Class Action Suit Seeks Hepatitis C Treatment for Nevada Inmates

The lawsuit seeks to force prisons to step up to the plate with hep C therapy and follows others filed in numerous states.

November 14, 2019 By Benjamin Ryan

A federal class action lawsuit in Nevada filed in October alleges that the Nevada Department of Corrections has failed to provide inmates with hepatitis C virus (HCV) with direct-acting antiviral (DAA) treatment, the Las Vegas Review-Journal reports.

The state joins numerous others that have filed similar suits in recent years, including Missouri, Colorado, Illinois, Kansas, Connecticut, Maine, Pennsylvania, Tennessee and Florida.

Nationally, some 17% to 23% of inmates have HCV, compared with about 1% of the general population, according to the American Association for the Study of Liver Disease, which recommends universal testing for inmates.

The Nevada suit names two inmates living with hep C as plaintiffs but is structured to apply to all state inmates.

According to the suit, one of the inmates, Jody Bacon, prison physicians have met him with indifference to his medical needs, allowing his liver disease to progress.

Bacon and the other plaintiff were allegedly denied DAAs even after filing grievances and then appeals in an effort to secure hep C treatment. The specifics of their plight are allegedly common within the Nevada prison system.

Nevada State Department of Correction spokesperson Scott Kelly declined to provide a comment to the Las Vegas Review-Journal, citing the ongoing litigation. However, he did state, “NDOC’s medical staff are professionals who administer the best possible care to our inmates using approved and proven methods.”

Highly effective DAA treatment came onto the market starting in 2013 with the release of Gilead Sciences’ Sovaldi (sofosbuvir). The various regimens available today are highly effective, with cure rates in the high 90% range. They are also well tolerated and can typically be completed in eight to 12 weeks.

The treatments are also highly expensive, although prices have come down considerably since Sovaldi infamously launched at $1,000 per pill, or $84,000 for a typical 12-week regimen. In 2018, the typical wholesale acquisition cost was about $25,000 per regimen. And there are various means through which prisons can secure discounts on the drug sticker price.

Nevertheless, cash-strapped prisons are still often at a loss to pay for hep C treatment, especially given the prevalence of the virus among prisoners.

To read the Las Vegas Review-Journal article, click here.

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