Vermont Corrections Department Fails to Treat Hepatitis C

Patients allegedly failed to meet health care standards for those incarcerated with hepatitis C.

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The Vermont Department of Corrections (DOC) failed to meet requirements of a settlement regarding the treatment of incarcerated individuals with hepatitis C virus (HCV).

In 2018, the Vermont chapter of the American Civil Liberties Union, Harvard Law School's Center for Health Law and Policy Innovation and the law firm of Costello, Valente & Gentry filed a class-action federal lawsuit against defendants including top officials with the Agency of Human Services and VitalCore Health Strategies, an organization under contract with the state of Vermont to supply proper prison health care. The lawsuit, which cited lack of proper health care for incarcerated individuals with HCV, was filed after a legislative hearing revealed that only 1 of the 258 incarcerated people with HCV received treatment in 2017.

In 2019, the parties reached a settlement that required adequate HCV treatment, including screening incoming individuals for HCV when they enter DOC custody, treating individuals "as soon as possible" if the course of treatment can be completed during their time in custody and referring "especially compromised" individuals to a medical provider. What's more, the deal required that attorneys be provided with two years of treatment and screening data.

But the Vermont DOC has failed to meet the requirements of the settlement, according to the attorneys who initially brought the lawsuit. The attorneys are now calling on Judge William K. Session III to enforce these agreed-upon conditions.

"It's disappointing that it has come to this," Suzanne Davies, JD, of Harvard Law School's Center for Health Law and Policy Innovation said in a statement. "It's our hope that people that we are aware of who haven't been treated are going to be able to get treatment."

In May 2022, the filing from those who brought the lawsuit, stated that of 145 incarcerated patients known to have the virus, 13% were not approved for treatment due to "patient refusal" and only 2% were receiving treatment.

The filing credits the high rate of refusals to "outdated and misleading" information about the safety and effectiveness of treatment for hepatitis C virus. "By giving patients false, out-of-date,

and misleading information about HCV treatment options, VT DOC denies them the opportunity to engage in a process of informed consent regarding their own medical care—clearly violating the spirit of the settlement agreement," the filing stated.

Indeed, according to the World Health Organization, direct-acting antiviral medications have been shown to cure hep C in 95% of patients with the virus.

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