

NEW YORK STATE COMMISSION OF CORRECTION

In the Matter of the Death : FINAL REPORT OF THE
: NEW YORK STATE COMMISSION
of Orlando Samuels, an inmate of : OF CORRECTION
the Monroe CJ :
:

TO: Sheriff Patrick M. 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 Orlando Samuels who died on May 5, 2007 while an inmate in the custody of the Monroe County Sheriff's Department, the Commission has determined that the following final report be issued.

FINDINGS:

1. Orlando Samuels was a 42 year old black male who died on 5/5/07 at 8:15 a.m.

[REDACTED]

Correctional Medical Services, Inc., the contract health services vendor company for Monroe County Jail, failed to provide adequate and appropriate medical care to Samuels.

- 2.

[REDACTED]

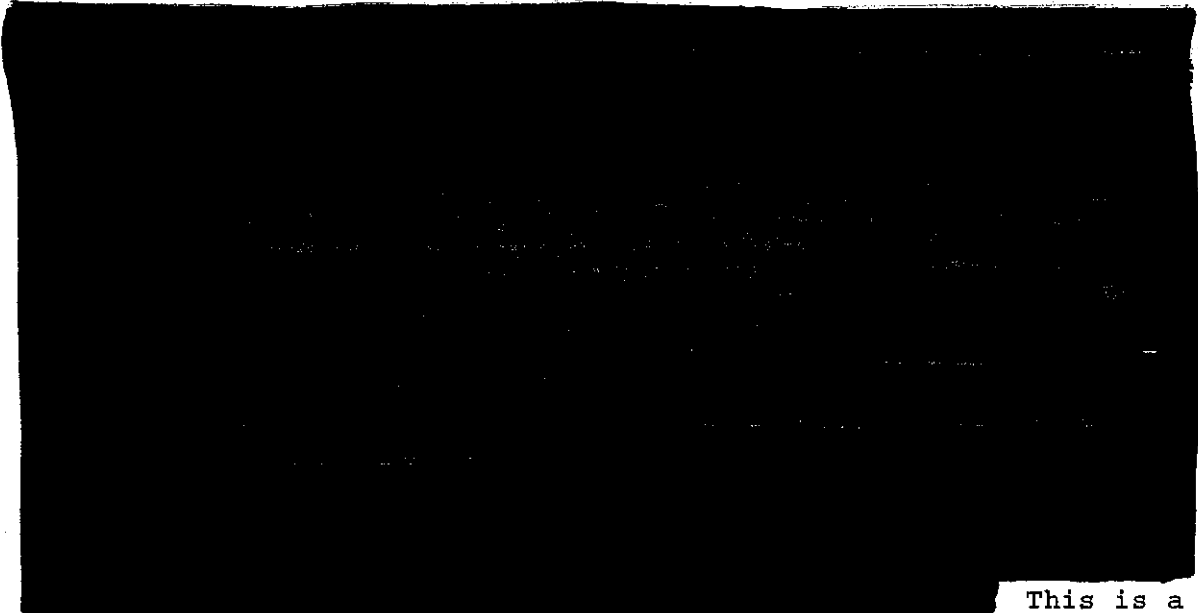
3. At the time of Samuels' incarceration, Monroe County had contracted their medical and mental health services with correctional Medical Services (CMS), a business corporation holding itself out as a health care provider.

- 4.

[REDACTED]

5. On 4/27/07, Samuels was again received into the custody of the Monroe County Jail. At 10:54 a.m., Deputy N.D. completed a medical receiving screening form for Samuels. Samuels stated that he had a heart condition, high blood pressure, and high cholesterol. Additionally, Samuels reported to the officer that he took nitro, enalapril, Lipitor, aspirin and isosorbide. Samuels stated he took aspirin 325 mg and nitroglycerine as needed but he did not know the dosages for the other medications. Deputy N.D. stated Samuels said he had last taken his medications 'yesterday." Deputy N.D. also completed a Suicide Prevention Screening Form whereby Samuels scored a zero. Deputy N.D. stated he noted no unusual behavior in his screening of Samuels. Samuels was oriented, relevant and appropriate in his responses to the officer. RN J.T. signed off on the jail's Medical Screening form to indicate she reviewed it.

6.



This is a violation of CMS's Policy and Procedures at Monroe County Jail #J-E-02 entitled Receiving Screening-Intake Unit (11) which states:

"All inmates who are actively taking medications (prescribed and taken within one month) will have their medications bridged. The medical director or on call provider will give telephone orders for all non-mental health medications."

7.



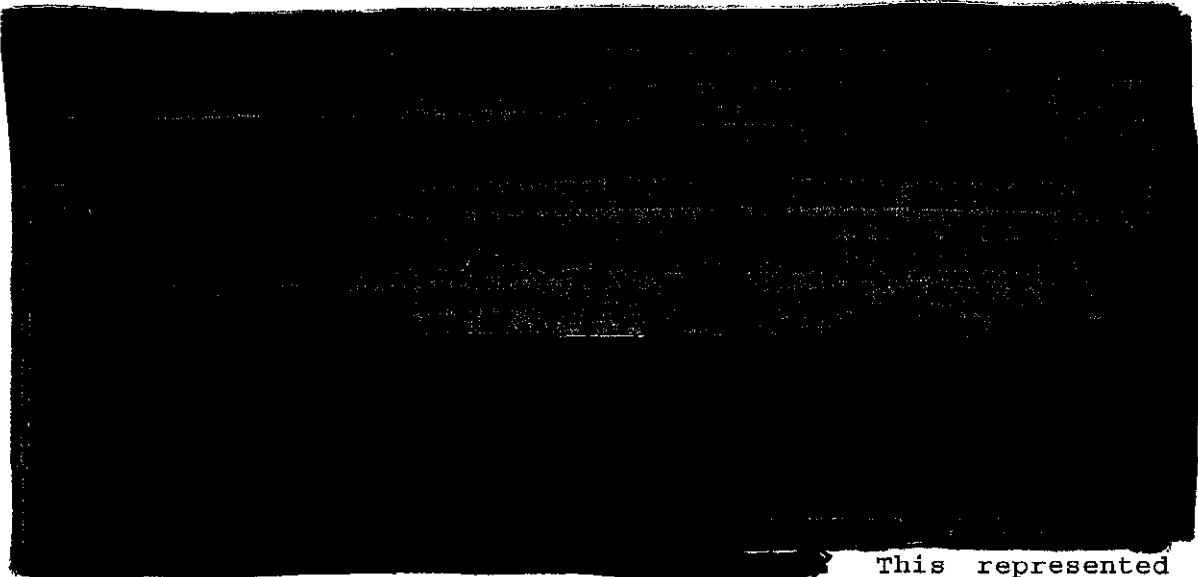
RN J.T. was unavailable for interview as she no longer is employed by CMS.

8. Deputy T.R. documented while he was assigned to the Mezz Gym on the dates of 5/2/07 and 5/3/07 that Samuels approached him and told him that he had submitted a sick call request because he needed medication. Deputy T.R. checked the computer for Samuels and found that Samuels was scheduled for medical on 5/8/07. Deputy T.R. informed Samuels of this and asked him if this was okay. Deputy T.R. reported that Samuels stated "I'm alright, I have my nitro pills." Deputy T.R. observed Samuels walking and talking normally and did not appear to be in any distress during the conversation. However, this is a violation of the State Commission of Correction Minimum Standards §7010.2(e) as there was no physician order at this time written on Samuels health record for this medication. This standard states:

"No medication or medical treatment shall be dispensed to an inmate except as authorized or prescribed by the facility physician."


Additionally, New York State Correction Law §500(h) prohibits inmates supplying their own medications or assuming the costs of treatment.

9.



This represented inadequate medical care of Samuels by CMS, Inc.

10. On 5/5/07 at 7:09 a.m., Deputy A.L. was handing out breakfast trays when Samuels came to the gate by C-Block and asked him if he could see a nurse. Samuels told Deputy A.L. he had cardiac problems. LPN L.L. was completing fingersticks on the diabetic inmates on C-Block. Deputy A.L. notified LPN L.L. in person of Samuels' request.



11. Deputy A.L. and LPN L.L. asked Samuels if he was able to walk to booking using the elevator. Samuels stated he was able to. Deputy A.L., LPN L.L., along with Deputy R.P., escorted Samuels to the elevator and then to booking. A known cardiac patient with complaint of chest pain should not have walked to the booking unit, rather have been conveyed there.

12.



13.



14.



15. Following Samuels' transfer to Strong Memorial Hospital, an opened bottle of Nitroglycerine tablets was found in Samuels' cell.

RECOMMENDATIONS:TO THE NEW YORK REGIONAL DIRECTOR, CORRECTIONAL MEDICAL SERVICES, INC. (CMS):

Although it no longer provides services at the Monroe County Jail, the management of CMS, Inc. shall inquire into the conduct of its employees in this case which addresses and explains the lapses in care, including but not limited to the failure to refer a known cardiac patient to a physician, the failure to provide any treatment over nine (9) consecutive days, the writing of orders for cardiac medications without seeing the patient, the provision of prescription medication without a physician order, the failure to complete an admission assessment, the allowing/requiring of inmates to use or supply their personal medications, allowing a symptomatic cardiac patient to ambulate to the booking unit, and the failure to follow a physician order [REDACTED]

The Board requests a comprehensive response to all of these issues within 30 days.

TO THE SHERIFF OF MONROE COUNTY:

The Sheriff should direct the present contracted medical providers at the Monroe County Jail to comply with the State Commission of Correction's Minimum Standards §7010.2(e) which states:

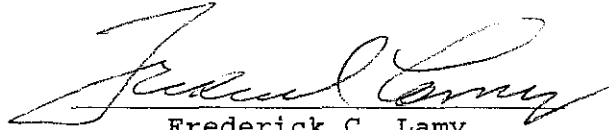
"No medication or medical treatment shall be dispensed to an inmate except as authorized or prescribed by the facility physician."

and with New York State Correction Law §500(h).

TO THE NEW YORK STATE DEPARTMENT OF EDUCATION, OFFICE OF PROFESSIONAL DISCIPLINE:

That the Office of Professional discipline investigate the conduct of J.T., RN, specifically her failure to complete an initial medical assessment of a known cardiac patient, failure to refer a cardiac patient to be seen by a physician, failure to make a complete medical record and allowing/requiring a patient to consume his personal prescription medication without a physician order.

WITNESS, HONORABLE FREDERICK C. LAMY, Commissioner, NYS Commission of Correction, 80 Wolf Road, 4th Floor, in the City of Albany, New York 12205 this 20th day of June, 2008.



Frederick C. Lamy
Commissioner

FCL:mj
07-M-76
3/08

cc: Ann Perhan, Vice President of Operations,
Correctional Medical Services, Inc.