

January 18, 2024

The Honorable Elizabeth Warren
317 Hart Senate Office Building
Washington, DC 20510

The Honorable Edward Markey
255 Dirksen Senate Office Building
Washington, DC 20510

Via e-mail to Imani_Franklin@warren.senate.gov

Senators Warren and Markey,

On behalf of Wellpath, we are writing in response to your letter dated December 15, 2023. We appreciate the opportunity to highlight the work our company is doing to serve vulnerable patients in challenging clinical environments in Massachusetts and around the country.

Wellpath, a leading provider of healthcare, is a company of dedicated team members who work tirelessly to promote the health and welfare of our patients. Our company promotes rigorous standards of care, invests in innovation, and values compassionate service. Wellpath is focused on delivering high quality primary, urgent, and preventive health care. Every day, we provide healthcare for nearly 300,000 patients on behalf of public agencies.

In 2022, Wellpath became the first healthcare company to be awarded full Accreditation by the National Committee for Quality Assurance (NCQA) for Population Health Program Management in correctional settings. Wellpath also earned URAC¹ accreditation for telehealth, reflecting our commitment to quality care, enhanced processes, patient safety, and improved outcomes. In Massachusetts and around the country, our work has been accredited by the American Correctional Association, the National Commission on Correctional Health Care, and other independent accrediting bodies.

Nationally, Wellpath's team members saved more than 900 lives via rapid administration of Narcan in 2023. In response to the opioid epidemic, we manage Opioid Use Disorder (OUD) programs in more than 90 counties and 60 DOC facilities throughout the U.S. We are an industry leader in telehealth, with significant investments and innovations made to provide and expand our bandwidth for virtual emergency care, nursing and primary care.

After a competitive bid process, the Massachusetts Department of Correction selected Wellpath to care for their patients because we deliver quality care, and our front-line caregivers work diligently around the clock to improve the health of our patients in MA-DOC's custody. We work hard every day to honor the trust placed in our team members by MA-DOC.

¹ URAC is an independent, nonprofit accreditation entity that provides health care organizations with renowned accreditation and certification programs that set the highest standards in quality and safety. <https://www.urac.org/>



Our Team

Wellpath's services in Massachusetts and across the country focus primarily on routine healthcare assessments, chronic care management, and urgent care, with services and staffing patterns customized to the needs of each client and their patient population. In the Massachusetts DOC, we provide services in 14 locations, with staffing levels determined by the terms of the contract. All MA-DOC sites in Massachusetts have nursing coverage and physician/licensed independent practitioner coverage as specified by the MA-DOC contract. All sites have after hours and weekend access to on-call physician/licensed independent practitioner services, similar to other group care sites and hospital emergency department specialist coverage practices. Additionally, our *Wellpath Now* service provides 24/7 telehealth access to emergency medicine trained physicians, with consultations occurring, on average, within three minutes of the request. The time from request to consult in this service exceeds community and industry standards.

Like every healthcare provider, whether public, non-profit, or for-profit, we are constantly working to address the impact of the nursing shortage that was exacerbated by the COVID-19 pandemic, which has been particularly acute in the Northeast, as well as the effect of an overall aging patient population and the resulting increased need for healthcare resources. However, unlike most other healthcare providers and facilities in the United States, Wellpath and others in the justice-served healthcare space were not eligible for Federal government financial support (such as CARES Act funding) during the pandemic. As a result, we faced the significant nursing wage increases driven by the pandemic and the subsequent wage inflation attributable to the massive infusion of CARES Act funds to hospitals and other caregivers, without any additional funding resources. Wellpath has had to self-fund sign-on and retention bonuses, wage increases, and increased use of costly agency staffing, without the sort of direct financial wage assistance from the Federal government that was made available to other healthcare providers. We constantly evaluate innovative scheduling practices and have made a substantial investment to create a state-of-the-art virtual nursing and physician/licensed independent practitioner telehealth service to supplement on-site staffing as needed and appropriate, but that has not closed the significant revenue/wage gap. In the event that we do not utilize staffing reimbursements paid to us under the MA-DOC contract, such funds are returned to the Commonwealth of Massachusetts in accordance with our contract.

There are significant challenges to the provision of correctional/justice-served health care; clinical environments where the physical plant (which is not owned nor operated by Wellpath) is not optimal for the delivery of patient care, a patient population more adversely affected by social determinants of health, and a widespread shortage of client security/custody personnel (similar to the nursing shortage) whose partnership presence is necessary for the delivery of safe and effective care. Despite all of these challenges, we are proud of the phenomenal work our front-line caregivers do in Massachusetts to serve our client and the patients we jointly serve. In Massachusetts, we employ more than 500 highly trained medical professionals, all of whom are licensed/credentialed in accordance with the applicable statutes/rules of the Commonwealth, in addition to more than 200 support staff.

Our Work

While the bulk of our work at MA-DOC is in the nature of primary and urgent care, Wellpath provides significant preventive care to our patients as well. Many are surprised to know that every day our caregivers diagnose patients with routine, preventable and easily treatable conditions, often for the first time in the patients' lives. Prior to incarceration, many of our patients have faced substantial barriers to accessing routine healthcare services in their daily lives; Social Determinants of Health impact them more significantly than others. We are very proud of the work we do to help diagnose, treat and prevent these



routine conditions; this preventive care immeasurably improves the lives and long-term prognoses of our patients. Some of our preventive care services include:

- Vaccinations
- Screening for STIs at intake, and as needed thereafter
- Age-appropriate care for chronic diseases (notably, diabetes and A1C monitoring, and hypertension) on an ongoing basis; in fact, we operate a diabetes prevention program which is the only diabetic prevention program in corrections in the United States that has been nationally recognized by the CDC and NCCHC
- Screenings and imaging testing for lung and colon cancer, as clinically indicated
- Review of patients' family history or risk factors at yearly physicals and annual screenings, with appropriate diagnostic testing as clinically appropriate
- Hearing impairment testing upon intake and yearly as routine for screening of impairment
- Annual flu and COVID vaccinations, Hepatitis C treatment and prevention, HIV testing and counseling

Our protocols call for our patients to have regularly scheduled appointments for physical exams and chronic care, based on level of disease/symptom control. Patients can also submit a sick call slip to request a diagnostic visit or routine care; our staffers review and triage more than 95% of these sick call slips within 24 hours of receipt. For urgent or emergency issues, patients can request a custody officer to call for medical assistance at any time. We do our best to respond to such requests as soon as possible after they are transmitted to our personnel, but it is important to remember that our caregivers cannot enter secure custody environments unless accompanied by custody officers, and custody staffing is not within Wellpath's control, but rather is a function of the client's personnel management policies.

When it appears that a patient may require care that is not available on-site (for instance, routine hernia surgery) Wellpath provides a Care Management (CM) process, which includes review by a CM physician. Emergency situations or services never fall under the Care Management process. In this process, the reviewer evaluates the patient's medical record and history of current complaint (diagnosis, symptoms, need for imaging, further testing or treatment, whether it's a new diagnosis or managing an existing condition, etc.). In cases where the medical record contains clear and complete documentation of a need for offsite services, approval can occur the same day. In some cases, the reviewer requests additional and/or clarifying information, in exactly the same way that managed care providers evaluate network referrals for Medicaid managed care, Medicare Advantage, and commercial managed care programs. Where the medical record does not support the need for an offsite procedure, the CM physician can propose an alternative treatment plan. If the requesting provider and the Care Management reviewer do not agree, then the matter can be transmitted to the System Medical Director for a second opinion. If a patient disagrees with the final decision, they may file a grievance.

Psychiatric providers use the Montreal Cognitive Assessment² when evaluating new patients. When a patient presents with apparent cognitive issues, they are evaluated by a neuropsychologist and, if appropriate, referred for testing. If necessary, the behavioral health team works with the DOC's Legal Department to discuss whether the patient meets legal criteria for guardianship. If a patient is found to be impaired to the point that they lack capacity to care for themselves, and/or are considered incapacitated, we

² MoCA (Montreal Cognitive Assessment or The MoCA Test) was validated as a highly sensitive tool for early detection of mild cognitive impairment (MCI) in hundreds of peer-reviewed studies since 2000. MoCA has been widely adopted in clinical settings and used in academic and non-academic research around the world.



work with the DOC to initiate medical parole where appropriate and work to assist in seeking guardianship for those deemed not competent.

Below you will find additional answers to questions posed in your initial letter from December. We look forward to continuing this discussion; we always cherish the opportunity to highlight the work done by our caring team members.

Does Wellpath provide any portion of unspent funds back to the Massachusetts state government?

- *Yes.*

As Wellpath pursues contract renewal in Massachusetts, and as the number of incarcerated elders grows in the state, is Wellpath proposing that it will cut healthcare operational costs in Massachusetts prisons?

- *No.*

Has Wellpath paid for any lobbying to any government entities in Massachusetts in the past 5 years?

- *Yes. Information on lobbying contracts is accessible via public records.*

Has your company given any money to local sheriffs' races in Massachusetts in the past 5 years?

- *No.*

How much have individuals incarcerated in Massachusetts been charged for copays in your facilities over each of the past 5 years?

- *Medical copayment fees are addressed in a manner consistent with applicable MA-DOC policy. MA-DOC suspended copays at the beginning of COVID-19 and has not resumed collection of copayments.*

Under what circumstances is any form of restrictive confinement or seclusion used in response to a mental health condition in Massachusetts?

- *All care to individuals with a mental health condition is provided in accordance with DOC policy and Massachusetts General Law.*

Does Wellpath participate in any voluntary accreditation system in Massachusetts?

- *Yes.*

In how many of the 5 most recent accreditation cycles did an accreditor do a site visit to any of your facilities?

- *Since 2018, there have been 32 site visits by accreditors.*

Are incarcerated patients' medications ever changed or not provided without approval from the prescribing doctor or outside physician who recommended the medication?

- *All medications are reviewed for clinical appropriateness by licensed medical professionals.*



Conclusion

We are pleased to provide this information to address the questions that you've raised about Wellpath's work in Massachusetts and across the country. As you know, correctional health care is a field that presents unique clinical challenges to our team of professionals. We're proud of the work our front-line caregivers do 24/7/365 to serve our clients and our patients, and we work hard every day to improve the lives and health of the patients we are privileged to serve.

Sincerely,



Marc D. Goldstone, FAHLA
Executive Vice President and Chief Legal Officer
Wellpath





February 8, 2024

The Honorable Elizabeth Warren
317 Hart Senate Office Building
Washington, DC 20510

The Honorable Edward Markey
255 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Richard J. Durbin
711 Hart Senate Building
Washington, D.C. 20510

The Honorable Jon Ossoff
Hart Senate Office Building
Suite 303
Washington, DC 20510

The Honorable Raphael Warnock
Russell Senate Office Building
Suite 416
Washington, DC 20510

The Honorable Laphonza Butler
112 Hart Senate Office Building
Washington, DC 20510

The Honorable Peter Welch
SR-124 Russell Senate Office Building
Washington, DC 20510

The Honorable Jeffrey A. Merkley
531 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Blumenthal
706 Hart Senate Office Bldg,
Washington, DC 20510

The Honorable Bernard Sanders
Dirksen Senate Office Building,
332 2nd St NE, Washington, DC 20510

The Honorable Mazie Hirono
109 Hart Senate Office Building
Washington, D.C. 20510.

The Honorable Cory A. Booker
717 Hart Senate Office Building
Washington, DC 20510

Via e-mail to Imani_Franklin@warren.senate.gov

Dear Senators,

On behalf of Wellpath, I am writing in response to your letter dated December 18, 2023. We appreciate the opportunity to highlight the work our company is doing to serve vulnerable patients in challenging clinical environments around the country.

Wellpath, a leading provider of healthcare services, is a company of dedicated team members who work tirelessly to promote the health and welfare of our patients. Our company promotes compliance with applicable standards of care in the communities we serve, invests in innovation, and values compassionate service. Wellpath is focused on delivering high quality primary, urgent, and preventive health care. Every day, we provide healthcare for nearly 300,000 patients on behalf of public agencies.

In 2022, Wellpath became the first healthcare company to be awarded full Accreditation by the National Committee for Quality Assurance (NCQA) for Population Health Program

Management in correctional settings. Wellpath also earned URAC¹ accreditation for telehealth, reflecting our commitment to quality care, enhanced processes, patient safety, and improved outcomes. Around the country, our work has been accredited by the American Correctional Association, the National Commission on Correctional Health Care, and other independent accrediting bodies.

Nationally, Wellpath's team members saved more than 900 lives via rapid administration of Narcan in 2023. In response to the opioid epidemic, we manage Opioid Use Disorder (OUD) programs in more than 90 counties and 60 Department of Corrections facilities throughout the U.S. to serve patients suffering from opioid addiction. We are always willing to make this vital service available to any clients who request it. We are an industry leader in telehealth, with significant investments and innovations made to provide and expand our bandwidth for virtual emergency care, nursing, and primary care.

Our Team

Wellpath's services across the country focus primarily on routine healthcare assessments, chronic care management, and urgent care, with services and staffing patterns customized to the needs of each client and their patient population. Each site is staffed in accordance with the client's individual specifications. We also offer our *Wellpath Now* service to clients who desire to take advantage of this industry leading telehealth service. *Wellpath Now* can provide 24/7 telehealth access to emergency medicine trained physicians, with consultations occurring, on average, within three minutes of the request. The average time from request to consult in this service, across our patient population, exceeds community and industry standards.

Like every healthcare provider, whether public, non-profit, or for-profit, we are constantly working to address the impact of the nursing shortage that was exacerbated by the COVID-19 pandemic, as well as the effect of an overall aging patient population and the resulting increased need for healthcare resources. However, unlike most other healthcare providers and facilities in the United States, Wellpath and others in the justice-served healthcare space were not eligible for Federal government financial support (such as CARES Act funding) during the pandemic. As a result, we faced the significant nursing wage increases driven by the pandemic and the subsequent wage inflation attributable to the massive infusion of CARES Act funds to hospitals and other caregivers, without any additional funding resources. Wellpath has had to self-fund sign-on and retention bonuses, wage increases, and increased use of costly agency staffing, without the sort of direct financial wage assistance from the Federal government that was made available to other healthcare providers. We constantly evaluate innovative scheduling practices and have made a substantial investment to create a state-of-the-art virtual nursing and physician/licensed independent practitioner telehealth service to supplement on-site staffing as needed and appropriate, but that has not closed the significant revenue/wage gap.

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There are significant challenges to the provision of correctional/justice-served health care; clinical environments where the physical plant (which is not owned nor operated by Wellpath) is not optimal for the delivery of patient care, a patient population more adversely affected by social determinants of health, and a widespread shortage of client security/custody personnel (similar to the nursing shortage) whose partnership presence is necessary for the delivery of safe and effective care. Additionally, Wellpath's nurses and providers cannot examine or treat patients in custody without being escorted by correctional officers, and/or having custody officers available to bring patients to our teammates to receive care. This limitation, and the reliance on schedule/staffing availability of other entities, is another reflection of the challenging clinical environments in which our employees work. Despite all these challenges, we are proud of the phenomenal work our front-line caregivers do across the country in partnership with our clients, to care for the patients we jointly serve.

Our Work

While the bulk of our work is in the nature of primary and urgent care, Wellpath provides significant preventive care to our patients as well. Many are surprised to know that every day our caregivers diagnose patients with routine, preventable and easily treatable conditions, often for the first time in the patients' lives. Prior to incarceration, many of our patients have faced substantial barriers to accessing routine healthcare services in their daily lives; Social Determinants of Health impact them more significantly than others. We are very proud of the work we do to help diagnose, treat, and prevent these routine conditions; this preventive care immeasurably improves the lives and long-term prognoses of our patients. Some of our preventive care services include:

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- Hearing impairment testing upon intake and yearly as routine for screening of impairment
- Annual flu and COVID vaccinations, Hepatitis C treatment and prevention, HIV testing and counseling

Our standard protocols call for our patients to have regularly scheduled appointments for physical exams and chronic care, based on level of disease/symptom control; subject to the requirements of our clients' agreements. In general, patients can also submit a sick call slip to request a diagnostic visit or routine care; across our system, our staffers review and triage more than 95% of these sick call slips within 24 hours of receipt. For urgent or emergency issues, patients can request a custody officer to call for medical assistance at any time. We do our best to respond to such requests as soon as possible after they are transmitted to our personnel, but it is important to remember that our caregivers cannot enter secure custody environments unless accompanied by

custody officers, and custody staffing is not within Wellpath's control, but rather is a function of the client's personnel management policies.

When it appears that a patient may require care that is not available on-site (for instance, routine hernia surgery) Wellpath offers clients a Care Management (CM) process², which includes review by a CM physician. In this process, a reviewer can evaluate the patient's medical record and history of current complaint (diagnosis, symptoms, need for imaging, further testing or treatment, whether it's a new diagnosis or managing an existing condition, etc.). In cases where the medical record contains clear and complete documentation of a need for offsite services, approval for the requested care can occur the same day. In some cases, the reviewer requests additional and/or clarifying information, in exactly the same way that managed care providers evaluate network referrals for Medicaid managed care, Medicare Advantage, and commercial managed care programs. Where the medical record does not support the need for an offsite procedure, the CM physician can propose an alternative treatment plan. If the requesting provider and the Care Management reviewer do not agree, then the matter can be transmitted to the System Medical Director for a second opinion. If a patient disagrees with the final decision, many clients offer the patients an opportunity to file a grievance. Of course, Wellpath's caregivers also comply with a client's specific contractual requirements with respect to CM in the clients' facilities.

Conclusion

We are pleased to provide this information to address the questions that you have raised about Wellpath's work across the country. As you know, correctional health care is a field that presents unique clinical challenges to our team of professionals. We are proud of the work our front-line caregivers do 24/7/365 to serve our clients and our patients, and we work hard every day to improve the lives and health of the patients we are privileged to serve.

We look forward to continuing this discussion; we always cherish the opportunity to highlight the work done by our caring team members.

Sincerely,



Marc D. Goldstone, FAHLA
Executive Vice President and Chief Legal Officer
Wellpath

² Emergent needs are never handled within the Care Management process.