Tennessee Inmates Sue State for Hepatitis C Treatment

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A group of inmates living with hepatitis C virus (HCV) in Tennessee have filed a lawsuit against state prison officials, alleging that the department is denying them lifesaving treatment. Their goal is to force the state to start treating all inmates living with the condition, WBIR reports.

The federal lawsuit, filed with help from advocates in the U.S. District Court in Nashville and the ACLU, claims that the Tennessee Department of Corrections is knowingly denying inmates care for their hepatitis C infections and that doing so may constitute cruel and unusual punishment under the U.S. Constitution. The suit also alleges that the state is denying HCV-positive inmates care solely because it considers the medication is too expensive.

Tennessee inmates Charles Graham and Russell L. Davis are named as plaintiffs in the lawsuit, but they are seeking class action status for the case. If such status is granted and a judge rules in their favor, every inmate infected with hepatitis C would be eligible to receive treatment while incarcerated.

The Tennessee Department of Corrections has claimed in the past that it has been treating all inmates. However, an investigation by the Tennessean in March found that only eight out of nearly 3,500 HCV-positive patients in state prisons had received treatment. A follow-up report three months later determined that four out of 2,935 total inmates living with hepatitis C were taking medications to cure the disease. That means at least several hundred inmates living with the virus were recently released back into their communities.

Advocates also say there are likely hundreds, if not thousands, of inmates in Tennessee suffering from the disease who have yet to be diagnosed. The number of inmates living with hepatitis C in county jails is currently unknown, due to highly inconsistent testing protocols, however the smaller facilities still get about 110 self-reported cases a month. Last year, one county jail in East Tennessee discovered that 92 percent of its inmates were HCV-positive.

This recent lawsuit alleges that together, Tennessee's refusal to test, treat or address the health issues of its inmates constitutes physical and mental abuse. The case also calls for the prison system to start developing and implementing a plan to start treating all inmates as soon as possible.

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