



SPONSOR: Rep. Lynn & Rep. Minor-Brown & Sen. Pinkney

HOUSE OF REPRESENTATIVES
151st GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 34

CREATING THE DELAWARE CORRECTIONS INVESTIGATION TASK FORCE TO INVESTIGATE AND MAKE FINDINGS AND RECOMMENDATIONS REGARDING THE TREATMENT OF INMATES AND THE QUALITY OF HEALTHCARE PROVIDED TO INMATES IN THIS STATE'S CORRECTIONAL INSTITUTIONS.

1 WHEREAS, on April 1, 2020, Centurion of Delaware, LLC took over prison medical and behavioral health care at
2 all of this State's correctional facilities, including work release facilities; and

3 WHEREAS, Centurion of Delaware, LLC, like Centurion Group Inc. and Centurion, LLC, is a subsidiary of
4 Centene Corporation.

5 WHEREAS, Centurion of Delaware, LLC receives \$47.8 million for health care and \$21.1 million for behavioral
6 health care from this State, which is \$8.9 million more than the State paid its previous prison health care provider; and

7 WHEREAS, the amount paid to Centurion of Delaware, LLC is dependent on remaining fully staffed; and

8 WHEREAS, on March 12, 2020, only weeks before Centurion of Delaware, LLC took over, the Governor declared
9 a State of emergency for the State of Delaware due to the public health threat as a result of COVID-19; and

10 WHEREAS, COVID-19 is a highly contagious virus, and asymptomatic individuals may be carriers who
11 unknowingly spread the virus to other individuals in close proximity. As a result, social distancing is required to help
12 mitigate exposure to and community spread of COVID-19; and

13 WHEREAS, the CDC recommends that in order to reduce exposure to COVID-19, people should stay at least 6
14 feet from others, wear a mask that covers your nose and mouth, if within 6 feet of another person, wash your hands often
15 with soap and water for at least 20 seconds, spend time outside—all things that pose serious challenges for those
16 incarcerated in Delaware prisons; and

17 WHEREAS, although anyone can get infected with COVID-19, older adults and persons with certain medical
18 problems, such as heart problems, sick cell disease, Type 2-diabetes, and obesity get sicker with COVID; and

19 WHEREAS, those medical conditions are prevalent in prison populations; and

20 WHEREAS, 13 inmates in Delaware prisons have died as a result from COVID-19; and

21 WHEREAS, as of the end of January, 2021, over 1500 inmates have been infected with COVID-19; and

22 WHEREAS, almost 2,000 inmates were infected with COVID-19; and

23 WHEREAS, over 750 Department of Correction employees, including correctional officers, and contracted staff
24 have been infected with COVID-19; and

25 WHEREAS, in May, 2020, a Verified Complaint was filed in the Court of Chancery of the State of Delaware
26 alleging that Centurion has a long history of failing to provide proper health care to the prison populations covered its
27 contracts, and that such substandard care at prison has resulted in increasingly routine deaths of inmates; and

28 WHEREAS, third-party auditors found that Centurion's practices jeopardized patient safety in an effort to increase
29 its earnings and by cutting corners, such as replacing licensed personnel with unlicensed personnel; and

30 WHEREAS, in February, 2020, the United States Department of Justice announced a civil rights investigation into
31 Mississippi prisons, and specifically, the quality of mental health care, which is offered by Centurion of Mississippi, LLC;
32 and

33 WHEREAS, one of the primary responsibilities of government is to keep its citizens safe, and that responsibility
34 extends to citizens incarcerated within Delaware's prisons; and

35 WHEREAS, the United States Constitution and the Delaware Constitution requires this State to ensure that its
36 prisons are safe and humane

37 NOW, THEREFORE:

38 BE IT RESOLVED by the House of Representatives of the 151st General Assembly of the State of Delaware, the
39 Senate concurring there, that the Delaware Corrections Investigation Task Force is established to investigate and make
40 findings and recommendations regarding the treatment of inmates and the quality of healthcare provided to inmates in this
41 State's correctional institutions.

42 BE IT FURTHER RESOLVED that the Task Force be comprised of 11 members, as follows:

43 (1) Two members of the House of Representatives, appointed by the Speaker of the House, one of whom shall
44 be the chair of the Task Force.

45 (2) Two members of the Senate, appointed by the President Pro Tempore of the Senate, one of whom shall be
46 the vice-chair of the Task Force.

47 (3) One member of the House, appointed by the Minority Leader of the House.

48 (4) One member of the Senate, appointed by the Minority Leader of the Senate.

49 (5) One member of the public with experience in correctional health care, appointed by the Speaker of the
50 House.

51 (6) One member of the public who is a licensed physician, appointed by the President Pro Tempore.

52 (7) One member of the judiciary appointed by the Chief Justice.

(8) One member of the Delaware bar who has experience in defending clients against criminal prosecution or in prisoners' rights matters appointed by the President of the Delaware State Bar Association.

(9) The Chair of the Council on Correction.

BE IT FURTHER RESOLVED that the Chief Clerk of the House notify the individuals authorized to appoint members to the Task Force of their appointing authority.

BE IT FURTHER RESOLVED that the chair of the Task Force be responsible for guiding the administration of the Task Force by, at a minimum, doing all of the following:

(1) Setting a date, time, and place for the initial organizations meeting.

(2) Supervising the preparation and distribution of Committee meeting notices, agendas, minutes, correspondence, and reports.

(3) Sending to the Speaker of the House of Representatives, President Pro Tempore of the Senate, and the Director of the Division of Research of Legislative Council, after the first meeting of the Task Force, a list of the members of the Task Force and the person who appointed them.

(4) Providing meeting notices, agendas, and minutes to the Director of the Division of Research of Legislative Council.

(5) Ensuring that the final report of the Force is submitted to the Speaker of the House of the Representatives, and the President Pro Tempore of the Senate, with copies to all members of the General Assembly, the Governor, the Director and the Librarian of the Division of Research of Legislative Council, and the Delaware Public Archives.

BE IT FURTHER RESOLVED that the Task Force must hold its first meeting no later than 60 days after passage.

BE IT FURTHER RESOLVED that the Task Force investigate and make findings and recommendations regarding the treatment of inmates and the quality of healthcare in this State's correctional institutions.

BE IT FURTHER RESOLVED that a quorum of the Task Force is a majority of its members.

BE IT FURTHER RESOLVED that:

(1) Official action by the Task Force, including making findings and recommendations, requires the approval of a quorum of the Task Force.

(2) The Task Force may adopt rules necessary for its operation. If the Task Force does not adopt rules or if the adopted rules do not govern a given situation, *Mason's Manual of Legislative Procedure* controls.

(3) The Task Force shall have access to any and all otherwise protected health-care information relating to current and former inmates supervised by the Department of Correction notwithstanding any other statute to the

contrary. Any document received or generated which relates to the medical or behavioral health services or treatment of an inmate are specifically excluded from the definition of public record as set forth at 29 *Del. C.* § 10002.

(4) The Task Force may request the appearance of any employee of the Department of Correction, including the Commissioner, and any contractor or employee of any contractor providing medical or behavioral health services to an inmate under the direction of the Department of Correction at a Task Force meeting in order to provide information to the Task Force.

(5) Pursuant to 29 *Del. C.* § 705 the Task Force has the authority to request that the Clerk of the House issue subpoenas requiring the attendance of any resident of the State and the production of any records or papers by a majority vote of the Task Force.

(6) The Chair of the Task Force may call an executive session for purposes which are listed at 29 *Del. C.* § 10004 or for the purpose of requesting the issuance of a subpoena.

(7) All Task Force members must abide by federal and state laws regarding privacy of protected health information.

BE IT FURTHER RESOLVED that the General Assembly is responsible for providing reasonable and necessary support staff and materials for the Task Force.

BE IT FURTHER RESOLVED that the chair must issue a final report containing a summary of the Task Force's work regarding the issues assigned to it, including any findings and recommendations, and submit the report to the General Assembly, the Governor, and the Director and the Librarian of the Division of Research of Legislative Council no later than July 30, 2021.

BE IT FURTHER RESOLVED that this Concurrent Resolution expires 90 days after the Task Force's first meeting.

SYNOPSIS

This concurrent resolution establishes the Delaware Corrections Investigation Task Force to investigate and make findings and recommendations regarding the treatment of inmates and the quality of healthcare provided to inmates in this State's correctional institutions. The Task Force shall complete its investigation and findings 90 days after the Task Force's initial meeting and issue a final report containing a summary of its work, findings, and recommendations.