors, that he
4 or she would be probably out of a job.
5 And that's where I want to -- part of the
6 reason why we're here is my concern about
7 the employment of that practice when it
8 comes to large amounts of public money
9 being spent.

10 But that is a backdrop. I
11 appreciate you being here and, Mike, you
12 being here to give testimony.

13 Thank you.

14 COUNCILMAN GREENLEE: Thank
15 you, Councilman.

16 Commissioner, if you just
17 identify yourself and proceed, please.
18 Thank you.

19 COMMISSIONER GIORLA: Good
20 morning, Chairman Greenlee and members of
21 the Committee on Rules. I'm Prisons
22 Commissioner Lou Giorla. I'm here today
23 to testify in response to Council
24 Resolution 130025 regarding the
25 healthcare contract for inmates in the

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2 Philadelphia Prison System.

3 Health services for inmates at
4 Philadelphia Prisons have been provided
5 by the use of a contracted vendor since
6 November 1989. In 1993, Prison Health
7 Services was awarded the contract as
8 physical health services provider. The
9 company continues in that role today and
10 was renamed Corizon Health, Incorporated
11 following a merger in 2011.

12 Corizon provides care to over
13 270,000 inmates nationally and recently
14 renewed contracts with New York City at
15 Rikers Island, the State of Idaho, which
16 was mentioned in the resolution as an
17 area of contention, and won a contract to
18 provide services -- recently won a
19 contract to provide services to 34,000
20 inmates in Arizona.

21 During the company's tenure,
22 health services at the Philadelphia
23 Prison System have undergone significant
24 changes and improvements, while under the
25 scrutiny of federal and state courts,

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2 independent medical experts, and the
3 stewardship of previous Commissioners.
4 Among the most notable achievements are
5 the accreditations of all Philadelphia
6 Prisons facilities by the National
7 Commission on Correctional Health Care
8 beginning in 2004 and re-awarded every
9 three years since.

10 Diagnostics, for example, are
11 constantly improving. Voluntary HIV
12 testing rates for newly admitted inmates
13 have been raised from 6 to 95 percent,
14 reducing a dangerous public safety health
15 risk. Intake medical evaluations, which
16 once took two days to complete, are now
17 done in four hours. Electronic
18 verification of medication histories
19 introduced the last year has improved the
20 diagnosis and treatment of chronic
21 illness. Digital radiography,
22 implemented over two years ago, allows
23 remote reading of scans and x-rays by
24 specialists on and off prison campus.
25 The interval from prescription to

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2 delivery of medication is now less than
3 one day. It should also be noted that 90
4 percent of inmate specialist care under
5 the auspices of Corizon in the
6 Philadelphia Prisons is provided by
7 physicians affiliated with Jefferson,
8 Temple, Hahnemann, and the University of
9 Pennsylvania Hospitals. And today, this
10 morning, we have one inmate who is an
11 inpatient at Hahnemann, one inmate who is
12 an inpatient at Temple, and two inmates
13 who are inpatients at the University of
14 Pennsylvania.

15 Additionally, during the last
16 eight years, the vacancy rate among
17 medical personnel, which once did stand
18 at 20 percent, is now down to 3 percent.
19 The annual healthcare cost increase to
20 the Prisons was reduced from an average
21 of 12 to 3 percent and stayed well below
22 the national average of 8 percent.

23 During the RFP process for a
24 new contract for prison medical services,
25 a discrepancy was found by the Prisons

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2 Contracts Unit and reported to the Office
3 of Economic Opportunity. This was not a
4 whistleblower. This was someone who was
5 doing their job and found this
6 discrepancy.

7 OEO determined that the certain
8 vendors identified under the Prison
9 Health contract did not properly meet the
10 requirements of the participation for
11 minority, women, and disabled business
12 enterprises in the requirements in City
13 contracts. The Office of Economic
14 Opportunity referred the matter to the
15 City's Inspector General for
16 investigation.

17 The investigation was conducted
18 during the contract process for medical
19 services in 2012 and prior to vendor
20 selection. The Inspector General's
21 Office found that Prison Health Services
22 had arranged for a subcontractor to
23 fulfill the minority obligations under
24 the contract in name only. As a result,
25 the company was ordered to revise its

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2 business practices and pay a \$1.85
3 million penalty.

4 The Prisons physical and
5 behavioral health services contracts were
6 scheduled to expire on August 31st, 2012.
7 Prisons entered into amendments with both
8 Corizon and MHM, who is our behavioral
9 healthcare provider, for six months,
10 through February 28th, 2013. The
11 amendments were negotiated to allow
12 technical improvements to be made to our
13 soon-to-be-implemented electronic medical
14 record, a project that has been under
15 development, along with the Health
16 Department, for the last ten years.
17 Since many of the management staff were
18 assigned to the medical records project
19 and the contract selection process -- and
20 by that I mean the Prison staff -- the
21 department decided that short-term
22 amendments would enable both projects to
23 proceed as efficiently as possible.

24 During the contract selection,
25 four proposals were received for medical

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2 and behavioral health services: CMC and
3 Corizon for physical health, MHM for
4 behavioral health, and Diamond Pharmacy
5 seeking to offer pharmacy services under
6 an independent contract.

7 A selection committee comprised
8 of the Office of Prisons Medical
9 Operations, the Office of Economic
10 Opportunity, the Law Department, the
11 Prisons Contract Office, a financial
12 consultant specializing in healthcare,
13 and I myself reviewed the written
14 proposals and hosted oral presentations
15 by the vendors. The review resulted in
16 the decision that it was in the best
17 interest of the City to select MHM as the
18 behavioral health provider and Corizon as
19 the physical health provider.

20 Thank you for this opportunity
21 to testify today. I will gladly respond
22 to your questions to the best of my
23 ability at this time. However, we are
24 advised that the various proposals and
25 related documents are not public records

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2 until the contracts have been executed
3 and conformed, and that we should not
4 discuss other details of the selection
5 process due to the threat of litigation.

6 Thank you, Mr. Chairman.

7 COUNCILMAN GREENLEE: Thank
8 you.

9 Mr. Resnick, I understand
10 you're just here for questions or did you
11 want to make a statement?

12 MR. RESNICK: I don't have a
13 statement, Councilman. I'm just here for
14 questions.

15 COUNCILMAN GREENLEE: Thank
16 you. Before I recognize Councilman
17 Kenney, first I want the record to
18 reflect that Councilman Jones is also
19 present and at our hearing.

20 Again, Commissioner, I know you
21 probably can't answer some of the
22 concerns that we have, but just on the
23 issue of the services that are provided,
24 we have in our packet some testimony from
25 various inmates. I think we're going to

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2 hear from at least one former inmate.

3 During the time Corizon has had
4 the contract, have you received a lot of
5 complaints about the service as filtered
6 up to you by inmates?

7 COMMISSIONER GIORLA: Chairman,
8 I can't grade that and say a lot of
9 complaints. We receive complaints about
10 every service we render in Prisons, and
11 that's a fact of life in corrections. We
12 receive complaints about medical
13 services, mental health, security, our
14 treatment of inmates, food, you know,
15 just about everything that we provide in
16 some way, shape or form.

17 There was previous mention of
18 lawsuits that were filed, and they were
19 in conjunction with a general
20 overcrowding complaint that has been
21 filed against the Prisons in federal
22 courts. There were, I believe -- and we
23 can supply this information to the Chair.
24 I don't want to quote exactly, because I
25 don't have the information in front of

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2 me. There were approximately 60 suits
3 that were filed pro se by individual
4 inmates challenging our level of medical
5 services and behavioral health services.
6 Those suits have been settled for nominal
7 fees and the Prison was not found at
8 fault in federal court.

9 COUNCILMAN GREENLEE: Okay. I
10 appreciate that. And I do want to echo
11 what Councilman Kenney said about the job
12 you're doing as Superintendent of the
13 Prisons. You and I have talked a number
14 of times, and whenever issues have come
15 to my office and we have talked, you've
16 always been very responsive, and I
17 appreciate that.

18 MR. RESNICK: Just to follow
19 up. Michael Resnick, Director of Public
20 Safety.

21 Just to follow up, Councilman,
22 on what the Commissioner stated. If you
23 take a look at the numbers of complaints
24 that are actually filed against the
25 Philadelphia Prison System that allege

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2 improper medical care, those numbers have
3 decreased sharply over the years. And
4 additionally, the System does not
5 experience, for instance, MRSA, which is
6 a staph-resistant -- or an
7 antibiotic-resistant staph infection that
8 a lot of institutions face and have
9 problems with. We do not have the
10 problems that other institutions have
11 with respect to that.

12 So in follow up to your
13 question, we've seen the number of
14 complaints that are filed against the
15 System with respect to medical care
16 greatly decrease over the years.

17 COUNCILMAN GREENLEE: Okay.
18 And one last question. When complaints
19 come in about the medical service, I
20 assume there's some dialogue with the
21 provider as far as what the issue was? I
22 guess I'm -- could you quickly go over
23 the process?

24 COMMISSIONER GIORLA: There's a
25 multi-level complaint process. First of

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2 all, the inmates themselves can complain
3 through our grievance process. When they
4 file a complaint, it's routed to a Deputy
5 Warden, who then consults the Health
6 Services Administrator in the facility.
7 The Health Services Administrator has to
8 respond within a limited time period, and
9 then an answer is provided to the inmate.

10 We frequently see complaints,
11 for instance, about medications. Our
12 formulary, our medication formulary, in
13 some cases is not identical to what
14 treatment they've received in the street,
15 but we offer equivalents and other
16 appropriate medications, and we receive
17 complaints about medications.

18 We also enable family members,
19 other interested parties, attorneys to
20 complain. They can call my office, any
21 warden's office. We have an Office of
22 Community Justice and Outreach that
23 responds to those complaints. And we try
24 to do those to the best of our ability.
25 In some cases, some of the complainants

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2 who are particularly outside the agency
3 have problems with our responses because
4 we're governed by HIPAA rules and there's
5 only a certain amount of information that
6 we can discuss. We try and -- we don't
7 discount any complaints. We investigate
8 every complaint, and we make sure that
9 we're trying to provide the best
10 treatment possible.

11 COUNCILMAN GREENLEE: Okay. I
12 appreciate that.

13 Councilman Kenney, you had a
14 question.

15 COUNCILMAN KENNEY: Thank you,
16 Mr. Chairman.

17 The Inspector General, who was
18 appointed by the Mayor, recommended that
19 this company be debarred as a result of
20 her investigation of the fraud relative
21 to the minority participation. Why
22 weren't they debarred?

23 COMMISSIONER GIORLA: I don't
24 know. I'm sorry, Councilman. That
25 wasn't my decision to make.

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2 MR. RESNICK: I wasn't part of
3 those conversations, Councilman.

4 COUNCILMAN KENNEY: It would
5 seem that the Mayor's own appointee, who
6 is a former U.S. Attorney, who
7 investigated this situation, made a
8 recommendation, which clearly wasn't
9 followed. And, again, I understand your
10 answer, you don't know, but to me that's
11 a question that hangs out there as to why
12 that's the situation. At least you may
13 have to rebid the contract as opposed to
14 awarding it to a company that's clearly
15 shown that they didn't follow the rules.
16 So, I mean, that's disconcerting in
17 itself.

18 It also seems to me -- and,
19 again, you may not have an answer for
20 this, but the \$1.85 million penalty that
21 the company agreed to pay was practically
22 covered with the \$1.7 million that they
23 earned in the six-month extension that
24 didn't need to be extended, that there
25 was a company available in September to

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2 be awarded the contract. The City
3 decided to extend the contract for six
4 months, almost recouping the penalty,
5 almost allowing -- or allowing Corizon to
6 almost recoup the penalty of 1.8 with
7 \$1.7 million in additional payments.

8 I mean, does that seem
9 incongruous to you at the time? What was
10 the reason for the extension?

11 COMMISSIONER GIORLA: I don't
12 think that's a fair assumption,
13 Councilman.

14 COUNCILMAN KENNEY: Well, I'm
15 saying the numbers --

16 COMMISSIONER GIORLA: The
17 payment was for services.

18 COUNCILMAN KENNEY: The number
19 seems to jive.

20 COMMISSIONER GIORLA: It was
21 payment for services provided during that
22 six months. It wasn't, you know, profit
23 that was directly awarded to them.
24 During that six months, they provided the
25 same level of service that they had

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2 prior. As you stated, although you feel
3 the contract extension wasn't necessary,
4 we had operational concerns about whether
5 the continuity of services were important
6 to us. Until the investigation was
7 concluded, we had no idea whether Corizon
8 would be an eligible bidder and one of --

9 COUNCILMAN KENNEY: When was
10 the investigation concluded?

11 COMMISSIONER GIORLA: Excuse
12 me?

13 COUNCILMAN KENNEY: When was
14 the investigation concluded?

15 COMMISSIONER GIORLA: I don't
16 have the exact date here.

17 COUNCILMAN KENNEY: Before
18 September?

19 COMMISSIONER GIORLA: Yeah.

20 COUNCILMAN KENNEY: So you knew
21 the conclusion of the investigation
22 before you extended the contract.

23 COMMISSIONER GIORLA: We
24 requested the extension of the contract
25 some months prior to that. You know,

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2 extending the contract isn't a decision
3 that's made quickly. As a matter of
4 fact, I have to say contract conformance
5 and contract negotiation and contract
6 awards is a very lengthy and complicated
7 process to the operating departments.

8 COUNCILMAN KENNEY: What was so
9 wrong with CMC that they could not have
10 filled that role?

11 COMMISSIONER GIORLA: I don't
12 feel I can answer questions about the
13 deliberations at this point, Councilman.

14 COUNCILMAN KENNEY: Same?

15 MR. RESNICK: Same.

16 COUNCILMAN KENNEY: Okay. Did
17 the City acquire additional counsel due
18 to claims in litigation against Corizon?
19 Did we pay outside counsel at all?

20 MR. RESNICK: The only time we
21 would pay outside counsel, Councilman, is
22 if there were a conflict and the Law
23 Department were not able to represent the
24 City or --

25 COUNCILMAN KENNEY: So the Law

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2 Department handled all the litigation?

3 MR. RESNICK: The Law

4 Department usually handles all the
5 litigation.

6 COUNCILMAN KENNEY: I'm saying
7 but did they do that in this case?

8 MR. RESNICK: When you say
9 "this case"?

10 COUNCILMAN KENNEY: In the
11 Corizon discussions, negotiations,
12 investigations, was it all internal?

13 COMMISSIONER GIORLA: Maybe I
14 can clarify this. There are currently
15 two federal actions against the Prisons
16 arising out of overcrowding claims. One
17 is Williams versus the City of
18 Philadelphia, which has been recently
19 reopened. The other one were a number of
20 pro se suits filed by individual inmates,
21 of which these claims were party.

22 In these cases, there is a
23 combination of in-house counsel and
24 outside counsel that have been retained
25 to represent the Prisons, primarily for

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2 the resources available to outside
3 counsel and any conflicts that may be
4 addressed. It's a hybrid, so to speak.

5 COUNCILMAN KENNEY: But has
6 outside counsel been retained in relation
7 to any action against Corizon?

8 COMMISSIONER GIORLA: The suits
9 that were described, the pro se suits,
10 yes.

11 COUNCILMAN KENNEY: Do we know
12 the amount of the money that was spent on
13 outside counsel?

14 COMMISSIONER GIORLA: No, I
15 don't.

16 COUNCILMAN KENNEY: Can we get
17 it?

18 MR. RESNICK: Sure. But those
19 attorneys represent the City and the
20 City's interest. They don't represent
21 Corizon.

22 COUNCILMAN KENNEY: But they're
23 representing the City's interest relative
24 to complaints against Corizon.

25 MR. RESNICK: Yes, Councilman.

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2 COUNCILMAN KENNEY: So I'd like
3 to know how much we spent in that regard.

4 Part of your testimony was
5 indicative of the number of contracts
6 that Corizon has gained over the last few
7 years, I mean, the states and systems
8 that have signed up with them to provide
9 services, and that, I guess, buoys your
10 belief that you made the right decision
11 in selecting them, partly does.

12 Does the fact that they've lost
13 contracts in any way shape your
14 decision-making process? And do you
15 investigate why they were not renewed or
16 why they lost contracts in other
17 jurisdictions?

18 COMMISSIONER GIORLA: I guess
19 the, as it was referred to, reputation of
20 the company is considered. And, I mean,
21 I think you heard one side of it. I'm
22 sure, like I said, about correctional
23 practices --

24 COUNCILMAN KENNEY: I said but
25 your testimony was the other side of it,

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2 but it wasn't both sides of it. Their
3 testimony was one side of it, not both
4 sides of it. How do we balance the lost
5 contracts with the gained contracts? I
6 mean, for example, does anybody call your
7 similar person in your position in other
8 jurisdictions and say, What happened?
9 Why did you get rid of those guys?

10 COMMISSIONER GIORLA: I could
11 say checking references is part of the
12 contract. When RFPs are requested, a
13 portion of the RFP has to be devoted to
14 pending litigation or recently settled
15 litigation against the parties, and there
16 is a Law Department review in the process
17 as well.

18 COUNCILMAN KENNEY: Do you talk
19 to your own peers?

20 COMMISSIONER GIORLA: Yes.

21 COUNCILMAN KENNEY: And do you
22 talk to your own peers in both
23 jurisdictions that are happy with them
24 and unhappy with them?

25 COMMISSIONER GIORLA: I don't

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2 make those reference checks personally,
3 but we do check references, any
4 references that are provided.

5 COUNCILMAN KENNEY: Does your
6 subordinate staff make those?

7 COMMISSIONER GIORLA: Yes.

8 COUNCILMAN KENNEY: So I guess
9 my question is, is there interaction
10 between professional corrections folks,
11 not just lawyers and number-crunchers?

12 COMMISSIONER GIORLA: Yes.

13 COUNCILMAN KENNEY: Okay. And
14 you were confident that you were making
15 the right decision?

16 COMMISSIONER GIORLA: Yes.

17 COUNCILMAN KENNEY: It was
18 testified earlier that Corizon as a
19 result of the settlement was assigned a
20 kind of person to oversee their
21 activities. Is it Dr. Sander?

22 COMMISSIONER GIORLA: Lynn
23 Sander is a medical consultant that's
24 retained by the Law Department to monitor
25 medical operations in the Prisons. She,

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2 along with another physician by the name
3 of Nicholas Scharff and a third
4 physician, a psychiatrist by the name of
5 Raymond Patterson, monitor semi-annually
6 and as needed, sometimes quarterly,
7 monitor operations in the physical and
8 behavioral health services now. This
9 process was instituted during federal
10 court, federal court supervision back in
11 the, I think it was, the late '80s or the
12 early '90s. We decided to continue it
13 once the suits were settled because we
14 felt it was a good check and balance to
15 determine how our service was being
16 provided.

17 COUNCILMAN KENNEY: Now, would
18 they be in place regardless of who was
19 providing the medical service or were
20 they in place simply to look at Corizon?

21 COMMISSIONER GIORLA: Yes,
22 they'd be in place regardless.

23 COUNCILMAN KENNEY: And it was
24 not a result of anything that we were
25 being sued for resulting in Corizon's

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2 service or with the issues relative to
3 the minority participation?

4 COMMISSIONER GIORLA: No.

5 Their input has been a substantial aid to
6 us to improving medical services, looking
7 at practices throughout the nation. As
8 you mentioned, they perform these
9 services in a number of jurisdictions and
10 act as court masters in some cases in
11 overcrowding and conditions lawsuits. So
12 they not only know the medical end of it,
13 but they know the corrections end of it
14 as well.

15 COUNCILMAN KENNEY: So it
16 wasn't Corizon centric?

17 COMMISSIONER GIORLA: No.

18 COUNCILMAN KENNEY: Do they
19 physically go into the prisons?

20 COMMISSIONER GIORLA: Yes.

21 They go into the -- they meet -- the
22 process usually consists of an opening
23 meeting with myself and my executive
24 staff. They go into the facilities.
25 They review medical files. They look at

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2 individuals, the physical plant, and the
3 treatment, and then they submit a report
4 usually about four to six weeks after.

5 COUNCILMAN KENNEY: And is
6 there a cost associated with -- what's
7 the cost associated with that?

8 COMMISSIONER GIORLA: That cost
9 is borne by the Law Department, and I'm
10 not -- I don't have the figures in front
11 of me.

12 COUNCILMAN KENNEY: Can we get
13 it?

14 MR. RESNICK: Sure.

15 COUNCILMAN KENNEY: But Corizon
16 is not paying it?

17 MR. RESNICK: No. That's borne
18 from the Law Department. As the
19 Commissioner said, it's a check and
20 balance. We use it as a risk management
21 tool.

22 COUNCILMAN KENNEY: Apparently
23 Monroe County, New York sued Corizon
24 related to funding staffing shortages and
25 vacancies, and they apparently settled

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2 this lawsuit for about a half a million
3 dollars with Corizon. Do we have any
4 issues relative to staffing shortages or
5 positions that are funded and not
6 staffed?

7 COMMISSIONER GIORLA: Well, as
8 I stated in my testimony, this was a
9 problem at one time. There was a problem
10 for both our physical and behavioral
11 health provider, but over the last
12 several years, we've reduced those
13 vacancies from 20 to 3 percent.

14 COUNCILMAN KENNEY: But that
15 was Corizon?

16 COMMISSIONER GIORLA: Yes.
17 That was with Corizon and MHM, our
18 behavioral health provider.

19 COUNCILMAN KENNEY: But I'm
20 saying as far as the physical health
21 portion of the contract, Corizon had
22 staffing shortages of 20 percent?

23 COMMISSIONER GIORLA: Yes.

24 COUNCILMAN KENNEY: And now
25 it's at 3?

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2 COMMISSIONER GIORLA: Yes.

3 COUNCILMAN KENNEY: Okay.

4 Thank you.

5 COUNCILMAN GREENLEE: Thank

6 you.

7 Before I recognize Councilman
8 Jones, I just want to make a statement.
9 I know as you said in your statement,
10 Commissioner, you can't talk about this,
11 but this Committee generally and the
12 individuals certainly take the whole
13 minority hiring and minority contracting
14 situation very seriously, and it is to
15 say -- I know Councilman Kenney mentioned
16 this -- disconcerting to see that a
17 company that had to pay a \$1.85 million
18 penalty continues to operate and has been
19 renewed, and that renewal didn't have to
20 come through here. Now, I know -- and I
21 see that the OEO and the Law Department
22 were both involved in the selection
23 process. Now, maybe there can't be a
24 comment now, but I really hope in the
25 future we get some kind of answer,

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2 because that -- as I said, we deal with
3 that a lot here. We take it very
4 seriously. Councilman Goode is not here
5 today, but he talks about it a lot and
6 for good reason, and to see a company --
7 and I don't know about all the
8 particulars, but just on the surface, a
9 \$1.85 million penalty for violating a law
10 that this city has worked hard to put
11 together and takes very seriously, just
12 something seems wrong with that, just on
13 the record.

14 COUNCILMAN KENNEY: And on top
15 of it, a company that was the second
16 bidder was a minority-owned company. I
17 mean, that to me flies more in the face
18 of the issue, because we've not -- we
19 wouldn't award a contract to a
20 female-owned business and would award it
21 to a company that has defrauded the City
22 in representing its minority
23 participation. I mean, the two together
24 I think are reasons for debarment, as the
25 Inspector General recommended.

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2 COMMISSIONER GIORLA: I can
3 offer a response to that, if you don't
4 mind, Mr. Chairman.

5 COUNCILMAN GREENLEE: Sure.

6 COMMISSIONER GIORLA: In our
7 contract awards and our contract
8 selection process, we take that process
9 and the goals of the Administration very
10 seriously. The arrangement or, I would
11 say, the pass-through that was engineered
12 initially in this contract was made
13 during a previous Administration during a
14 time when subcontractors in particular
15 were not given the same level of scrutiny
16 that they are now under the Office of
17 Economic Opportunity and Ms. Dowd-Burton.

18 All of the additional steps
19 that were instituted as part of the
20 contract monitoring process now,
21 including the monthly involvement of the
22 Office of Economic Opportunity and the
23 Law Department, were done regardless of
24 who would have been awarded the contract.
25 The oversight at that time in previous

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2 years was not what it should have been
3 today.

4 As I stated, the discrepancies
5 or the problem or the pass-through
6 arrangement was discovered by the Prisons
7 own contract staff when they were vetting
8 it, and I can tell you that that process
9 has been improved.

10 COUNCILMAN GREENLEE: I
11 understand that. I don't want to keep
12 just going back and forth here, but the
13 fact does remain, whoever discovered
14 it -- and, again, I'm not saying that you
15 do not take this seriously, but however
16 it was discovered, this company's penalty
17 was serious enough to warrant \$1.85
18 million. That's a whole lot of money,
19 and it just seems something doesn't go
20 together that then they get renewed,
21 together with what Councilman Kenney
22 said.

23 So I just put that on record,
24 and maybe at some point we'll get a more
25 defined answer by some of the other

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2 entities that can't comment today or
3 won't comment today.

4 The record should reflect that
5 Councilwoman Bass and Councilman O'Brien,
6 members of the Committee, are present.

7 I did promise Councilman Jones
8 first. So Councilman Jones and then
9 Councilwoman Tasco.

10 COUNCILMAN JONES: Thank you,
11 Mr. Chairman, for your indulgence, and
12 thank you for bringing this issue to a
13 public forum, particularly Councilman
14 Kenney's inquiries to the company.

15 In a cursory review of the
16 documents -- and they are tremendous; a
17 lot of trees died in this cause -- what
18 jumps out at you of the 90 or so
19 lawsuits, most of them are for denial of
20 proper care, treatment, pharmaceuticals,
21 procedures that probably had a cost
22 differential involved in it. And there's
23 a model in healthcare for cost
24 containment, which is usually the
25 incentive for denying or not doing a

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2 procedure that may have a different
3 benefit but cost a little more.

4 What is striking to me -- and I
5 come from a neighborhood where a lot of
6 guys have nicknames. Can't help it.

7 COUNCILMAN KENNEY: Not again.

8 COUNCILMAN JONES: But there's
9 a guy named Fudge. In 2007, when I first
10 came to office, I attended a funeral for
11 a guy named Fudge, and his name is
12 Gregory Elder. Me and the Commissioner
13 are good friends and colleagues and I
14 shared this story with him. This
15 happened under the prior Administration.
16 I want to say that for the record.

17 But I'll never forget the fact
18 that at that funeral, relatives were
19 saying that this individual was denied --
20 he had kidney failure and needed
21 dialysis, and there was a separate type
22 of treatment -- and I mentioned this to
23 you -- versus dialysis treatment versus a
24 pill that could be taken, and several
25 people from within the facility said that

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2 for a very long period of time, it went
3 unaddressed.

4 Now, I'm not a coroner and we
5 don't know, and I was trying to look
6 through there to see if his family had
7 taken issue enough to have that lawsuit.
8 But I distinctly remember in 2007 raising
9 the issue of this when I first came on
10 board about the quality of care and the
11 decisions that go into it.

12 Now we -- and thank you,
13 Councilman Kenney, for looking at it from
14 a procurement standard, particularly if
15 it's one person, it's an isolated
16 incident. It's something that we should
17 pay attention to. When it's 90 people
18 that are saying similar things -- and
19 some people become a part of lawsuits for
20 whatever reasons they come, but it stops
21 being an isolated instance and becomes a
22 pattern that should jump out at us and
23 cause for alarm and cause for review.

24 So this is scary, because what
25 he went in for was, he had a bad urine

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2 and he had drug addiction, he's a Vietnam
3 veteran, and that became a death sentence
4 for him, if you understand. You go in
5 for one thing and because you are a ward
6 of the state and in care of the state, it
7 can become a death sentence.

8 And so this is a very serious
9 issue. We've had this conversation
10 before as we walked up and down the
11 blocks, and generally I think it's not
12 like the Holiday Inn, but it's better
13 than it has been in quite some time. But
14 this is the kind of thing that should
15 have jumped out on us and really
16 warranted our attention years ago.

17 So I want to thank you for
18 bringing it forward and, Councilman
19 Kenney, your questions having a
20 procurement background were right on time
21 and maybe reason for us to take a look at
22 procurement in general.

23 COUNCILMAN KENNEY: And,
24 Mr. Chairman, if I may.

25 We can take a look at

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2 procurement when it's brought to us. If
3 it's not brought to us, we never get a
4 chance to look at it. And, again, I
5 think that there's two tier issues here.
6 One is what happened in the selection
7 process and also what happens in the
8 contracting process. We have a function.
9 We are the Board of Directors of this
10 company, and the Administration -- and
11 not the only Administration -- has
12 decided unilaterally to award contracts
13 with multi, multi million dollar price
14 tags and not have the courtesy of
15 informing us. I mean, I would have never
16 found out about this other than the
17 discussion about how the selection was
18 made. I mean, that's \$150, \$160 million
19 in taxpayers' money that they don't feel
20 that they have a need to come through and
21 ask us what we think. I mean, that's not
22 good.

23 COUNCILMAN JONES: Two-pronged.
24 The administration of a contract and
25 procurement procedure, but the

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2 individual.

3 COUNCILMAN KENNEY: Yes. I
4 agree. I agree. And I don't know who
5 was providing -- who was providing the
6 medical services?

7 COUNCILMAN JONES: In 2007.

8 COMMISSIONER GIORLA: PHS,
9 Corizon.

10 COUNCILMAN KENNEY: Okay.

11 COUNCILMAN JONES: Thank you,
12 Mr. Chairman.

13 COUNCILMAN GREENLEE: Thank
14 you, Councilman.

15 Councilwoman Tasco and then
16 Councilman O'Brien.

17 COUNCILWOMAN TASC0: Thank you
18 very much.

19 Good morning.

20 COMMISSIONER GIORLA: Good
21 morning.

22 COUNCILWOMAN TASC0: The
23 minority firm that was to participate in
24 this contract, did you ever have any
25 meeting with them or did you know who the

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2 firm was?

3 COMMISSIONER GIORLA: If I
4 understand you correctly, Councilwoman,
5 under this newly awarded contract or the
6 previous, the prior contract?

7 COUNCILWOMAN TASC0: The one
8 we're talking about where -- same
9 company.

10 COMMISSIONER GIORLA: With the
11 Corizon subcontract?

12 COUNCILWOMAN TASC0: Right.
13 Corizon got cited for not having minority
14 participation or have been faked.

15 COMMISSIONER GIORLA: Direct
16 meetings with my office? No.

17 COUNCILWOMAN TASC0: You didn't
18 know anything about that?

19 COMMISSIONER GIORLA: Yes, I
20 did. It's part of the -- as I stated,
21 it's part of the contract award process
22 that the vendor, the general contractor,
23 so to speak, has to submit a list of
24 their subs, those that -- and describe
25 what work will be assigned to them.

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2 They're generally responsible for their
3 performance. And as I stated before, the
4 oversight of the subcontractors have
5 since been enhanced.

6 COUNCILWOMAN TASC0: It's what?

7 COMMISSIONER GIORLA: Since
8 been enhanced.

9 COUNCILWOMAN TASC0: So if this
10 company had a minority company working,
11 were their duties spelled out in the
12 contract as to what they were supposed to
13 do?

14 COMMISSIONER GIORLA: Yeah.
15 The contract assigned them pharmacy
16 services. The company I believe was JHK
17 Associates, and they were assigned
18 pharmacy services, and they were supposed
19 to provide, you know, the medication for
20 inmates. And what happened was, the
21 vendor, Corizon, paid them simply for
22 their name and ordered the
23 pharmaceuticals through another group
24 that wasn't qualified.

25 COUNCILWOMAN TASC0: Okay.

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2 Thank you very much.

3 COUNCILMAN GREENLEE: Thank
4 you, Councilwoman.

5 Councilman O'Brien.

6 COUNCILMAN O'BRIEN: Thank you,
7 Mr. Chairman. And I also would like to
8 echo the sentiments of having hearings on
9 this important subject.

10 There's a number of things that
11 concern me when we discuss corrections,
12 and one is, in Harrisburg at one time
13 they wanted to formalize the relationship
14 between -- they wanted to merge probation
15 and parole and corrections. That should
16 never happen, because you're making
17 decisions on economic reasons. To
18 amplify Curtis Jones' comment, I'm also
19 against privatization of prisons.

20 That means that we have to be
21 better. We substantially have to be
22 better to push back on that conversation.
23 This is a core function of who we are in
24 government. We saw the result of
25 privatization in Northeastern

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2 Pennsylvania where they had to fill those
3 spots. There was also a privatization
4 issue in Delaware County, and it echoes
5 what Curtis Jones was concerned about in
6 this conversation.

7 There was an individual who was
8 on Howard Stern -- I never listen to
9 Howard Stern, but somebody that was on
10 one of his groups -- I don't even know
11 what it was -- had cystic fibrosis. He
12 was accused of luring someone into his
13 car. He was put in prison. He wasn't
14 given his medication. He died.

15 There was also -- there were
16 three incidences. The second -- or the
17 primary issue or primary case was an
18 individual who used to shop at Walmart
19 and other stores in Delaware County.
20 Almost every police force knew who she
21 was. She would walk out with a cart full
22 of toys and say, I'm Santa clause. Don't
23 you know? Or, I own this store.

24 They cut the budget so that
25 they could get to the efficiencies that

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2 they needed to make a profit.

3 There is a term that's used by
4 the insurance industry. It's called
5 medical underwriting, and what they do
6 is, they come in and they find out in
7 your company who has what disease and
8 they medically underwrite it out, and
9 they're going to say they're going to
10 save you money.

11 We can't afford to have these
12 policy issues, because it will result in
13 civil rights litigation and prison
14 litigation, prison cap issues. We cannot
15 afford to make decisions based primarily
16 on fiscal issues, but we do have a
17 responsibility to make sure that we're
18 better than the private prison system.
19 This is a core function, and we have
20 to -- and I applaud Councilman Kenney for
21 scrutinizing these procurement issues.
22 We don't want to go down a road where
23 we're going to be on a parallel track
24 going in the wrong direction. So I
25 welcome this and I would like to look

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2 into those issues further.

3 COUNCILMAN GREENLEE: Thank
4 you, Councilman.

5 Any other questions for the
6 Commissioner and Mr. Resnick?

7 Councilwoman Bass.

8 COUNCILWOMAN BASS: Good
9 morning.

10 COMMISSIONER GIORLA: Good
11 morning.

12 COUNCILWOMAN BASS: I just have
13 a couple of questions, and I have to
14 start by saying that I find the
15 information that's been provided very,
16 very disturbing that the City of
17 Philadelphia would contract with someone
18 who intentionally was working against its
19 best interest, intentionally provided
20 misinformation, and that we should then
21 sort of just say, Well, if you pay this
22 particular amount of money, it's okay.
23 It's all right. Just pay a fine and
24 that's the end of it and we can go back
25 to business as usual.

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2 And so I just -- again, I just
3 want to say that I find it very, very
4 disturbing.

5 But I just had a couple of
6 questions, and that's about the timeline
7 of how some of these things came about.
8 And can you give me a general idea of --
9 well, the City put out an RFP, correct?

10 COMMISSIONER GIORLA: Yes.

11 COUNCILWOMAN BASS: After, I
12 think it was, June 2012, after some of
13 these allegations were exposed, and there
14 was a settlement by Corizon. In June
15 2012, it looks like there was an RFP that
16 was put out, and I'm assuming that the
17 purpose of that RFP was to find another
18 contractor to provide the service.

19 COMMISSIONER GIORLA: The
20 purpose of the RFP was to re-award the
21 contract. The contract's four-year term
22 had expired. It wasn't to switch
23 providers or to find another provider,
24 but primarily the competitive process
25 allows other bidders who may be qualified

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2 who may have unique services an open
3 forum to bid.

4 COUNCILWOMAN BASS: But it's a
5 competitive process?

6 COMMISSIONER GIORLA: Yes, it
7 is.

8 COUNCILWOMAN BASS: And so in a
9 competitive process, we want to look for
10 those who are competitive and who can
11 offer even potentially better services
12 and prices for the City?

13 COMMISSIONER GIORLA: Yes.

14 COUNCILWOMAN BASS: And so can
15 you give me just an idea of what the
16 timeline was in terms of the end of the
17 contract with Corizon or the end of the
18 City's agreement and when the new start
19 date was to be?

20 COMMISSIONER GIORLA: The
21 original contract expiration was August
22 31st, 2012. After a six-month amendment
23 was filed in both the medical and the
24 mental health contracts, the new start
25 date was March 1st, 2013.

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2 COUNCILWOMAN BASS: Okay.

3 March 1st, 2013.

4 And I'll come back. Thank you.

5 COUNCILMAN GREENLEE: Thank

6 you, Councilwoman.

7 Councilwoman Tasco, then

8 Councilman Henon.

9 COUNCILWOMAN TASCO: Thank you.

10 Let me just go back to this whole

11 minority participation issue.

12 During the course of the

13 contract with this company through the

14 years, are you aware that there was a

15 minority participation component to the

16 contract?

17 COMMISSIONER GIORLA: Yes. The

18 Prisons, like the other City departments,

19 establishes goals for minority

20 participation in all contracts. Certain

21 contracts it's required; other contracts

22 it's either suggested, recommended or

23 waived, for instance, with non-profits.

24 Our goal is to always meet or exceed

25 those goals.

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2 In this contract, by the
3 reports that the vendor had made, they
4 were fully compliant.

5 COUNCILWOMAN TASC0: But you
6 all never -- how did you find out about
7 this contract? And was there any ability
8 to sort of backtrack or even know whether
9 or not they were complying with the
10 contract through the year?

11 COMMISSIONER GIORLA: These
12 contracts require annual renewals. So a
13 portion of the vetting process continues
14 each year before the contract is renewed.
15 Subcontractors have to be verified. In
16 this case, one of the subcontractors
17 submitted a minority certification that
18 was not for pharmaceuticals, which is
19 what they were proposed as a
20 subcontractor for. It was actually for
21 medical supplies, and it didn't qualify
22 the vendor. So in that case, our
23 Contracts Unit stopped the process and
24 referred it to OEO, because their
25 expertise -- they maintain a registry for

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2 the City and they apply the regulations.
3 They had concerns, and they passed it on
4 to the Inspector General.

5 COUNCILWOMAN TASC0: But prior
6 to that in the years past since you've
7 been head of the Prison System, were you
8 able to confirm that they were complying
9 with the minority participation portion
10 of the contract, or that wasn't a real
11 issue at that time?

12 COMMISSIONER GIORLA: No; it
13 was an issue, and it was important. The
14 thing was, the level of review of
15 subcontractor payments, the invoices, the
16 particular invoices, weren't reviewed
17 regularly as they are now.

18 COUNCILWOMAN TASC0: Did they
19 outline in the prior contracts who the
20 minority contractor would be in their
21 proposal to the City?

22 COMMISSIONER GIORLA: Yes, they
23 did.

24 COUNCILWOMAN TASC0: But there
25 was no -- your department did not verify

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2 that these were actually minority
3 companies?

4 COMMISSIONER GIORLA: Our
5 department does through the Office of
6 Economic Opportunity. When the
7 contract -- after a contract is awarded
8 and even during the conformance process,
9 there are a number of levels. It's not
10 one-sided. The operating department does
11 not simply award it. It passes through
12 the Law Department, who scrutinizes it to
13 make sure that it meets all the general
14 terms and conditions governing all City
15 contracts, that it complies with local
16 ordinances, et cetera. The Office of
17 Economic Opportunity scrutinizes it to
18 determine whether or not there's either a
19 good-faith effort to meet the D/M/WBE
20 goals or whether or not there's a
21 possibility that they could even do more.
22 And then the contract is returned to us
23 with all parties satisfied before we
24 formally sign it.

25 COUNCILWOMAN TASC0: To your

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2 knowledge, was there ever any question
3 about the actual participation or
4 existence of the minority company?

5 COMMISSIONER GIORLA: Not until
6 it was discovered I believe in late 2011.

7 COUNCILWOMAN TASCO: Okay.
8 Thank you.

9 COUNCILMAN GREENLEE: Thank
10 you.

11 Councilman Henon.

12 COUNCILMAN HENON: Thank you,
13 Mr. Chairman.

14 Good morning, Commissioner.
15 Thanks for joining us here this morning,
16 and again just to echo my colleagues,
17 your performance has been well recognized
18 and duly noted on how you're managing our
19 Prison System. So we thank you for that.

20 I just had a few questions
21 regarding the contract, the insurance
22 part.

23 So the contract over the years
24 was for the management and administrating
25 with the doctors and administrative

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2 portion of this contract? We don't
3 provide -- does that provide our
4 healthcare as well?

5 COMMISSIONER GIORLA: We have a
6 number of contracts under the umbrella of
7 Health Services. One is Corizon, which
8 provides physical health. That is
9 diagnosis and treatment, staffing at the
10 appropriate clinical levels to deliver
11 services. There are subcontractors that
12 either function under the physical health
13 or the behavioral health care contracts
14 for specialist services and
15 pharmaceuticals. We also have a
16 third-party administrator, which
17 currently is AmeriHealth, which works on
18 utilization issues. They negotiate the
19 best rates with the specialty networks
20 and the local hospitals. They scrutinize
21 the bills to determine whether or not
22 they're accurate and they're appropriate.
23 There's also a newly negotiated contract
24 with an entity called -- I may have the
25 initials wrong -- PIMCC, which is a state

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2 organization, because recent legislation
3 has allowed -- well, has mandated that
4 hospitals can only charge Medicaid rates
5 for inpatient stays of inmates. So they
6 process those claims. And, of course,
7 our behavioral health contract with MHM
8 to provide mental health services to the
9 inmate population.

10 COUNCILMAN HENON: And I'm glad
11 you mentioned the third-party
12 administrator who negotiates utilization
13 since you're basically self-insured for
14 healthcare that we provide to the clients
15 that you serve there. So they're
16 negotiating the best rates.

17 What percentage of the cost of
18 the contract for the pharmaceutical is --

19 COMMISSIONER GIORLA: I know
20 it's substantial. I don't have that
21 information with me, but I can provide it
22 to the Chair.

23 COUNCILMAN HENON: They would
24 deal with the pharmaceutical subcontract
25 of this contract here. They would deal

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2 with them direct on their rates and their
3 increases? Because I know that the pharm
4 has a significant increase on a yearly
5 basis as opposed to the continuing rising
6 rates in healthcare, because we are in a
7 healthcare crisis in America. So the
8 pharmaceutical I know is much more of an
9 increase on a yearly basis.

10 So what I'm getting at is, if
11 we could find out -- you can provide to
12 the Chair, I guess -- information on what
13 percentage of the pharmaceutical portion
14 of this contract, what that percentage is
15 and the increases over the tenure of the
16 contract that we have with Corizon as we
17 move forward, and have you noticed since
18 you made some changes, to your credit,
19 making sure that the slots have been
20 filled, the jobs have been filled, and
21 there's alleged denials through another
22 federal lawsuit, have you seen after a
23 change, have you seen a spike in increase
24 of utilizations as a result of you making
25 those changes?

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2 COMMISSIONER GIORLA: Are you
3 speaking about hospital utilization?

4 COUNCILMAN HENON: Hospital
5 utilization as well as the
6 pharmaceutical.

7 COMMISSIONER GIORLA: Well, I
8 can comment on the pharmaceuticals
9 particularly because there are a number
10 of new treatments that have been
11 developed, not as recently with HIV but
12 with hepatitis C, and I'm sure some of
13 the qualified medical personnel here can
14 confirm that there's new protocol for
15 hepatitis C, which is going to be
16 instituted. It may have been instituted
17 in some agencies. The cost is going to
18 be quite substantial, but they believe it
19 may even in some cases provide a cure for
20 hepatitis C.

21 HIV costs are -- we can provide
22 them to the Chair. They're substantial,
23 but we've maintained a firm commitment to
24 almost total HIV testing. Unlike in some
25 other jurisdictions where it's mandatory

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2 that inmates be tested for certain
3 diseases, particularly HIV, ours isn't
4 mandatory. It's entirely voluntary. The
5 public health risk that ensues to someone
6 who is exposed and refuses treatment or
7 doesn't know and still has the disease or
8 is contagious, returning to the community
9 is substantial as well. So we can break
10 out those costs for you.

11 COUNCILMAN HENON: We're here
12 discussing an MBE/WBE discrepancy with
13 part of the contract, and I'm just trying
14 to put a value on that as we move
15 forward. And also I want to try to give
16 you somewhat of a credit if you made
17 those changes, to make sure that that's
18 duly noted that you have seen an
19 increase. And if there were not only in
20 question of the participation, OEO
21 participation part of this contract, was
22 that pharmaceutical living up to its
23 contractual responsibilities?

24 COMMISSIONER GIORLA: I can
25 tell you the pharmaceutical vendor was

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2 changed subsequent to the internal
3 Inspector General's investigation, and
4 they are compliant.

5 COUNCILMAN HENON: Okay. Well,
6 that's good. And it should be noted on
7 the record that it was changed for
8 whatever reasons, but the numbers don't
9 lie. We're questioning the
10 participation. So they didn't live up to
11 their responsibility. Not only in the
12 participation, maybe they weren't
13 performing the responsibilities they were
14 contracted for, and after you made those
15 changes, you see a better service that
16 was provided that should have been
17 provided in the beginning.

18 Last question is on the
19 settlement. Was the settlement, was
20 that -- the penalty, was that
21 administratively imposed or was that
22 negotiated?

23 COMMISSIONER GIORLA: I believe
24 it was negotiated. The Prisons didn't
25 reach the settlement. It was the

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2 Inspector General's Office that reached
3 the settlement. I don't know whether it
4 was proposed or what level or if any
5 negotiations took place as well.

6 COUNCILMAN HENON: Okay. I'm
7 trying to figure out if it was negotiated
8 with the company in question or penalties
9 just imposed and if it was actually fair
10 enough reflective for the amount of
11 dollars.

12 COMMISSIONER GIORLA: That was
13 actually what the Inspector General took.
14 How they computed the appropriate value,
15 I'm not sure.

16 COUNCILMAN HENON: Okay.
17 That's fine. Thank you.

18 COUNCILMAN GREENLEE: Thank
19 you, Councilman.

20 Councilwoman Bass.

21 COUNCILWOMAN BASS: Just a
22 couple of quick follow-up questions. I
23 just wanted to go back. I just wanted to
24 make sure I heard you correctly, that you
25 stated that the OEO verified that the

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2 company that was not minority certified,
3 but they verified that it was?

4 COMMISSIONER GIORLA: Yes.

5 They were -- the company was registered
6 as a qualified minority vendor, but not
7 for the service that they actually were
8 contracted to provide.

9 COUNCILWOMAN BASS: And that's
10 the only question. Thank you.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Are there any other questions
14 or comments for these two gentlemen?

15 (No response.)

16 COUNCILMAN GREENLEE: Seeing
17 none, thank you both very much.

18 Ms. Marconi, could you please
19 call the next panel.

20 THE CLERK: Emre Umar and
21 Robert Pablich.

22 (Witnesses approached witness
23 table.)

24 COUNCILMAN GREENLEE: Good
25 morning to you both.

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2 Mr. Umar, your name was called
3 first, so if you just identify yourself
4 and proceed with your statement, I would
5 appreciate it.

6 MR. UMAR: Good morning,
7 Councilwomen, Councilmen. My name is
8 Emre Umar. I am the President of
9 Correctional Medical Care. I'm here --

10 COUNCILMAN GREENLEE: Mr. Umar,
11 maybe just pull it a little closer to you
12 and speak up a little bit.

13 MR. UMAR: I'm sorry. Is that
14 better?

15 COUNCILMAN GREENLEE: That's
16 better, yeah. It's a little hard to hear
17 in here.

18 MR. UMAR: Again, my name is
19 Emre Umar. I am the President of
20 Correctional Medical Care. I am here
21 today to speak to the experience and
22 expertise in providing correctional
23 healthcare services to jails and prisons
24 across the nation.

25 Personally my experience began

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2 20 years ago. We provided services for
3 over 60,000 inmates across the nation.
4 In Pennsylvania alone, we provided
5 services for 12,000 inmates. So the
6 notion that our company does not have the
7 expertise or qualifications to provide
8 services to the Philadelphia Prison
9 System is interesting.

10 Additionally, the information
11 concerning correctional medical care, the
12 company began services in 2001. We
13 currently provide services in 12
14 correctional facilities in the State of
15 New York. We are a certified WBE.

16 Additionally, our references
17 are outstanding. It is my understanding
18 also that there was only one reference
19 that was checked. That would be the
20 Albany Correctional Facility. The Prison
21 System did not check on any other
22 references of ours, and I would be more
23 than willing for them to check all of our
24 references, because I know they're
25 outstanding.

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2 So that's all I have.

3 COUNCILMAN GREENLEE: Thank
4 you.

5 Mr. Pablich, we'll hear from
6 you and then we'll have any questions.
7 So please identify yourself and proceed.

8 MR. PABLICH: Good morning. My
9 name is Robert Pablich. I'm Vice
10 President of Business Development for
11 Hahnemann University Hospital. Hahnemann
12 is an academic medical center that
13 provides a full gamut and range of
14 healthcare services, from primary care
15 trauma to transplantation. As you heard
16 earlier this morning from the Dean, we
17 have an academic affiliation with Drexel
18 University College of Medicine.

19 Hahnemann has over 500
20 physicians on its medical staff,
21 encompassing all specialties. Sixty-five
22 percent of those physicians represent
23 Drexel University College of Medicine
24 physicians. We believe our partnership
25 with Drexel can assist CMC to provide

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2 quality, seamless healthcare on both the
3 inpatient and outpatient side.

4 Thank you.

5 COUNCILMAN GREENLEE: Okay.

6 Thank you very much.

7 Mr. Umar, if I could just ask,
8 as this process was going on, were there
9 any issues raised about the qualification
10 level that your company would provide? I
11 mean, were there any concerns raised, I
12 guess is the best way to say it.

13 MR. UMAR: During the oral
14 presentation, qualifications probably did
15 come up, and we discussed our
16 qualifications as I mentioned. We
17 provide services at 12 different
18 correctional facilities throughout the
19 State of New York. And that is very
20 complex and very -- actually, that's a
21 much more complicated service as compared
22 to the Philadelphia Prison System. When
23 you're dealing with 12 individual and
24 separate administrations, it's much more
25 cumbersome and taxing as far as your

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2 relationships versus dealing with one
3 administration. And I think we responded
4 to that question to their satisfaction.

5 COUNCILMAN GREENLEE: I should
6 interject it's tough for us to deal with
7 one administration.

8 MR. UMAR: Yes. It's very
9 difficult.

10 Also, one more thing I forgot
11 to talk about was the relationship we
12 have with our partnership with Hahnemann
13 as we presented in our proposal. That
14 partnership would escalate the level and
15 quality of care to this Philadelphia
16 Prison System, in that the utilization
17 and the quality and our CQR services that
18 we implement and provide would elevate
19 the level of care. In turn, that would
20 reduce the amount of utilization. In
21 other words, that reduced the costs to
22 the City. So I think that's a very key
23 and important note. In addition, we
24 would have access to all physicians, the
25 nurses, and support services and

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2 ancillary services that the hospital
3 would have to offer to the City as a
4 partner of ours.

5 COUNCILMAN GREENLEE: And was
6 that raised, the issue with your
7 relationship with Hahnemann? Was that
8 raised as either a concern or questions
9 or anything like that?

10 MR. UMAR: During the oral
11 presentation, we discussed it briefly,
12 but it was not talked about at great
13 length. In our proposal itself, we had
14 discussed the partnership that we would
15 have with Hahnemann, but they did not, I
16 guess -- what's the word? They did not
17 ask us to amplify on that relationship
18 that we had with Hahnemann.

19 COUNCILMAN GREENLEE: Because
20 I'm trying to figure out why that would
21 be a problem, you know. So I was just
22 wondering if there were questions raised
23 about it, because I'm trying to figure
24 out what could be wrong there, off the
25 top of my head. Now, I'm not an expert

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2 on this by any means, but...

3 MR. UMAR: You know, it's very
4 perplexing. Hahnemann being one of the
5 largest hospitals in the City and in
6 conjunction with the Drexel Medical
7 School, I can't imagine that we wouldn't
8 have the qualifications to provide
9 excellent, excellent care to the
10 Philadelphia Prison System.

11 COUNCILMAN GREENLEE: Well, I
12 have to say -- and I should have said
13 this when Dr. Schidlow was up there -- I
14 certainly through family members have had
15 a relationship with Hahnemann, and
16 certainly I thought the care was very
17 good. Obviously that's just an isolated
18 case, but I guess because it was raised
19 earlier, I was trying to figure out what
20 could be the problem, if there was a
21 problem there, with the cooperation that
22 you folks would have. I couldn't see
23 what it would be.

24 MR. UMAR: We had extensive
25 conversations with the CEO and Bob as far

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2 as the relationship, the partnership
3 going forward in the submission of the
4 proposal. It was a very sound
5 presentation. I can't imagine why they
6 would question the qualifications. Maybe
7 they had some concerns about CMC's
8 qualifications, but as I said, I have
9 dealt with large prison systems. I've
10 dealt with individual facilities of over
11 4,500 inmates, that being Graterford.
12 During the '90s, that was the Eastern
13 Region Diagnostic Center. It was a very
14 challenging contract that we had. Again,
15 the eastern part of the state encompassed
16 eight facilities with 12,000 inmates. I
17 also had contracts in Illinois, Virginia,
18 Florida, New York state. I had a
19 contract in New York state that
20 encompassed 24,000 inmates.

21 So the notion that CMC does not
22 have the qualifications or the expertise
23 to handle 8,500 inmates in the City of
24 Philadelphia is absurd.

25 COUNCILMAN GREENLEE: And just

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2 finally on your minority participation
3 level, could you -- I think it was
4 stated, but could you just go into what
5 that is as far as your --

6 MR. UMAR: The company is owned
7 by Maria Carpio. She owns 100 percent of
8 the corporation. That, in conjunction
9 with a pharmacy, which is also a
10 certified WBE, the combination of the two
11 comprised, I believe, 96 to 97 percent of
12 the total contract dollar amount.

13 COUNCILMAN GREENLEE: Okay.
14 Thank you, Mr. Umar.

15 Councilman Kenney.

16 COUNCILMAN KENNEY: Thank you
17 very much.

18 Mr. Umar, in prior
19 conversations with the Administration
20 relative to this issue, they have
21 indicated that the fact that your company
22 was the low bidder -- and was it \$4
23 million difference or 3?

24 MR. UMAR: I believe it was
25 between three and a half and \$4 million.

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2 COUNCILMAN KENNEY: Annually?

3 MR. UMAR: Annually, yes.

4 COUNCILMAN KENNEY: They
5 contend to me that there's no way you
6 could have possibly performed that
7 contract requirements with that less
8 money. Could you please comment on that.

9 MR. UMAR: Yes, I will.
10 Corizon is a very large company. They
11 have a lot of corporate overhead. They
12 have two corporate offices, one in St.
13 Louis, one in Brentwood, Tennessee. It
14 takes a lot of money to sustain those
15 kind of operations. The profit margins
16 are much higher than ours, and our profit
17 margins obviously are much less.

18 We're not -- we're in it to
19 make some money and we're in it to do a
20 very good job. So our bottom line is
21 much smaller than theirs. And, again, we
22 have many, many years of experience in
23 bidding on contracts, and we are
24 confident that we could do it for that
25 price.

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2 COUNCILMAN KENNEY: I forget
3 the gentleman's name, but there's a Ph.D.
4 economist who consults with the Prison
5 System, consults for the Prison System,
6 who was the one who was indicating to me
7 that his belief was you could not perform
8 based on the amount of money you bid.
9 Had you had any interaction with that
10 individual or any conversations with any
11 consultants, professionals representing
12 either the Law Department, Procurement
13 Department of the Prison System that
14 asked you that question: How in God's
15 name could you perform this service with
16 this less money?

17 MR. UMAR: During the oral
18 presentation, I actually sat next to the
19 accountant, the expert -- or the
20 consultant for the Prison System, and he
21 did ask me that question. He asked me
22 specifically about the malpractice costs,
23 the pharmaceutical costs, and I responded
24 to those questions. And, frankly, I
25 think that Corizon's pricing as far as

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2 those components were inflated to
3 escalate their bottom line.

4 COUNCILMAN GREENLEE: Thank
5 you, Councilman.

6 Any other questions or comments
7 for these gentlemen?

8 (No response.)

9 COUNCILMAN GREENLEE: Seeing
10 none, thank you both very much for
11 coming.

12 MR. UMAR: Thank you very much.

13 COUNCILMAN GREENLEE:
14 Ms. Marconi, our next panel, please.

15 THE CLERK: John Caceci and
16 Joseph Dimino.

17 (Witnesses approached witness
18 table.)

19 COUNCILMAN GREENLEE: Mr. --
20 I'm not even going to try this one.

21 MR. CACECI: Good morning.

22 COUNCILMAN GREENLEE: Sir,
23 please identify yourself for the record
24 and proceed.

25 MR. CACECI: My name is John

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2 Caceci.

3 COUNCILMAN GREENLEE: Please
4 proceed.

5 MR. CACECI: Currently I'm the
6 Corporate Vice President of Operations
7 for Correctional Medical Care. I know in
8 the agenda it does show that I was the
9 Former Deputy Superintendent. In your
10 system it would be the Deputy
11 Commissioner. My title at the time was
12 major. I spent 28 years at the Monroe
13 County Jail in that system, which is a
14 1,500 inmate, two facilities, \$65 million
15 budget, 550 jail employees, as well as
16 between 70 and 100 medical personnel.

17 One of the things -- I'd like
18 to just go back to your last question
19 regarding the difference in pricing
20 between CMC and Corizon and the overhead
21 that Corizon has. At Correctional
22 Medical Care, we have three Vice
23 Presidents. We have an Executive Vice
24 President; we have myself, the Vice
25 President of Operations; we have a Vice

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2 President of Budget and Finance. We also
3 are -- our corporate office is right here
4 in Philadelphia. We don't have the
5 travel costs and everything related to
6 every time something happens in the
7 Philadelphia Prison System, Corizon would
8 have to fly people in from all over the
9 country to manage this system. We're
10 right here. We're from Philadelphia. So
11 our strongest resources are local.

12 The next thing I'd like to just
13 touch on is in regard to the vacancy
14 rate. In my 28 years at Monroe County, I
15 dealt with -- we had both PHS and CMS,
16 which is now Corizon. Their staffing
17 record was really something to be
18 reckoned with. And we did reckon with
19 it. We sued them for \$2 million in
20 staffing penalties, and I'm sad to say
21 that we settled for between 4 and 5
22 hundred thousand. And I recommended
23 highly to the county and the sheriff and
24 everybody that I could speak to, let's
25 not settle, because they're in a

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2 situation where they're trying to make a
3 merger of two companies. They can't
4 obviously merger these two companies
5 without settling these lawsuits. I think
6 we'll get the whole 2 million. However,
7 at the time, the decision was made, and
8 we settled for much less than we should
9 have.

10 The other thing I'd like to
11 point out is that of our 12 facilities in
12 New York state, seven of those facilities
13 either had Corizon, PHS or CMS. They
14 have no -- other than Rikers Island,
15 which I know continues to be mentioned,
16 other than Rikers Island, they have no
17 accounts in New York state, and we're the
18 next state over from Pennsylvania. And I
19 was troubled to the fact that I thought
20 that the phone was going to ring off the
21 wall from my colleagues that I've been
22 colleagues with in those 12 facilities
23 for several years. I was in the New York
24 State Sheriff's Association with them.
25 Matter of fact, our Director of Marketing

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2 for Correctional Medical Care is a
3 30-year Superintendent from Ulster
4 County. So between the both of us, we
5 know every jail administrator in the
6 State of New York and most other states.
7 And I was very fortunate. I was on the
8 Board of Directors of the American Jail
9 Association for four years. So I've been
10 fortunate to meet jail administrators and
11 superintendents and commissioners from
12 all over the country. And I was
13 disturbed to the fact that we only had
14 one call from Albany that that particular
15 reference was checked. And if the
16 references were checked, they would have
17 found that Corizon had lost seven
18 accounts in New York state based on a lot
19 of issues surrounding the vacancies and
20 the ability of them to staff those
21 facilities and the care that was
22 provided.

23 Even at 3 percent, even at 3
24 percent, if you're at 3 percent -- and I
25 have to tell you, knowing their history,

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2 I really struggle with that 3 percent
3 number, but I'll take it for face value.

4 At 3 percent, I'd be hitting
5 them with a staffing penalty every month.
6 So I think if nothing else comes of this,
7 Philadelphia Prison System needs to
8 recoup the money to the taxpayers of this
9 community, like we do in a number of our
10 facilities. Even at CMC, if we're short
11 a little here or there, we pay those
12 municipalities back. That's what we do.
13 It's the right thing to do. It's not
14 just about making money; it's about doing
15 the right thing for the taxpayers of
16 communities.

17 These are big contracts. We
18 are working for municipalities and we're
19 working for the taxpayers of these
20 communities, and it's incumbent upon us
21 to do that. And I think that's why Maria
22 Carpio, Emre Umar, and CMC have hired
23 folks like myself who worked in the
24 correctional system for a long time, so
25 that we could make sure that we're not

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2 only delivering the best services, that
3 we're being accountable to the taxpayers
4 as well, because it is incumbent upon us
5 to do that.

6 The other last point I'd like
7 to make is, with my experience, the
8 experience of our Marketing Director and
9 other folks that we have at our company,
10 we truly had the wherewithal to bring the
11 resources that the Philadelphia Prison
12 System needed, without a doubt. And
13 Hahnemann Hospital is exceptional. I
14 can't say much more about it, everything
15 that's already been said this morning.
16 And we definitely would have brought all
17 the resources to bear.

18 We know corrections. We know
19 what it takes to staff these facilities.
20 We know how to work with jail
21 administrators and prison officials. We
22 do it every day. And currently our count
23 is down in New York. We're probably
24 servicing about 6,500 inmates between
25 those 12 facilities, and like Mr. Umar

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2 who spoke before I, much more difficult
3 to deal with 12 different municipalities
4 and to get things accomplished, but we do
5 it. We put people in place to do that.

6 So thank you for having me here
7 today.

8 COUNCILMAN GREENLEE: Thank
9 you, sir. We'll hear from Dr. Dimino and
10 then other questions.

11 DR. DIMINO: Fine. Good
12 morning.

13 COUNCILMAN GREENLEE: Good
14 morning.

15 DR. DIMINO: I have to honestly
16 say I'm not sure of what's happened with
17 the Corizon --

18 COUNCILMAN GREENLEE: If I
19 could just ask you to just state your
20 name for the record.

21 DR. DIMINO: Dr. Joe Dimino.
22 I'm the Commissioner of Health in
23 Montgomery County.

24 COUNCILMAN GREENLEE: Thank
25 you.

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2 DR. DIMINO: As I was saying, I
3 really honestly can say I did not know
4 what was going on with Corizon and with
5 CMC. My interest here, I happen to work
6 for the parent company that Mr. Umar and
7 his wife ran from '95 to 2001. I was the
8 Corporate Medical Director of a company
9 that had over 65,000 inmates in New York,
10 Pennsylvania, Illinois, Texas, Virginia,
11 and Florida. And as Commissioner of
12 Health in Montgomery County, I can see
13 the kind of work he does in our jail.
14 He's been there for quite a while.

15 When I started with his
16 company, I was given the directive to
17 treat everyone as though they were a
18 patient of mine and not an inmate. So I
19 hired the doctors and the nurses and set
20 the policy. I did work with Nicholas
21 Scharff, who is the head of the medical
22 staff for the Department of Corrections
23 in Pennsylvania. I worked with Dr. Marla
24 Gold, who is the Dean of the School of
25 Public Health at Drexel. They both

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2 worked with me in Mr. Umar's company
3 before. There were never any financial
4 constraints. Never entered into the
5 quotation -- equation. I was allowed to
6 do what I wanted to do to treat people,
7 and I thought we had excellent care, and
8 from what I see what they're doing in
9 Montgomery County, they did the same.
10 They just carried right on.

11 So that was my involvement.

12 COUNCILMAN GREENLEE: Okay.

13 Thank you, Doctor. I appreciate it.

14 Questions or comments?

15 (No response.)

16 COUNCILMAN GREENLEE: We think
17 they speak for themselves. Okay. Thank
18 you both very much. Thank you for the
19 time to come here.

20 Our last panel I think we have,
21 Ms. Marconi.

22 THE CLERK: Gregory Glemser and
23 Stephen Sheller.

24 COUNCILMAN GREENLEE: If I
25 could just ask, is there anyone else who

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2 has not been called who wanted to make a
3 comment?

4 (No response.)

5 COUNCILMAN GREENLEE: No?

6 Okay. Please, both of you come up.

7 (Witnesses approached witness
8 table.)

9 COUNCILMAN GREENLEE:

10 Mr. Sheller, I understand you're
11 responsible for this light reading you
12 gave us. Thank you very much.

13 MR. SELLER: Yeah. We want to
14 make sure you have all the facts.

15 COUNCILMAN GREENLEE:

16 Appreciate that.

17 But, Mr. Glemser, why don't you
18 go first. Identify yourself and proceed
19 with what you'd like to say, please.

20 MR. GLEMSER: My name is
21 Gregory Glemser. I'd like to thank
22 Council for giving me an opportunity to
23 voice my concerns.

24 I was an inmate at CFCF
25 starting in -- I was arrested June 5th,

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2 2010. That was shortly after I was
3 diagnosed with Stage 3 colon cancer in
4 March of 2010.

5 I was being treated at the
6 Hospital of the University of
7 Pennsylvania between March and June, and
8 I was due to begin a nine-week round of
9 chemo and radiation at HUP, followed by
10 surgery.

11 Now, I just said I was arrested
12 and incarcerated June 5th, and upon my
13 arrival at CF, I made everyone in medical
14 aware of my condition and that I was
15 being treated at the Hospital of the
16 University of Pennsylvania. And after
17 weeks and weeks of hearing, Oh, they
18 haven't got back to us, don't worry, fall
19 back, they'll get to you -- now, I know
20 for a fact that time was very critical at
21 this point. So I finally reached out and
22 got a hold of my brother, who got a hold
23 of the doctors at HUP and said, Wow,
24 we've been wondering what happened to
25 him. The medical staff at Corizon was

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2 saying that they kept faxing HUP and HUP
3 didn't answer. That was a blatant lie.
4 My doctors at the University of
5 Pennsylvania weren't going to abandon me,
6 and they wouldn't tell my brother, Yeah,
7 we've been looking for him, if they
8 didn't. Then they got me right down to
9 HUP.

10 Now, they were very stressful
11 weeks. All through that -- let me go on
12 now. So they took me to chemo and
13 radiation every day from CFCF. Now, I
14 was due to get operated on in November --
15 I'm sorry. I was due to get operated on
16 October 23rd, 2010. October 22nd I was
17 supposed to be prepped for this
18 operation. On the morning of October
19 22nd, I apprised the nurse of this. I
20 says, Remember, I got to do all this and
21 that today.

22 She says, We got you. We got
23 you.

24 Well, all throughout the day I
25 kept asking the guards, Please send me to

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2 medical. Please call medical. Something
3 is up here. They're not doing what
4 they're supposed to do.

5 Don't worry. They know what
6 they're doing.

7 Well, needless to say, I went
8 in for my operation October 23rd and I
9 couldn't get the surgery. I wasn't
10 prepped.

11 They ignored HUP's orders. I
12 never got any pain relief throughout my
13 chemo and radiation, which was ordered by
14 HUP numerous times. And they stated,
15 Look, this is very important for him to
16 get at this time. I mean, I'm very
17 proactive with my healthcare and I stayed
18 in good touch with my team at the
19 Hospital of the University of
20 Pennsylvania.

21 I got released on November 7th,
22 and then I was rearrested on September
23 15th of 2012. Corizon remembered me. I
24 told them again that I was about due for
25 another round of chemo and radiation. I

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2 was being tested at HUP. At the time, I
3 had an appointment in two days. I was
4 also in excruciating pain and taking
5 heavy opiates on the street.

6 It took weeks again for
7 Corizon. They finally gave me 10
8 milligrams of Tylenol 3 at 3:00 a.m. in
9 the morning and another 10 milligrams 18
10 hours later at 9:00 p.m. The ridiculous
11 small dose did nothing for me.

12 Weeks went by, then months. No
13 HUP. I didn't have my brother around at
14 the time. I told Phyllis Taylor, who was
15 the chaplain, who takes it upon herself
16 to advocate for men with issues with
17 Corizon, health issues, and she acts as a
18 go-between. I told her, and she says,
19 Well, Corizon says HUP doesn't want to
20 see you. They did all they could. If
21 you're not going to get surgery, there's
22 nothing more they can do.

23 I says, No. I says, I'm
24 supposed to start a new kind of radiation
25 treatment called proton radiation. I was

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2 going to see them like every other day
3 just before my arrest.

4 So another few weeks go by. I
5 tell Phyllis Taylor, Phyllis, I've been
6 in touch with reporters and a lawyer.
7 I'm really beside myself.

8 A few days later, they took me
9 to Temple University Hospital out of the
10 blue. I saw a surgeon there. He
11 examined me. He asked me where my scars
12 were. I said, What scars? What are you
13 talking about?

14 He says, Well, on your records
15 it says you got colon cancer tumors
16 removed in 2010.

17 I says, No. I was scheduled to
18 get that operation, but I never got it.

19 He says, Well, it says here you
20 got it.

21 I says, Well -- and then he
22 says, Do you want the surgery now?

23 I says, No. I want to see my
24 doctors at the University of
25 Pennsylvania.

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2 Okay. So I don't know where
3 that visit came from. I don't know what
4 the reason for that was, but a nurse told
5 me, she says, All your records are all
6 doctored up, and she says, You should get
7 a lawyer. So again I told Phyllis Taylor
8 that I do have a lawyer. A week after
9 that, they finally got me to HUP. As
10 soon as I got there, they ordered a PET
11 scan, which is they inject sugars into
12 you to attach to the cancer cells so they
13 know exactly where to point the radiation
14 directed during these treatments. Well,
15 I went for that and they says, Oh, you
16 were supposed to be prepped yesterday.
17 Again, they didn't prep me. They also
18 did it once for a colonoscopy prior to
19 that where I went in for the colonoscopy.
20 They said, We can't give you a
21 colonoscopy, you haven't been prepped.

22 So they said at HUP, We can
23 still give you the radiation. We don't
24 have to give you that PET scan. We'll
25 just -- I guess make some guesses. I

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2 don't know. But anyway, I started the
3 radiation about six, seven weeks. That's
4 where I'll go from here. And, again,
5 they ignored HUP's prescription orders.
6 They ignored their order for special
7 diet. All throughout I was ordered a
8 special diet from University of
9 Pennsylvania, which was ignored. I think
10 I finally got it for a few weeks this
11 time, but no pain medication.

12 So I was released on January
13 25th. I'm here on my own volition just
14 to voice my outrage at Corizon's blatant
15 disregard to my serious health issues.

16 It wasn't only mine. It was
17 just widespread. They think they're
18 untouchable. When you go and you
19 complain about something, it's, Stay out
20 of jail, stay out of jail. That's their
21 stock answer for needing medication,
22 needing treatment.

23 COUNCILMAN GREENLEE: Sir, if I
24 could just ask, those comments, they're
25 made by whom? The doctor or --

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2 MR. GLEMSER: Nurses, doctor.

3 The one doctor who was the head doctor
4 there, after numerous complaints why I
5 wasn't being taken to the University of
6 Pennsylvania, he says, As far as I'm
7 concerned, you don't even have a cold.

8 Now, I heard he was just fired
9 for another wrongful death. That was
10 Dr. Boggio. This new Dr. Davis, he
11 actually examined me. I was never
12 examined in the prison. He actually
13 examined me, and then he started asking
14 about erectile functions and telling me
15 how gentle he was. I quick got up, I put
16 my clothes on, get away from me. I found
17 out that he actually left his previous
18 position due to homosexual overture. He
19 did it to another inmate on my block,
20 something similar.

21 So we're talking about some
22 major, major issues and violations with
23 Corizon. And you can see by the
24 lawsuits. And you can check my records.
25 Everything I just said is true, can be

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2 documented -- can be verified by HUP and
3 my prison records, which I'd like to see.

4 But anyway, thanks again for
5 the time to listen to my concerns.

6 COUNCILMAN GREENLEE: Thank
7 you, sir.

8 Mr. Sheller.

9 (Audience member talking.)

10 COUNCILMAN GREENLEE: No, no,
11 no. Come on, you know it doesn't work
12 like that.

13 Mr. Sheller.

14 MR. SELLER: Stephen Sheller.
15 I'm an attorney and involved in
16 representing the CMC here. I do not
17 represent this gentleman. And, in fact,
18 I don't know who does, but he certainly
19 has not an uncommon story, I'm told. In
20 fact, if you look at the material we
21 presented you with, there are, I think,
22 numerous depositions. We've taken
23 segments out so you can see. And these
24 are recent. There are numerous, numerous
25 complaints going on there. I'm not

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2 there. I don't know why, but I can tell
3 you that the attorney representing them,
4 because that's where we got the
5 depositions from, I don't think -- I
6 don't know what the settlements are, but
7 I think you should find out how much has
8 been paid. I don't know what they mean
9 by "nominal." You need to find out.

10 The other thing that you need
11 to take a close look at here is why did
12 this happen, why didn't CMC get this
13 contract. You know, if this was one of
14 you, you would have a grand jury looking
15 at you. Do you know that?

16 This is fraud. This is our
17 Prison System. We should be setting an
18 example, an example. Instead, they admit
19 fraud. They pay a \$1.8 million penalty.
20 They're supposed to be debarred for two
21 years. Nobody goes to jail. Nobody is
22 penalized. Frankly, this is one of the
23 problems with white-collar crime. Now, I
24 don't know whether this is a criminal
25 offense or not. I'm not a criminal

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2 attorney, but I would like to know is
3 this a criminal offense that they engaged
4 in. I don't know the answer.

5 But there's too much greed and
6 white-collar crime going on that's not
7 being taken care of, and we should be
8 setting an example in the City of
9 Philadelphia for our prisoners. These
10 people are in jail. They're arrested.
11 How do they feel about a company that's
12 been defrauding the City, paying a
13 penalty, and then they get a \$42 million
14 contract? Come on. Something is
15 radically, radically wrong here.

16 Worse yet, the worst problem
17 here as I see it is, you've been elected
18 by the citizens of the City of
19 Philadelphia, the taxpayers. I'm a
20 resident of the City. I pay taxes. I
21 want you to have a say in what happens
22 here. For you not to have the right to
23 look at these contracts to question
24 people and find out why are we spending
25 this kind of money is a disgrace, and I

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2 think you need to take steps to
3 immediately push this as far as you can
4 to compel the City to allow you to
5 examine what is going on with these
6 contracts. This can no longer be
7 ignored.

8 Now, let me mention a couple of
9 other things. This system has been under
10 the federal court jurisdiction for
11 overcrowding and for mistreatment of
12 prisoners. This has been going on for a
13 couple of years now. Something is wrong
14 here. And you can praise everybody you
15 want in the system. They have a very
16 difficult task. I agree, it's tough.
17 But we need to correct what's going on
18 here. Fifty medical mal cases in the
19 last couple of years? That strikes me as
20 being outrageous. Outrageous. This
21 gentleman's treatment is outrageous.

22 Now, you have an opportunity to
23 correct this, and the opportunity is to
24 get Corizon's contract out of there. Let
25 CMC work there for a year and let's see

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2 what happens. Don't reward them with
3 signing this contract March 1st. Put a
4 stop to it, say we want -- we're the City
5 Council. We want to see some changes
6 here.

7 And let me mention something
8 else that I heard today that I didn't
9 know about. Apparently the minority
10 contract was supposed to be for a
11 pharmacy provider and then Corizon ended
12 up providing the services and it was
13 just -- the minority contractor was just
14 a front. There's real money in
15 prescriptions. Now, CMC does not make a
16 profit on prescriptions. They provide --
17 when they provide prescriptions, it goes
18 directly to the wholesaler, no profit.
19 Slight administration payment, but that's
20 it. It's a straight pass-through from
21 the wholesaler. Apparently that was not,
22 and that needs to be looked into.

23 I don't know. There's seems to
24 be an arrangement here where you have a
25 separate provider for pharmacy services

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2 who makes a profit. I don't quite
3 understand that. I think it needs to --
4 again, why City Council needs to look at
5 these things and why we need much more
6 oversight here. And this is what's
7 disturbing to me.

8 I represent a client. Yeah,
9 I'm speaking for them, but I want my City
10 Council representatives to be able to do
11 their job, not blocked, and I want to
12 know that they are overseeing these
13 contracts. And that's what you're here
14 to look at today, and I think you got to
15 do something about it. You might have to
16 pass an immediate resolution that the
17 Corizon contract be stayed and that this
18 entire matter be looked at much more
19 thoroughly. You should demand that the
20 contracts be given to you to review, and
21 you should ask and I suggest CMC gets
22 this first year. They're cheaper, almost
23 \$4 million a year cheaper. They're a
24 Pennsylvania company based here in
25 Philadelphia. Why aren't we giving our

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2 own business people these contracts? Why
3 do we have to go to Tennessee or Arizona
4 or whatever this is? We should be
5 supporting our businesses in the City of
6 Philadelphia and the State of
7 Pennsylvania. And there's no reason not
8 to give them the contract. So I ask you
9 to take steps to see that they get this
10 contract.

11 I'm available for any
12 questions.

13 COUNCILMAN GREENLEE: Thank
14 you, Mr. Sheller and Mr. Glemser. You
15 certainly raised some valid points.

16 Councilwoman Bass.

17 COUNCILWOMAN BASS: Yes. Thank
18 you both for being here, and I just want
19 to echo your statements, because I find
20 this incredibly disturbing and
21 outrageous, and it speaks to the City of
22 Philadelphia really not taking seriously
23 minority participation or the health of
24 people that it is entrusted to care for.
25 I think there's an attitude of if you're

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2 incarcerated, it's your own fault. You
3 know, whatever happens to you, you know,
4 you shouldn't have got here in the first
5 place and you wouldn't be in this
6 predicament, sort of like blaming you for
7 being incarcerated for your health
8 condition, which you have absolutely no
9 control over.

10 And so I think if we were
11 treating puppies and kittens this way at
12 the SPCA, there would be a tremendous
13 amount of outrage that we weren't being
14 more careful about the care and the
15 amount of investment that we put into
16 human beings. These are human beings
17 that we're talking about.

18 And so I just find it pretty
19 disturbing in terms of your testimony,
20 sir, and your experience and what you
21 went through. And I hope your health is
22 better now. How are you doing?

23 MR. GLEMSER: I'm in the end of
24 a round of radiation and it's -- about
25 the worst time is at the end when it

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2 stops, but I should bounce back like I
3 did last time.

4 COUNCILWOMAN BASS: Okay.

5 Well, I wish you well. I hope your
6 health improves. And I certainly offer
7 my apology for the situation that you
8 went through, that you had to go through
9 something like this. It's something that
10 we were responsible for, the City of
11 Philadelphia was responsible for. And,
12 you know, it certainly does raise
13 eyebrows and should raise a lot of
14 questions about what we're doing, how
15 we're doing it. And when we find a
16 provider who is not providing
17 responsibly, that we need to look into
18 that and be absolutely prepared to change
19 providers. So I just wanted to make that
20 statement.

21 Thank you.

22 COUNCILMAN GREENLEE: Thank
23 you, Councilwoman.

24 Councilman Kenney.

25 COUNCILMAN KENNEY: Thank you,

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2 Mr. Chairman. I'd like to thank the
3 Committee and you as Chairman for
4 allowing this hearing and for all the
5 people who came to testify today. I
6 agree with Mr. Sheller. I don't believe
7 that the contract should be signed. I
8 don't know what legal recourse we have to
9 enjoin it. I don't know what you're
10 planning to do to potentially enjoin it.

11 MR. SELLER: We're evaluating
12 that right now.

13 COUNCILMAN KENNEY: But I do
14 think -- again, as I stated earlier, I
15 don't think we'd be sitting here dealing
16 with this at this late date if the
17 Administration had followed the Charter
18 and brought contracts here that need to
19 be vetted. We would have had all these
20 questions asked and answered and maybe
21 have had some more sufficient answers as
22 opposed to -- and, again, I credit the
23 Commissioner for coming in, but his
24 limited ability to answer deep questions,
25 probing questions about process because

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2 of potential litigation, I mean, we all
3 wind up spending more money than we need
4 to, both on the litigation side and on
5 the contracting side, because this
6 transparency doesn't exist in situations
7 like this.

8 Council has for years up until
9 I believe the Rendell Administration had
10 a role in approving contracts over a
11 certain length of time, over a year, and
12 that seems to have been ignored. I mean,
13 I have a pending Charter change, which
14 would require the Administration to come
15 back after the first year if they want to
16 reengage in a second year or third year
17 to have to ask Council's approval. I
18 think our Charter framers created that
19 system for a reason, and we see the
20 reason it was created, because we're in
21 the situation that we're in now. A
22 hundred and sixty million dollar
23 public-funded taxpayer contract should be
24 approved in a process, not simply
25 discussed in a room where people say,

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2 Well, we're just going to extend it for
3 six months and then we're going to award
4 it, and we're not going to bring it to
5 Council because they're a pain. Well,
6 you know, sometimes the pain is good,
7 because it brings some light and some
8 heat to the discussion.

9 But we'll evaluate what our
10 options are. I assume you're evaluating
11 your legal options. And, again, I see no
12 reason why we have to be here again on
13 this kind of stuff, but apparently we're
14 going to either have to magnify the
15 Charter, make it more clear what was
16 intended, because right now it's not
17 workable.

18 MR. SELLER: Well, I
19 appreciate Councilman Kenney and Greenlee
20 and all the Council, Tasco and Brown --

21 COUNCILMAN GREENLEE:
22 Councilwoman Bass.

23 MR. SELLER: Whatever. I'm
24 sorry.

25 COUNCILWOMAN TASC0: Brown was

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2 here earlier.

3 MR. SELLER: But you're trying
4 to do your job, which is great. I
5 appreciate that. That's the important
6 thing, and you deserve to be commended
7 for that. And to the extent that we as
8 citizens and myself as an attorney can
9 get to help you do that, we will do the
10 best we can.

11 One of the things that should
12 be looked at here is whether the City
13 should be looking at a lawsuit against
14 Corizon to recover the money for not
15 filling the vacancies. Twenty percent
16 vacancy, if you take a \$40 million
17 contract, that's \$8 million they're
18 saving if it was supposed to be used
19 within that 40 million. Well, Monroe
20 County sued and they got -- you know, at
21 least they got close to \$500,000, and I
22 hear that the vacancy rate seemed to be
23 pretty similar. Well, maybe we should be
24 looking at -- the City should be looking
25 at the Law Department whether there is

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2 money owed to the City for these vacancy
3 rates. I'm sure there will be attorneys
4 willing to handle it on a contingent fee
5 if they don't want to use their own
6 personnel. Or there may be attorneys.
7 That needs to be evaluated. That's one
8 of the things that you as City Council
9 could have done if this contract was
10 given to you in the first place.

11 COUNCILMAN GREENLEE: Thank
12 you.

13 Thank you both. And I want to
14 go on record saying that we're going to
15 be having more discussions about what we
16 can do, and believe me, this hearing,
17 this isn't the end of it. We're going to
18 still have more conversations and, as
19 Councilman Kenney said, try to figure out
20 what we can do in the future to see that
21 these kinds of things don't reoccur. And
22 I want to recognize Councilman Kenney and
23 his staff's efforts on getting this
24 matter brought before us and again the
25 continuing efforts we're going to make.

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2 Is there anyone else here that
3 wishes to make any statement?

4 MR. O'DONNELL: Yes.

5 COUNCILMAN GREENLEE: Please
6 come forward. You have to speak into the
7 microphone.

8 MR. SELLER: Should we --

9 COUNCILMAN GREENLEE: Yeah.
10 You can go back. There wasn't any other
11 questions, I don't think. No.

12 MR. O'DONNELL: What's the time
13 limit?

14 COUNCILMAN GREENLEE: You scare
15 me when you say that.

16 MR. O'DONNELL: It's not going
17 to be long.

18 COUNCILMAN GREENLEE: Okay. If
19 you can just identify yourself and
20 proceed. Talk about this issue now.

21 MR. O'DONNELL: Ed O'Donnell
22 and I run a charity, Winthrop Foundation,
23 and two of the things we do, try to
24 improve the situations in the
25 prison/corrections field and mental

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2 health field. And the three things I'm
3 going to say today also apply to mental
4 health, by the way.

5 Now, on prisons and prison
6 healthcare, this is where people in
7 prison healthcare could do some good.
8 First of all, in prisons, there is a lot
9 of verbal abuse, harassment, belittling
10 people, you know, ridiculing people. We
11 need to create an environment in prisons
12 in which everyone is treated with love,
13 respect, civility, dignity. You get the
14 message. In other words, the staff has
15 to treat every prisoner with love,
16 kindness, respect. And then every
17 prisoner has to treat the providers with
18 love, kindness, respect. We need to
19 create a therapeutic environment of total
20 respect. There's a lot of harassment,
21 belittling going on, a lot of verbal
22 torture, a lot of psychological torture.
23 And I sympathize with those who work in
24 the prisons, because there's a lot of
25 prisoners who are abusive, and that

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2 creates burnout and depression in the
3 workers. So we have to help the workers
4 with more vacation time, physical fitness
5 passes, and things like that.

6 Second, 30 percent of the calls
7 to 9-1-1 are false allegations. There
8 are a lot of innocent people in prisons.
9 So anybody in this healthcare field, if
10 they see a situation where they think
11 somebody has been railroaded or entrapped
12 or unfairly put in prison, they can help
13 heal that situation.

14 Last, we have to be on guard
15 for this. Since the beginning of time,
16 powerful personalities in politics,
17 government, corporate world, going way
18 back to the middle ages and the first
19 century, if somebody doesn't like
20 somebody, if somebody is a political
21 dissident, one place where powerful
22 people try to put them is in prison. So
23 we have to guard against that, using
24 prisons to harass or punish political
25 enemies.

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2 But the bottom line is, create
3 an atmosphere of love, respect, dignity
4 for everybody in these facilities.

5 Thank you.

6 COUNCILMAN GREENLEE: Thank
7 you.

8 Being no further action before
9 this Committee today, the Committee on
10 this resolution will stand in recess to
11 the call of the Chair.

12 Thank you very much.

13 (Committee on Rules concluded
14 at 11:15 a.m.)

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CERTIFICATE

I HEREBY CERTIFY that the
proceedings, evidence and objections are
contained fully and accurately in the
stenographic notes taken by me upon the
foregoing matter, and that this is a true and
correct transcript of same.

MICHELE L. MURPHY
RPR-Notary Public

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