National Hepatitis Corrections Network
Webinar – Recent Hepatitis C Treatment Lawsuits in State Prisons
July 20, 2015

D.Mass. No. 1:15-cv-12298-NMG

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**Description**

**Plaintiffs:** proposed class action  
class = all HCV+ in DOC  

**Defendants:** Mass. DOC (Commissioner)  
MPCH (Centurion Managed Care)  

**Claim:** Eighth Amendment  
Deliberate Indifference to SMN  

**Remedy:** Injunctive Relief  
Treatment & Protocol
**Background / History**

**DOC Treatment:** Early Protocol (DPH)
Combination Therapy

**Limitations:**
- Staging
- Wait list
- Exclusions

**Problems:**
- Individual (PLS/NLG)
- Delay
- Exclusion

**Background / History (cont.)**

**Triple Therapy:** Protocol change?

Patient bulge: tx-experienced

Task Force regroup

Delay

Reasons: New

Total cost

Waiting for better tx
Declining treatment slots...

FY2009 -- 81 (average/month)
FY2014 -- 16 (average/month)

even after the better tx arrives:

Oct 2014 -- 6 (all combo/triple)
Feb 2015 -- 3 (unknown)
Not Knowing Is Deliberate Indifference

Reasons Not to Know:

- Staging -> treatment indicated
- Numbers unknown but likely large
- Not enough $ to treat all
- Legal: cost is not a valid defense
- Practical: frustrating / inefficient
Not Knowing Is Deliberate Indifference
But Not Knowing Is No Excuse:

HCV diagnosis is knowledge enough
Obligated to stage and monitor
Risk of harm is there for all
Staging is easier (noninvasive)
Should have been done already:
Who gets triple therapy
Preparing for better tx

**Goals**

Immediate staging, prioritizing, treatment

No foot-dragging

Revamped treatment protocol

Enforceable timelines

Remove exclusions

Significant investment in treatment now

Policy: Prison pharmacy purchasing