

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

APR 16 2024

Nathan Ochsner, Clerk of Court

In re:) Chapter 11
)
TEHUM CARE SERVICES, INC.) Case No. 23-90086 (CML)
)
Debtor.)

MOTION FOR ADVISEMENT

COMES NOW, Creditor Christopher D. Harrell, a creditor in this case, *pro se*, hereby submits the attached article whereby YesCare has admitted to being the same medical company as Corizon, despite its protestations to the contrary to this very court.

“The Wyoming Department of Corrections is switching health care providers after 18 years with the same company—and the longtime provider isn’t happy about it....Jason Begger, a representative for YesCare told the [Wyoming] Joint Judiciary Committee during its March 6 meeting...”

These very same companies have told this very court during its bankruptcy hearings that Corizon and YesCare are very different companies, and yet they somehow told the Wyoming Legislature that YesCare has been providing its inmates medical care for 18 years, from a company that did not exist prior to May of 2022. How can this be true?

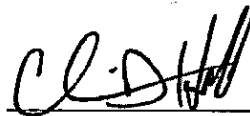
This court needs to be made aware of this fact as this information needs to be applied to the entire successor liability argument. Either Corizon and YesCare are the same company or they are different companies? Someone needs to figure out which it is? Thankfully, it appears the State of Wyoming is willing to acknowledge that the owners of “whatever” company is to be providing medical to us Wyoming inmates, is costing the State more money than they are worth, because at the end of the day, the State of Wyoming will be on the hook to cover the jury’s



verdicts as Corizon/YesCare/Tehum cannot afford too as they will very soon have zero contracts providing money to its greedy owners.

Hopefully the new medical company treats us better than the old one! Thank you to the court for taking this matter under advisement.

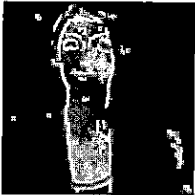
DATED this 10th day of April, 2024.



Christopher D. Harrell, Creditor
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After 18 Years, Wyoming Prisons Drops Health Provider That's Been Sued 1,000+ Times

The longtime health care provider for Wyoming prisons has reportedly been sued over 1,000 times across the U.S., and after 18 years has been dropped in favor of another, possibly more expensive company.



Clair McFarland

March 29, 2024 6 min read

The Wyoming Department of Corrections is switching health care providers after 18 years with the same company — and the longtime provider isn't happy about it.

YesCare, formerly Corizon, lost a recent bidding process to NaphCare, with which the Wyoming Department of Corrections (DOC) said it was finalizing negotiations Friday.

YesCare protested the loss of its longtime contract with the state's prison system this month, claiming its competitor and winning bidder's plan appears to be more expensive.

Jason Begger, a representative for YesCare, told the Joint Judiciary Committee during its March 6 meeting that the new provider will cost taxpayers an additional \$9 million per biennium.

He questioned why Wyoming would choose a more expensive company and said a third-party auditor in Wyoming had recently given YesCare a glowing review.

DOC Director Dan Shannon disputed that claim in a Wednesday email to Cowboy State Daily, saying the \$9 million estimation is not accurate, but that he couldn't go into detail while the negotiations process is ongoing.

YesCare proposed a two-year contract for \$41,155,776, while NaphCare proposed a contract for \$48,765,858, according to their respective contract bids.

That's a difference of about \$7.6 million.

Some of the difference is in insurance: NaphCare itemized its malpractice and worker's compensation insurance at about \$2.27 million, while YesCare listed its professional liability insurance at \$782,800.

NaphCare's bid, however, may not reflect the final contract amount; negotiations have been ongoing for weeks.

Maybe It's The Lawsuits

Rep. Karlee Provenza, D-Laramie, said YesCare's disfavor could stem from its history of litigation and not be related to a pricing or care difference.

“YesCare and (its earlier iteration) Corizon, I believe, have been sued over 1,000 times across the United States because they’ve not provided adequate health care to incarcerated folks,” said Provenza at the committee meeting. “And quite frankly, I’ve gotten complaints from folks who have people they love inside.

“This is a company that has a long track record of issues.”

A search of the federal court database filtered to show “Corizon” as defendant in open civil cases returned well over 1,000 results.

In a follow-up interview Friday, Provenza pointed to a report on Corizon’s recent bankruptcy. The company restructured its debts under another company and formed YesCare to continue providing health care in prisons and jails, the Marshall Project reported.

Providing health care services in prisons is litigious business.

NaphCare also garnered bad press in 2022 when a federal jury ordered it to pay nearly \$27 million in damages to the family of a woman who died in the Spokane County Jail, Seattle Times reported.

NaphCare did not respond by Friday to a Wednesday press-line email requesting comment.

Red Herring, Lawmakers Say

Begger cited a concern at the meeting about whether DOC will want to pursue transgender treatments for prisoners.

But some lawmakers, and Shannon, are calling that a red herring aimed at distracting Wyomingites.

“In the RFP (bid proposal), YesCare noticed language inferring the new contract would cover transgender reassignment surgeries and other surgical treatment of gender dysmorphia treatment issues,” said Begger.

He asked the committee to extend more “oversight” over the department.

Shannon, who was at the meeting to discuss other topics with the committee, appeared startled.

He told the committee he felt like he was being baited, and noted DOC was still in negotiations with the potential new provider.

“We’ve not done any (transgender) surgeries — we follow the courts,” said Shannon, adding that DOC would not be the decision-maker on transgender-related treatments either way. It would defer to courts on the legal questions and to its health care provider on the medical questions.

“There’s not one word of ‘transgender’ in that RFP,” Shannon said, adding that the Wyoming DOC’s transgender policy had been out since 2021 and “has not changed.”

He later clarified in an email to Cowboy State Daily saying he misspoke: the policy changed last year in response to new federal rules.

Cowboy State Daily searched the RFP for the word “gender” and yielded no results. The RFP says care for “specialty populations” should meet federal and state regulations.

Shannon reiterated his position in his Wednesday email:

“The Department of Corrections has never discussed wanting a provider to perform transgender related surgeries,” said Shannon. “The (department’s) contracted providers only deliver services that are deemed medically necessary. Additionally, the WDOC has no authority to make medical decisions.”

He said DOC released the new bid proposal to review other medical providers and be good stewards of public resources. He noted incarcerated people are the only citizens constitutionally guaranteed to medical services.

Committee Not Interested

Judiciary Committee Co-Chair Sen. Bill Landen, R-Casper, also cast YesCare's transgender-surgery comments as a red herring, saying the company may have been trying "to throw tacks in the road" after losing its bid.

The committee didn't show interest in pursuing the topic as an interim project, Landen added. Provenza agreed, calling it a "smokescreen" tactic to garner the committee's sympathy.

Inflation

DOC requested an additional \$4.2 million of the Wyoming Legislature for its medical contract across all five prison facilities for the upcoming biennium.

Shannon said NaphCare's new contract will be within the amount appropriated to DOC, plus the cost of medication-assisted treatment.

He said the contract amount "will be disclosed" once negotiations are complete.

Inflation is largely to blame for DOC's increase request, according to the budget proposal.

Costs increased by 12% from 2019 to 2023, based on U.S. Bureau of Labor Statistics, says the request, adding that medical care is also on the rise.

The DOC's requested budget also does not contain the word "gender," except to refer to gender-specific programming and needs in the state's prisons.

It says medical services may include mental health, dental, vision, specialty services like dialysis and hospice; housing units for some mental health needs; special needs; hearing, physical, speech and occupational therapy; "and any other medically necessary treatment as clinically indicated for health maintenance.

YesCare's contract expires June 30.

Correction - An earlier version of this story said Jason Begger represented NaphCare, when in fact he represented YesCare.

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