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## **Rights Groups Sue for Proper Treatment of Hepatitis C in State Prisons**

*National Lawyers Guild, Prisoners' Legal Services sue Department of Correction and its health care contractor for their refusal to use new cures for Hepatitis C despite wide prevalence of the disease in prison population.*

*FOR IMMEDIATE RELEASE*

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BOSTON, MA – Hundreds of prison inmates are in danger of losing their lives because the Department of Correction refuses to provide the medicine that will cure their potentially fatal disease. A class action lawsuit filed in federal court today by lawyers for the National Lawyers Guild and Prisoners Legal Services says it is Massachusetts' legal responsibility to provide adequate medical care to state prisoners. Urszula Masny-Latos, Executive Director of the Massachusetts chapter of the National Lawyers Guild, said: "It is the responsibility of the state, which spends millions to incarcerate thousands of people, to provide adequate medical care for them. Without such care, many of them will develop serious complications of this disease, and some will die. These people were sentenced to incarceration, not to death." The lawsuit seeks to compel the Department of Correction (DOC) and its health care contractor, the Massachusetts Partnership for Correctional HealthCare, LLC (MPCH) to provide inmates in their custody with new, lifesaving medications for Hepatitis C

Hepatitis C, an infectious disease which causes progressive damage to the liver and ultimately liver failure, is widely prevalent in prisons and jails. New medications approved by the FDA in 2014 represent a dramatic improvement over their predecessors, curing nearly one hundred percent of patients, with far fewer side effects. The DOC and MPCH have stopped using the now-outdated medications, but have failed and refused to provide prisoners with the new treatment. "Hepatitis C afflicts over 1,500 of the Department of Correction's 10,000 prisoners," said Leslie Walker, Executive Director of Prisoners' Legal Services. "The Department used to treat up to 100 prisoners at a time with the best available medication. Today that number is two or three, even though the new regimens are superior in every way to the old medications. Such foot-dragging is unacceptable."

The price of these recently approved medications has been closely scrutinized in Massachusetts and nationally, with reports of prices exceeding \$90,000 for a full treatment regimen. Critics, including some lawmakers, have decried the high prices, while the pharmaceutical companies that produce the drugs have pointed to their value – requiring only weeks of treatment rather than lifelong treatment, as is common with other chronic diseases, and avoiding enormous future costs associated with treating liver failure and wider spread of the disease. “The new medications are expensive, but cost is no excuse for the violation of the constitutional rights of prisoners,” said Jonathan Shapiro, of Shapiro Weissberg & Garin, which is co-counseling the lawsuit on behalf of the National Lawyers Guild. “These medications are not a luxury; they are the standard of care for treating Hepatitis C. The defendants have a constitutional obligation to provide adequate medical treatment, and they are not meeting that obligation. They are hurting not only prisoners with Hepatitis C, but the public health as well. Wider treatment of Hepatitis C will stop the spread of this disease, not just in prison but in the community.”

“Everyone knew these medications were coming, long before FDA approval,” added Joel Thompson, staff attorney at Prisoners’ Legal Services, which is co-counseling the lawsuit. “The defendants themselves told prisoners to hold off, to wait until newer, better medications arrived. Those medications are here, and while everyone else is making significant investments in treatment – including MassHealth and other publicly funded health care systems – the Department of Correction and its provider are not.”

The suit, *Paszko v. O’Brien*, was filed in the United States District Court in Boston. The complaint alleges that the DOC and MPCH are violating the Eighth Amendment rights of state prisoners by denying essential Hepatitis C treatment, including the new medications. The complaint asks the court to order the defendants to immediately provide treatment for a proposed class of the more than 1,500 prisoners in DOC custody who have Hepatitis C.