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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON

ANANT KUMAR TRIPATHI VS SAMS TRISCHLER ET AL	A 23-03072 CML
In re Tehum Care Services Debtor	23-90086 CML

MOTION FOR LEAVE TO FILE A JANUARY 26th ARTICLE Relevant To Secretary Refusal By Commission TO TESTIFY AND Related DEFENDANT

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Respectfully Submitted

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Brad Von Der

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Dedicated to Protecting Human Rights

January 2024

See No Evil, Hear No Evil, Treat No Evil: Centurion and the Curse of For-Profit Prison Healthcare

by J.D. Schmidt

On November 14, 2022, the Florida arm of Centurion Health, one of the nation's largest private prison and jail healthcare companies, filed a lawsuit in Putnam County against the Human Rights Defense Center (HRDC), the nonprofit publisher of *PLN* and its sister publication, *Criminal Legal News*.

Centurion faces allegations of malfeasance of almost every possible type for a corporation of its kind, from bid rigging and fraud to substandard care and neglect, as well as colluding with guards and other officials in abusing prisoners in facilities across the U.S. The situation is so bad that a wide array of media and non-governmental organizations working on human rights, civil rights and civil liberties is monitoring, cataloging and speaking out about the suffering this company's policies and practices continue to inflict on incarcerated people, their families and their communities.

The Marshall Project keeps a curated collection of links to stories about Centurion. The American Friends Service Committee investigated and published a series of articles on Centurion and Centene Corp., the healthcare mega-company that owned Centurion until January 2023. The Private Corrections Working Group maintains a "Centurion Rap Sheet" noting the company's many alleged offenses against prisoners. *Reason* magazine published an in-depth story detailing the suffering of a Florida prisoner at the hands of Centurion staff allegedly working in collusion with guards. Given HRDC's mission, it stands to reason that Centurion has been, and will continue to be, the focus of articles in its publications as well.

David vs. Goliath

In its lawsuit, Centurion asked the court to declare that HRDC cannot legally seek records related to its medical care of prisoners—even though the firm is performing a public function under contract to a government entity, which would itself be subject to Florida's Public Records Act, Fla. Stat. 2023 ch.119. Lawsuits filed against media organizations to suppress their journalistic activities are known as Strategic Lawsuits Against Public Participation (SLAPP). Centurion's SLAPP action against HRDC was apparently triggered by a public records request for information about the settlement of a wrongful death lawsuit filed by the estate of a Florida prisoner who allegedly suffered medical neglect by Centurion employees. As HRDC executive director and *PLN* editor Paul Wright put it in a December 2022 editorial, "In 32 years, this is the first time we have been sued by the prison profiteers we report on. We must be doing something right."

At the time of the filing, the case also represented a David-and-Goliath mismatch between HRDC, a small nonprofit with fewer than a dozen employees, and Centene Corp, ranked 25th on the 2023 Fortune 500 list. In response to the legal attack, HRDC filed an anti-SLAPP suit, seeking to have Centurion's suit dismissed and recover attorney's fees. Unfortunately, the court has so far refused to find that Centurion's case against HRDC is a SLAPP suit, and it has denied HRDC's motions for dismissal, for summary judgment as an alternative to dismissal and for attorney's fees. The case remains open, and the court has urged both parties to move forward with the process of discovery. In the meantime, though, *PLN* has a job to do, and as Wright asserted, when it comes to standing up, speaking out and fighting back against corporate Goliaths like Centurion and former parent Centene, "needless to say, we will not be silenced." [See: *PLN*, Dec. 2022, p.14.].

What is Centurion Health?

Based in the northern Virginia suburbs of Washington, D.C., Centurion Health was created as a correctional healthcare company in 2011 through a partnership between prison healthcare provider MHM Services and Centene Corporation. Centene is a

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EDITOR
Paul Wright

MANAGING EDITOR
Chuck Sharman

ASSISTANT EDITOR
Jordan Arizmendi

COLUMNISTS
Michael Cohen, Mumia Abu-Jamal

CONTRIBUTING WRITERS
Douglas Ankney, Casey Bastian, Kevin Bliss, Eike Blohm, Matthew Clarke, Jo Ellen Nott, David Reutter, Mark Wilson

ADVERTISING COORDINATOR
Daniel Michaels

HRDC LITIGATION PROJECT
Jay Hurst – *Litigation Director*
Josh Martin - *Staff Attorney*

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Prison Legal News
PO Box 1151
Lake Worth Beach, FL 33460
561-360-2523
info@prisonlegalnews.org
www.prisonlegalnews.org

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St. Louis-based healthcare management company that primarily sells and manages healthcare plans subsidized by Medicare, Medicaid and TriCare for U.S. military personnel and their families, as well as those sold under the Affordable Care Act, colloquially known as "Obamacare" for the U.S. President who spearheaded the effort that has cut the percentage of Americans without health insurance by 50% since 2010. In 2018, Centene bought out MHM and rebranded all its correctional healthcare programs and subsidiaries under the Centurion banner. In January 2023, Centene divested itself of Centurion, selling it to an "unknown buyer" for $260 million, according to the American Friends Service Committee's Investigate project.

Centurion Health's website states that it "is a leading national provider of healthcare and behavioral health services to incarcerated, justice-involved, and other special populations." The company claims to have over 8,000 employees working at more than 300 locations in 16 states. It provides a variety of healthcare services in facilities that include jails, prisons, state hospitals, and what it describes as "other community settings."

The "public-private partnerships" by which corporations profit from providing services such as healthcare for government entities—jails and prisons—at taxpayers' expense are incredibly lucrative for these companies' owners and investors. With an estimated annual revenue of between $695.5 million and $1.5 billion, Centurion was a relatively small part of Centene's estimated $144.5 billion portfolio. It is unclear what motivated the corporation to divest itself of Centurion. In its annual report for 2022, the corporate giant simply describes its divestiture of Centurion and other companies as part of a "restructuring" process.

Bid-Rigging, Corruption, & Fraud

A series of controversies in Tennessee in 2021 and 2022 may shed some light on other possible motivations for Centene's move to rid itself of Centurion Health. As previously reported in *PLN*, Centurion was involved in a high-profile bid-rigging scandal with officials in the Tennessee Department of Corrections (DOC). The prison system's former Chief Financial Officer (CFO) allegedly conspired via partially scrubbed emails and encrypted messages with Centurion's Vice President to freeze out competitor Corizon Health from bidding on a contract to provide behavioral health services to state prisoners. The scheme involved illicit sharing of documents, including a draft of DOC's request for proposals, which was sent to Centurion two months before it was made public. DOC also allegedly jacked up the performance bond for the contract from $1 million to $118 million, thereby effectively shutting out the smaller and less well-financed Corizon Health from the economic side as well.

DOC's ex-CFO allegedly received a "cushy" job with a Centurion affiliate in Georgia as a reward for his efforts to help Centurion cut out the competition. After a lawsuit filed by Corizon Health in April 2021 exposed the scheme, DOC re-bid the contract the following month. Of course, it's hard to view the battle of two prison profiteers sympathetically. But its notable that both DOC's then-CFO, Wesley Landers, and Centurion's then-Vice President Jeffery Wells were fired over their roles in the scheme, as *PLN* reported. [See: *PLN*, Oct. 2021, p.32.].

Less than a year later, Centurion's alleged malfeasance ran right up against some of Centene's other business dealings in Tennessee. Concerns over the bid-rigging scandal and allegations of a similar fixup stalled a piece of legislation, Tennessee House Bill 2625, when some lawmakers in the state House of Representatives balked at provisions they said were tailored to help another Centene subsidiary make an end-run around a failed bid to manage portions of TennCare, the state's Medicaid program. Other lawmakers who sponsored and supported the bill claimed that provisions related to the state's Managed Care Operator (MCO) contracts were designed to facilitate needed openness and competition. But in a report by the *Tennessee Lookout* on March 31, 2022, state Rep. Jason Hodges (D-Clarksville) spoke out against the proposed bill, saying that "it just seems like we're stacking the deck for this one company, and I think it's fair to ask why." The bill ultimately failed, and Centene failed to pick up any of the state's Medicaid business, losing appeals to two different state boards before filing a lawsuit that was reportedly still pending in November 2023.

Centurion's allegedly unethical and illegal tactics in Tennessee had a ripple effect in its battle with Corizon Health for Missouri's lucrative prison healthcare contract. As *PLN* reported, Corizon Health sued to block the state DOC from awarding the $1.4 billion contract to Centurion, citing the bid-rigging case in Tennessee. In its suit, Corizon Health argued that Centurion misled the state when it still listed Wells as a company executive, failing to disclose his firing after the Tennessee scandal. But a Missouri judge said Centurion was not obligated to disclose its employees' identities and the Missouri DOC was not obligated to fact-check the company's bid, clearing the way for Centurion to supplant its competitor in the state's prisons—at a cost that was at least $21.8 million per year more than state lawmakers had appropriated. [See: *PLN*, Apr. 2022, p.14.].

Problems with Centurion's business practices were piled on to Centene's own troubles with the law, at least in the media and the court of public opinion, according to a report by the *Ohio Capital Journal* on November 8, 2021. That article detailed how state Attorney General Dave Yost (R) successfully sued Centene and its subsidiaries that managed Medicare contracts for the state of Ohio over a complex scheme that allegedly defrauded Ohio taxpayers of tens of millions of dollars by over-billing for generic drugs. Yost's office successfully recovered $88 million for the state in its settlement with Centene. The article notes that Centene also had "set aside $1 billion more to settle similar claims in other states." Reporter Rudi Keller then tied the allegations of corruption against Centurion in Tennessee and Missouri directly to Centene's fraud in Ohio.

In an earlier article reporting the initial phase of Yost's litigation in March 2021, Keller ticked off a laundry list of other allegations of fraud and corruption leveled against Centene, including wage theft from nurses in Ohio and other states as well as denying care to sick and disabled children in Texas. As with the Medicare drug fraud scheme, there appeared to be a pattern national in scope and involving multiple local and regional Centene subsidiaries: "The *Des Moines Register* in 2018 reported that Centene had paid millions in penalties in a dozen states—including for failing to promptly pay claims and not providing the poor and elderly with adequate access to doctors," Keller noted.

Substandard Care Allegations

The other population that Centene—and now, Centurion's new anonymous owner—is responsible for providing with inadequate access to doctors and other medical care is prisoners. In jails and prisons across the U.S., hundreds of prisoners have filed thousands of grievances against employees of Centurion and its subsidiaries for medical neglect and abuse. Some of these cases eventually ended up as high-profile lawsuits in Arizona, New Mexico, Vermont, Mississippi, Kansas, Delaware and Florida, among other states. Others have come out during investigations by human rights and civil liberties watchdogs in both the public and private sectors. Still other stories of Centurion's systemic healthcare failures have been brought to light by journalists working in print, broadcast and online media.

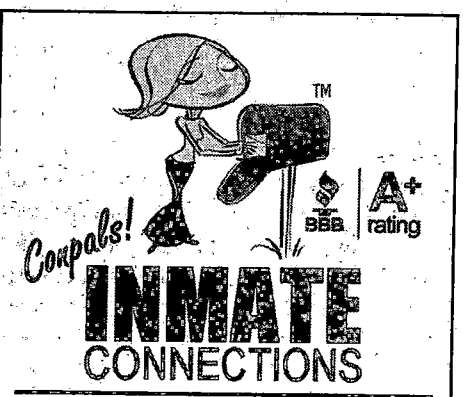
Vermont

A recent case in Vermont highlights the manner in which seemingly deliberate substandard care can dovetail with racism and the tendency toward collusion between guards and medical staffers against prisoners, with tragic and horrifying results. Medical personnel working for Centurion Vermont, the state DOC's contracted healthcare provider, stand accused alongside DOC staff of indifference and abuse in the suffocation death of Black prisoner Kenneth Johnson, 60.

The Vermont Journalism Trust's *VTDigger* website reported repercussions that echoed in the wake of Johnson's death on December 7, 2019, in a series of articles published the following year. Johnson had been brought to the infirmary at Northern State Correctional Facility (NSCF) in Newport on the night of December 6, 2019, after complaining he was unable to breathe. When he continued to complain, insisting that his condition was worsening and pleading to be taken to a hospital, he was told to be quiet and threatened with solitary confinement. He died by asphyxiation hours later. In the autopsy that followed medical examiners found a large, previously un-diagnosed cancerous tumor obstructing his throat and airway.

VTDigger's most in-depth story of the case is based on a report compiled for the Vermont Agency of Human Service by "outside investigator" Tristram Coffin an attorney with the Burlington-based la firm of Downs Rachlin Martin (DRM Coffin also happens to be the former U. attorney for Vermont. In the report, NSC Supervisor Robert Wright is quoted wi regard to Johnson's complaints saying, informed inmate Johnson to knock it o or he would be moved to holding, per t provider, and I returned to normal dutie

Wright's phrase "per the provider" h is telling—to *VTDigger*, "Wright add



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that it was a nurse [employed by Centurion Vermont] who first told Johnson he would be placed in a holding cell if he didn't remain in bed." The full text of Coffin's report was provided in .pdf form as part of *VTDigger*'s article on November 16, 2020. At the top of the document in section II, "Investigation Methodology," the report states: "DRM attempted to interview the healthcare providers who treated Mr. Johnson on December 6-7, 2019, and otherwise attempted to obtain information and medical records from Centurion Vermont, LLC."

Concluded the report: "Centurion refused to cooperate in this investigation."

The *VTDigger* articles describe a saga of finger-pointing and pontificating by state officials, along with accusations of racism and continued silence and obfuscation on the part of Centurion. DOC Commissioner James Baker said in July 2020 that "[t]he failure for our medical providers and health care providers outside the facility not to have diagnosed Mr. Johnson's situation cost him his life on our watch." Yet no criminal charges have been filed against DOC officials or Centurion staffers.

With the aid of attorneys from Costello Valente & Gentry P.C. in Brattleboro, Johnson's family filed a wrongful death suit in state Superior Court for the Washington Unit, which Defendants removed to the federal court for the District of Vermont in February 2022. A motion to dismiss the complaint was largely denied as to Centurion and the claims against it on May 18, 2023. *See: Johnson v. Vermont*, 2023 U.S. Dist. LEXIS 87279 (D. Vt.).

Kansas

On September 20, 2022, a radio story by *NPR* affiliate *KCUR* in Kansas City cited investigative reporting from the Kansas News Service and the *Topeka Capital-Journal* to describe similar systemic and seemingly deliberate substandard care in the Kansas prison system. The story, culled from interviews with "[d]ozens of current and former inmates in the Kansas prison system," described a situation in which "their medical care threatens their health."

According to the article, "[c]omplaints touch nearly every area of medical care. Delivery of medications can be delayed, and even if the medicine comes, inmates say they are sometimes given treatments that trigger allergic reactions. Meanwhile, cancer screenings and checkups get missed, and if inmates are unhappy with their care, some struggle to get a second opinion."

Prisoners described a litany of woes suffered under multiple healthcare contractors over the years. The state brought in Centurion of Kansas to replace its previous contractor in 2020, with much fanfare and promises of significant improvement in delivery of health services. In statements to *NPR* for the story, officials with the state DOC defended their choice of Centurion as a provider, citing high numbers of referrals for care, off-site services, visits to facility physicians and/or Advanced Practice Registered Nurses (APRNs), dental visits and prescriptions filled. They also pointed to a significant drop in formal complaints between December 2021 and August 2022, claiming that "formal audits of the contractor also show improvement."

But prisoners speaking from their lived experience told a very different story. Terry Bowen, 75, a prisoner at Lansing Correctional Facility, described an agonizing day-to-day existence enduring pain in multiple parts of his body, including arthritis in his joints, a grapefruit-sized hernia in his chest, and broken wires in his torso from a failed procedure to tie his ribs together, which caused torturous pain and threatened to pierce his heart. For all these conditions, he was prescribed Tylenol—and as of airtime for *KCUR*'s story, he was being denied even that minor, over-the-counter pain reducer.

Another prisoner who wished to remain anonymous described to reporters an increasingly common scenario in jails and prisons where immigrants are incarcerated. The journalists heard about a frustrating and terrifying experience in which a dentist who did not speak the patient's language tried to get consent to pull two front teeth. The dentist seemed unwilling, uninterested, or perhaps unable to understand that the patient's complaint was actually about a different group of teeth altogether. Despite the language barrier, Centurion and DOC made no effort to provide an interpreter to help facilitate communication between doctor and patient—i.e. efficient and effective delivery of actually-needed medical care.

Tiffany Trotter, 31, a prisoner who was diabetic and allergic to several common medicines, had twice been prescribed substances that staff knew she was allergic to. The resulting reactions caused further delay for Trotter in receiving basic needed care. She also had a nagging ear injury that the prison medical staff seemed unable to identify. She wanted to see an outside doctor for a second opinion but said "[t]hey don't send us [to] outside doctors very often unless you've got like a broken bone or something."

Another Kansas prisoner, Shaqwania Mathis, 26, told reporters that staff delayed her medical procedures without reason. "I lost count on how many days, months, weeks or years [DOC] staff has let something go untreated," she said. Summing up

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how many Kansas prisoners feel about the care they receive from Centurion, one told *NPR*, "They will let someone die in here before they try to help."

NPR also cited and dug into another set of official statistics. More concrete and much more telling than the numbers trotted out by officials that counted interactions between healthcare personnel and prisoners were the number of fines and the amounts paid out by Centurion over the two-year period covered in the story. Per *KCUR*: "Centurion is audited on its ability to meet a dozen performance metrics. The contractor has paid more than $900,000 in fines between January 2021 and May 2022 for failing to hit those marks. Centurion was fined just under 5,000 times ... The [DOC] said a bulk of those fines were in the early months of the contract and Centurion improved services and was fined fewer times as it went on. However, the company was hit with larger fines more often as time went on."

The following section of *KCUR*'s report describes how these fines are tied to an abysmally low record of compliance with state standards, per the same audits touted by DOC officials as showing that Centurion is providing adequate care. "The documents show individual prisons achieved zero percent compliance in certain categories nine times and 50% or lower compliance more than 40 times," with the El Dorado Correctional Facility alone racking up nearly $400,000 in fines due to these shortcomings. However, the reporters note, "It isn't clear what exactly Centurion is failing to do because the performance reports only list compliance in broad categories."

The story goes on to relate the difficulty that reporters had in getting detailed and accurate information out of either the Kansas DOC or Centurion. Documents were produced in partial form only, or flat out denied to reporters on issues ranging from the audits linked to the fines doled out against Centurion and individual prisons to prisoners' efforts to procure documentation of their own health care histories for the story.

Regarding another set of key documents, the records of each state prison's individual accreditation for its healthcare services, *KCUR* reported that DOC "says it doesn't have the documents." In an argument that will be all too familiar to readers who've been following *PLN*'s lawsuits against Centurion Health affiliates over access to prison medical records in Vermont and Florida, *KCUR* added that "Centurion of Kansas declined to provide the accreditation records and said it is a private company that doesn't need to fulfill records requests. Its contract with the state, however, specifically says it is subject to Kansas open records laws."

Lawsuits

For more than a decade now—starting almost as soon as it was incorporated by Centene from MHM—Centurion Health has faced dozens of lawsuits in states across the country. It's worth noting that Centurion is far from unique in this regard. As hundreds of stories in *PLN* and many other media outlets over the last 20 years attest, Corizon Health, Wexford, PrimeCare and other private prison healthcare profiteers have been brought to task by prisoners, their advocates and the courts over a variety of systemic and ongoing problems in lockups around the nation.

Arizona

In Arizona, the process of discovery in a class-action lawsuit filed in federal district court in 2012 brought forth story after story of torment endured by prisoners subjected to Centurion's model of healthcare in the state's prisons. For some, this suffering ended in miserable but potentially preventable deaths. As reported in *PLN*, the substandard care in question when the suit was first initiated was provided by Arizona's Department of Corrections, Rehabilitation, and Reentry (DCRR). But beginning shortly after the suit was filed, as the wheels of privatization turned, those held in DCRR's cages were subjected to a rollercoaster of changes all too familiar to prisoners, their families and their advocates over the last decade: first Wexford Health Sources, then Corizon Health and finally, starting in 2019, Centurion of Arizona contracted with the state to run its carceral healthcare system. "However," *PLN* writer Matt Clarke noted, "one thing has remained constant through the rotating cast of private contractors: Each of them has apparently failed to provide constitutionally adequate healthcare to Arizona's prisoners."

The list of preventable, untreated and inadequately treated conditions endured by Arizona prisoners as described in the lawsuit—like an accompanying list of minimized, deferred, bungled or flat-out denied treatments described in both the lawsuit and the court's findings—is disturbingly long. In its findings, the federal court overseeing the case identified an ongoing situation of "woefully insufficient" staffing as one of the primary failings for DCRR and Centurion. The ruling described a shortage of registered nurses, physician assistants and physicians, a situation all too common in U.S. prisons and jails. Per the *PLN* story, "Centurion uses lower-level Licensed Vocational Nurses (LVNs) to screen the [Health Needs Request] forms that prisoners use to request medical care. But there is a problem with putting a low-level nurse between the patient and provider: LVNs are not trained to recognize symptoms of serious illness. Thus, prisoners with life-threatening conditions are sent away without being seen by a provider or being scheduled to see one—often with fatal consequences."

That *PLN* cover story cites the cases of prisoners Kenneth Barker, James Edwards, Kamaka Solo and Michael Voden as some of the worst examples of extreme privation leading to death endured by those under Centurion's care in Arizona prisons. Mortality reviews conducted after these and at least ten other prisoner deaths cited in the lawsuit show a pattern of harm that "routinely befalls prisoners because they do not receive timely and adequate health care," according to the Court, which added that DCRR has failed to use mortality reviews documenting systemic failures to "identify and address the causes of many of these problems," which include "nurses practicing outside their scope of practice, insufficient physician-level oversight, and failure to refer the patient to someone qualified to diagnose and treat them." [See: *PLN*, Dec. 2022, p.1.]

New Mexico

Between January 2018 and December 2021, two New Mexico law firms together filed a series of 11 lawsuits on behalf of prisoners in the state's First Judicial District Court and one in the U.S. Court for the District of New Mexico. The complaints include eight for medical malpractice and two for wrongful death. Named as defendants were Centurion of New Mexico and its partner MHM, in addition to the New Mexico

Corrections Department (NMCD) and various officials and employees, and the state of New Mexico itself. The Albuquerque firms Collins & Collins, P.C., and Guebert Gentile & Piazza P.C. filed these cases on behalf of plaintiffs incarcerated in a number of New Mexico prisons, all of whom had come to serious harm due to alleged severe medical neglect and abuse while being treated by Centurion and MHM employees. The cases in these suits represent a cross-section of some of the most extreme levels of suffering that prisoners endure at the hands of indifferent, incompetent, and malicious medical staff—all too often coordinated, allegedly, with guards and other prison personnel.

Several of the complaints involve mishandling and allegedly deliberate withholding of care for chronic Hepatitis C, Hepatitis B and resulting conditions such as cirrhosis. Melissa Folsom, 47, was a prisoner at the Western New Mexico Correctional Facility between 2016 and 2019. During this time, Folsom, who had contracted Hepatitis C six years earlier, tested positive for Hepatitis B as well. Despite this diagnosis, she was not recommended for treatment with the standard regimen of antiviral drugs. As a result of deliberate negligence on the part of both Centurion and NMCD employees, the lawsuit filed on her behalf alleges she developed cirrhosis of the liver.

In addition to being denied appropriate and adequate care, she was retaliated against by Centurion staff, other prison healthcare employees and guards for filing repeated sick calls and grievances related to her chronic Hepatitis B, according to the suit. One of the punishments leveled against her: Medical staff refused to allow her to participate in the prison's ECHO Project, a peer-to-peer program that brings together outside experts, prison medical providers and prisoners to help prevent and manage their symptoms of Hepatitis C and related conditions. *See: Folsom v. Centurion Corr. Healthcare of N.M.*, N.M. 1st Jud. Dist. (Santa Fe Cty.), Case No. D-101-CV-2020-02551.

In a similar case stemming from incidents that began in 2012, NMCD prisoner Alberto Aranzola was allegedly removed from Project ECHO as punishment for speaking his native Spanish in front of prison guards. This illegal, racist punishment was just one of many abuses leveled against Aranzola by both guards and Centurion employees in retaliation for his insistence on seeking treatment for his chronic Hepatitis C, his suit claims, and the deliberate abuse and neglect led to significant deterioration of his health, leaving him to develop cirrhosis, too. *See: Aranzola v. Centurion Corr. Healthcare of N.M.*, N.M. 1st Jud. Dist. (Santa Fe Cty.), Case No. D-101-CV-2020-02548.

Several other lawsuits filed by the two law firms involve misdiagnosis and refusal of specialized care for extreme pain, physical incapacitation and bone infections related to severe and debilitating spine, neck, and musculoskeletal conditions. In some cases, the conditions developed due to injuries prisoners incurred while incarcerated in NMCD facilities; in at least one case, the injuries were allegedly exacerbated by forced hard labor.

Calvin Finch was incarcerated at Northwest New Mexico Correctional Facility in 2016 and 2017. Finch, now 62, was known by medical staff and prison officials to have health issues that made him prone to infection. After suffering a lower back injury while in jail, he experienced increasing levels of pain in his lumbar spine region. The lawsuit brought on his behalf alleges that Centurion employees repeatedly misdiagnosed Finch's condition, leading to an acute infection in two of the discs in his lower back. Centurion's failure to properly diagnose and treat the infection in his spine resulted in an abscess which caused him even more agonizing pain and rendered him unable to walk. His treatment included repeated hospital stays that racked up a massive $88,927.65 medical bill, paid by taxpayers via Medicaid and Medicare. This severe and potentially life-threatening condition was caused in large part, the lawsuit alleges, by Centurion staffers' failure to properly administer Finch's medications, particularly the antibiotics required to eradicate the infection. *See: Finch v. Centurion Corr. Healthcare of N.M.*, N.M. 1st Jud. Dist. (Santa Fe Cty.), Case No. D-101-CV-2019-00778.

In a disturbingly similar case, the lawsuit filed on behalf of Penitentiary of New Mexico prisoner Gabriel Miera in U.S. District Court for New Mexico also alleges that his vulnerability to infection and ongoing neck pain were ignored and misdiagnosed by Centurion employees. This led to permanent disability after Miera, who was just 32 at the time, developed an infection in the bones of his cervical spine. The suit alleges that even after undergoing emergency surgery to treat the infection, Miera was forced by guards to do hard labor, which exacerbated his condition. He was also held in solitary confinement, written up on allegedly false charges, and transferred to another prison, all in retaliation for his efforts to file grievances and consult with attorneys over his ill treatment and the lack of accommodation for his resulting disability, according to the complaint. The parties reached an agreement to jointly dismiss the complaint in March 2022. *See: Miera v. Centurion Corr. Healthcare of N.M. LLC*, USDC (D.N.M.), Case No. 1:21-cv-01227.

Along with a horrifying catalog of suffering these plaintiffs endured, their complaints include disturbing allegations against Centurion and MHM employees that extend far beyond mere incompetence and neglect. Miera's complaint describes nurses in a prison infirmary laughing at him as he pleaded desperately for help with extreme and debilitating pain, mocking him and calling him a hypochondriac. The lawsuits paint a picture of a hopelessly broken system, accusing NMCD not only of failing to meet its own standards for medical care of prisoners but also of deliberately failing to properly screen, train, educate and supervise its own employees and those of its contractors, leaving an array of prisoners' common medical problems unaddressed.

The attorneys with these firms and their clients also accuse NMCD of hei-

California Parole or Criminal Defense

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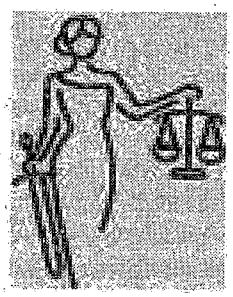
Cheryl L. Harbottle Attorney

cherylharbottle@yahoo.com

P.O. Box 7514

Visalia, CA 93290

(559)799-0107



nously and deliberately mismanaging the prison system's medical grievance process, in collusion with Centurion and its other healthcare contractors. Several of the complaints include claims that the NMCD routinely ignores, fails to process and even destroys or discards medical grievances, and even when it doesn't and grievances are addressed, "NMCD routinely and without medical justification, finds against inmates filing medical grievances."

Every one of these lawsuits alleges disturbingly similar facts and claims. The medical malpractice suits all include a count of civil conspiracy, charging NMCD, Centurion, and other healthcare contractors such as MHM and Wexford with actively colluding to deprive prisoners of their constitutionally guaranteed minimum level of basic healthcare. On its website, Collins & Collins asserts that "[t]he many cases" it filed along with "hundreds of Tort Claims Notices and Notice of New Mexico Civil Rights violations have over the past [five] years begun to illustrate pattern and practice of extreme, cruel and deliberate medical neglect by NMCD and its medical contractors"— in violation of prisoners' constitutional rights and for which they seek redress under 42 U.S.C. §1983.

Mississippi

In early 2020, two lawsuits were filed on behalf of prisoners at Mississippi State Penitentiary in Parchman with the support of hip hop stars Shawn "Jay Z" Carter and Mario "Yo Gotti" Mims by attorneys working for Carter's philanthropic organization Team Roc. As *PLN* reported, the suit made claims of unsafe, inhumane conditions endured by 227 prisoners, including shattered lights that left them in unending darkness, a plumbing system in a "perpetual state of systemic failure" and meals contaminated with cockroaches, rat feces, and bird droppings. The suit also named both Centurion and Centene as defendants for an alleged lack of medical care that left prisoners to "self-treat" injuries.

"Broken bones, abscesses, diabetes, and a host of other injuries and maladies routinely go without examination, much less medically effective treatment, at Parchman," the complaint read. "For example, Plaintiffs in this action insert their own catheters, treat their own stab wounds, vomit up blood, teeter on the verge of diabetic comas, and suffer through seizures without medical care."

The following month, in February 2020, the federal Department of Justice (DOJ) launched an investigation, reporting in April 2022 that conditions at Parchman likely violate the civil rights of prisoners forced to endure them. Taking a swat at Centurion, the DOJ report said that "Parchman mental health records also reflect an overreliance on the diagnoses of Antisocial Personality Disorder (ASPD) and Malingering," sending prisoners who need help to be punished in solitary confinement, where their mental health only worsened. In response to the lawsuits and the negative publicity they generated, the state DOC began improving conditions at Parchman for the nearly 3,000 prisoners held at the dilapidated, deteriorating, and increasingly violent prison, leading the rappers to drop their suit in January 2023. [See: *PLN*, Oct. 2023, p.48.]

Centurion, for its part, simply gave up and bailed out, abandoning its multi-million dollar contract with DOC in October 2020. The company blamed Mississippi's failure to adequately fund its prison system for its own failure to provide adequate healthcare and mental health care at Parchman and other state prisons. VitalCore Health Strategies now provides prisoner healthcare for DOC.

Florida

An ongoing lawsuit in Florida highlights the deadly consequences resulting from a toxic mix of under-funding, understaffing, inadequate facilities and resources, un-trained or low-skilled personnel and collusion with guards and other prison officials for all too many prisoners reliant on Centurion for healthcare. As reported in *Reason* magazine, Elmer Williams, then 56, was serving a 40-year sentence in the Florida DOC when he was transferred to Suwannee Correctional Institution (SCI) in November 2021. He had previously been treated for prostate cancer, which was in remission.

But a month before his transfer, he got an urgent referral to a urologist due to spiking levels of prostate-specific antigens (PSAs) in his blood, an indication of possible resurgence of his cancer. Shortly after arriving at SCI, Williams began experiencing a series of alarming symptoms, including severe back pain and numbness in his legs, loss of balance and falls. He tried to file for a medical emergency but was denied. He then proceeded to grieve that denial, as well as the denial by guards and nursing staff of his request for a wheelchair. Instead of receiving any kind of medical treatment or accommodation for his deteriorating physical condition, Williams was thrown into solitary confinement—in retaliation for the grievances he filed, the lawsuit alleges.

In solitary, his condition worsened. Williams found himself paralyzed from the chest down, unable to get to the food placed in his cell or use the toilet except by dragging himself along the floor, which was filthy with rotting urine where he'd been forced to relieve himself when too exhausted and pained to haul his body across the cell. He endured this hellish scenario for a full month.

In a statement provided to *PLN* for this story, Williams's attorney, James Slater of Slater Legal PLLC, said of his client's situation: "When Mr. Williams arrived at Suwannee Correctional Institution, Centurion knew that he required urgent intervention by a qualified specialist to treat his cancer and address his mobility concerns, but it deliberately delayed that process. Not only that, but left without appropriate care, Mr. Williams did the only thing he could to get relief—filed grievances about the conduct of the guards and the medical staff. As a direct result of his grievances, Mr. Williams was punished with confinement and left to crawl on a filthy cement floor."

When finally released from solitary, Williams' health continued to decline. But he was still denied access to outside specialists, and the Centurion doctor at SCI again refused his request for a wheelchair. He was admitted to the prison infirmary on January 7, 2022, with swelling in both legs, irregular pulse, decreased mobility and infected pressure ulcers on both of his heels. He wrote more grievances cataloging his suffering and the lack of adequate diagnosis and treatment. He described agonizing muscle spasms, difficulty breathing, and the increasing paralysis of his lower body. A DOC staffer handling one of Mr. Williams's grievances wrote to a higher-up, asking if the situation he described constituted an emergency, as the prisoner insisted. Replied the DOC official tersely:

"This is not an emergency."

In February 2022, Williams was returned to SCI's general population, despite his condition. He was forced to pay other inmates to help him get to the shower, get his diapers on and off and get food. By this time, he was developing pressure sores on his buttocks, which eventually festered into deep, necrotizing wounds that went all the way to his pelvic bone. He was finally allowed to see a urologist in March 2022, and an oncologist in June that same year. By then, the cancer had spread to his hips, spinal cord and lymph nodes. He was not fully informed of his actual medical condition until he was transferred to a prison hospital for palliative care in September 2022.

At that point, the Florida Justice Institute, a legal nonprofit, stepped in and refiled a petition for medical release that Williams himself had filed unsuccessfully earlier in the year. That effort was successful, and he was released from DOC custody on compassionate grounds in October 2022. Doctors at the hospital he was sent to initially gave him only six months to live. By the time the *Reason* article was published in August 2023, he had outlived that prognosis, but he was struggling to cope with the situation in which Centurion and DOC's abuse and neglect had left him to live out his last days. "I'm hanging in there, but it's very, very hard," he said. "Getting used to living this type of life is very difficult mentally." The suit Slater filed on his behalf against DOC and Centurion remains pending in federal court for the Middle District of Florida, and *PLN* will update developments as they are available. *See: Williams v. Dixon*, USDC (M.D. Fla.), Case No. 3:22-cv-01221.

The Three Monkeys

As state budgets continue to be cut to the bone, and the privatization of every possible aspect of prison operations proceeds apace, it is ever more necessary for independent media like *PLN* to shine the light of truth on the dark underbelly of the prison industrial complex. As allegations reported here and in other media across the country and across the spectrum—as well as settled and ongoing lawsuits—all demonstrate, healthcare (or the lack thereof) provided by outfits like Centurion is all too often a source of unending pain and suffering for those trapped in the cages of local, state, and federal incarceration systems. It is also a drain on taxpayers footing the bill for these institutions.

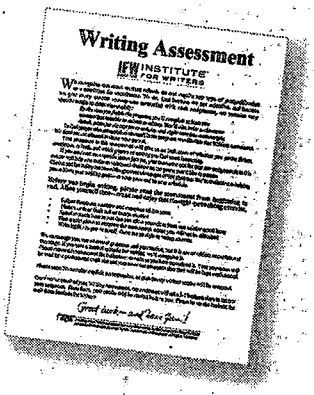
The pattern of extreme neglect and abuse called out in Williams' suit and dozens like it is endemic to every prison system in the country with privatized healthcare, and Centurion Health remains a substantial part of this national problem. As Williams' complaint noted, Centurion's "deliberate and purposeful failure" to treat him is the predictable result of its profit motive, "part and parcel" of the company's "unwritten practice and custom of delaying testing of known diseases to deny prisoners their adequate medical care."

"Basically, a twist on the proverbial three wise monkeys—see no evil, hear no evil, treat no evil—this practice is pervasive in [DOC] facilities where Centurion manages the delivery of health services," the complaint declared.

Additional sources: *AP News*, American Friends Service Committee, *KCUR*, *KTTN*, The Marshall Project, *Missouri Independent*, *Ohio Capital Journal*, Private Corrections Working Group, *Reason*, *Tennessee Lookout*, Univ. of N.M. Health Sciences Project Echo, *VTDigger*

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