Inmates sue for medical care upgrade

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Citing a litany of complaints about health care, 12 inmates at the Louisiana State Penitentiary at Angola filed suit Thursday asking a federal judge to force the Department of Corrections to boost the prison’s medical staff, enlarge the prison hospital and improve treatment.

Keith Nordyke, a court-appointed lawyer representing all state prisoners, drew up the suit after several months of interviewing inmates and watching health-care procedures at Angola.

“What this is all about is many, many years of historical problems,” Nordyke said Thursday. “It’s been long enough.”

Although a dozen inmates are listed as plaintiffs, the lawsuit asks for “class action” status, which would include all of the more than 5,000 inmates at Angola.

The lawsuit — the first federal suit filed here in 1992 — claims the state has acted with “deliberate indifference” in failing to provide adequate medical care for prisoners at Angola. Department of Public Safety and Corrections Secretary Bruce Lynn and Angola Warden John Whitley are listed as defendants.

Whitley has readily admitted that medical care at Angola is deficient. He attributed many of the problems to a lack of funding and to the difficulty in attracting medical personnel to work at the isolated prison.

The suit claims that inmates needing surgery in many cases aren’t receiving it. Last May there was a backlog of 290 inmate awaiting surgery and 355 inmates waiting for oral surgery, according to the lawsuit.

One of the plaintiffs, Mark Hall, has been operated on three times for a colon disease, according to the suit. The suit says bumps and lumps have recently appeared on Hall’s arms but recommended testing to...

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determine whether the growths are dangerous hasn’t been performed. Five months ago, a growth or tumor developed in Hall’s throat and needs to be removed but no surgery has been scheduled, the suit states.

Another plaintiff, Charles Hamilton, has a hernia which was first diagnosed before March 1990 but still hasn’t received recommended surgery for the condition, the suit states.

Many of the problems alleged in the suit center around a chronic staff shortage. Angola has failed to employ the number of medical workers mandated in a 1982 legal agreement with plaintiffs in a landmark inmate suit against Louisiana’s prison system.

Twenty medical positions required by the agreement, including five for doctors and six for registered nurses, remain vacant, according to the suit. Not enough clerical workers are on staff to ensure that medical records for inmates are up to date, the suit claims.

The suit also cites the prison’s overburdened hospital, which was built in 1965 to handle an inmate population of 2,500. The population now ranges between 5,200 and 5,300 inmates.

The lack of qualified staff means that prisoners reporting ailments during “sick call” often don’t receive treatment for three to five days, according to the suit. The sick call workers, who spent an average of 1½ minutes with each inmate requesting attention during recent rounds, have little or no medical training and aren’t issued equipment such as flashlights or stethoscopes.

Sick call workers don’t perform physical exams on the prisoners and only take notes that are reviewed by nurses the following morning, the suit states.

“Inmates report complaints and symptoms that would certainly mandate a visit to an emergency room in the ‘free world,’ however are ignored in the prison context,” the suit states.

The suit also attacks the practice of punishing prisoners who declare themselves to be “medical emergencies,” which is the only way they can get medical attention outside of sick call. Even if they wind up treating an inmate, medical staffers can cite the prisoner for “malingering” if the problem wasn’t a true emergency, the suit states.

Asking inmates to decide under risk of punishment what constitutes a medical emergency isn’t fair, the suit states.

“Quite obviously there is a variance between what an illiterate, medically unskilled inmate might consider significant and that which a physician considers life-threatening,” the suit says.

Inmates often decide not to seek necessary treatment because they are afraid of being written up for malingering if a doctor determines their conditions aren’t emergencies, the suit states.

One inmate, 57-year-old Loyer Ford, felt pain in his stomach and went to the prison hospital, where he was given castor oil, the suit recounts. After two more trips to the hospital because of continuing pain, Ford was written up for malingering, according to the suit.

Two days later, Ford vomited blood and was taken to Earl K. Long Memorial Hospital, where he was diagnosed as having a bleeding ulcer, according to the lawsuit.

The suit also claims that the prison should offer yearly medical check-ups to inmates over 40 years old, a policy that was implemented in 1978 but canceled in 1990.

The aging inmate population at Angola is prone to treatable diseases that, if left undiagnosed, can cause death or require care unavailable at the prison. About 2,200 prisoners are serving life sentences and another 1,500 inmate are serving sentences that for all practical purposes are life terms, according to the suit.

“The price we are going to have to pay for life sentences is increased medical costs,” Nordyke said Thursday.

Nordyke was appointed to represent all prisoners by U.S. District Judge Frank Polozola, who wields great power over the prison system. Polozola presides over a civil rights lawsuit filed in 1971 by inmate Hayes Williams that led to sweeping changes in Louisiana prisons.

Williams, who is serving a life term at Angola, is also a plaintiff in the lawsuit filed Thursday. Williams has been disciplined for “malingering” after requesting medical attention, according to the suit.

Including Williams in Thursday’s lawsuit “has a certain symmetry,” said Nordyke.