

NEW YORK STATE COMMISSION OF CORRECTION

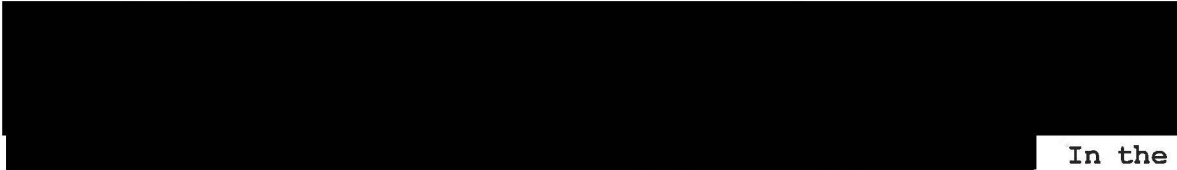
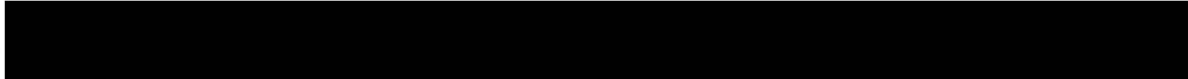
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In the Matter of the Death : FINAL REPORT OF THE  
: NEW YORK STATE COMMISSION  
of Roy Nordstrom, an inmate of : OF CORRECTION  
the Nassau County Correctional :  
Center :  
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TO: Sheriff Michael Sposato  
Nassau County Correctional Center  
100 Carman Avenue  
East Meadow, NY 11554

## 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 Roy Nordstrom who died on June 11, 2011 while an inmate in the custody of the Nassau County Sheriff at the Nassau County Correctional Center, the Commission has determined that the following final report be issued.

FINDINGS:

1. Roy Nordstrom was a 47 year old male who died from acute myocardial infarction on 6/11/11 while in the custody of the Nassau County Sheriff at the Nassau County Correctional Center (NCCC). Nordstrom's death may have been prevented had he received timely and appropriate emergency medical care. The medical care provided to Nordstrom at NCCC by Armor Correctional Health Services, Inc. (Armor, Inc.), a general business corporation holding itself out as a medical care provider, was grossly incompetent and in violation of NYS Education Law Article 139 Nursing, Part 29 of the Rules of the Board of Regents (Unprofessional Conduct), and Section 64.6 of the Commissioner of Education Regulations for Nursing.
2.  In the instant offense, Nordstrom was arrested on 5/31/11 for violating the order of protection and assaulting his brother. Nordstrom pled guilty on 6/6/11 and was sentenced to 75 days in jail.
3. Roy Nordstrom did not report any medical history and was not on any medications. He did not report any mental health history.
4. Roy Nordstrom was sentenced on 6/6/11 in Suffolk County Court to serve 75 days for Criminal Contempt 2<sup>nd</sup> and Assault 3<sup>rd</sup>. Nordstrom was scheduled to be released on 7/19/11. Due to overcrowding at the Suffolk County Jail, Nordstrom was transferred to the Nassau County Correction Center via a substitute jail order on 6/9/11. A Health Information Transfer Form 601(a) accompanied Nordstrom from Suffolk CJ to Nassau CCC which showed he had no significant medical history and was on no medications.
5. 

[REDACTED] Nordstrom was cleared for general population and housed in dorm E01-M51.

6. On 6/11/11 at approximately 6:00 a.m., Nordstrom approached the officer's station in E01-L-M clutching his chest and being helped by two other inmates. Officer T.H. was assigned supervision of the M dorm for the 12:00 a.m. to 8:00 a.m. tour. Officer T.H. observed Nordstrom and alerted Cpl. T.N. Cpl. T.N. entered the unit and asked Nordstrom what was happening but Nordstrom did not respond. Nordstrom continued to clutch at his chest and appeared to have difficulty breathing. Cpl. T.N. activated his M dorm radio alarm and called for a medical emergency.

7.

[REDACTED]

8.

[REDACTED]

9.

[REDACTED]

The failure to contact a physician represents grossly inadequate medical care.

10.

[REDACTED]

The staffing of Licensed Practical Nurses without the supervision of a Registered Professional Nurse and their diagnosis and treatment decisions and actions put all three LPNs outside the scope of their licensure in violation of New York State laws and regulations governing nursing practice.

11. Armor Inc. is a private contract provider of medical services for the Nassau County Correctional Center. Armor Inc. began managing the healthcare at the facility as of 6/1/11. Armor Inc. was in violation of NYS Education Law Article 139 Nursing and Section 64.6 of the Commissioner of Education Regulations for Nursing by:
  - Having no supervising RN on premises where the three LPNs were assigned.
12. LPN C.W. acted outside his scope of practice and violated NYS Education Law Article 139 Nursing, Section 64.6 of the Commissioner of Education Regulations for Nursing, and Part 29 of the Rules of the Board of Regents (Unprofessional Conduct) by:
  - Conducting an assessment on a patient and making a nursing diagnosis.
  - Initiating a nursing treatment protocol without a physician's consultation or order.
13. Officer W.S. escorted Nordstrom back to E01-M dorm. While walking back, Nordstrom began to complain about having pain again, fell against the wall, and stated he could not walk any further. Officer W.S. had the medical department notified that Nordstrom needed assistance. [REDACTED]  
[REDACTED] LPN C.W. failed to recognize a critically ill patient in obvious distress. He did not consider returning Nordstrom to the clinic or initiating an emergency transfer to the hospital and thus abandoned his patient. This represents grossly inadequate and negligent medical care.
14. Nordstrom was wheeled back to his dorm. He ambulated to his bunk and layed down.
15. Nordstrom was returned to his housing area at approximately 6:50 a.m. from medical. Officer T.H. offered Nordstrom his breakfast meal tray but Nordstrom refused it.
16. At approximately 7:10 a.m., Officer T.H. observed Nordstrom seated on the floor grabbing at his chest and complaining of chest pain. Cpl. T.N. re-entered the dorm to speak with Nordstrom. Nordstrom stated his chest was hurting again and was asking for an aspirin. Cpl. T.N. called down to medical to report that Nordstrom was again in pain and needed further medical assistance.
17. [REDACTED]

[REDACTED]

[REDACTED] Nursing staff again failed to recognize a patient in distress and failed to get the patient transferred to emergency care in a hospital setting. This represents grossly inadequate health care by Armor Inc.

18.

[REDACTED]

[REDACTED] RN R.J. was no longer employed by Armor Inc. at the time of the investigation.

19. At approximately 8:00 a.m., Nordstrom was found to have gone unresponsive, drooling, pupils dilated, and incontinent. [REDACTED]

[REDACTED] The lack of effective intervention by medical staff, including notification to a physician and transfer to emergency care in a hospital setting, for a period of 45 minutes on a patient with obvious signs and symptoms of acute coronary syndrome and in obvious distress represents grossly negligent health care by RN R.J. and Armor Inc.

20. Nassau County Police Ambulance was dispatched at 8:05 a.m. The ambulance arrived at 8:08 a.m. and was at Nordstorm's side at 8:12 a.m. [REDACTED]

RECOMMENDATIONS:TO THE NASSAU COUNTY EXECUTIVE:

The Office of the Nassau County Executive shall conduct an inquiry into the fitness of Armor Correctional Health Services, Inc. as a correctional medical care provider in the Nassau County Correctional Center. Specific attention shall be directed to Armor's flagrant disregard of New York State Education Law, of the Rules of the Board of Regents, and of New York State nursing practice regulations, to wit, staffing unsupervised Licensed Practical Nurses at the Correctional Center who engaged in nursing practice beyond the scope of their licensure and in unlawful medical practice, who failed to consult with and refer to a physician in a medical emergency, and who failed to hospitalize a critically ill patient.

TO THE PRESIDENT OF ARMOR CORRECTIONAL HEALTH SERVICES, INC. (ARMOR, INC.):

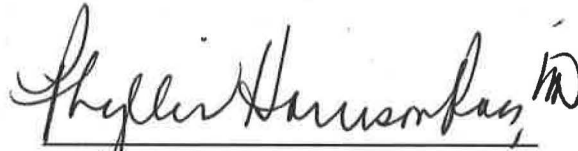
1. Armor, Inc. shall conduct a review of nursing staffing levels to assure that a Registered Nurse is available on the premises for all shifts at the Nassau County Correctional Center to ensure patients' health and safety and to provide adequate supervision of licensed practical nurses.
2. Armor, Inc. shall inquire into the professional conduct of the LPNs who attended to Nordstrom, C.W., D.W. and S., who each participated in conducting an assessment, obtaining vitals, and obtaining an EKG, and making a diagnosis; practices which are beyond the scope permitted for licensed practical nurses in New York State. Disciplinary measures should be taken if found to be in violation of agency policy.
3. Armor, Inc. shall inquire into the professional conduct of LPN C.W., who conducted and documented an assessment, initiated a nursing protocol without an RN or physician consult, and who failed to obtain emergency care for a critically ill patient. Disciplinary measures should be taken if found to be in violation of agency policy.
4. Armor, Inc. shall conduct a review of procedures for medical staff contacting clinicians during off hours. Assure that adequate back up coverage is in place, should the scheduled clinician not be reachable, that staff may make immediate notifications to another clinician or be able to take immediate action and transfer the patient to a hospital setting. Assure that all staff are informed and properly trained in said procedures.

TO THE NYS DEPARTMENT OF EDUCATION, OFFICE OF PROFESSIONAL DISCIPLINE (OPD):

1. That an investigation be conducted into Armor Correctional Health Services, Inc. who failed to comply with NYS Education Law, State Education Department regulations for Nursing Practice and with the Rules of the Board of Regents by assigning 3 LPNs to deliver medical care, including unlawful diagnosis and treatment, in the Nassau County Correctional Center E Building with no registered professional nurse on premises.
2. That an investigation be conducted into LPN C.W. who practiced nursing and medicine outside his licensure by:
  - conducting a patient assessment
  - conducting nursing diagnosis
  - administering a nursing treatment protocol without the supervision and direction of a registered professional nurse or physician.

3. That an investigation be conducted into LPN C.W. for gross negligence, gross incompetence, and patient abandonment for failing to recognize that Nordstrom was critically ill when found to be unable to ambulate, returning him to his housing area, and failing to take proper measures to transfer Nordstrom for emergency hospital care.
4. That an investigation be conducted into RN R.J. for gross negligence and gross incompetence for failing to recognize that Nordstrom was critically ill, displaying obvious signs of acute coronary syndrome, and keeping Nordstrom in nursing triage room for over 45 minutes without making notification to a physician or arranging for transfer for emergency hospital level care.

WITNESS, HONORABLE PHYLLIS HARRISON-ROSS, M.D., Commissioner, NYS Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12<sup>th</sup> Floor, in the City of Albany, New York 12210 this 18<sup>th</sup> day of September, 2012.

  
Phyllis Harrison-Ross, M.D.  
Commissioner

PHR:CO:mj  
11-M-71  
6/12

cc: Edward P. Mangano, Nassau County Executive  
Jose Armas, M.D., President, Armor Correctional  
Health Services, Inc.