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Federal jury in St. Louis awards \$8.5 million in jail health care case

Advanced Correctional Healthcare is the largest privately owned provider of health care services to county jails in the country. It has contracts with more than 320 jails in 18 states, mostly in the Midwest, including several in Missouri and Illinois. On its website, it used to brag that it had never had a lawsuit "result in a judgment" against the company or its doctors. That's no longer true. On May 24 a federal jury in St. Louis awarded the sister of Bilal Hill \$8.5 million in damages relating to Hill's death. The Columbia, Missouri, man died of lung cancer at the age of 43 after a several-months-long stay in the Phelps County Jail. He complained of pain and a growth in his neck from early in his stay there. His pleas were ignored by the company and its doctors contracted to provide health care to inmates at the jail, jurors found. "The jury saw the same things that we saw," said Hill's sister, Lady Maakia Charlene Smith. She lives in North Carolina and was on the phone with the jail regularly advocating for her brother. He was being held while awaiting trial on federal charges for alleged possession of marijuana, K-2, and guns. "People are treated differently if they get outside care versus care inside the facility," Smith said. "They basically let him deteriorate and waste away for more than three months. He was in excruciating pain. The nurse and the doctor were very dismissive of his complaints. It was inhumane. I've seen animals treated better than my brother did in jail." After Hill went nearly 80 days without medical care, Smith was eventually successful in convincing jail officials to send her brother to the Phelps County Hospital for care. Physicians there immediately saw a man with serious medical needs and transferred him to CoxHealth Medical Center in Springfield. There, he received a terminal cancer diagnosis. He was released from federal custody and sent home to die, with his sister and his son. The case, filed in 2020, should open the eyes of counties that contract with private health care companies, say the family's attorneys, Brandon Gutshall, Charlie Eblen and Lindsey Heinz of the Shook, Hardy, and Bacon law firm. "You see a lot of bad actors," in this industry, Eblen says. "We think they have a business model that really seeks to minimize inmate care. They really try to do as little as they can get away with." Like so many things related to jails and prisons in the U.S., privatized health care is a multibillion-dollar industry, with several big players, such as Wellpath and Corizon. The companies started springing up in the 1970s after the U.S. Supreme Court ruled in 1976 that "deliberate indifference" to a detainee's care was a violation of the Eighth Amendment protections against "cruel and unusual punishment." But as the privatized health care industry grew, so did jail deaths, Reuters found in a 2020 report on the poor treatment of jail detainees. Search any state's court records and there are dozens of wrongful death and other similar lawsuits against privatized jail health care companies. At least 10 have been filed in Missouri state courts against Advanced Correctional Healthcare, and another dozen or so in federal court. One case out of Buchanan County, filed in 2017 against both Advanced Correctional Healthcare and Corizon, is headed to trial later this summer. The company faces a class action lawsuit over alleged poor jail care in St. Francois County. The size of the verdict in Hill's case was a shock to the company, said its St. Louis attorney, Tad Eckenrode. The company is considering an appeal. The case was surely tragic, Eckenrode said, but "there was no testimony at trial that the purported delay in care impacted his cancer treatment or life-expectancy." That's not how Hill's sister, or her attorneys, saw the case unfold. "The facts in this case are egregious," Gutshall says. Hill was in pain from almost the moment he entered the jail. "He was crying and begging for help. Toward the end, his pain was so bad he couldn't even get out of bed. He was just ignored." It is the sort of comment that comes up frequently when people die in jail, and that's why Smith says it's important for family members to do their best to be advocates for their loved ones when they end up behind bars. "If you don't have families that will advocate for you, they'll feel like they can sweep it under the rug," Smith says. "People need to check on their family. I know people get frustrated and upset when people are incarcerated. If my brother had laid down and died in that jail, we would have known nothing."