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ACLU Calls on Nevada Prison Officials to Comply with National Health Care Standards (1/7/2008)

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CONTACT: [media@aclu.org](mailto:media@aclu.org); (212) 549-2666

### **Citing Horrific Medical Care Problems at Ely State Prison, Group Seeks Court Decree Requiring Vast Health Care Improvements**

ELY, NV – The American Civil Liberties Union today proposed to Nevada government officials, including Governor Jim Gibbons and Corrections Director Howard Skolnik, a series of basic reforms to dramatically improve prison health care at Ely State Prison (ESP).

Following a damning report by a medical expert hired by the ACLU, the ACLU is recommending that the Nevada Department of Corrections (NDOC) comply with the nationally recognized medical standards established by the National Commission on Correctional Healthcare (NCCHC). Additionally, the ACLU's proposal mandates that NDOC hire a qualified, full-time physician to work on-site at ESP within 60 days and agree to allow the ACLU and medical experts to monitor ESP's compliance with the nationally recognized NCCHC correctional health care standards.

"We are hopeful that Director Skolnik will embrace these much-needed changes given the irrefutable evidence that the health care system at Ely State Prison is absolutely abysmal," said Amy Fettig, staff counsel for the ACLU National Prison Project. "Too many people have suffered unnecessarily already because of grossly inadequate medical care and it is time to make some dramatic improvements."

Dr. William Noel, the medical expert retained by the ACLU, revealed in his report that gravely ill prisoners are denied treatment for excruciatingly painful and potentially life-threatening medical conditions, and that there is a woeful shortage at the prison of qualified medical personnel. The Los Angeles Times reported on Dec. 6 that "prisoners at Ely have been denied care for heart problems, diabetes and other serious medical conditions. Earlier this year, a nurse was fired after complaining about substandard care at the facility, which she said led to one inmate needlessly dying of gangrene."

If the ACLU's recommendations are agreed upon, they would be constructed into a binding court-sanctioned consent decree. If NDOC failed to comply with the terms of the agreement, the ACLU would have the right to seek court intervention.

"The complaints we receive from Ely State Prison about medical care are not only horrific, but also raise serious legal questions," said Lee Rowland, staff attorney for the ACLU of Nevada. "We believe it is essential for NDOC to allow outside monitoring of the health care system at ESP in order to ensure that constitutional standards are met, and that nationally recognized practices for correctional health care are put in place."

ESP is home to Nevada's death row, where 10 out of the last 12 prisoners to be executed were volunteers. Advocates are concerned that this extraordinarily high rate of volunteerism may be related to grossly deficient medical care and unconstitutional conditions at ESP that have been recently exposed by the ACLU.

"There is a troubling rate of volunteerism in Nevada that is significantly higher than anywhere else in the country,"

said Brian Stull, a staff attorney with the ACLU's Capital Punishment Project. "It is unconscionable for Nevada to execute seriously ill prisoners who have been worn down by untreated and unendurable pain and who then forsake their appeals and volunteer for execution. It is a perversion of the critically important appeal process."

Noel wrote in his report that medical care at ESP shows "the most shocking and callous disregard for human life and human suffering that I have ever encountered in the medical profession in my 35 years of practice." According to the report, which was sent to Skolnik early last month, there is a horrific pattern of neglect, misguided health care policies, and little accountability for frequently under-qualified staff. Noel also noted numerous instances where important medical records were missing from prisoners' medical files. Finally, Noel and the ACLU have raised serious concerns about prisoners who died and were cremated before autopsies were completed and their families notified.

The ACLU's proposed agreement can be found online at:

[www.aclu.org/prison/medical/33496lg120080104.html](http://www.aclu.org/prison/medical/33496lg120080104.html)

Noel's report on medical care at ESP is available online at:

[www.aclu.org/prison/medical/33009lg120071206.html](http://www.aclu.org/prison/medical/33009lg120071206.html)

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