



# PHYSICIANS FOR CRIMINAL JUSTICE REFORM

June 14, 2022

Hon. George Little  
Acting Secretary of Corrections  
1920 Technology Pkwy  
Mechanicsburg, PA 17050

*Via electronic delivery*

**Re: Please eliminate the prohibitory \$5 medical copay for incarcerated people in Pennsylvania**

Dear Acting Secretary Little:

We write to urge you to eliminate the \$5 medical copay that is required for incarcerated people to receive basic healthcare in state prisons. FAMM and the Pennsylvania Prison Society [have previously outlined](#) that this is a prohibitory barrier that unnecessarily increases chronic disease burden for those in the commonwealth's prisons and jails and disregards their basic humanity.

The momentum to eliminate medical copay requirements for incarcerated people continues to accelerate across the country, with [Illinois](#) recently eliminating copays after a 2019 study determined that 60% of people in the state's prisons [avoided seeking care](#) due to the copay. Furthermore, the value of eliminating the copay in safeguarding people's health and safety was evident in Pennsylvania over the preceding years under the suspension of the copay at the height of the SARS-CoV-2 pandemic by former Secretary Wetzel. We firmly believe that all people deserve to have their health needs met and that the punishment of being in jail or prison should not include barriers to receiving healthcare. *Thus, the copay suspension should be immediately re-implemented and steps taken to eliminate the \$5 copay permanently.*

**Incarcerated people are the only group of individuals with a constitutional right to healthcare**

As held by the Supreme Court in [Estelle V. Gamble \(1976\)](#), "deliberate indifference by prison personnel to a prisoner's serious illness or injury constitutes cruel and unusual punishment contravening the Eighth Amendment." Therefore, this ruling established that incarcerated individuals must be provided necessary healthcare as a basic right under the U.S. Constitution.

However, incarcerated individuals in Pennsylvania must currently pay a \$5 copay to receive necessary care for their chronic health conditions. Incarcerated people who are fortunate enough to have a regular job are paid a minimum wage of [only 19 cents per hour](#) and make an [average wage of 42 cents per hour](#) across the state. *Thus, an individual is required to work for 12 to 26 hours to cover the cost of a single visit for routine medical care.* Meanwhile, there are not enough prison jobs to provide every incarcerated person paid work and about 28% of people in Pennsylvania prisons [are older adults](#), making a \$5 copay and medical treatment even further out of reach for so many.

Additionally, incarcerated individuals [carry a high chronic disease burden](#) and are among those most in need of healthcare access. Thus, requiring a \$5 medical copay for people incarcerated in Pennsylvania only functions to be prohibitive for receiving basic healthcare behind bars, which not only deprives people of their constitutional right to healthcare but also increases the severity of avoidable health problems and the subsequent financial costs of incarceration. We must eliminate the \$5 copay required of incarcerated people in Pennsylvania to uphold their constitutional rights, serve their basic healthcare needs, and respect their dignity as fellow human beings.

### **Incarcerated individuals in the U.S. have higher rates of disease than the general population**

In its [2016 special report](#) analyzing 2011-2012 data, the Department of Justice, Bureau of Justice Statistics (DOJ-BJS) determined that 40% of people in state and federal prisons and jails had a chronic health condition and that they were significantly more likely than the general population to have some of the most common conditions, including high blood pressure, diabetes, heart disease, asthma, and even infectious diseases. Additionally, [estimates of psychiatric illness](#) range from 37% to 60%, which is also significantly higher than for the general population. Thus, the \$5 copay poses a substantial obstacle to obtaining vital care for these and other chronic conditions, which is detrimental to health burden behind bars and which leads to wasted taxpayer dollars that could instead be efficiently allocated toward chronic disease management and prevention in the carceral setting to reduce overall costs of care.

### **Prison healthcare costs & disease mortality are higher when we deny basic care to incarcerated people**

When an excessive financial barrier such as the \$5 copay [deters people](#) from receiving regular care, it increases the overall costs of care for incarcerated people and exacerbates their health conditions that could have been easily managed with regular treatment. For example, it is estimated that [between 48% and 64%](#) of lifetime medical costs for a person with diabetes are for serious complications that result from poorly-managed diabetes, including heart disease and stroke.

Moreover, by barring people with psychiatric conditions from receiving regular care via the \$5 copay, they are more likely to have behavioral crises resulting from their poorly-managed conditions and be punished via solitary confinement. In fact, solitary confinement is so often used punitively that both the [American Medical Association](#) and the [National Commission on Correctional Health Care](#) have condemned its use for people with mental illness.

Solitary confinement is [well-documented](#) to create devastating mental health outcomes and even increase mortality by suicide, with [one study](#) of over 200,000 people finding that those experiencing any time in solitary confinement during their imprisonment were 78% more likely to die from suicide within the first year of re-entry into the community compared to people released who did not experience solitary. Thus, the \$5 copay can indirectly cause even worse public health consequences from prohibiting care.

**Physicians for Criminal Justice Reform joins FMM and the Pennsylvania Prison Society in urging you to immediately suspend and permanently eliminate the \$5 medical copay for incarcerated people in Pennsylvania state prisons.**

Thank you for considering our statement on this important issue. Please contact Zane Kaleem, M.D. at [Zane@pfcjreform.org](mailto:Zane@pfcjreform.org) or 717-473-7371 with any questions or requests for assistance.

Sincerely,

*/s Syed Zane Kaleem*

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Physicians for Criminal Justice Reform

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*/s Kristin Huntoon*

Kristin Huntoon, Ph.D., D.O.  
Public Relations Committee Chair  
Physicians for Criminal Justice Reform

cc:

Honorable Tom Wolf, Governor  
Lieutenant Governor John Fetterman  
Honorable Josh Shapiro, Attorney General  
Pennsylvania Senate Officers and Leadership  
Pennsylvania Senate Judiciary Committee  
Pennsylvania House Officers and Leadership  
Pennsylvania House of Representatives Judiciary Committee  
Pennsylvania House Bill 1753 Sponsor and Co-Sponsors  
Pennsylvania Department of Health  
Pennsylvania Department of Aging  
Pennsylvania Department of Health and Human Services