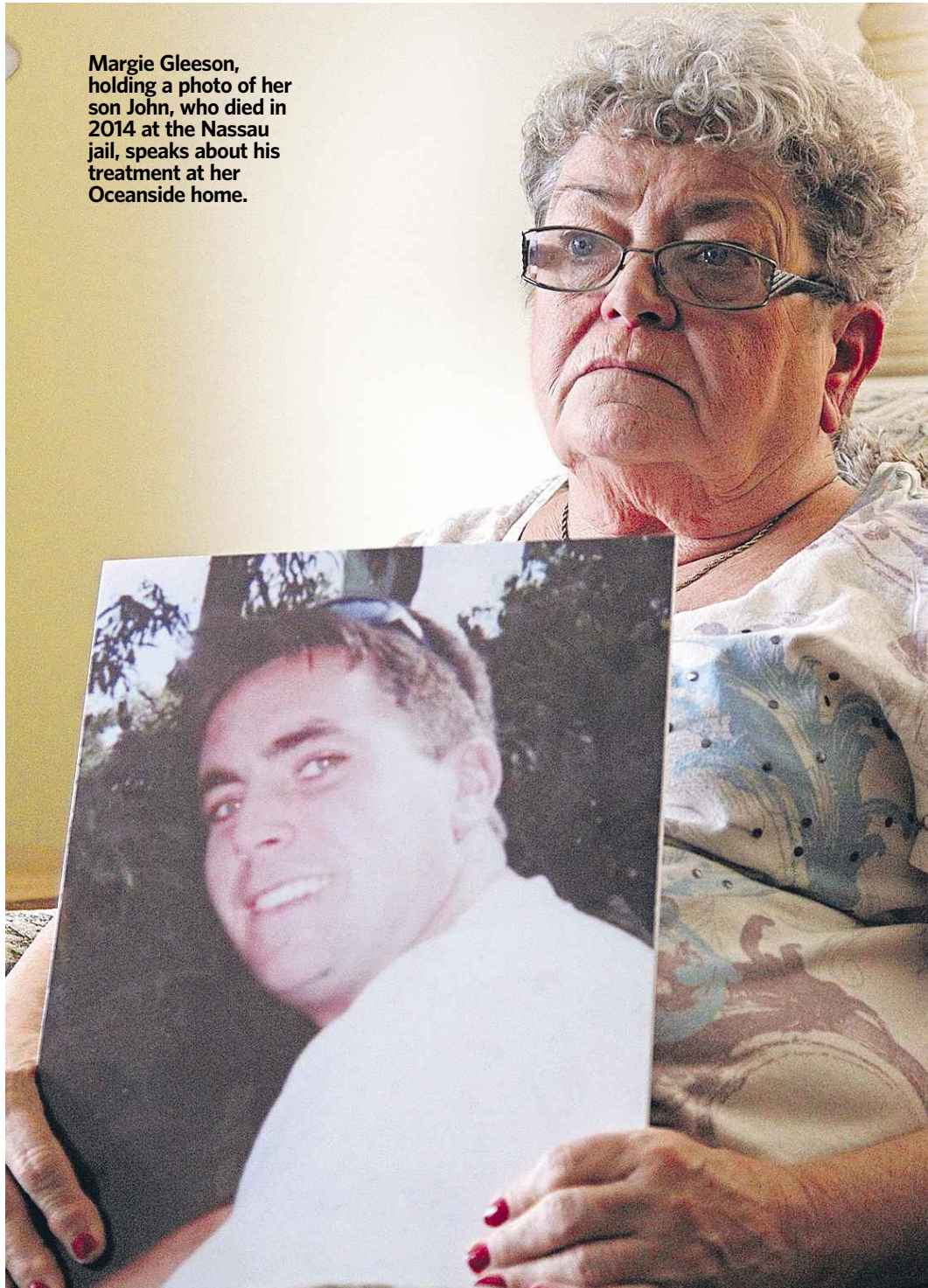


Nassau jail's health provider

TRAIL OF TROUBLE

Margie Gleeson, holding a photo of her son John, who died in 2014 at the Nassau jail, speaks about his treatment at her Oceanside home.



Now facing NY attorney general probe, Armor Correctional also named in recent federal and state suits over treatment of inmates

BY DARRAN SIMON
darran.simon@newsday.com

The private company entrusted with providing health care to the Nassau County jail — and recently cited for giving inadequate care to inmates who died in custody — has a trail of lawsuits in multiple states alleging that it delivered substandard care.

The suits — alleging inmates suffered and sometimes died because Armor Correctional Health Services' staff was negligent and underqualified, deprived inmates of medical care and denied emergency care — come as a New York State commission in September said the Miami-based firm gave “incompetent and deficient” care to a Nassau jail inmate who died in custody last year.

Since May, Newsday has reported that critics, including attorneys, the New York Civil Liberties Union, and an acting state Supreme Court justice who lowered an inmate's bail after her lawyer said she hadn't gotten her diabetes medication, have raised concerns about Armor. Last month, advocates and one of Nassau's top Democrats intensified calls to suspend Armor's contract after the state findings about the death of inmate John Gleeson at the Nassau jail.

In addition, the New York State attorney general's office has launched an investigation of Armor's quality of care, including how the company deals with medical emergencies at the Nassau jail, sources told Newsday last week.

A review of complaints filed in federal and state courts nam-

ing Armor as a defendant, state Commission of Correction reports obtained through multiple public information requests, other documents and interviews with attorneys found:

- The state commission said two inmates — Tommie Lee Jones, 51, and Daniel Pantera, 46, who died in custody at the Niagara County Jail, received “grossly inadequate” care. The agency said Pantera's death was “preventable” if he had received adequate treatment.

- In Florida, Pinellas County Sheriff Bob Gualtieri ended the county's contract with Armor a little more than seven months into the two-year agreement. Among the issues, Gualtieri said Armor was not treating patients in a timely manner, the Tampa Bay Times reported.

- Also in Florida, the Hillsborough County Sheriff's Office decided to no longer use Armor's services, ending a nine-year relationship. The decision came about a year after a \$1 million payout to the family of a Tampa man who suffered a stroke in a jail where Armor provided health care and later died.

- At a women's prison in Virginia, the state will pay for an independent monitor after inmates sued, alleging they had to stand in a “pill line” about 3 a.m. in the rain and snow to receive medicine at a facility where Armor was responsible for medical care.

Armor is among six to 10 large private correctional health care providers, said Dr. Marc Stern, a Washington state-based internist who does research on correctional health care and examines care in various facilities.



NASSAU COUNTY JAIL

KEVIN P. COUGHLIN

Experts say there are good and poor examples of privatized correctional health care. More government agencies appear to be choosing the privatization option, said Brenda E. Castaneda, a Virginia attorney who sued Armor and others, alleging substandard care.

The quality of care is determined more by the local health care administrators managing the private contract than the company itself and whether there is robust oversight by jail administrators, experts say. But regardless of who is providing health care, more emphasis needs to be put on improving correctional care, they say.

Stern, a former Washington State Department of Corrections assistant secretary of health care, said: "The root problem is we don't put enough money and attention into correctional health care. . . . It's just not important to the public, unfortunately."

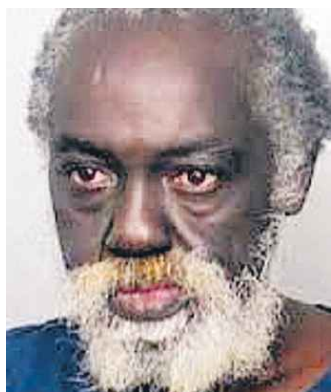
Reluctant to represent

Joanne Doroshov, founder and executive director of the Center for Justice & Democracy in New York, said lawyers are generally unwilling to take on medical malpractice lawsuits involving inmates because the damages are typically low and juries are usually unsympathetic.

In instances where attorneys take on such cases, "the harm is so egregious, it can rise to the level of a constitutional violation," she said.

Armor's contract has been renewed twice since Nassau legislators first agreed to a two-year contract for \$11 million a year as a cost-cutting measure.

That deal privatized work that the Nassau University Medical Center previously handled for about \$18 million in 2010. Nassau County Executive Edward Mangano has publicly said that the Armor contract has saved \$7 million annually.



Raleigh Priester died on July 10, 2012, while in custody at the Broward County Jail in Florida.



Tommie Lee Jones died on Dec. 29, 2012, while in custody in the Niagara County Jail in upstate New York.



Allen Hicks suffered paralysis in August 2012 and went untreated in a jail in Florida, his family said.

Records show Nassau County has paid Armor nearly \$43 million since mid-2011.

Last year, Fort Lauderdale attorney Greg Lauer sued Armor, Broward County Sheriff Scott Israel and others, alleging negligence in the death of Raleigh Priester, 52, a U.S. Army veteran with a history of schizophrenia, who died July 10, 2012, after 155 days in the Broward County Jail.

Armor declined to comment on specific lawsuits or patient-specific matters.

"Armor supports its caregivers who work relentlessly every day on behalf of our patients to fulfill our mission of providing quality care," spokeswoman Yeleny Suarez said in an email. She said the company has "seen a recent trend among certain attorneys attempting to manipulate the media."

The company has said that no jury has ever found it guilty of medical malpractice.

Armor, though, has recently settled at least two lawsuits involving inmate deaths that never made it before a jury.

In August, Priester's family settled its suit. The terms are confidential.

Fort Lauderdale police arrested Priester on Feb. 6, 2012, after he threw a rock at a city employee who asked him to leave a parking garage, according to the suit filed in federal court.

The suit alleged that Armor's staff had learned about Priester's medical history — including a stint in a mental hospital — and placed him in solitary confinement. He was seen standing naked, "yelling, incoherently, actively hallucinating, banging his head on the floor causing himself to bleed," the suit said.

'Slow horrible death'

Priester was denied adequate amounts of food and water and was not given medication or medical treatment while in solitary, nor was he moved to a facility for treatment, the suit said.

Priester died a "slow horrible death," the suit said. He was found dead in a cell, weighing only 120 pounds — about half what he weighed when he was admitted to the jail.

Lauer declined to comment on the suit.

In New York's Niagara County, Armor agreed to a \$100,000 payout in July to settle a wrong-

ful-death suit Jones' daughter filed.

"I think . . . [the settlement] sends a message to the counties and to the jails, that proper care has to be rendered to the people that they are incarcerating," said Jones' attorney, Gregory Krull of Buffalo.

Jones was jailed on a parole violation Nov. 29, 2012. He had a history of heart disease, emphysema and gout, and told jail officials of his medical record.

Days before his death, Armor's medical director gave him medication that "should be used cautiously with patients with cardiovascular disease" and didn't follow up, the suit said.

Jones also submitted sick calls complaining that his leg was swollen and full of fluid, and gout had started to set in.

The day before he died, he told a nurse he felt like he was going to "have a heart attack," the report said.

Jones died Dec. 29, 2012 — two weeks after Armor took over medical care — of acute untreated pulmonary edema, a condition caused by excess fluid in the lungs, making it diffi-

cult to breathe, the report said.

The report recommended that state health officials investigate Armor's medical director for "failing to examine and respond to a patient who demonstrated a need for immediate medical care" and for giving Jones improperly prescribed medicine.

Armor declined to comment on the report.

Founded in 2004, the company said it provides medical care to more than 40,000 inmates in eight states. Last October, it signed a five-year, \$21.8 million contract with Osceola County, Florida, to provide care to roughly 824 inmates in the county jail — a deal that saves the county about \$677,000, a county spokesman said.

Medical services are not the county's expertise, and the county is indemnified if a lawsuit is filed involving Armor's services, the spokesman said.

Suarez said Armor has grown because their clients see "a sincere effort and the results from our team to enhance patient care in a cost-effective manner."

In 2013, Armor paid \$800,000 to settle with the family of Allen Hicks, 51, who died in August 2012 while in custody in Hillsborough County, Florida, court records show. Armor was not named in the suit against Hillsborough and other defendants.

The Hillsborough County sheriff's office paid \$200,000, records show.

A Florida Highway patrol trooper had pulled Hicks over in May 2012 for driving erratically after the Tampa high school baseball coach was seen hitting the guardrail.

Paramedics instructed the highway patrol trooper to take Hicks to the hospital after he refused commands to get out of

See JAILS on A14

Health care provider to inmates facing lawsuits

JAILS from A13

his vehicle, but authorities took Hicks to the Hillsborough County Jail, said his attorney, Paul Rebein of Tampa.

The left side of his body wasn't functioning and his leg dragged as he was placed in a cell where he lay face down on a mattress as Armor's nurses "stood by and watched," Rebein said.

Thirty-six hours passed before he slipped into a coma. He died about a month later.

"He's seen struggling to try to get up, clearly not using one side of his body and nobody's doing anything to help," Rebein said.

Rebein said Hicks' treatment amounts to "devaluing the life of someone who is a detainee."

In 2014, the Hillsborough County sheriff's office ended its relationship with Armor after its contract expired and awarded a new contract to Alabama-based NaphCare.

Hillsborough sheriff's Col. Ken Davis, commander of the detention services, didn't specify why the county rejected Armor's bid for a new contract.

"If we had been thoroughly pleased with the delivery of service . . . we could have renewed the contract," Davis said.

He added: "Obviously, there were good days and bad days."

Davis said Armor's "effort wasn't lacking. We just went with a different direction — a different model, a more of a front-loaded care model as opposed to a reactionary care model."

Also in 2014, Gualtieri, of Pinellas, and Armor agreed that a 30-day notice was enough to cancel the contract the two entered into in September 2013, according to a copy of the letter to Armor CEO Bruce Teal.

Praise from Oklahoma

The correspondence didn't specify why the contract was canceled. Suarez said it was a "mutual agreement to terminate due to the unique staffing nature of the agreement."

Gualtieri declined to comment.

He told the Orlando Sentinel at the time: "Based on this experience, we're going back to doing it in-house, and we're not going down that path again."



Catherine Marinaccio said her son Antonio wasn't cared for properly at the Nassau jail. He died after falling ill there in April.

In Oklahoma, Oklahoma County Sheriff John Whetsel praised Armor, which provides health care for between 2,200 and 2,800 inmates at the county jail in Oklahoma City.

"We are very satisfied with Armor. They provide excellent care for our inmates and we've been more than satisfied with the quality of care they've provided over the last five years," he said through a spokesman.

In Nassau County, Armor critics such as Legislative Minority Leader Kevan Abrahams (D-Freeport) have called for the suspension of Armor's contract after the state report on Gleeson's death.

The state report said Glee-

son's death in 2014 may have been prevented if not for his "incompetent and deficient" medical treatment at the jail, which houses about 1,200 inmates.

The commission questioned Armor's ability to meet the needs of inmates where it holds contracts in New York, saying Armor engaged "in a pattern of inadequate and negligent medical care."

Gleeson, 40, an electrician and father of two, suffered from angioedema, a condition that includes bouts of swelling that can escalate into breathing emergencies.

He had pleaded not guilty to burglary on the day he died.

Gleeson's family intends to

sue the county, the jail and Armor.

Other Nassau inmates said Gleeson's throat had swollen tremendously hours before his death, and one inmate said he complained of serious breathing trouble, Newsday reported in August.

A spokesman for Mangano said in October the state commission report "raises concerning allegations" and he said the matter has been sent to the county "for review."

Armor has said that the majority of allegations levied against the company "have been unfounded."

Fault found elsewhere

The state Commission of Correction also has issued multiple criticisms after two other inmate deaths in Nassau's jail since the company got the county contract in mid-2011.

In 2012, Armor's care was called "grossly incompetent" by the commission after a Shirley man, Roy Nordstrom, 47, died of a heart attack in jail in 2011 after repeated chest pain complaints.

The state ordered the county executive's office to do an inquiry into Armor's fitness as the jail's medical care provider after finding the company negligent in Nordstrom's death.

In 2013, Armor gave "inadequate evaluation and treatment" to Bartholomew Ryan, 32, who served as a U.S. Marine in Iraq before committing suicide in the jail in 2012, the commission said.

Armor contends it isn't responsible for Ryan's death and that there was no indication the company disregarded Ryan's health and safety.

And the commission is also investigating the 2015 jail custody death of Antonio Marinaccio Jr., 53, of Levittown, whose family filed a notice of claim in July against Nassau, the jail, and correction and police officials.

Among their claims is that Marinaccio was the victim of wrongful death and medical negligence. The family contends the inmate became brain-dead after not getting proper medical care and suffering a heart attack while in jail custody. The family has said jail officials told them he was found in his cell at 3 a.m. on April 26 in cardiac arrest, but that a hospital official said he wasn't brought to the hospital until 4:18 a.m. Marinaccio died May 2 after the family gave permission for him to be taken off life support.

Another state commission re-

port — this one in 2014 — said Pantera's death on Dec. 25, 2012, of hypothermia — complicated by ailments including cardiovascular disease — while in custody in upstate New York was "preventable," if he, too, had gotten adequate treatment at the Niagara County Jail in upstate Lockport.

Pantera, who suffered from mental issues, was charged with stealing a cup of coffee from a 7-Eleven.

At one point, Pantera, who was naked, ran into his cell, knocking himself unconscious; he said "he was trying to get out," the report said.

"This death was the result of grossly inadequate medical and mental health care," the report said.

Pantera's ex-wife has sued Armor and its medical director, court records show.

Buffalo attorney James Vandette, who is handling the suit, could not be reached.

Castaneda, the attorney representing inmates at Fluvanna Correctional Center for Women in Virginia, said the "movement toward privatizing prison systems" is problematic.

"You're handing over a basic constitutional right to a for-profit company," said Castaneda, of the Legal Aid Justice Center in Charlottesville, Virginia. "Budgets are tight and state agencies are looking for ways to cut their budgets — and this is an easy one."

Fluvanna "virtually never honors" prisoners' request for emergency medical care, alleges the lawsuit, which sought injunctive

Armor Correctional Health Services Inc.

Founded: 2004

Corporate Headquarters:
4900 S.W. 72nd Ave., Suite 400, Miami, Florida

President: Dr. Jose Armas

Annual Sales:

\$154,976,947*

Net Worth:

\$7,194,790*

Armor provides medical care to more than 40,000 inmates in eight states, including New York, South Dakota, Virginia, Wisconsin and Georgia, according to the company.

Sources: Armor Correctional Health Services' website
*Dun & Bradstreet, Inc.

relief and also named Virginia corrections and Fluvanna officials as defendants.

According to a recently finalized settlement, Fluvanna's new compliance monitor, a former medical director of the Pennsylvania Department of Corrections, chosen by medical experts representing both sides, will make periodic trips to Fluvanna to review and evaluate medical care.

Armor's critics, like Tulsa attorney Bob Blakemore, said Armor and other private companies are reluctant to send inmates to outside emergency care because of the cost.

"There is a financial disincentive for these staffing agencies to send inmates for outside treatment, even in cases where they're inmates that have complex conditions," said Blakemore, an attorney with Smolen, Smolen & Roytman. The firm's client, Scott Birdwell, was one of several plaintiffs who sued Armor and Tulsa County Sheriff Stanley Glanz alleging inadequate care at the Tulsa County Jail, among other things.

Complaints ignored

Birdwell suffered a serious cut after another inmate struck him over the left eye with an unknown object in June 2014, the suit said.

Armor staff ignored Birdwell's complaints of pain and his request to be hospitalized. The staff waited beyond their suggested 10-day waiting period to remove stitches, causing injury.

The case is pending.

Davis, of the Hillsborough County sheriff's office, acknowledges that inmates are a challenging population to care for.

"They're often sick. They have about as many health problems as any group of people you would find out there," Davis said. "It takes a lot of work to stay in front of their problems."

Broward County Public Defender Howard Finkelstein, whose office represents many inmates that Armor treats in the Broward Jail, said he's not sure Armor is "any better or any worse" than other private medical providers.

"If anybody you care about is in jail and is sick, and the health care treatment is provided by Armor or any of these other groups, you best get your loved ones out of jail," he said.

He added: "Because there is a chance that they will get sicker or even die under that care."

With Bridget Murphy

RYAN, OBAMA ARE FOES - AND ALLIES

BY JULIE PACE

The Associated Press

WASHINGTON — For years, President Barack Obama and newly elected House Speaker Paul Ryan have been political foes and occasional policy allies. Obama has long admired Ryan's seriousness on fiscal issues, but pilloried the Wisconsin lawmaker and GOP vice presidential nominee during the 2012 campaign as the architect of "radical" budget ideas.

Ryan helped champion Obama's trade agenda this year, but also has been among the sharpest critics of the president's health care law.

Now, with Ryan atop the fractious House Republican caucus, the two men face an uncertain 14-month stretch before the end of Obama's presidency. Ryan is eager to unify his party, but even if he can, there's no guarantee the House would progress on Obama's priorities, including infrastructure spending and tax reform.

"While it is certainly our hope that we can work together on areas of agreement, right now it's an unknown," White House communications director Jennifer Psaki said. "That has less to do with the individual and everything to do with the politics in the Republican caucus."

Still, there's no doubt that Ryan was the White House's favored choice for speaker after John Boehner resigned and No. 2 Republican Kevin McCarthy withdrew from the race to succeed him. Aides say the president views Ryan as a policy wonk driven more by legislative results than appeasing GOP hard-liners.

As Ryan addressed Congress Thursday, he said: "Let's be frank: The House is broken. We are not solving problems. We are adding to them."

Obama and Ryan enter this new relationship with few personal ties. They're close in age (Obama is 54, Ryan is 45), are



President Barack Obama and House Speaker Paul Ryan, center, in 2010. The two have allied on such issues as Obama's trade agenda, but also tussled on topics such as his health care law.

fathers to school-age children (two for Obama and three for Ryan), and are avid sports fans (though Obama's Chicago Bears and Ryan's Green Bay Packers are archrivals). But aides to both men say they've never spent much one-on-one time together.

Obama and Ryan have spoken by phone occasionally, including during a key trade vote in Congress this year. The president called Ryan on Wednesday to wish him well in his new post, but the White House said they did not make plans to get together for a more extensive conversation.

The president has long bristled at the notion he would have had more success dealing with Republicans had he spent more time cultivating personal relationships. He and Boehner were cordial, but hardly close, during the Ohio lawmaker's nearly five years as speaker.

They made an attempt at forging deeper ties — and a grand budget bargain — with a well-publicized golf outing in 2011, but the budget talks fell apart and the two men were

never again seen on the links.

White House aides hope Ryan can figure out what Boehner never seemed able to do: bring the small, but vocal, conservative wing of the House caucus along on major issues — or moving on without them if they hold firm.

White House aides point to Ryan's work on a 2013 budget deal with Democratic Sen. Patty Murray as a sign of his willingness to reach across the aisle, even when it's unpopular with a swath of House Republicans. They've also welcomed his vocal support for the president's pursuit of the Trans Pacific Partnership trade pact.

When Ryan was asked this year about aligning himself with a top presidential priority, he told CNN, "It doesn't bother me that the person I ran against in 2012 is the person I'm working with on this because it's the right thing for the country."

Despite areas of common interest, the most notable exchanges between Obama and Ryan have come when they've been at odds.

During a televised health care summit in 2010, Ryan derided the president's health care legislation as rife with "gimmicks and smoke and mirrors" techniques to shade the real cost.

Republicans praised his detail-rich, six-minute commentary as among the most effective arguments against the "Obamacare" bill.

In 2011, Obama castigated Ryan's budget proposals during a fiscal policy speech — with the Wisconsin lawmaker sitting in the front row. Without mentioning Ryan by name, Obama said the budget blueprint he authored painted "a vision of our future that is deeply pessimistic." The president again used Ryan's budget as a political target in the 2012 election.

At the White House, Obama spokesman Josh Earnest also reminded Ryan that with Democrats still in the White House, most successful legislation has to be bipartisan.

The president, Earnest said, hopes Ryan leads the House "with that fact in mind."

AP / PABLO MARTINEZ MONSIVAIS