

Bribery and Bad Medicine? Armor Correctional Health Services a Bad Deal for Milwaukee County

PATTERN OF BRIBERY

Armor Correctional Health Services was founded by Miami-based physician Jose J. Armas in 2004, and almost immediately won contracts to provide prison health services in several counties in Florida. However, Armor's practices came under scrutiny after Broward County sheriff Ken Jenne was convicted and jailed for corruption. Armor donated \$8000 to Jenne's campaign. In awarding Armor the Broward contract, officials altered the RFP to ease the experience requirements so that Armor qualified to win the contract.¹ Armor's conduct has been probed in other Florida counties where it sought and won contracts when it provided sheriffs with trips and gifts and hired former sheriffs as consultants to advocate for Armor with their fellow sheriffs.

Jose Armas also owns MCCI Holdings, which operates medical clinics in Florida. MCCI was under federal investigation and subsequently a federal lawsuit, for violations of the federal Anti-Kickback Statute, 42 U.S.C. § 1320a-7b, and the federal Anti-Inducement Act, 42 U.S.C. §1320a-7a, by providing to its current and potential Medicare beneficiaries free services and gifts, such as transportation, meals, beauty and salon services, massages, and entertainment. These illegal activities took place from December 17, 2000 through May 24, 2012.²

In October, 2012, MCCI and Jose Armas agreed to pay the US Dept. of Justice the sum of One Million Six Hundred Thousand Dollars (\$1,600,000) and to the individual who uncovered MCCI's illegal acts the sum of Three Hundred Thousand dollars (\$300,000).

BAD MEDICINE

A U. S. Department of Justice report cited multiple failures by **Armor Correctional Health Services** to provide medical care to inmates at the Oklahoma County Jail. After conducting four investigations, the US DOJ found that Armor and the jail authorities:

- Failed to provide constitutionally mandated health care;
- Provided inadequate access to medical care;

¹ Feb. 8, 2006. *Creek firm wins no bid jail contract*. By Dan Christensen for The Miami Herald. Retrieved via Lexis-Nexis.

² *United States of America ex rel. Marc Osherooff, et al., Plaintiff-Relator, vs. HUMANA, INC., MCCI, et al., Defendants. Case No. : 10-24486-cv-SCOLA United States district Court for the Southern District of Florida 2012 U.S. Dist. LEXIS 139949*

- “While the Jail has a sick call system for detainees to access routine medical care services, detainees’ serious medical needs are not adequately met.” p. 13
- Inadequate health care services;
- Inadequate mental health care
- “problems providing appropriate access to medical care during emergencies”. p 14
- Inadequate screening of detainees medical conditions.

The Clark case that referenced the above DOJ report involved inmate Michael Clark, who died allegedly as a direct result of Armor’s failure to provide him with his medications despite numerous calls by his wife to alert jail authorities of Clark’s medical condition; Armor’s failure to monitor Clark; and Armor’s failure to provide him with adequate medical care.³

CLASS ACTION SUIT ALLEGING INADEQUATE MEDICAL CARE IN JULY 2012

This year, the first class action lawsuit against **Armor** was filed. Inmate plaintiffs are represented by top notch litigators from Wiley Rein and the Washington Lawyers’ Committee for Civil Rights and Urban Affairs. The lawsuit alleges that Armor and the Virginia Department of Corrections (“DOC”) failed “on a systemic, pervasive and on-going basis, to provide residents at Fluvanna Correctional Center for Women (FCCW) with medical care sufficient either in nature or in extent to satisfy the minimum standards mandated by the Eighth Amendment to the United States Constitution” thus subjecting inmates to cruel and unusual punishment.

The lawsuit cites horrendous experiences suffered by plaintiff-inmates that were directly attributable to Armor’s failures and points out that:

1. The terms of the DOC contract with Armor create financial incentives for the provision of cheaper and reduced levels of care such as:
 - Armor’s failure or refusal to acknowledge, examine, diagnose and treat serious or potentially serious prisoner medical problems
 - Armor’s failure or refusal to refer prisoners for needed specialized care ;
 - Armor failure or refusal to carry out specialists’ prescribed courses of treatment;
 - Armor’s failure or refusal to provide prisoners with effective medication for severe or chronic pain
2. The systemic practices and procedures adopted by Armor have resulted in deaths which provision of appropriate medical care could and should have prevented. Such practices and procedures are deliberate indifference to the serious medical needs of prisoners and continue to pose an increased and undue risk of premature death to the prisoners.

The lawsuit cites several cases of Armor’s failures. Two of them are noted here:

1. Named plaintiff, Cynthia Scott, experienced severe swelling and extreme pain in her lower left leg. Her condition remained undiagnosed from January to May 2012 before her circumstances

³ *Clark vs Armor Correctional Health Services Inc., US District Court for the Western District State of Oklahoma, Civ 11-1252 HE*

became so dire that she landed in the Emergency Department of the University of Virginia Medical Center. An ultrasound revealed the presence of a blood clot in her leg with fragments that had travelled to her lungs. She was prescribed an urgent medication regimen that Armor continued to ignore for 4 days despite the imminent danger of more clots travelling to her lungs.

2. Named plaintiff, Marguerite Richardson, had a highly contagious and potentially fatal form of bacterial infection, MRSA that was dismissed as insignificant, or actively concealed, for four months by Armor staff. During this period, she experienced extreme pain in her lower leg before she was finally informed that she was afflicted with this highly-contagious bacterial infection and began to receive proper treatment.

The lawsuit asks the court to enjoin DOC and Armor from failing to provide adequate medical care to the named plaintiffs and other women at FCCW and placing their health and lives at risk.⁴

Non Qualified Personnel Screening Patients

After the fifth inmate suicide at Nassau County Correctional Center in the last two years, the New York Civil Liberties Union and several individual inmates filed a mandamus petition against the County demanding reforms in the medical and mental health services in March 2012. The petition, *Marone v Nassau*, petitions the court to compel Nassau County to do its job of overseeing and reforming the medical and mental health services at the Nassau County Correctional Center. The suit alleges that ever since Armor Correctional Health Services ("Armor") was granted an exclusive contract to provide medical and mental health services at NCCC

"the volume of complaints received by the Nassau Chapter office of the NYCLU has increased dramatically. Inmates have complained that Armor personnel:

- create insurmountable barriers to inmates' access to qualified doctors, by denying sick call requests and using non-qualified medical personnel to screen people;
- that Armor has taken away wheelchairs, canes and crutches from disabled inmates, leaving them to maneuver around the facility without any assistance..."

The petition further alleges:

"Over the past year and a half, Petitioner NYCLU has received more than 200 complaints from inmates at the NCCC about the conditions of confinement and the failure to provide needed medical and mental health services. ...These complaints have regularly raised issues regarding the failure to provide appropriate medical treatment, including the denial of needed medications; the failure to treat individuals with special needs; the refusal to examine patients who say they are ill or injured; the failure to provide needed surgeries; the failure to provide timely care for urgent medical conditions; the failure

⁴ *Scott et al. v Clarke, Armor Correctional Health Services et al. US District Court for the Western District of Virginia, Charlottesville Division, Case 3:12-cv-00036-NKM-BWC*

to provide regular mental health visits; and the failure to provide follow-up care after an inmate is on suicide watch.”⁵

Armor Blamed for Female Inmate Death in Sarasota, FL

The family of a female prisoner who died in August 2012 while in jail has notified the Sarasota County Sheriff's office that they plan to sue, charging Armor Correctional Health Services and the County with deficient medical care. According to the sheriff's office and the family's attorney, the prisoner complained of an inability to walk for days, but was refused treatment. When she was finally transferred to the medical unit, she refused food and medicine for four days, but Armor nurses and physicians never requested that she be transferred to the hospital for treatment. The prisoner was found with foam in her mouth and was pronounced dead on the morning of the fifth day. An autopsy revealed that she died of a brain hemorrhage.⁶

⁵ *Marone v Nassau, Supreme Court of the State of New York, County of Nassau*

⁶ August 31, 2012. *Jail death cause is revealed*. By Shannon McFarland for The Sarasota Herald Tribune. Retrieved via Lexis-Nexis.