

**JUDGE GRANTS RECEIVER'S REQUEST TO RAISE
SALARIES FOR PRISON MEDICAL STAFF**

-State law to be waived-

***Action will improve quality of care, help fill vacancies,
reduce cost of contractors***

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SAN FRANCISCO, Calif. – The Honorable Thelton E. Henderson, of the U.S. District Court for Northern California, today granted the request of federal Receiver Robert Sillen to waive California state law, thus allowing the Receiver to raise medical staff salaries in California prisons.

The narrowly drawn order waives specific provisions of California law and regulation that designate the state's Department of Personnel Administration as the agency responsible for establishing and adjusting salary ranges for civil service classifications. The court's action will allow the Receiver to exercise that authority, in the case of certain prison medical staff positions, for a number of raises that will be retroactive to September 1. The increases will apply to a broad spectrum of prison health care staff, including those in Nursing, Pharmacy, Medical Transcribing, X-Ray, Medical Records and Dietary Services. In addition, Nurse Practitioners (NPs) and Physician Assistants (PAs) will receive raises. Physician raises will follow after the Receiver has had an opportunity to determine the basis upon which to grant individual increases.

“We cannot move forward to improve prison medical care without qualified, adequately compensated staff, in sufficient numbers,” Sillen said. “Years of neglect by the state have produced an underpaid medical workforce, which not surprisingly has resulted in high vacancy rates, inadequate care and over-reliance on high-priced temporary agencies.”

The salary adjustments will deliver increases ranging from 5 to 64 percent over time for critical health care positions, bringing their salaries closer in line with those paid at University of California hospitals. The estimated cost of the increases is approximately \$24 million in the first year, if all the positions are filled. By contrast, in fiscal year 2005-06, the state spent \$90 million on contract employees to help fill huge vacancies in prison medical staffing. Contractors are far more costly than permanent employees. Currently the state pays an average of \$67 per hour for temp nurses v. \$38 per hour to state-employed nurses (\$49 per hour with benefits).

The Receivership is the result of a 2001 class action law suit - *Plata v. Schwarzenegger* - that found the medical care in California's 33 adult prisons violates the Eighth Amendment, which forbids cruel and unusual punishment. Judge Henderson appointed Sillen as Receiver in February 2006 and charged him with taking over the operations of the state's prison medical care system, bringing it up to constitutional levels.

High vacancy rates for prison medical staff negatively impact the quality of patient care, and make it difficult to achieve systemic improvements, because there are so few permanent staff to implement and maintain remedial efforts.

Today, California prisons have a 20 percent vacancy rate statewide for primary care providers (physicians, NPs and PAs) and a 15 percent shortage of registered nurses (which rises to 51% in the Bay Area). Pharmacists' vacancy rate is 42 percent, and for clinical dieticians, it is 63 percent. Medical transcribers and medical records technicians both have 26 percent vacancy rates, and there is a 44 percent shortage of X-Ray technicians.

"Satisfactorily addressing the chronically high vacancy rates within CDCR's health care division is a necessary predicate to achieving a constitutionally adequate medical care delivery system," Judge Henderson wrote in today's order. "Defendants (the State) did not dispute either the reasonableness of the recommended salary ranges or the necessity of implementing them promptly."

Henderson noted that an earlier court order (December 2005) raising registered nurse salaries succeed in shrinking the vacancy rate from 39 to 15 percent. Prison pharmacists, who are paid approximately half of market wage, will be receiving maximum salary increases of 64 percent from the Receiver. The state also pays prison clinical dieticians less than half of market wage, and they will see maximum increases of 28 percent.

"Qualified health care professionals are an endangered species," Sillen said. "They need to be paid appropriately and provided with clinical environments and working conditions where they can do the job they trained to do: take care of patients. That's what this Receivership will deliver. Salaries are only the first step, but they make a big difference."

Here is more detail on the vacancy rates and upcoming pay increases:

Position	Current Vacancy Rate	Max. Salary Increase	Max. Salary
Medical Transcriber	26%	10%	\$38,808
X-Ray Technician	44%	49%	\$62,436
Medical Records Tech	26%	13-19%	\$42,708-\$51,564
Registered Nurse	15% statewide 51% Bay Area	23% statewide 35% Bay Area	\$97,848 \$107,868
Pharmacist	42%	63-64%	\$112,668- \$123,936
Clinical Dietician	63%	28%	\$59,136
Nurse Practitioner & Physician Assistant	20% (for all primary care providers)	5% statewide 9% Bay Area	\$115,440 \$119,868

The Receiver also was granted the authority to raise physician salaries up to \$300,000, from the current \$150,000, at his discretion.

In addition, the Receiver has added Licensed Vocational Nurse (LVN) to the job classifications in the prison medical system, and is now recruiting to fill those positions. These nurses will replace Medical Technical Assistants (MTAs), a hybrid position held by peace officers that is being phased out. The new LVN salaries will range from \$40,620 to \$49,368 statewide; \$45,600 to \$55,428 in the Bay Area – competitive wages that represent a substantial savings from MTA salaries, which range from \$56,400 to \$68,544. Significant additional savings will result since MTAs receive peace officer pension benefits. There are currently about 1,100 MTAs budgeted in the CDCR health services division who will be replaced by LVNs.

The Receiver will work with the CDCR, appropriate state agencies and unions to implement the increases. It is likely that the disbursement of the retroactive increases, effective September 1, will be rolled out by occupation. CDCR medical employees are urged to be patient while the details of achieving this major improvement are ironed out.

Find Judge Henderson's order on the CDCR web site at www.cdcr.ca.gov.