OFFICE OF THE INSPECTOR GENERAL

STEVE WHITE, INSPECTOR GENERAL

REVIEW OF INMATE DENTAL CARE AT HIGH DESERT STATE PRISON

JUNE 2000

STATE OF CALIFORNIA

GRAY DAVIS, GOVERNOR

State of California

Office of the Inspector Gene
801 K Street, Suite 1
Sacramento, CA 95

Memorandum

COPY

Date: June 27, 2000

To: CAL TERHUNE, Director
California Department of Corrections

From: STEVE WHITE
Inspector General

Subject: INADEQUATE DENTAL CARE AT HIGH DESERT STATE PRISON

I would like to bring to your attention an issue concerning the adequacy of dental care being provided to the inmates at High Desert State Prison. Because of inmate complaints, the Office of the Inspector General conducted an inquiry into the institution's dental program. Based on the correspondence received to date, it appears that the institution is out of compliance with Title 15, Section 3355.1 of the California Code of Regulations, which specifies that "Each newly committed inmate shall, within 14 days following transfer from a reception center to a program facility, receive a complete examination by a dentist who shall develop an individual treatment plan for the inmate."

In the enclosed letter (Attachment A), inmate [redacted] stated that he has been in High Desert State Prison for over a year and still has not had a complete dental examination. In response to our inquiry dated June 16, 2000 (Attachment B), Warden Castro stated that Mr. [redacted] was placed on a waiting list when he filed a request for routine dental care on October 27, 1999. However, even with apparent increases in staff, Mr. [redacted] is not expected to undergo the Title 15-required dental examination until mid July 2000.

High Desert State Prison's chief dental officer Dr. C. Park, also acknowledged that the institution is not in compliance with Title 15. According to a memorandum to this office dated June 13, 2000 (Attachment C), Dr. Park indicated that it would take at least a year before "a higher level of compliance to Title 15 is expected."

Meanwhile, the Office of the Inspector General staff reviewed over 60 inmate complaints filed through CDC-602 appeal forms relative to adequacy of dental care at High Desert State Prison. We believe these complaints suggest an alarming pattern of neglect and failure to provide reasonable care on a timely basis. Some examples of the complaints include the following:

bcc: John Chen

- An inmate had his upper teeth removed in November of 1999, and was still waiting for a plate as of April 2000. The inmate reported difficulty eating, and his gums were sore.

- An inmate had five abscessed teeth for two years. No dental treatment was provided and the inmate was required to drink a dietary supplement for nutrition, as he could not chew.

- An inmate with a decaying tooth said he waited a year for treatment and, because of the delay in care, the tooth had to be removed.

- An inmate has been on the waiting list for four years for dentures. Another has been on the waiting list for three years.

- An inmate requested care in 1998 for a missing filling. He has been prescribed aspirin for the pain. He said the dental staff told him that only removal of the tooth was authorized and not the replacement of a filing.

Both the warden and the chief dental officer attributed the problem to a shortage of dental program staff and difficulties in staff recruitment and retention. While these assertions may have merit, I don't believe it is acceptable from the state's perspective to deny the inmates needed dental treatment while the institution is seeking to cope with its staffing problems.

I would appreciate your looking into this matter. I ask that you take appropriate action to rectify the problem immediately. My staff and I are available should you need further information or assistance. Please advise me of your response and resolution of this matter.

SW:dl

Attachments

cc: Robert Presley, Secretary, Youth and Adult Correctional Agency

OFFICE OF THE
INSPECTOR GENERAL
RECEIVED
2000 MAY -4 PM 12:51

April 29, 2000

Office of the State Inspector General
PO Box 348780
Sacramento, California 95834-8780

Dear Sirs:

At High Desert State Prison, we are not receiving the dental care mandated by CCR Title 15. Section 3351.1(b) is ignored here, and section 3354(f)(3) on routine care might as well say NO care, since we can wait for over a year when the dentist finds that a needed filling is "routine." Often the tooth that merely needed a filling becomes so decayed that the only alternative is to have it pulled. At present, pulling is the only "care" being given, since there is not enough dental staff to provide normal dental services.

The enclosed inmate appeal is for your information. I filed this today, with no hope of receiving any dental care beyond being told they will pull my tooth, which at this time, only needs a filling. Can you please help?

Sincerely, [redacted]

[redacted]
High Desert State Prison
Box 3030
Susanville, California 96127-3030

STATE OF CALIFORNIA

DEPARTMENT OF CORRE

INMATE/PAROLEE APPEAL FORM

CDC 602 (12/87)

Location: Institution/Parole Region 1. _____ 2. _____

Log No. 1. _____ 2. _____

Category _____

You may appeal any policy, action or decision which has a significant adverse affect upon you. With the exception of Serious CDC 115s, classif committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropria member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supp documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be for using the appeals procedure responsibly.

NAME	NUMBER	ASSIGNMENT	UNIT/ROOM NU
[redacted]	[redacted]		B3-230

A. Describe Problem: CCR Title 15 section 3355.1(b) requires that a dental exam be given and plan of treatment be made within 14 days of arrival at High Desert. I have not been se even though I have been here for over one year. I have requested a filling and replace of my missing upper plate, and in a year, nothing has been done. It is difficult for m to eat. We are ofter told to leave the chow hall before I have finished eating, and th is having a negative effect on my health.

If you need more space, attach one additional sheet.

B. Action Requested: 1. Provide the dental exam mandated by CCR 3355.1(b) and develop a plan treatment. If fillings are indicated, perform them before the decay reaches a point th the tooth is lost. If fillings cannot be given in a timely manner, provide off site den service as mandated by CCR sect 3350.2(b).

2. Replace the missing upper plate before my health is further affected.

Inmate/Parolee Signature: [redacted] Date Submitted: 5-1-02

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

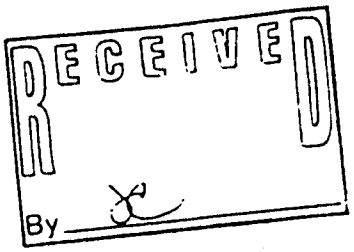
If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed Board of Control form BC-1E, Inmate Claim

CDC Appeal Number:

STATE OF CALIFORNIA—YOUTH AND ADULT CORRECTIONAL AGENCY GRAY DAVIS, Gover
HIGH DESERT STATE PRISON
Post Office Box 750
Susanville, California 96127-0750
(530) 251-5100



June 16, 2000

Office of the Inspector General
P. O. Box 348780
Sacramento, CA 95834-8780

Attention: John Chen, Chief Deputy Inspector General
Audits and Operations

Dear Mr. Chen:

This letter is in response to your letter of June 7, 2000, requesting information concerning a complaint you received from inmate [redacted] about his dental treatment.

Our records indicate that on May 11, 1999, inmate [redacted] had five teeth removed that were not restorable. On October 27, 1999, a request for routine care was received and the inmate was added to the waiting list. Based on the recent increases in staff and dental care provided, inmate [redacted] is expected to reach the top of the waiting list in mid July. At that appointment, a complete exam and treatment plan is expected.

Since High Desert State Prison opened in 1995, the dental department has never had a full compliment of staff. Due to the high volume of emergency dental requests, and by the very nature of them being emergencies, it has been necessary to prioritize the dental program in the best interest for the inmate population. Four weeks ago our last dentist was hired, but can only provide half time until he closes his private practice. This may take until September. For the time being, only those who have specifically requested the complete exam and treatment planning session can be accommodated. However, it is anticipated that if the staffing level remains full for a significant time period, dental services will continue to improve.

If you should have any additional questions or concerns, please feel free to contact my office at (530) 251-5100, extension 5505.

Sincerely,

R. A. CASTRO
Warden

c: Chief Dental Officer
Central File
Inmate

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS

HIGH DESERT STATE PRISON
SUSANVILLE, CA

MEMORANDUM

DATE: June 13, 2000

TO: Bill Hertoghe, Sr

SUBJECT: **DENTAL PROGRAM AT HIGH DESERT STATE PRISON**

Per our telephone conversation on this date, I am summarizing the current Dental Program here at High Desert State Prison.

Here at HDSP, there are 7 service areas that the dental department is responsible for. 4 general population dental clinics, 1 dental clinic in the Level I facility and 1 dental clinic in the Correctional Treatment Center. We are also a Reception Center and use the dental clinic in "A" Facility. Our current staffing level allows for 4 dentists and 4 dental assistants to cover the 7 areas of this institution.

Since HDSP opened in 1995, the dental department has never had a full compliment of staff. Four weeks ago, our last dentist was hired, but can only provide half-time until he closes his private practice. This may take until September.

The average inmate population for the last three years have been at about 4300 inmates. With the past shortage of staff, it has been difficult to maintain full compliance to Title 15. It has been necessary to prioritize the dental needs of the inmate population. They are listed below in order of importance and current program delivery.

1. Emergency dental care at all 7 service areas.
   (usually have been 50% of clinical time)
2. Reception Center
   (usually about 10% of clinical time)
3. Routine Care including dentures, filling, cleanings, etc..
   (usually about 35% of clinical time)
4. Exam and Treatment planning
   (usually about 5% of clinical time)

If our staffing levels remains full for a significant time period(at least one year), the dental program will continue to improve and a higher level of compliance to Title 15 is expected. For the time being, only those who have specifically requested the complete exam and treatment planning session can be accommodated for.

C. Park, DDS
Chief Dental Officer

J. C. Ha...

State of California

Office of the Inspector General
801 K Street, Suite 1900
Sacramento, CA 95814

Memorandum

Date: September 21, 2000

To: C. A. TERHUNE, Director
California Department of Corrections

From: STEVE WHITE
Inspector General

Subject: DENTAL CARE AT HIGH DESERT STATE PRISON

On June 27, 2000, the Office of the Inspector General issued a memorandum to you concerning the adequacy of dental care being provided to the inmates at High Desert State Prison. The memorandum noted that the institution's dental care program was out of compliance with Title 15 of the California Code of Regulations. From a review of over 60 inmate complaints, the Office of the Inspector General also found an apparent pattern of neglect and failure to provide reasonable care on the part of the institution's dental staff.

This office recently received another complaint (Attachment A) from Inmate [redacted] regarding the same issue. According to Mr. [redacted]'s letter, the institution has made no improvement in its dental care program. In response to an earlier complaint that he was not receiving dental care, we contacted Dr. C. Park, chief dental officer at High Desert State Prison and were told that Mr. [redacted] had been examined and had received treatment (Attachment B). In a letter to this office dated June 26, 2000 (Attachment C), Mr. [redacted] said that a plan of treatment was prepared for him, but that he did not receive any treatment. In his most recent letter, he again said that he still has not received the needed dental care despite making additional requests to Dr. Park.

Mr. [redacted]'s September 5, 2000 letter raised another issue that merits review. He alleges that the dental office staff posted open line hours during a period of time when inmates from A and B yards cannot be out. Mr. [redacted] questions the dental staff's motive in establishing office hours when prisoners cannot be seen.

I would appreciate your assessment of Mr. [redacted]'s allegations and advise me of the outcome of this matter. Thank you in advance for your cooperation.

cc: Robert Presley, Secretary, Youth and Adult Correctional Agency

Attachments

016 00-46

14 JANUARY 2000

OFFICE OF THE INSPECTOR GENERAL
801 K STREET, SUITE 1960
SACRAMENTO, CALIFORNIA 95814

DEAR SIRS:

TITLE 15 (CCR) SECTION 3355.1 (b) REQUIRES RECEIVING FACILITIES (STATE PRISONS) TO GIVE EACH NEWLY ARRIVED INMATE A DENTAL EXAM WITHIN 14 DAYS OF ARRIVAL AND TO DEVELOP AN INDIVIDUAL TREATMENT PLAN FOR THE INMATE. THIS IS NOT BEING DONE AT HIGH DESERT STATE PRISON.

TITLE 15 SECTION 3355.1 (c) REQUIRES AN ANNUAL REEXAMINATION OF INMATES OVER 50 YEARS OF AGE. THIS IS ALSO NOT BEING DONE.

I HAVE FILED INMATE APPEALS WITH DENTAL REQUESTING AN EXAMINATION. THESE ARE IGNORED. ON AUGUST 3, 1999, I FILLED IN A HEALTH CARE REQUEST FOR TOOTH CLEANING. ON AUGUST 5, I RECEIVED A NOTICE "For cleaning you must wait on list. Your name has been placed on the waiting list." I AM STILL WAITING, AS IS EVERYONE ELSE.

ON MAY 20, 1998, AN MTA (MED TECH) SPEAKING TO C/O NICHOLS SAID THIS: "The medical office is disorganized, paperwork is piled up & is in dissarray." NICHOLS REPLIED THAT THIS WHOLE PLACE IS DISORGANIZED AND POORLY RUN. HERE ARE SOME OTHER EXAMPLES:

INMATE [redacted] WAS QUICKLY SCREENED AT CDC RECEPTION IN THE FALL OF 1997. HE HAD A DECAYED AND INFECTED TOOTH. WHEN HE ARRIVED AT HIGH DESERT, NOTHING WAS DONE, AND HE OF COURSE DID NOT RECEIVE THE REQUIRED EXAM. HE FILED NUMEROUS REQUESTS FOR

TREATMENT WHICH WERE IGNORED. FINALLY, NEAR THE END OF 1998, THE REMAINING FRAGMENT OF THE TOOTH WERE PULLED. IS THIS ACCEPTABLE DENTAL TREATMENT?

IN JULY 1998, INMATE [redacted] WAS IN PAIN FROM AN INFECTED TOOTH. A FILLING HAD COME OUT A YEAR BEFORE. HE WAS TOLD THAT NO FILLINGS WERE BEING DONE, ONLY TOOTH PULLING. IN JULY '98 HE WAS GIVEN A PRESCRIPTION FOR 6 ASPIRIN/DAY. THIS WAS LATER CHANGED TO 3 ASPIRIN PER WEEK. HE WAS NOT SEEN BY DENTAL NOR GIVEN ANY TREATMENT. IS THIS ACCEPTABLE?

INMATE [redacted] HAD SUFFERED WITH 5 ABCESSED TEETH FOR ROUGHLY 2 YEARS, WHEN I RECORDED THIS IN 1998. SINCE HE COULD NOT EAT, HE WAS BEING GIVEN 2 ENSURE (A LIQUID DIETARY SUPPLEMENT) PER DAY BUT WAS NOT BEING GIVEN DENTAL TREATMENT. ACCEPTABLE?

I CAN GO ON FOR PAGES – I HAVE BEEN RECORDING FAILURE TO PROVIDE DENTAL TREATMENT FOR THE PAST 1 1/2 YEARS. DENTAL DOES NOT GIVE THE REQUIRED ANNUAL SCREENINGS TO INMATES OVER 50 YEARS OLD, NOR DOES IT DO INITIAL SCREENINGS, BOTH REQUIRED BY TITLE 15. THERE HAS BEEN ONE POSITIVE CHANGE – A MORNING EMERGENCY LINE HAS BEEN INSTITUTED, BUT WITH NO REGULAR DENTAL EXAMS / DEVELOPMENT OF TREATMENT PLANS, EVERYTHING DENTAL BECOMES "EMERGENCY."

YOUR HELP IN OBTAINING COMPLIANCE WITH TITLE 15 SECTIONS 3359.1 (b) and (c) WOULD BE MUCH APPRECIATED.

SINCERELY,

[redacted]

HIGH DESERT STATE PRISON
BOX 3030
SUSANVILLE, CALIFORNIA 96127-3030

Office of the Inspector General

COPY

June 20, 2000

[redacted]
High Desert State Prison
P. O. Box 3030
Susanville, CA 96127-3030

Dear Mr. [redacted]

Your complaint, which alleges inadequate dental care in violation of Title 15 of the California Code of Regulations, has been referred to an investigative team for follow up.

In preparation of this investigation, our office contacted Dr. Park, the Chief Dentist at the High Desert State Prison, and inquired about the level of dental care you are receiving. Dr. Park related that, while there was a delay in providing you with dental care, you have since received an examination and treatment. Mr. Park also stated that he informed you to contact him if you are still in need of dental treatment.

Our investigation will continue with specific review of Title 15, Section 3355.1 (b) and Title 15, Section 3351.1 (c) of the California Code of Regulations. Please direct future inquires or concerns to my attention.

Sincerely,

BILL HERTOGHE
Deputy Inspector General, Senior

WEH:aj:mg

OFFICE OF THE
INSPECTOR GENERAL
RECEIVED

2000 JUN 30 AM 9:54

June 26, 2000

Bill Hertoghe, Deputy Inspector General, senior
Office of the Inspector General
PO Box 348780
Sacramento, California 95834-8780

Dear Mr. Hertoghe:

I have received your letter of June 20, concerning the inadequate dental care at High Desert State Prison. I was interested to read that Dr. Park has said that I have received treatment, and that he informed me that I should contact him if I was still in need of treatment.

Actually, even though a plan of treatment was prepared, I have received no treatment, nor have I heard one peep from Dr. Park. This is typical of what goes on here regarding dental care.

I might point out that still the only treatment given is the pulling of teeth. My cell-mate, [redacted] was seen after submitting an inmate appeal and a plan of treatment was prepared. He was told that he had two seriously decayed teeth, and that he would be put on a waiting list for treatment. That was in February, and nothing has been done since. There is a section of Title 15 that applies in this case - 3350.2, which in part (b) states that when necessary services are not available for an inmate within a facility, the facility's chief medical or dental officer may request the institution head's approval to temporarily place the inmate in a community medical facility for such services. High Desert could do this, but it doesn't. We are told that we will be placed on a waiting list, and then we wait until after the tooth is so decayed that nothing can be done to save it. Mr. [redacted]s expecting a transfer, and undoubtedly will not have dental treatment here before he leaves.

Just yesterday, another inmate, [redacted] spoke to me about a similar problem. He has a decayed tooth. He was not seen for the required screening, but was called in in response to a medical request form. The dentist did the same thing - looked at the decayed tooth, and then said that Mr. [redacted] would be placed on a list. I cannot find anyone who has received anything other than tooth pulling as dental treatment. No one seems to be taken to a local dentist, even though treatment does not seem to be available at High Desert. Does this not violate Title 15 section 3350.2 (b)?

If you would have your investigative team contact me, I would be able to provide a list of inmates that have both not been screened as Title 15 requires, or who have been seen because of tooth pain caused by a cavity, but who have not had any treatment. A number of people have told me recently that the dentist offered to pull a tooth, but would not fill it. To me this is amazing.

If you prefer, I can supply this list by mail. I'll gather the information during this week and should have a fairly good list by the weekend. Please let me know if you want me to mail this to you. We tend to be distrustful of what Dr. Park says here, since it often is not the same as reality. I very much appreciate your looking into this. Very many people appreciate it.

Sincerely,

[redacted]
Box 3030 K76471 High Desert State Prison
Susanville, California 96127-3030

OFFICE OF THE
INSPECTOR GENERAL
RECEIVED

2000 SEP 11 AM 11:16

September 5, 2000

Mr. William Hertoghe, Deputy Inspector General, Senior
Office of the Inspector General
PO Box 348780
Sacramento, California 95834

Dear Mr. Hertoghe:

Regarding the dental care at High Desert State Prison: you had asked for updates. I have moved to the level 3 section, A-yard, and since it's the same dental department, I'll report what I've noticed.

The dental staff has now posted open line hours on both B and A yards. The hours are from 1:30 - 2:30 PM. That's an interesting time, since the yard is recalled at 1:15, and no inmates can be out. Workers start being released from their jobs at 2 PM, but when the whole program is up and running, many won't be out until 2:30, and that's when the dental open line is over. If the dental staff wanted to set up office hours when they would see no customers, they couldn't have done it in a better way. I just hope that they don't now say, "Well,we have set up open hours, and no one comes!"

I still have been waiting since 8/5/99 for a tooth cleaning. I still have the CDC form 128-C which says that I must wait on the list. I wrote Dr. Park asking if there was a new list for this yard, and you will recall that he told you that if I had any questions he had told me to contact him. This of course was nonsense, as he has never spoken to or contacted me, and as usual, he has not replied to my question. I wrote to Dr. Park exactly a month ago. This is the way things were <u>before</u> your investigation - no response from dental, for anything, so I see no improvement.

Sincerely,

[redacted]

High Desert State Prison
Box 3030
Susanville, California 96127-3030