



**COUNTY OF ERIE**  
**STEFAN I. MYCHAJLIW**  
**COMPTROLLER**

January 8, 2015

Hon. Patrick M. Gallivan  
New York State Senator  
2721 Transit Road, Suite 116  
Elma, New York 14059

**RE: Inmate Healthcare**

Dear Senator Gallivan:

My office recently completed an audit of the county's correctional health services and inmate medical costs. The audit covered expenses between 2011 and 2013. For your reference, a copy of the audit is enclosed. As expected, the audit confirmed that taxpayers continue to spend millions of dollars annually providing coverage to inmates ordered to be in our care. The largest expense was for personnel to provide the care, at \$7.8 million, followed by nearly \$5 million in pharmacy costs. Other expenses included millions of dollars in transportation, hospitalization, surgery, testing, and mental health evaluations.

The majority of this care is funded by the Erie County taxpayer, with some expenses paid through Medicaid. As Comptroller, I strongly feel that many of our costs can be reduced with the help of the State Legislature. Specifically, I am calling on the State of New York to take legislative action to permit counties to charge inmates a copay for healthcare services. In addition, I would like to see an amendment to state insurance law that allows correctional facilities a mechanism to determine whether or not incarcerated persons have private health insurance at the time they are booked.

As you know, charging inmates a copay is an idea that has been passed before by the New York State Senate (S.476), and was ultimately stalled by the New York State Assembly (A.7870). When the Senate passed the legislation in 2012, the annual statewide costs for inmate medical care were exceeding \$120 million. Over the time period of the enclosed audit, Erie County taxpayers spent more than \$24 million providing healthcare to inmates in our jail and holding center. This ever increasing expense will never be eliminated, so it needs to be managed more wisely. Instituting a modest copay of \$5 would generate nearly \$300,000 in annual revenue for the county, and it may also deter inmates from pursuing unnecessary healthcare services. Currently, 42 of 50 states charge inmates a copay for healthcare. The highest state copay is \$15, the lowest is \$2, and I would propose we set ours at the state average of \$5.

Knowing that taxpayers are subsidizing the health care costs for many inmates that already pay for private insurance, or may be eligible for Medicaid, is something that I find very concerning. It has come to my attention that the current booking process for inmates does not include a process to identify access to insurance. I think it should.

If Erie County is able to identify and utilize an inmate's private health insurance policy, it would alleviate a heavy financial burden on taxpayers. In some cases, insurance policies cease coverage when a person becomes incarcerated. Although incarceration is something to be avoided, it is not something that changes the risk an insurance company inherits when they choose to insure. Additionally, many inmates are at the holding center, and their stays in incarceration are temporary. The taxpayer should not be burdened with their medical costs during them, especially if they already have private insurance.

Therefore, I am asking you to consider the imposition of a copay on inmates for health care services in New York State. I am also requesting that you amend state insurance law to require health insurance companies to create a database, accessible by law enforcement agencies, where they can easily determine whether or not an inmate has health insurance. If an inmate has health insurance, regulations need to be updated that would allow inmates use of that insurance while they are incarcerated.

I firmly believe that instituting copays would deter inmates from pursuing unnecessary healthcare. In addition, allowing a mechanism for correctional facilities to determine if an inmate has insurance is the first step in relieving the taxpayer from the cost of that care. It is my hope that you will consider these ideas, and that we can work together in reforming correctional health and inmate health care so that we can lower the cost for taxpayers.

Sincerely,



STEFAN I. MYCHAJLIW  
Erie County Comptroller

cc: Hon. Andrew M. Cuomo, Governor  
Members of the Western New York State Delegation  
Members of the Erie County Legislature  
Hon. Mark C. Poloncarz, Erie County Executive  
Hon. Timothy B. Howard, Erie County Sheriff  
Dr. Gail Burstein, Erie County Commissioner of Health