UVA Law Professor Sues State Prison on Behalf of Inmate With Hepatitis C

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A University of Virginia law professor has filed a civil rights lawsuit on behalf of a Buckingham Correctional Center inmate, alleging that state prison officials have repeatedly denied him hepatitis C virus (HCV) treatment, potentially violating his constitutional rights as a prisoner in the United States, The Daily Progress reports.

The complaint, filed by longtime UVA faculty member George Rutherglen speaks out on behalf of Elmo Augustus Reid, 60—a former client of Rutherglen's who has been serving time since 1988 and was diagnosed as having stage 4 cirrhosis of the liver and HCV back in 2013. Since then, Reid says he has sought direct-acting antiviral treatment for his hepatitis C multiple times through the prison's health program and has been denied care nearly every time he has asked for it.

According to the lawsuit, Reid received interferon treatment for his hepatitis C at the prison's medical department. However, the treatment failed, and the inmate says he was told a year later that the condition of his liver and the extent of his infection had not significantly improved. After appealing again for HCV treatment in 2015, Reid claims he was told that the score on his test for cirrhosis wasn't high enough to warrant treatment for his hepatitis C—despite the fact that his 2013 test results contradicted those findings.

More than a year later, in August 2016, the case states Reid was once again told he wasn't eligible for hepatitis C treatment, this time because he was scheduled for a parole hearing within six months. After appealing the denial weeks later, Reid was told he could not receive treatment because the Virginia Department of Corrections' guidelines for hepatitis C treatment were "under revision."

Rutherglen's lawsuit, which was filed in a Charlottesville federal court last week, essentially accuses officials at the Virginia Department of Corrections of deploying "irrelevant excuses" and acting with "deliberate" and "reckless indifference" to Reid's longstanding health issues. The complaint also alleges violations of Reid's Eighth Amendment and 14th Amendment rights, which state that prisons "cannot deny medical treatment to inmates if it constitutes 'deliberate indifference to serious medical needs.'"

The case demands that Buckingham Correctional Center be ordered to give Reid treatment for his hepatitis C before he is released from prison and to pay for his court costs, along with "any other

relief” the court deems acceptable. While the suit aims to find relief for Reid specifically, Rutherglen told local reporters he hopes the lawsuit will serve as a test case and prompt more lawsuits on behalf of other HCV-positive prisoners in the Virginia system seeking treatment.

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