

NEW YORK STATE COMMISSION OF CORRECTION

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In the Matter of the Death : FINAL REPORT OF THE  
: NEW YORK STATE COMMISSION  
of Maria Viera, an inmate of the : OF CORRECTION  
Monroe County Jail :  
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TO: Sheriff Patrick O'Flynn  
Monroe County Sheriff's Office  
130 Plymouth Avenue South  
Rochester, NY 14614

GREETINGS:

WHEREAS, the Medical Review Board has reported to the NYS Commission of Correction pursuant to Correction Law, section 47(1)(d), regarding the death of Maria Viera who died on September 2, 2010 while an inmate in the custody of the Monroe County Sheriff at the Monroe County Jail, the Commission has determined that the following final report be issued.

FINDINGS:

1. Maria Viera was a 53 year old white female who died on 9/2/10 at 6:17 a.m. from Myocarditis while in the custody of the Monroe County Office of the Sheriff. Viera was receiving fifteen minute supervision when she was observed unresponsive by a correction officer and a registered nurse [REDACTED]

2.

3.

4.

[REDACTED]

5. On 8/31/10, Viera was remanded to the Monroe County Jail and at 5:28 p.m. booked by Deputy R.S. The deputy completing the Booking Officer's Visual Opinion noted an affirmative answer to the question of "Does the resident appear to be under the influence of alcohol? If yes, are any of the following observed?:"

1. Headache, auditory or visual hallucinations
2. Tremors or shakes
3. Nausea or vomiting
4. Sweating
5. Nervous, fidgety and/or pacing
6. Confusion/disorientation with time, place and/or people
7. Itchy, crawling, burning skin or numbness

Deputy R.S. stated that she gave an affirmative answer to the question as Viera self-reported she was under the influence of drugs. Deputy R.S. stated she did not observe any of the listed symptoms.

6. Deputy R.S. also completed the Medical Receiving Screening Form [REDACTED]

[REDACTED] Deputy R.S. completed the Suicide Prevention Screening Form, giving Viera a score of two. Viera denied any history of counseling or mental health evaluation/treatment. The questions that were affirmatively answered were: "Detainee has a history of drug or alcohol abuse;" [REDACTED] and "Detainee is apparently under the influence of alcohol or drugs." Deputy R.S. stated she answered this question with a positive answer as Viera self-reported she was under the influence of drugs.

7. On 8/31/10 at approximately 8:30 p.m., Cpl. T. escorted Viera, who was unarraigned at this time, to the medical office where she was screened by a registered nurse employed by

Correctional Medical Care (CMC). CMC is the contracted health care provider and is a general business corporation that holds itself out as both a medical and psychiatric services provider to Monroe County Jail inmates. Viera was screened by RN T.A. using the CMC Central Booking/Medical Screen. [REDACTED]

[REDACTED]

RN T.A. signed the Booking Officer's Visual Opinion form completed by Deputy R.S. that indicated she reviewed it. On the Booking Officer's Visual Opinion, Deputy R.S. indicated that Viera was under the influence of alcohol. [REDACTED]

[REDACTED] This is a violation of CMC Procedure #153 entitled Inmates with Alcohol or Other Drug Problems which states:

Inmates who admit to daily or drug consumption will be placed on a DETOX flow sheet and monitored,

This decision speaks to RN T.A.'s inexperience. RN T.A. stated at the time of the Commission's interview, she had been a registered nurse for about one year and her only nursing employment was her one year at the Monroe County Jail. Assignment of a registered professional nurse one year out of nursing school and without medical-surgical experience to an intake medical/mental health/substance abuse assessment post without experienced supervision represents inadequate and inappropriate credentialing on the part of CMC, Inc.

8.

[REDACTED]

[REDACTED] RN T.A. stated she "assumed" she called the Rite Aid pharmacy, as it was her practice to document the medication's name, dosages, administration times on the form, if the medications are verified. RN T.A. stated she leaves

the medications list on the medical screen blank if she is unable to verify the medications. [REDACTED]

[REDACTED] RN T.A.'s reasoning is a specious rationalization and for that reason invalid. In its mortality review of this case, CMC, Inc. management asserted that RN T.A. most certainly contacted the pharmacy. This is not consistent with RN T.A.'s statements to Commission staff or with the record.

9. Deputy R.S. stated upon Viera's return from the medical unit, she was not given paperwork completed by the medical department notifying security to place the inmate on detoxification status.
10. On 9/1/10 at 8:30 a.m., Viera refused to attend her court appearance for arraignment. Deputy D.C. and Transport Officer S.I. attempted to change her mind about her decision. Viera cited that she already knew that she would be held in jail and would not consider attending her arraignment. The judge who heard Viera's case arraigned her in absentia. Deputy D.C. stated she was the booking officer who receives the post-arraignment paper work and lists the inmates who need to see the medical staff for a second screening with the medical staff. On 9/1/10 at approximately 10:00 a.m., Deputy D.C. contacted the City Court to verify that Viera had been committed and was informed that Viera had been committed. The securing order for commitment was signed by City Court Judge T.M. with an adjourned court date of 9/2/10 at 11:00 a.m.
11. As part of Monroe County Jail procedures, Deputy D.C. had Viera change into a jail jumpsuit. Deputy D.C. stated she observed Viera's hygiene as poor. Viera reported she had been abusing heroin on a daily basis and been in a "crack house" for several days prior to her arrest. Deputy D.C. stated she locked Viera back into booking cell S-17. The usual practice is when female inmates attend their arraignments, their paperwork is returned to the booking officer including the booking check list that reports whether they are to be placed on the medical call-out sheet. The inmates are then referred to the medical unit for a second screening. Deputy D.S. never received any paperwork for Viera as she did not attend court. Instead her paperwork went to jail records staff. On 9/1/10 at 11:19 a.m., Deputy D.C. changed Viera's status in the computer system to a detoxification status because of her knowledge of Viera during past Monroe County Jail

incarcerations and the fact she reported to the deputy that she was using heroin daily.

12. On 9/1/10 at approximately 2:45 p.m., Deputy D.C. removed Viera from detoxification on the status board in the computer since no formal paper work was provided by the facility's medical department.
13. On 9/1/10 at approximately 5:30 p.m., Deputy R.S., who was assigned as the evening officer in booking, stated Viera ate her dinner. Deputy R.S. stated that at 6:45 p.m. another inmate requested to see the nurse. The deputy called the medical unit and notified them of such. [REDACTED] Deputy R.S. stated as she and RN M. proceeded to the front of the housing area to the Central Booking desk, she observed Viera bending over the toilet. Deputy R.S. asked Viera if she was alright and she nodded in response, laying back on her mat. Although Viera did not ask to see the nurse, Deputy R.S. stated that RN M. did not perform a physical assessment of Viera, even though Viera was observed to be exhibiting clinical signs warranting a nursing assessment. RN M. was unavailable to interview as she had retired.
14. All three shifts of security staff in the reception unit compared the computerized detoxification lists. If an inmate is removed from the detoxification list, the reception security staff will check the computerized notes verifying that the inmates has been released from detoxification. On 9/1/10 at 10:00 p.m., Deputy D. from Monroe County Jail's Reception Unit placed Viera back on the computerized status board as an inmate needing detoxification. However, at the time of Viera's incident, the medical department and security were maintaining separate lists. The nursing staff could not access the security's computer system but could ask the reception deputy for a computerized list of inmates on detox status. [REDACTED]
15. On 9/2/10 at approximately 12:40 a.m., Deputy C.M. opened cell door BKG #17 to let inmate F.G. into Viera's cell. Deputy C.S. stated she observed Viera awake lying on her side facing the wall. She observed Viera's head was moving and did look at the door as inmate F.G. was placed in the cell. Deputy C.M. stated Viera did not appear in any distress at that time. Deputy B.B. who assisted escorting inmate F.G. to the cell in

booking reported that Viera was lying on her left side facing the wall but turned her head as inmate F.G. entered the cell. On 9/2/10 at 2:10 a.m., Sgt. M.L., who was the operations sergeant, made a round in booking and stated he observed nothing unusual.

16. Both Deputies C.M. and B.B. conducted 15 minute rounds in booking from 12:40 a.m. until the registered nurse arrived in the booking area at approximately 5:00 a.m. Deputy C.M. stated that Viera continued to lie on her left side for the remainder of the night until the nurse entered the cell at 5:15 a.m. Deputy C.M. stated she did not open the cell after placing inmate F.G. into Viera's cell and assumed Viera was sleeping. Officer B.B. stated she did not enter Viera's cell until she accompanied the nurse on the detoxification round. Officer B.B. stated that she observed Viera lying on her left side facing the wall and assumed she was sleeping.

17. On 9/2/10 at 5:15 a.m., RN R.W. was completing detoxification rounds in the booking area escorted by Deputy B.B. [REDACTED]

[REDACTED] CPR was initiated by Deputy H. (began chest compressions) and Deputy B.B. called a medical emergency. [REDACTED]

[REDACTED] The clinical evidence at the scene indicates that Viera was dead for an extended period prior to discovery.

18. At 5:32 a.m., the Rochester City Fire Department received the emergency call and arrived at the scene at 5:39 a.m. [REDACTED]

19. The Monroe County Office of the Sheriff's investigation into Viera's death was conducted by Lt. J.K. He determined that due to Viera's refusal to attend her arraignment, her post-arraignment paperwork was not delivered to the booking officer, but rather was delivered back to Monroe County Sheriff's jail records unit. As a result, Viera was not placed on the list for the medical staff to evaluate. As a result, Lt. J.K. made recommendations for improving the process of booking inmates. The Monroe County staff interviewed reported satisfaction with the procedures. The recommendations are:

- All staff should be reminded to notify the medical staff if they place an inmate on detoxification status and also report to their supervisors if an inmate refuses to attend their arraignment.
- All staff should be reminded to separate paperwork to give to the booking officer or a supervisor after arraignment.
- The medical staff should place inmates on detoxification status when they first see them, not leave sticky notes.
- A medical deputy is now assigned to the booking area to control movement to and from the medical area and collect the notifications from the medical staff to place inmates on detoxification status for the purpose of giving them to the reception security staff.
- Medical staff has access to security's list of inmates on detoxification status and constant supervision.
- Detoxification medical rounds should be conducted as close as possible to the same time daily.
- The Booking and Reception security staff is making joint rounds at shift change with the registered nurses working in the booking area to confirm they have the same inmates on detoxification status.

Also CMC, Inc. updated its detoxification policy and their nurses reported to Commission staff that they now complete joint rounds with security staff at shift change in Booking and Reception which has improved communication with the security staff.



RECOMMENDATIONS:TO THE SHERIFF OF MONROE COUNTY:

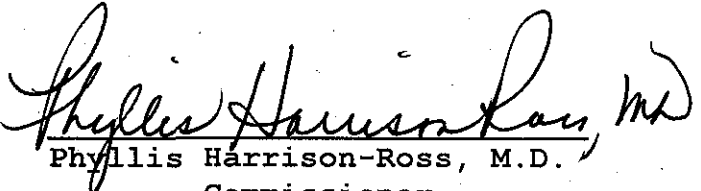
That a review be conducted into the performance of Deputies C.M. and B.B. who were assigned the supervision of Viera from 9/1/10 to 9/2/10 from 11:00 p.m. to 5:15 a.m., given that Viera was deceased for an extended period prior to discovery.

TO THE PRESIDENT OF CORRECTIONAL MEDICAL CARE, INC. (CMC):

1. CMC, Inc. shall provide the Medical Review Board with a written explanation as to why RN T.A. was not properly credentialed by experience, orientation, training, supervision and demonstrated competence to manage the intake medical/mental health/substance abuse assessment and referral operations of a large urban jail, and what remedial measures will be taken in that respect.
2. CMC, Inc. shall monitor the registered nurse, T.A., for her practice of professional nursing in the areas of assessment and documentation of inmates' admission encounters for evaluation, monitoring and referral of medical, mental health, and drug/alcohol use and detoxification procedures for a period of not less than nine (9) months. The Board requires that CMC, Inc. advise the Medical Review Board within one year as to the outcome of such review and action(s) taken for continuing enhanced supervision of this registered nurse's practice.
3. CMC, Inc. shall deliver an in-service education colloquium to the professional nursing staff at the Monroe County jail regarding the physical assessment, treatment, and documentation of inmates' abuse of alcohol/drugs and associated detoxification procedures. Special emphasis should be given to the quality of nursing rounds and to indicators for physical assessment based upon clinical observations without regard to whether the detoxing inmate requests to be seen. Written evidence that such colloquium was delivered shall be provided to the Medical Review Board on or before January 31, 2012.
4. That a review be conducted into the performance of R.N. M. who was assigned medical/nursing supervision of Viera from 9/1/10 to 9/2/10 from 11:00 p.m. to 5:15 a.m., given that Viera was deceased for an extended period prior to discovery.

PLEASE TAKE NOTICE that your evaluation and response to the above-entitled recommendations should be made in writing directly to this office within thirty (30) days.

WITNESS, HONORABLE PHYLLIS HARRISON-ROSS, M.D., Commissioner, NYS Commission of Correction, 80 Wolf Road, 4<sup>th</sup> Floor, in the City of Albany, New York 12205 this 20<sup>th</sup> day of December, 2011.

  
Phyllis Harrison-Ross, M.D.  
Commissioner

PHR:mj  
10-M-124  
9/11

cc: Emre Umar, President, Correctional Medical  
Care, Inc.