



**FULTON
COUNTY**

**FULTON COUNTY, GEORGIA
OFFICE OF THE COUNTY AUDITOR
AUDIT OF THE INMATE MEDICAL SERVICES
December 30, 2019**

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EXECUTIVE SUMMARY

In accordance with the 2019 approved Audit Plan, the Office of the County Auditor performed an audit of the Fulton County Jail's medical contract with NaphCare, Inc. (NaphCare). The audit was performed to determine if medical services were administered and conducted in accordance with the established contract deliverables.

The objectives of the audit were to determine NaphCare's quality of performance in carrying out the assigned responsibilities as it relates to the deliverables for the NaphCare contract and to determine if proper practices were followed in accordance with the *National Commission on Correctional Health Care Standards for Health Services in Jails and NaphCare's policies and procedures*. The scope of the audit was January 1, 2018 through December 31, 2018.

Fulton County Sheriff's Office entered into a contract with NaphCare on January 1, 2018 to provide inmate medical services at the Fulton County Jails (Fulton County, Alpharetta, and Union City). NaphCare is a privately-owned company based in Birmingham, Alabama founded and incorporated in 1989. NaphCare manages a full range of healthcare services throughout the United States. In addition to providing comprehensive healthcare programs, their primary goal is to ensure that the quality of healthcare remains in compliance with the National Commission of Correctional Health Care (NCCHC), the American Correctional Association (ACA), and all applicable local, state and federal regulations.

We conducted this audit in accordance with *Generally Accepted Government Auditing Standards (GAGAS)*. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. The following summary provides management with an overview of conditions requiring attention.

- Of the fifty (50) intake files reviewed, 8% did not receive the initial pre-booking screening, and 17% did not receive a twelve (12) hour examination;
- Out of the fifty (50) *NaphCare Medical Department Sick Call Request forms* reviewed, 28% of the sick call request forms were not available for review. In addition, 18% of the inmates were not triaged within twenty-four (24) hours; 30% of the inmates did not receive services within forty-eight (48) to seventy-two (72) hours and an additional 8% of the inmates' services provided were not documented;
- Our review of the *NaphCare Medical Department Sick Call Request-Managed by Techcare Form* procedures revealed that 63% were not date stamped; 14% received by nurse date was not noted; and the triaged date was not indicated on 9%;
- Of the fifty (50) files reviewed, 8% of the inmates receiving and mental health screenings were not performed, 26% mental health evaluations were not performed and 10% of the mental health evaluations were not performed within five (5) days;
- No mechanism in place to provide information as to whether inmates were released with at least a four (4) day supply and/or a written prescription of their medication;
- 74% of the complaints/grievances were not responded to within the seventy-two (72) hour timeframe; None of the grievance forms reviewed; specifically the Grievance Officer's Report

sections were completed to include the Grievance Officer's report, time, and date; one (1) file did not have a grievance report attached; and 8% of the files reflected discrepancies; and

- The onsite pharmacy department does not maintain an inventory log for over-the-counter medications.

INTRODUCTION

In accordance with the 2019 approved Audit Plan, the Office of the County Auditor performed an audit of the Fulton County Jail's medical contract with NaphCare to determine if medical services were administered and conducted in accordance with the established contract deliverables.

BACKGROUND

Fulton County Sheriff's Office entered into a contract with NaphCare on January 1, 2018 to provide inmate medical services at the Fulton County Jails (Fulton County, Alpharetta, and Union City). NaphCare is a privately-owned company based in Birmingham, Alabama founded and incorporated in 1989. NaphCare manages a full range of healthcare services throughout the United States. In addition to providing comprehensive healthcare programs, their primary goal is to ensure that the quality of healthcare remains in compliance with the National Commission of Correctional Health Care (NCCCHC), the American Correctional Association (ACA), and all applicable local, state and federal regulations.

As a privately-owned company, NaphCare focuses on providing outstanding services and maintaining close client relationships. NaphCare's philosophy is to deliver customized healthcare solutions for its prison and jail partners by continuously evaluating and enhancing their program to adapt to each facility's unique, as well as evolving, medical standards.

OBJECTIVE

The objectives of the audit were to determine NaphCare's quality of performance in carrying out the assigned responsibilities as it relates to the deliverables for the NaphCare contract and to determine if proper practices were followed in accordance with the *National Commission on Correctional Health Care Standards for Health Services in Jails and NaphCare, Inc.'s policies and procedures*.

SCOPE

The scope of the audit was January 1, 2018 through December 31, 2018.

METHODOLOGY

We conducted the audit in accordance with *Generally Accepted Government Auditing Standards (GAGAS)*. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

To accomplish our audit objectives, we focused primarily on the internal administrative and operational controls over the inmate medical services and performed the following audit procedures:

- Obtained and reviewed the Medical Services contract to gain an understanding of the deliverables to be performed;

- Conducted various interviews with key staff members to obtain an understanding of the medical services being performed; and
- Reviewed *NaphCare's policies and procedures* and the *National Commission on Correctional Health Care Standards for Health Services in Jails* to gain an understanding of how medical procedures should be conducted within the Fulton County Jails.

We believe that the evidence obtained provides a reasonable basis for our findings and recommendations detailed in the section below.

FINDINGS AND RECOMMENDATIONS

Finding 1 – Lack of Oversight of the Intake Process

According to the contract deliverables, before an inmate is accepted into the Fulton County Jail, NaphCare's medical staff is required to perform a pre-booking screening to determine if the inmate is clinically stable and can be accepted for booking. If an inmate was injured or tazed during an arrest a clearance from the Grady Health System Emergency Room must be provided prior to being booked. During the pre-booking screening, inmates' vital signs are taken by an LPN or RN. If an inmate is still being held within twelve (12) hours of being booked, a more in-depth screening, vital signs, physical and mental health evaluation is required to be performed.

During our review of the intake screening process, we selected and traced fifty (50) inmates' files to NaphCare's Techcare medical software system. It was determined four (4) of the fifty (50) inmates or 8%, did not receive the initial pre-booking screening; and eight (8) out of forty-eight (48) or 17% did not receive a twelve (12) hour examination, as required. This may have occurred as a result of insufficient monitoring and/or oversight in the intake process. Failure to ensure that all inmates receive a pre-booking screening can lead to an inmate not being clinically stable for booking and could result in a life-threatening circumstance.

Recommendation

We recommend that NaphCare ensures all inmates receive pre-booking screenings and twelve (12) hour examination, as required, prior to being booked into the Fulton County Jails.

Finding 2 – Sick Call Requests Not Properly Documented

In accordance with the *National Commission on Correctional Health Care Standards for Health Services in Jails and NaphCare's policies and procedures J-E-07-Nonemergency Health Care Requests and Services*, all inmates are given the opportunity to submit oral or written healthcare requests at least daily. Utilizing the *NaphCare Medical Department Sick Call Request-Managed by Techcare Form*, sick call requests are evaluated by a nurse to determine if the requests should be treated immediately. All evaluations are required to be noted on the sick call form and documented in the Techcare medical software system as proof of services provided. If the nurse determines the inmate needs to see a doctor an appointment will be scheduled. If a request is for clinical symptoms, a face to face encounter is conducted by a qualified

healthcare professional within twenty-four (24) hours. All aspects of the health care process, from review and prioritization to subsequent encounter, are required to be documented, dated, and time stamped. A disposition should also be made and noted on the patient's *NaphCare Medical Department Sick Call Request-Managed by Techcare Form*.

A sample of fifty (50) inmates' sick call requests were selected for examination. During our review, we discovered,

- Fourteen (14) or 28% of the *NaphCare Medical Department Sick Call Request forms* were not available for review therefore, we were unable to determine if the inmates were triaged or received services within twenty-four (24) to seventy-two (72) hours, or if any services were provided;
- Nine (9) or 18% of the inmates were not triaged within twenty-four (24) hours;
- Fifteen (15) or 30% of the inmates did not receive services within forty-eight (48) to seventy-two (72) hours; and
- An additional four (4) or 8% of the inmates' services provided were not documented.

While NaphCare, Inc. has policies and procedures in place to ensure sick call requests are completed and medical service are properly documented, the nursing staff failed to ensure the sick call request forms were utilized for all sick calls and failed to ensure sick calls were addressed in a timely manner, as required. Failure to utilize the *NaphCare Medical Department Sick Call Request-Managed by Techcare Form* and failure to document pertinent information results in the lack of evidence that the sick call requests were addressed in a timely manner.

Recommendation

In order to strengthen the performance of inmates' sick call requests and to ensure the sick call process is in compliance with the contract deliverables, we recommend that the nursing staff revisits NaphCare's sick call policies and procedures in order to ensure the proper execution of all sick call requests, from initial receipt to final disposition. In addition, we recommend management monitors the process routinely to ensure sick calls policies and procedures are being followed.

Finding 3 – Incomplete Sick Call Requests

NaphCare's policies and procedures state that sick call requests must be submitted on a *NaphCare Medical Department Sick Call Request Form* which are provided by an LPN twice a day seven (7) days a week. The sick call request form must be signed, dated and time stamped at the time the sick call request was received and the triage decision must be documented by a nursing staff. During our review, we discovered:

- Twenty-two (22) of the thirty-five (35) sick call forms or 63% were not date stamped;
- Five (5) of the thirty-five (35) sick call forms or 14% received by nurse date were not noted; and
- The triaged date was not indicated on three (3) of the thirty-five (35) sick call forms or 9%.

We concluded that NaphCare’s nursing staff did not properly document the date received, nor document the date and time triaged was performed, as required. This inaction could result in an oversight of medical treatment or an inmate not being treated in a timely manner.

Recommendation

We recommend that NaphCare implements a monthly review process of the *NaphCare Medical Department Sick Call Request-Managed by Techcare Forms* in order to ensure pertinent information is properly documented and quality medical care is provided for all inmates.

Finding 4 – Lack of Mental Health Screenings

NaphCare’s policies and procedures J-F-03 Mental Health Services-Behavioral Consultation states that NaphCare is responsible for the coordination of both physical and mental health screening of all inmates entering the Fulton County Jails during the inmate intake process. A receiving and mental health screening are required to be performed on all inmates within twenty-four (24) hours of being booked into the Fulton County Jail. If it is determined an inmate has mental health challenges, they are referred for a full mental health evaluation within five (5) days, by a qualified mental health professional (Psychiatrist, licensed clinical social worker, nurse practitioner, physician’s assistant, mental health associate or licensed professional counselor). For all inmates who required mental health services, NaphCare should provide assistance in an effort to identify, assess, and link inmates with services specific to their needs. A referral for admission will be made to a licensed mental health facility for patients whose needs exceed the treatment capabilities of the jail.

Of the fifty (50) mental health assessments reviewed, NaphCare did not perform:

- 8% of the inmates receiving and mental health screenings;
- Mental health evaluations were not performed on 26% of the inmates; and
- 10% of the mental health evaluations were not performed within five (5) days.

In addition, we noted one (1) inmate’s receiving and mental health forms were incomplete and two (2) inmates’ receiving and mental health forms were not available for review. This may have occurred due to an oversight by the nursing staff. Not performing mental health evaluations timely could result in eligible inmates not receiving mental health services.

Recommendation

We recommend that the staff of NaphCare perform all receiving and mental health screenings during the intake process in order to comply with the contract deliverables as well as *NaphCare’s policies and procedures*.

Finding 5 – Lack of Documentation (HIV Treatment)

According to the contract, *“NaphCare is to provide all medically necessary care and treatment to any inmate diagnosed with HIV infection or AIDS, to include providing any HIV positive inmate with at least a*

four (4) day supply and a written prescription of their medication at the time of their release from the Fulton County Jail.”

Of the fifty (50) inmates’ files sampled from chronic care, 22% were diagnosed with HIV infection or AIDS, but there was no mechanism in place to provide information as to whether these individuals were released with at least a four (4) day supply and a written prescription of their medication. Additionally, we were unable to determine if NaphCare was notified when an inmate was released. Although, NaphCare has policies and procedures in place to provide medication upon an inmate’s release, there appears to be a lack of communication between the staff of the Fulton County Jails and the staff of NaphCare to ensure timely notification is provided. The Medical Director of NaphCare informed us that a four (4) day supply is available for anyone that is diagnosed with an illness, not just HIV, upon release. However, she stated the inmates must request the medication and the majority of the time they are either unaware of the inmate’s release or the inmate is ready to leave. The lack of documentation and communication give the perception of non-compliance with the terms of the contract.

Recommendation

We recommend that NaphCare implements a recordkeeping system that exhibits inmates diagnosed with HIV infection or AIDS that received at least a four (4) day supply of medication upon release. A collaborative effort should also be made to execute a system that allows all pertinent parties to be alerted of an inmate’s release. Additionally, NaphCare should consider revising the terms of the contract to accurately reflect the process of prescribing and distributing HIV/AIDS medication to inmates that are discharged.

Finding 6 – Untimely Responses to Complaints/Grievances

The terms of the contract illustrates NaphCare should respond to medical grievances within seventy-two (72) hours of receipt. Our review of the inmates’ medical complaints/grievances revealed that of our sampled population, 74% of the medical complaints/grievances were not responded to within the seventy-two (72) hour timeframe. We were informed that the volume of medical complaints/grievances received posed a challenge for the assigned staff to respond within seventy-two (72) hours. Unresolved and/or untimely responses to medical grievances can possibly inflict more harm on the inmates.

Recommendation

We recommend that NaphCare comply with the terms of the contract and consider allocating additional resources to processing the medical complaints/grievances received.

Finding 7 – Inadequate Recordkeeping

The Inmate Medical Services contract reflects NaphCare is responsible for tracking the timeliness from receipt of grievance in custody to response to the inmate. NaphCare must also provide a system of tracking complaints from receipt to resolution. Of the fifty (50) grievance reports selected, 100% were incomplete as none of the grievance forms’ Grievance Officer’s Report sections were completed; one (1) file did not have a grievance report attached; and four (4) or 8% of the files reflected discrepancies. This

may have occurred as a result of not having supervisory review of the information inputted into the Techcare system.

Moreover, the contract specifies that NaphCare is responsible for implementing a professional performance enhancement review program that entails ongoing monitoring of the professional performance of the nursing and clinician staff with feedback in regards to performance. During our audit, we were unable to review the program and any applicable feedback. This gives the perception that the aforementioned information is nonexistent.

Inadequate and/or incomplete recordkeeping can impede the production of quality data that may assist in vital decision making for improved operations at the jail.

Recommendation

We recommend that NaphCare ensures all programs, reports and forms are completed in their entirety. We also recommend the incorporation of supervisory reviews to mitigate erroneous and incomplete submissions.

Finding 8– No Inventory Log for Over-the-Counter Medication

According to the contract, NaphCare is expected to provide a computerized pharmacy system. The pharmacy must maintain inventory, cost and ordering records for all pharmaceuticals, including all over-the-counter medications dispensed by the pharmacy. Our review of the onsite pharmacy department revealed that controlled substances were secured and an inventory log was maintained; however, inventory was not performed and an inventory log did not exist for over-the-counter medications. We were informed that medication is ordered within the computerized pharmacy system monitored by the corporate office. This process may be the reason an inventory log is not maintained. Not maintaining an onsite inventory of the over-the-counter medications can result in fraudulent activity.

Recommendation

In order to comply with the contract deliverables, we recommend that NaphCare implements an inventory system to properly account for all over-the-counter medications.

Audit Concern – Contract Language Does Not Align with Policies and Procedures

The contract states the service provider (NaphCare) is responsible for performing key tasks required for the scope of work. As such, NaphCare must establish and implement written protocols, policies and procedures that comply with all standards and requirements of the contract and must conduct an annual review of its protocols, policies and procedures.

Our review of *NaphCare’s Policies and Procedures Manual* revealed several areas that lacked established policies and procedures, as it relates to the contract terms and requirements. This may have occurred due to the *National Commission on Correctional Health Care Standards for Health Services in Jails* being updated during the contract year, which resulted in several areas of the contract verbiage not coinciding

with the standards and/or requirements. Failure to ensure the contract language aligns with established policies and procedures could cause noncompliance with applicable policies and procedures.

Recommendation

We recommend that the NaphCare contractual agreement be amended in order to ensure the contract deliverables' language aligns with the requirements of the *National Commission on Correctional Health Care Standards for Health Services in Jails*. In addition, policies and procedures should be established for all facets of health services in the Fulton County Jails.

Audit Concern – Missing Reports

According to the Inmate Medical Services contract, Section K, Reports states *the Service Provider must compile monthly statistical data of services provided, which are to be used to create quarterly service reports. These reports are to be mutually agreed upon, in advance, between the parties. Service Provider shall suggest a list of performance measures to be reported in the response to the RFP. These reports are to be furnished to the Chief Jailer and the Sheriff's Office Director of Medical Services. The Service Provider must provide additional ad hoc reports as requested by the Sheriff, Chief Jailer, or Director of Medical Services.* These reports must include, but will not be limited to the following:

- a) Jail Population
- b) Intake Admissions-Total
- c) Sick Call Requests
- d) Nursing Encounters
- e) Medical Provider Encounters
- f) Mental Health Provider Encounters
- g) Patients on Medications
- h) Emergency Room Send Outs
- i) Jail Patient Inpatients (both number and patients and bed days)
- j) Specialty and Other off-site Jail Patients Appointments
- k) Infirmary Admissions
- l) Grievances
- m) Medication Usage by Medication, Classification and Cost

During our review of the monthly statistical data of service reports and the quarterly service reports, it was determined that the aforementioned reports were provided monthly by NaphCare except the Medication Usage by Medication, Classification and Cost report. NaphCare informed us that the Medication Usage by Medication, Classification and Cost report is not a part of their compilation of monthly reports: however, if the report is requested it will be provided. Lack of providing the required monthly reports may result in noncompliance with the terms of the contract.

Recommendation

We recommend management ensure all required reports are provided to Fulton County as stated in the contract agreement.

Audit Concern – Invoice Overpayment

According to the Inmate Medical Services contract, Article 39, Invoicing and Payment, the *Service Provider shall submit monthly invoices for work performed during the previous calendar month, in a form acceptable to the County and accompanied by all support documentation requested by the County, for payment and for services that were completed during the preceding phase. The Sheriff's Office shall review for approval of said invoices. The County shall have the right not to pay any invoice or part thereof if not properly supported, or if the costs requested or a part thereof, as determined by the County, are reasonable in excess of the actual stage of completion.*

Our review disclosed that the amount billed to Fulton County by NaphCare, totaled \$21,774,824.43, which exceeds the established contracted amount by \$1,044,475.35. We noted the April, June, July and September invoices included pharmacy healthcare services totaling \$1,044,475.35 for HIV medications, oral chemotherapy and other services, which were not included and/or agreed upon in the signed contract, which resulted in the overpayment of \$1,044,475.35. None of the invoices reviewed were accompanied by supporting documentation showing itemization or explanation of services provided. Consequently, the lack of supporting documentation can increase the risk of inaccurate invoices which may result in overpayments.

Recommendation

The Office of the County Auditor recommends that management and NaphCare ensure accuracy of the agreed upon terms of the contract prior to execution. Furthermore, we recommend all invoices include supporting documentation for services rendered and are reviewed in order to confirm accuracy and prevent overpayments.

CONCLUSION

Our audit of the Fulton County Medical Contract with NaphCare identified several weaknesses that have resulted in the following findings:

- Lack of Oversight of the Intake Process
- Sick Call Requests not Properly Documented
- Incomplete Sick Call Requests
- Lack of Mental Health Screenings
- Lack of Supporting Documentation
- Untimely Responses to Complaints/Grievances
- Inadequate Recordkeeping
- No Inventory Log for Over-the-Counter Medication

We also have three (3) concerns in reference to contract language, missing reports and invoice overpayment.

We recommend management and staff give immediate attention to the above findings and recommendations.

Please provide a written response to this audit within ten (10) business days. Be sure to address the written response to Anthony Nicks, County Auditor. The written response should be submitted through the County Manager's Office and to Joi Hargis, Audit Coordinator, in the Office of the County Auditor at joi.hargis@fultoncountyga.gov. We would like to thank management and staff for their timely cooperation and assistance during this audit. The distribution of this report is reserved for the executive management of Fulton County and the Board of Commissioners.