



DISTRICT OF COLUMBIA  
OFFICE OF THE INSPECTOR GENERAL  
CHARLES J. WILLOUGHBY  
INSPECTOR GENERAL

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INSPECTIONS AND EVALUATIONS DIVISION  
*MANAGEMENT ALERT REPORT*

DISTRICT OF COLUMBIA  
DEPARTMENT OF CORRECTIONS

LACK OF MEDICAL LEADERSHIP AT  
DOC'S FACILITY

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Office of the Inspector General**

Inspector General



May 18, 2006

Devon Brown  
Director  
Department of Corrections  
Government of the District of Columbia  
1923 Vermont Ave., NW  
Room N207  
Washington, D.C. 20001

Dear Mr. Brown:

The Office of the Inspector General (OIG) provides a Management Alert Report (MAR) when we believe a serious matter requires the immediate attention of District government officials. This MAR (MAR 06-I-002) is to inform you that during an ongoing re-inspection of the Department of Corrections (DOC) by the OIG, concerns have arisen about the lack of medical leadership at DOC's facilities. Specifically, the contractor responsible for inmate healthcare at DOC's Central Detention Facility (D.C. Jail) and the Central Treatment Facility (CTF) has not staffed medical leadership positions according to contract specifications.

**Background**

From 1995 to 2000, medical and mental health services at the D.C. Jail were supervised by a Receiver appointed by the U.S. District Court. In March 2000,<sup>1</sup> the Receiver, Dr. Ronald Shansky, contracted with the Center for Correctional Health and Policy Studies (CCHPS) to provide medical and mental health services for inmates incarcerated at the D.C. Jail. An April 2003 contract modification expanded CCHPS's responsibilities to include providing care to inmates at the CTF. In March 2004, CCHPS hired Dr. Shansky on a part-time basis to serve as Medical Director for both the D.C. Jail and the CTF. CCHPS's current contract with DOC expires September 30, 2006, at which time DOC is expected to engage a different service provider.

**Observations**

1. **CCHPS has not staffed medical leadership positions at the D.C. Jail and the CTF according to contract requirements.**

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<sup>1</sup> Dr. Shansky's role as Receiver concluded in September 2000.

Table 1: Contractually Required versus Actual  
Full-Time Leadership Positions at the D.C. Jail and the Central Treatment Facility

Title	Full-time Positions Defined in Contract		Full-time Positions Currently Filled	
	D.C. Jail	CTF	D.C. Jail	CTF
Medical Director	1	1		
Associate Medical Director <sup>2</sup>	1		1	1

It is important to note the inconsistency between language in the DOC/CCHPS contract that calls for two Medical Directors (one for each DOC facility), and CCHPS policies, procedures and correspondence that reference a sole Medical Director. The April 2003 modification to CCHPS's contract with DOC designates "the Medical Director" as one of five "Principal Leadership" positions. As an attachment to the same contract modification, however, a Staffing Plan states that both the D.C. Jail and the CTF will each employ a full-time Medical Director. According to CCHPS, Associate Medical Directors are responsible for all day-to-day, clinical activities at the D.C. Jail and the CTF.

The issue of whether Medical Directors or Associate Medical Directors are in charge of inmate care at the D.C. Jail and the CTF is significant with respect to contract oversight.<sup>3</sup> The importance of both the position and the title of Medical Director are underscored in two ways. First, under the terms of CCHPS's original contract (March 2000 to March 2005), DOC could have sought liquidated damages in the event of a prolonged vacancy in this Principal Leadership position.<sup>4</sup> Second, as stated in the "Diversion, Reassignment and Replacement of Key Personnel" contract clause:

**The Contractor shall notify the COTR [contracting officer's technical representative] . . . . and the Contracting Officer . . . in writing of the removal of any key personnel . . . . The written justification shall provide explanations and justification of the removal as well as the Contractor's plan to temporarily and permanently fill the position. The Contractor shall not reassign these key personnel or appoint replacements, without prior, express written permission from the Contracting Officer . . . .**

<sup>2</sup> The Staffing Plan attached to the April 2003 contract modification lists a "Deputy" Medical Director position for the D.C. Jail. In other documents and correspondence to the OIG from CCHPS, the term "Associate Medical Director" is used.

<sup>3</sup> This MAR does not address the qualitative impact of having Associate Medical Directors, rather than Medical Directors, in charge of medical services at the D.C. Jail and the CTF.

<sup>4</sup> Since April 1, 2005, vacancies in CCHPS Key Personnel positions no longer merit liquidated damages. However, CCHPS is still required to notify the Office of Contracting and Procurement (OCP) of changes in these positions and inform OCP of its plan for filling vacancies that arise.

The intent of this contract language is to give OCP oversight and approval authority for changes in medical leadership at the D.C. Jail and the CTF. CCHPS is not required to notify OCP of changes in Associate Medical Director positions, as they are not designated "Key Personnel." In fact, Associate Medical Director positions are not enumerated in the staffing plan at all. Placing Associate Medical Directors in charge of medical care at the D.C. Jail and the CTF circumvents the intent of the key personnel contract clause and significantly weakens OCP's ability to oversee the contract.

2. **Since March 2004, the physician serving in the role of Medical Director for both DOC facilities has maintained a minimal on-site presence and does not have an employment contract. In addition, the Medical Director's position description has not been updated since 1999, and therefore does not accurately reflect CCHPS's contractual responsibilities at the D.C. Jail and the CTF, the contracted medical leadership structure, or the job as being performed by Dr. Shansky.**

Dr. Shansky became Medical Director in March 2004 and, since that time, his on-site presence at DOC facilities has been very limited. To illustrate, during calendar year 2005 Dr. Shansky worked at DOC facilities for a total of 28 days, an average of less than 3 days per month. During this same timeframe, there were entire months during which Dr. Shansky maintained no on-site presence. According to Dr. Shansky, he did not perform work at the D.C. Jail or the CTF in February 2005, April 2005, or May 2005.

In its best practices publication *Standards for Health Services in Correctional Institutions*, the American Public Health Association (AHPA) states:

**Health care programs must designate a qualified and licensed physician as the principal medical authority. The health care program's principal medical authority must be present and on-site to meet the medical and administrative responsibilities of the position.**

*Id.* at 18, ¶ 5.

In addition, CCHPS Policy Number 100.0 states "[t]he Medical Director shall be responsible for the day-to-day delivery of health care services in all departments." *Id.* § I.

It is our understanding that Dr. Shansky's on-site presence is approximately 2-3 days per month. CCHPS stated Dr. Shansky has "no clinical responsibilities" at the D.C. Jail or CTF, and that the two Associate Medical Directors (again, positions not defined in the Key Personnel contract clause) are responsible for all clinical activities at the two facilities. Given the acute medical needs of the District of Columbia's corrections population,<sup>5</sup> and the fact that medical and mental health services in the D.C. Jail were the target of protracted litigation that ultimately resulted in

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<sup>5</sup> In written testimony submitted to the House of Representatives in 2000, Dr. Shansky, who at the time was the court-appointed Receiver for medical and mental health services at the D.C. Jail, described the significantly higher incidence of HIV and tuberculosis compared to other corrections populations in the United States.

the appointment of a Receiver for 5 years, the OIG believes that DOC should strictly enforce the contract requirements for full-time, on-site Medical Directors for both the D.C. Jail and the CTF.

APHA's *Standards for Health Care in Corrections Institutions* states "[c]lear lines of authority, responsibility, and accountability must be maintained [,] and the health care staff's job descriptions should be updated periodically and stay consistent with the staff's qualifications, training, and licensure status." *Id.* at 18, ¶5 In addition, CCHPS procedure requires that the Medical Director's responsibilities "are documented in a written agreement, contract, or job description." CCHPS Policy No. 100.00 at 1, § III. The Medical Director role as currently filled by Dr. Shansky is substantially different from the position description provided to the OIG by CCHPS. For example, the position description does not reflect that CCHPS is responsible for inmate care at the CTF. The OIG asked both DOC and Dr. Shansky for a copy of the contract and any other documents that define his employment by CCHPS and that detail his responsibilities, authority, and compensation, and CCHPS's requirements and expectations. DOC told the OIG that Dr. Shansky does not have an employment contract with CCHPS. According to Dr. Shansky, CCHPS pays him \$2,000 for each day he is on-site at DOC facilities, and reimburses him for travel to and from the District.

3. **According to District of Columbia Department of Health (DOH) records, Dr. Shansky's District of Columbia medical license has not been active for 5 years.**

CCHPS Policy Number 100.0, which ironically was signed into effect by Dr. Shansky in April 2004, states "[t]he Medical Director, designated as the Responsible Health Authority, shall be a physician licensed by the District of Columbia . . . ." *Id.* at 1, § I.

DOH Health Professional Licensing Administration electronic records show that Dr. Shansky's D.C. medical license, issued in January 1996, expired on December 31, 2000. As of the date of this MAR, it remains in expired status (Attachment 1). According to information from Dr. Shansky's CCHPS office, he is a licensed, board certified doctor with the state of Illinois (Attachment 2).

## **Conclusions**

The purpose of this MAR is not to question the personal qualifications or competence of Dr. Shansky, but rather to highlight the discrepancy between contractual staffing requirements and actual implementation, and to address an apparent lack of contract enforcement by DOC. The Medical Directors are the most important medical leadership positions at the D.C. Jail and the CTF. The OIG is concerned that DOC is paying CCHPS for a medical leadership structure (i.e., a full-time Medical Director for each DOC facility) that has not been implemented as contractually required. Given the number of inmates housed at the D.C. Jail and the CTF, inmates' acute medical care needs, and the fact that medical and mental health services at the D.C. Jail were under the supervision of a court-appointed Receiver until September 2000, the OIG believes that DOC should demand strict adherence to the medical leadership staffing requirements as defined in its contract with CCHPS. Finally, with a proposed change in DOC's

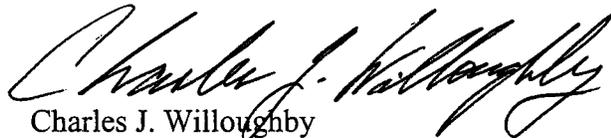
medical services contractor scheduled to take effect in October 2006, the OIG encourages DOC to ensure that medical leadership staffing requirements are more clearly defined and enforced in future contracts.

### Recommendations

1. That the DOC coordinate with the Office of Contracting and Procurement (OCP) and the D.C. Office of the Attorney General (OAG) to determine whether the current absence of full-time, on-site Medical Directors at both the D.C. Jail and the CTF constitutes vacancies of "Key Personnel" positions, and whether DOC should seek liquidated damages against CCHPS, or other compensatory relief. The OIG should be informed in writing of the resulting determination and any recommendations made by OCP and the OAG.
2. That the DOC take steps to ensure that requirements for staffing all medical positions for the D.C. Jail and the CTF are clearly defined, closely monitored, and stringently enforced using appropriate contract or administrative remedies.
3. That the DOC provide this Office with a written explanation of the circumstances and events that led to the vacancies in the full-time Medical Director positions at the D.C. Jail and the CTF, and a summary of actions that DOC is taking or plans to take to address this void in medical leadership.

Please provide your comments on this MAR by June 2, 2006. Your response should include actions taken or planned, dates for completion of planned actions, and reasons for any disagreement with the concerns and recommendations presented. Please distribute this MAR only to those personnel who will be directly involved in preparing your response. Should you have any questions or if you desire a conference before responding, please contact Lena Cockfield, Director of Planning and Inspections, at 202-727-9537.

Sincerely,



Charles J. Willoughby  
Inspector General

CJW/lid

cc: Robert C. Bobb, City Administrator  
Kelly Valentine, Interim Director, Office of Risk Management