

# Prison Nursing: Court Sees Deliberate Indifference To Inmate's Serious Medical Needs.

An inmate serving a thirty-five year prison sentence had a history of an old gunshot wound in his stomach.

An individual with a history of an abdominal gunshot wound is at increased risk for later developing a bowel obstruction.

The prison medical chart contained documentation alerting his caregivers and the physician and nurse practitioner responsible for the patient's care were aware of his history and risk of bowel obstruction, according to the US District Court for the Western District of Kentucky.

## **Signs of Bowel Obstruction Ignored Patient Treated as a Malingeringer**

The problem began with vomiting and sharp abdominal pain. A nursing assessment in the prison clinic found that his abdomen was firm and bowel tones were hypoactive. He was not moved into the prison infirmary until the guards became concerned that the other prisoners were getting restless over the issue that nothing was being done for him.

In the prison infirmary the findings included abdominal pain, decreased bowel sounds, vomiting, fever, high blood pressure, increased respirations, constipation, inability to eat or drink and elevated blood glucose and ketones.

The patient was at first sent to a segregation cell as punishment for malingering but soon was sent back to a medical observation cell. The physicians and nurses kept him under observation while his signs and symptoms worsened.

Not until he vomited emesis with a fecal odor did a physician finally have him transported to a hospital. Emergency surgery at the hospital revealed extensive infection, necrosis and gangrene in his small intestines. The patient was basically terminal by this point and soon died.

## **Civil Rights Lawsuit Upheld**

The Court ruled there were grounds for the family's lawsuit against the prison medical personnel for violation of the deceased inmate's Federal Constitutional rights as well as state common law medical malpractice. **Williams v. Simpson, 2010 WL 5186722 (W.D. Ky., December 15, 2010).**

***Nurses and other medical personnel treating inmates locked up in jails and prisons can be sued for violation of their patients' Constitutional rights as well as common law malpractice.***

***The Eighth Amendment to the US Constitution outlaws cruel and unusual punishment. Originally the Eighth Amendment was meant to outlaw extreme forms of torture, but the US Supreme Court has said that evolving standards mean that deliberate indifference to an inmate's serious medical needs is now considered a form of unnecessary and wanton infliction of pain.***

***The medical personnel in this case knew from the patient's history that his signs and symptoms were consistent with the possibility of a bowel obstruction, a condition which presented a serious risk to the patient's health and safety if not promptly diagnosed and competently treated.***

***Even the non-medical prison staff and other prisoners were aware something was seriously wrong with this man and that something serious needed to be done.***

UNITED STATES DISTRICT COURT  
KENTUCKY  
December 15, 2010