

NEW YORK STATE COMMISSION OF CORRECTION

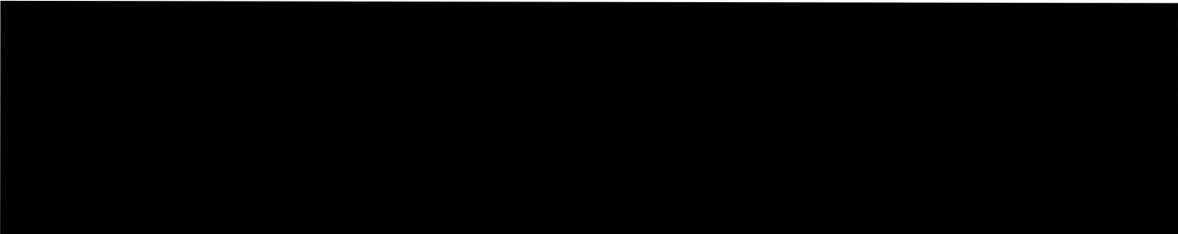

In the Matter of the Death : FINAL REPORT OF THE
: NEW YORK STATE COMMISSION
of Alvin Rios, an inmate of the : OF CORRECTION
Broome County Jail :
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TO: Sheriff David E. Harder
Broome County Sheriff's Office
155 Lt. Van Winkle Drive
Binghamton, NY 13905

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 Alvin Rios who died on July 20, 2011 while an inmate in the custody of the Broome County Sheriff at the Broome County Jail, the Commission has determined that the following final report be issued.

FINDINGS:

1. Alvin Rios died from a cardiac arrhythmia produced by cardiomyopathy from illicit drug use on 7/20/11 while in the custody of the Broome County Sheriff at the Broome County Jail.
2. Rios was born on 6/5/71 in Puerto Rico. Rios was married and had children, however, the exact number was unknown. At the time of his arrest, Rios was employed as a painter. Rios was arrested at a local motel with a female acquaintance.
3. 
4. On 4/26/11, Rios was arrested by the New York State Police's Community Narcotics Enforcement Team on charges of CSCS 3rd, CPCS 3rd, and Possession of Hypodermic Instrument. Rios was arrested on 7/1/11 and 7/19/11 for CPCS 3rd and on 7/19/11, he was remanded to the custody of the Broome County Sheriff.
5. On 7/19/11, Alvin Rios was arrested by the Broome County Sheriff's Office warrant squad after receiving a tip that Rios was staying at a local motel. Rios had an outstanding warrant from the City of Binghamton Police for Criminal Possession of a Controlled Substance 7th. During the arrest and search, Rios admitted to being in possession of more drugs in his car. Found inside the trunk of Rios' was a bag with 55 wax paper folds of heroin. Rios was additionally charged with Criminal Possession of a Controlled Substance 3rd.
6. Rios was booked into the Broome County Jail on 7/19/11 at approximately 4:48 p.m. 

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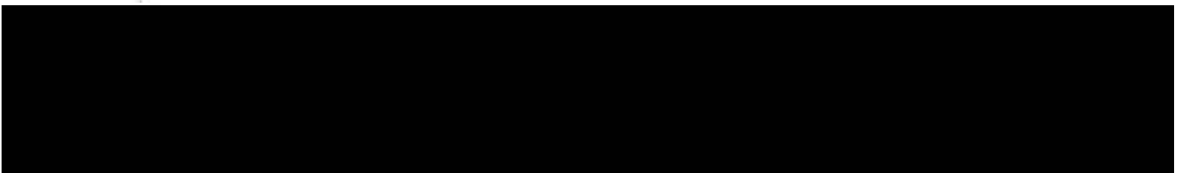
11. According to HSA M.P., the Comprehensive Opiate Withdrawal Scale is not used at the Broome County Jail. HSA M.P. indicated that nursing staff have access to a "flow chart" for alcohol and drug withdrawal. M.P. was questioned regarding protocol or guidelines for this "flow chart" use. M.P. stated to Commission staff that the use of the flow chart was at the discretion of the RN and all aspects of the form were a nursing judgment.

12.



RN K.B. stated to Commission staff that she had put the time of her documentation into her nursing note and not the time she had made her assessment. RN K.B. was counseled regarding her documentation and according to her statement to Commission staff, her past practice has changed since the incident.

13.



14. It should be noted that Dr. M.B. was at the facility for 8.75 hours on 7/20/11 and Rios' condition was not brought to his attention. Dr. M.B. did not assess Rios and according to his statement to Commission staff, he "never touched the chart." Dr. M.B. does not make regular rounds on the medical unit.

15. According to Correctional Medical Care, Inc. (CMC, Inc.) Policy 151 #5, regarding intoxication and withdrawal: The physician will be contacted for orders as soon as the potential withdrawal is

assessed. RN K.B. did not comply with policy and the facility physician was not contacted following her assessment [REDACTED]

[REDACTED] When RN K.B. was questioned by Commission staff, RN K.B. indicated that she believed Rios symptoms would worsen and she would have initiated the use of over-the-counter medications for his symptoms prior to contacting the facility physician. RN K.B. indicated that nursing staff typically utilized sick call protocols and over-the-counter medications from the sick call guidelines sheet when initial symptoms of withdrawal were assessed and prior to contacting the physician.

16.

[REDACTED]

17. According to Officer D.T., Rios was standing at his cell door and requested a newspaper at approximately 4:00 p.m. on 7/20/11.

18. Officer D.T. was assigned supervision of the medical housing unit for the 4:00 p.m. to 12:00 a.m. tour on 7/20/11. At approximately 4:21 p.m., Officer D.T. heard a "thud" coming from cell #10, Rios' cell. Officer D.T. checked on Rios and saw him laying face down and shaking. Officer D.T. notified RN J.M.

19.

[REDACTED]

20.

[REDACTED] The RN clearly left his patient in an emergent life threatening status without appropriate medical attention. (RN J.M. is no longer employed by CMC, Inc. at the Broome County Jail.)

21.

[REDACTED]

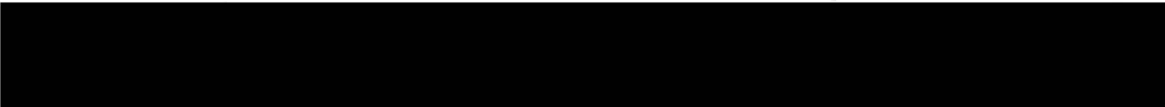
22.

[REDACTED]

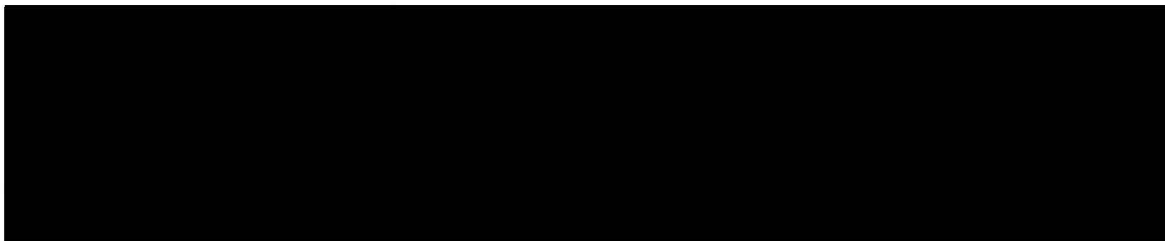
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RECOMMENDATIONS:

TO CORRECTIONAL MEDICAL CARE, INC. (CMC, Inc.):

1. Correctional Medical Care, Inc. shall immediately comply with the intoxication and withdrawal procedure which states in part: The physician will be contacted for orders as soon as the potential withdrawal is assessed. 
2. Correctional Medical Care, Inc. shall immediately institute the use of the Comprehensive Opiate Withdrawal Scale for inmates admitted to the Broome County Jail who are suspected of experiencing opiate withdrawal.
3. Correctional Medical Care, Inc. shall immediately develop protocol guidelines for the use of the "flow chart for alcohol/drug withdrawal." The protocol guidelines shall include but not be limited to instructions for initiation of use and frequency of nursing observations following implementation of the tool.
4. Correctional Medical Care, Inc. shall investigate and take appropriate administrative action regarding RN K.B. 
5. Correctional Medical Care, Inc. shall develop policy/procedure regarding physician rounds on the medical unit, specifically for those inmates who may experience alcohol/drug withdrawal, chronically, and acutely ill. The policy shall also include guidelines for physician assessment of inmate(s) on admission and discharge from the medical unit.

TO THE OFFICE OF THE BROOME COUNTY SHERIFF:

The Sheriff shall take all necessary steps to require Correctional Medical Care, Inc. to fully comply with the foregoing Recommendations 1-5.

TO THE BROOME COUNTY EXECUTIVE:

The Office of the Broome County Executive shall conduct an inquiry into the fitness of Correctional Medical Care, Inc. as a correctional medical care provider, specifically for its failure to implement its own intoxication and withdrawal policy and procedure, failure to implement the Comprehensive Opiate Withdrawal Scale, failure to make adequate records of withdrawal treatment, and failure to have a patient in opiate withdrawal evaluated by a physician.

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


Phyllis Harrison-Ross, M.D.
Commissioner

PHR:RB:mj
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6/12

cc: Debbie Preston, Broome County Executive
Emre Umar, President, Correctional
Medical Care, Inc.