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State of Ohio Settles Prison Health Care Class Action Suit Court Preliminarily Approves Settlement Terms

Cincinnati, Ohio – The Ohio Department of Rehabilitation and Correction (ODRC) and the Ohio Justice & Policy Center (formerly, the Prison Reform Advocacy Center) have agreed to settle a two-year old class action lawsuit that alleged that Ohio’s prison health care system is unconstitutional. The settlement will lead to major reforms of the way health care is delivered to Ohio’s 45,000 prisoners.

On October 14, 2003, The Ohio Justice & Policy Center filed a class action complaint in the Southern District of Ohio on behalf of three Ohio prisoners – Rodney Fussell, Gary Roberts, and James Love – who claimed that the health care they had received was constitutionally inadequate. Specifically, the suit, *Fussell v. Wilkinson*, catalogued an array of system-wide problems including medical and dental staffing shortages, unreasonably long delays in the provision of routine and emergency care, problems ordering and obtaining the results of diagnostic tests, and inadequate quality control measures. Shortly after the suit was filed, the parties began working cooperatively to solve the problems. A jointly approved Medical Investigation Team, composed of leading correctional health care experts, conducted a thorough audit of Ohio’s prison health care system. The Medical Investigation Team report, released in February 2005, confirmed most of the problems alleged by Plaintiffs in their class action complaint.

The settlement agreement will lead to sweeping improvements of the state’s prison health care system. As part of the settlement, approximately 296 new, licensed medical staff, including 21 new physicians, will be added over a four-year phase-in period. In addition, all policies and procedures will be revised and new quality assurance measures will be implemented. The Medical Investigation Team will remain in place to oversee the reforms. On October 6, 2005, Chief Judge Sandra Beckwith preliminarily approved the terms of the five-year settlement. Chief Judge Beckwith will hold a hearing on November 16, 2005, before giving final approval.

“This landmark settlement will ensure that Ohio prisoners receive the health care to which they are constitutionally entitled,” says David Singleton, Executive Director of the Ohio Justice & Policy Center. “We commend Reginald Wilkinson and the ODRC for partnering with us to solve the problem,” says Singleton.” Singleton adds: “The suit will actually save tax payer dollars in the long run, as more efficient, cost-effective measures are instituted.”