

United States Senate

WASHINGTON, DC 20510

February 13, 2024

Carol Mici
Commissioner
Massachusetts Department of Correction
50 Maple Street
Milford, MA 01757

Dear Commissioner Mici:

As you evaluate bidders for a new contract to provide health services in Massachusetts prisons, we write to provide you with information received through congressional investigations about two possible bidders, Wellpath and YesCare (formerly known as Corizon Health Inc.). We hope you will carefully consider this information as you move forward with your decision.

The Massachusetts Department of Correction (DoC) currently contracts with Wellpath for the provision of prison health care services in 14 locations.¹ That contract is set to expire in June 2024.² The DoC plans to select a bidder by the end of March 2024, with the new contract set to begin July 1, 2024.³ Final bids were due on Monday, January 29, 2024.⁴ While the final list of bidders has not been made public, we understand that the DoC received bid intent forms from seven vendors, including Wellpath and YesCare (“Corizon”).⁵

Both Wellpath and Corizon were the subjects of recent congressional oversight because of their health care records in jails and prisons across the country.⁶ We are writing to share those

¹ Commonwealth of Massachusetts, “Wellpath Amendment 21_Executed,” December 2023, p. 1-2, <https://www.commbuys.com/bsa/external/purchaseorder/poSummary.sdo?docId=PO-19-1025-DOCFS-FISC-13798&releaseNbr=0&parentUrl=contract>; Letter from Wellpath Executive Vice President Marc D. Goldstone to Senators Elizabeth Warren and Edward Markey, January 18, 2024, https://www.warren.senate.gov/imo/media/doc/4425_001.pdf.

² Commonwealth of Massachusetts, “Wellpath Amendment 21_Executed,” December 2023, p. 1-2, <https://www.commbuys.com/bsa/external/purchaseorder/poSummary.sdo?docId=PO-19-1025-DOCFS-FISC-13798&releaseNbr=0&parentUrl=contract>.

³ CommBuys, “Request for Response_Amended Track Changes 1.12.24,” January 12, 2024, p. 199, <https://www.commbuys.com/bsa/external/bidDetail.sdo?docId=BD-24-1025-DOCFS-FISC-92646&external=true&parentUrl=close>.

⁴ *Id.*

⁵ Massachusetts Department of Correction, “Bid Intent Summary Form,” November 2023 [on file with the Office of Senator Elizabeth Warren].

⁶ Letter from Senator Elizabeth Warren to United States Trustee Program Director Tara Twomey, et al., January 31, 2024, <https://www.warren.senate.gov/imo/media/doc/2024.01.31%20Letter%20to%20U.S.%20Trustee%20re%20Corizon%20Bankruptcy.pdf>; Letter from Senator Elizabeth Warren, et al., to Wellpath CEO Ben Slocum, et al., December 18, 2023, <https://www.warren.senate.gov/imo/media/doc/2023.12.18%20Wellpath%20letter1.pdf>; Letter from Senators Elizabeth Warren and Edward Markey to Wellpath CEO Ben Slocum, et al., December 15, 2023, <https://www.warren.senate.gov/imo/media/doc/2023.12.15%20Wellpath%20letter%20MA1.pdf>; Letter from

oversight findings, which are summarized in the attached letters. We are also writing to share Wellpath's and Corizon's responses to those oversight letters (attached).⁷

Regardless of which bidder is ultimately selected, the DoC should employ robust oversight mechanisms to ensure the contractor provides an adequate standard of care. This must include staffing a sufficient number of qualified health providers, following physician treatment plans, promptly responding to incarcerated individuals' requests for medical attention, providing appropriate mental health care, and ensuring that incarcerated patients can access advanced medical care in a timely fashion outside of the facility when needed. The contractor must also provide pre-release health services that support a healthy return to society for individuals leaving carceral facilities — a goal that Massachusetts has prioritized.⁸

The DoC's Request for Response (RFR), which was developed with input from stakeholders during this contractor selection process, requires the incoming health care contractor to meet a somewhat more rigorous standard of service provision than was required under previous administrations.⁹ The DoC should also ensure sufficient monitoring of the health contractor's operations in its facilities, meaningful channels for incarcerated individuals to report problems with the contractor without facing retribution, and the imposition of penalties on the contractor for noncompliance.

Such oversight measures will advance the DoC's goal of ensuring that its health contractor increases the quality of care in Massachusetts prisons, demonstrates accountability, and improves the experiences of incarcerated individuals who seek care.¹⁰

Senator Elizabeth Warren, et al., to YesCare CEO Jeffrey Sholey, et al., October 24, 2023, <https://www.warren.senate.gov/imo/media/doc/2023.10.24%20Letter%20re%20Corizon%20Texas%20Two-Step.pdf>.

⁷ Letter from Wellpath Executive Vice President Marc D. Goldstone to Senators Elizabeth Warren and Edward Markey, February 8, 2024, https://www.warren.senate.gov/imo/media/doc/3782_001.pdf; Letter from Wellpath Executive Vice President Marc D. Goldstone to Senators Elizabeth Warren and Edward Markey, January 18, 2024, https://www.warren.senate.gov/imo/media/doc/4425_001.pdf; Letter from YesCare Counsel Raphael Prober to Senator Elizabeth Warren, et al., November 15, 2023, <https://www.warren.senate.gov/imo/media/doc/2023.11.15%20YesCare%20Response%20to%20Senate%20Letter%20%5bRedacted%5d.pdf>; Letter from Tehum Counsel Jason S. Brookner to Senator Elizabeth Warren, et al., November 15, 2023, <https://www.warren.senate.gov/imo/media/doc/2023.11.15%20Tehum%20Response%20to%20Senate%20Letter%20%5bRedacted%5d.pdf>.


⁸ Commonwealth of Massachusetts, Executive Office of Health and Human Services, "MassHealth Section 1115 Demonstration Amendment Request," August 2, 2023, pp. 13-24, <https://www.mass.gov/doc/masshealth-section-1115-demonstration-amendment-request-2/download>.

⁹ While the RFR did not include many provisions for which community members advocated, *see, e.g.*, Deeper Than Water, "End Medical Neglect in Massachusetts State Prisons," October 13, 2023, <https://deeperthanwater.org/2023/10/13/end-medical-neglect-in/>, it did include key improvements. For example, the new RFR included a provision on geriatric care, pay-for-performance incentives, more specific performance measures, and an invitation for bidders to propose innovative reforms. *See* CommBuys, "Request for Response_Amended Track Changes 1.12.24," January 12, 2024, p. 111, 151, 164-73, <https://www.commbuys.com/bsa/external/bidDetail.sdo?docId=BD-24-1025-DOCFS-FISC-92646&external=true&parentUrl=close>.

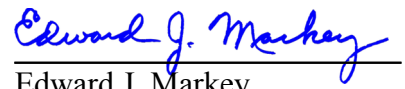
¹⁰ CommBuys, "Request for Response_Amended Track Changes 1.12.24," January 1, 2024, p. 26, <https://www.commbuys.com/bsa/external/bidDetail.sdo?docId=BD-24-1025-DOCFS-FISC-92646&external=true&parentUrl=close>.

We hope you will carefully consider the congressional oversight findings as you move forward with your decision, and we trust that you will implement robust measures to monitor the performance of the contractor that you select. Thank you for your attention to this important matter.

Sincerely,



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator