

CORRECTIONSONE News

11/26/2007

HIV patient sues Fla. sheriff

Inmate says he was denied treatment at jail stay

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The Sun-Sentinel

BROWARD COUNTY, Fla. — During the three months he spent in a Broward County jail, Kevin Sauve made request after request for HIV medication. Not one was granted, according to a lawsuit recently filed in Fort Lauderdale federal court.

In one of his more desperate written appeals, Sauve, 36, described piercing ear pain, night sweats and rapid weight loss. In another, the Fort Lauderdale college admissions officer asked to be tested for pneumonia, a potentially fatal condition for patients with HIV/AIDS.

"I was freaking out," Sauve recalled. "I really thought I was left in there to die."

Ultimately, the Broward judge presiding over Sauve's criminal case, involving charges of illegally selling pain pills, took the extraordinary step of ordering his release so he could seek medical treatment from his own physician.

Sauve's federal lawsuit is one of two recent actions accusing the Broward Sheriff's Office and prison health-care contractor Armor Correctional Health Services of delaying the treatment of HIV-positive inmates.

While such complaints are not new, the federal cases advance an effort by area lawyers and HIV advocates to change a system they say puts cost savings above the welfare of seriously ill inmates, whose health could deteriorate quickly without proper treatment.

"In this day and age, when we know so much about HIV and how to treat it, this is just unacceptable," said Greg Lauer, a Fort Lauderdale lawyer who represents Sauve.

Lauer and attorney Dion Cassata filed a similar suit in September on behalf of Richard Hardwick, 52, of Deerfield Beach, and are investigating several additional cases.

Officials with the Sheriff's Office and Armor rebut the charges, saying their system for treating inmates with HIV/AIDS works well and is a model for other prison systems.

"It's sometimes a difficult process, but obviously very necessary to make sure we have a continuum of care," said Karen Davies, who oversees the Broward jail contract for Armor.

To be effective, HIV medication must be taken at precise intervals. Patients who miss even a few doses may become resistant to their drugs and require expensive blood tests to find a new combination.

Addressing the issue at a Nov. 15 forum at the Gay and Lesbian Community Center, Davies said Armor starts HIV treatment immediately for inmates who know which drugs they're taking. When inmates can't identify their medications, Armor seeks medical records from physicians and pharmacies, she said.

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"One of the issues we have difficulty with, frankly, is getting information back from community providers," Davies said.

But anecdotal reports from attorneys and former inmates tell a more complex story.

In the last year and a half, the Broward Public Defender's Office has filed complaints with Armor Correctional on behalf of 30 inmates regarding improper HIV/AIDS treatment, said Shane Gunderson, client services director for the office. On Oct. 30, Gunderson sent the list to the Sheriff's Office.

Broward Public Defender Howard Finkelstein called the issue a grave concern.

"The reason this became of paramount importance to us is the very nature of treatment for HIV/AIDS requires that the treatment regimen be tight, be consistent, and be regular," Finkelstein said. "When medications are altered or delayed, it creates the possibility that very bad medical things can happen, even death."

For his part, Sauve insists he informed medical personnel of his drug regimen May 1, the day he was arrested on a charge of trafficking oxycodone.

"I knew exactly what meds I was on," Sauve said. "I told them what they were. I spelled them. I even pointed to them on the wall."

Sauve, who pleaded not guilty to the drug trafficking charge, said jail doctors did not agree with the pills his outside physician prescribed and refused to order them.

On July 31, Broward Circuit Judge Cynthia Imperato reduced Sauve's bond from \$500,000 to \$0 so he could pursue treatment on his own. His T-cell count, a measure of immune strength, had dropped from an already low 169 to 27, Sauve said.

Eight days later, Broward Circuit Judge Marc Gold released Hardwick after a hearing revealed he had gone four months without HIV medication.

Hardwick, who is charged with driving with a revoked license and multiple counts of obtaining a controlled substance by fraud, informed prison officials he needed HIV medication within two days of his arrest, according to his federal lawsuit. He pleaded not guilty to the criminal charges.

Lauer, a former state prosecutor, and Cassata, who specializes in employment law, said they think the Sheriff's Office and Armor systematically deny treatment to HIV-positive inmates as a cost-cutting measure.

With many inmates quickly posting bond and leaving the jail system, medical personnel simply wait to order expensive treatment and tests, they said.

"The problem is they don't have any way to tell who's going to be a long-term resident," Lauer said. "They have a blanket policy to keep their fingers crossed and hope these people are no longer their problem."

Roughly 68,000 inmates pass annually through the Broward jail system, with an estimated 3 percent of the group having contracted HIV/AIDS. The Sheriff's Office has a \$20 million annual contract with Armor to provide health-care services.

According to Davies, Armor recently hired an HIV/AIDS specialist to work in the Broward jail system. Previously, Broward medical personnel consulted with a Tampa-based specialist.

Daniel Losey, an attorney for Armor, defended the company. He declined to speak about specific cases because of patient privacy rights and the pending litigation.

"I just know from experience that, shockingly, everything an inmate says isn't always 100 percent the truth, particularly with an inmate that would rather be out of jail than in jail," Losey said. "Sometimes the inmates don't let the truth stand in the way of their attempt to get out of jail or get money."

Michael Rajner, a local AIDS activist, said the most important thing is fixing the system so people don't fall through the cracks.

"Where there is cause for concern is when individual has identified they have a medical need and the authority in charge is negligent in providing the treatment," Rajner said. "That is when it becomes a human-rights issue."

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