Kentucky Inmates Can Be Denied Hepatitis C Treatment, Court Rules

Kentucky has the highest rate of hepatitis C, a liver disease. Treatment is very effective, but it's also expensive.

July 15, 2021 By Trent Straube

A federal appeals court upheld the right of the Kentucky Department of Corrections to ration treatment for hepatitis C by giving it only to prisoners whose liver disease has advanced instead of treating everyone with the hepatitis C virus, reports The Louisville Courier Journal.

"Basically the majority…ruled that Kentucky prison officials don't have to do anything to treat an inmate's infection except sit around and watch it get worse," Greg Belzley, a Louisville attorney who represented prisoners in the class-action lawsuit, wrote in an email to the newspaper.

Belzley described the 2-1 ruling by the 6th U.S. Circuit Court of Appeals Panel as "horrendous," adding that he'd seek a rehearing or petition the U.S. Supreme Court to hear the case.

Kentucky has the highest rate of hepatitis C, according to the newspaper. As of August 2019, the Department of Corrections had identified 1,670 inmates living with the virus, of whom only 159 had received treatment. In short, the department treats only those who have developed cirrhosis.

Belzley pointed out that while hep C is curable, cirrhosis is not. Nonetheless, denying treatment to most prisoners does not constitute cruel and unusual punishment, according to the court.

The problem, as the Courier Journal reports, is that treatment costs between $13,000 and $32,000, and therefore, the state must ration treatment.

Hepatitis simply means inflammation of the liver. In the case of hepatitis C, it is caused by a bloodborne virus. It can lead to lifelong infection that leads to fibrosis (mild to moderate liver scarring), cirrhosis (serious liver scarring), liver cancer, liver failure and death.

Hepatitis C infection is curable. Treatment is easier and shorter than ever before, and it usually entails taking daily tablets for about 12 weeks (treatments vary from person to person based on a number of factors). The vast majority of people who take the newest medications are cured. For more details, see Hep's Basics on Hepatitis C Treatment.

Kentucky is not the only state focusing on whether prisoners can be denied hepatitis C treatment. For recent new about other states, see "Judge Rejects a Hepatitis C Settlement for Connecticut Inmates," "Supreme Court Won't Hear Tennessee Case of Prisoners With Hepatitis C," "How Michigan Plans to Eliminate Hepatitis C" and "North Carolina Prisons to Boost Hepatitis C Screenings and Treatment."

Did you know that five viruses are known to cause hepatitis, but they're not the only culprits? Other possible causes of liver inflammation include:

- Toxins and chemicals such as excessive amounts of alcohol
- Autoimmune diseases that cause the immune system to attack healthy tissues in the body
- Fat, which may cause fatty liver disease
- Microorganisms, including viruses.

What's more, there are several different types of hepatitis. You can learn more in Hep's Introduction to Hepatitis; below is a list and links to each type:

- Hepatitis A
- Hepatitis B
- Hepatitis C
- Non-Alcoholic Fatty Liver Disease (NAFLD)
    - Non-Alcoholic Steatohepatitis (NASH)
- Alcoholic Liver Disease (ALD)
    - Alcoholic Fatty Liver Disease (AFL)
    - Alcoholic Hepatitis (AH)
- Autoimmune Hepatitis

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