

Prison medical services criticized

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and Human Services System. One of the arguments in the ombudsman's report is that Cherry testified on June 17, 1999, to having lost his hospital privileges at Lincoln General — where he had a private practice — because four patients of his had died. He regained his hospital privileges after further practical training by a surgical critical care fellowship. His next job was at the Department of Corrections, he testified. James Davis, assistant ombudsman, said Cherry's employment at the institution exemplified the system's outlook on prison health care. "When they are ex-communicated from the community, they can come work here," Davis said. Pedersen, familiar with some of the reports, said he will encourage the group today to "not leave any rocks unturned" by talking to inmates, former inmates and former employees of the correctional facility. Clarke said he was pleased to present the information for discussion, but he and his staff were put in a defensive position because of the report. "(The ombudsman) is making a lot of allegations and accusations that are not correct, and we want to respond," Clarke said. "I want my staff to stand up and tell the task force what they do on a day-to-day basis to tell what they do to care for offenders." Davis said the reports were not

opinion but based on inmates' medical cases and complaints. Lux agreed and said the report was made out of concern for the inmates; it wasn't slanted. "It would have been simple for us to ignore this, but it was the right thing to do," he said. Lux said he welcomed the task force's investigation because four of the five members are doctors and have medical expertise, something his investigation lacked. Augustine said the task force has set Feb. 25 as a tentative date to investigate the health care facilities. The creation of the task force was not the only result of the report. One doctor, who was the whistle-blower that sprung the report, claims the Nebraska Department of Corrections retaliated against him. The disciplinary action would permanently affect Fraisal Ahmed's record, said Ahmed's attorney Eric Brown, of Polsky, Cope, Shiffermiller & Coe. Brown said the department accused Ahmed of not getting along with other staff members, mischarting an evaluation of a patient and taking documents from the facility. A charge that he was negligent in the care of three patients was dropped. All of the charges came after Ahmed spoke out against the system; Ahmed had a spotless record before, Brown said. The charge that Ahmed didn't get along with staff members stemmed from an incident in which Ahmed yelled

at nurse Jenni Stoner when she did not place an important machine — a cardiorespiratory arrest emergency — inside the room where Robert Zolper, a former inmate, was suffering from a heart attack, Brown said. Zolper died on Sept. 10, 1998, during attempts to save his life, and Ahmed was put on six months probation for yelling at the nurse, Brown said. On Nov. 22, 1999, in a complaint against the Nebraska Department of Correctional Services, the Nebraska State Personnel Board ruled that Ahmed had been retaliated against and disciplined unjustly for yelling at the nurse in the Zolper incident. The six months of probation was vacated, Brown said. The institution gave Ahmed six months probation when Ahmed was accused by the institution of mischarting a patient's medical record. The board found there was just cause to discipline Ahmed. Brown said the ruling is up for appeal. Ahmed was also suspended for taking documents out of the facility, even though he was taking them to another doctor, Brown said. The board never ruled on the suspension because it was not part of the claim before the personnel board, Brown said. He said they were awaiting a decision on the case. Also cited in the report is when Rowland Linemann was struck by an automobile before being incarcerated at the Nebraska State Penitentiary in February 1998. Pins placed in his hand were removed before incarceration, but those in his hip were removed at the penitentiary. Linemann refused to allow Cherry to remove the pins on April 29, 1998, because he feared Cherry was going to use maintenance equipment, the report said. Davis said Linemann also said he would rather have the procedure done at Lincoln General Hospital but was told it would cost him \$2,000 to \$3,000. The report said that in Cherry's records, a motion was signed by him on

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Marshall Lux
Nebraska ombudsman

April 29, 1998, stating "refuse(d) pin removal." Also dated the same day was a physician's order stating "please obtain drill and wrench from maintenance." Cherry performed the procedure and said he was instructed to "remove the pelvic pins on (Linemann) and (that) the only criteria he recommended (was) that (Cherry) use a drill with reverse," the report said. Since the procedure, Linemann, now released from prison, said he experiences difficulty in mobility. Lux said the report has already stirred changes in the facility's care, but he is somewhat concerned that the changes are superficial. "It's like a rusty car. You can't spray paint over it and still not have problems," Lux said. Clarke disagreed and said the quality of care is constant and more than adequate. The care will not change when the task force visits. "If an offender is in our care and needs medical care, that medical care needs to be provided while that offender is with us," Clarke said. But Rosalie Buggart, an inmate at the Nebraska Correctional Center for Women, who has a history of breast cancer in her family — a history that was relayed to the prison's medical department in May 1998 — discovered that what she was told was a fibroid cyst while she was incarcerated, was actually a tumor. She is awaiting biopsy results, she said in a complaint to the ombudsman. Brown said he is working on a civil suit against the Nebraska Department of Corrections for Ahmed, who is still working at the correctional facility.

Groups ask UNMC for information

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University, Penn State University, Northwestern University and the University of Rochester in New York. Vicky Cerino, assistant coordinator of the public affairs office at UNMC, said Barteel had received the letter. She said he hasn't had a chance to respond to it. Barteel was unavailable for comment Thursday. Tom O'Connor, associate director of public relations at UNMC, said he did not have a chance to talk to Barteel about how he would respond to the letter. Under the Freedom of Information Act, government agencies are required to produce records to those who request them, said Amy Miller, interim executive director of the American Civil Liberties Union in Lincoln. If the institution does not provide the requested documents or records, it has to state the reason, Miller said. Schmit-Albin said she and the others want the answers before the Judiciary Committee meets on Feb. 23 to discuss LB 1405. The bill would ban the use of aborted fetal tissue in research done in Nebraska. The answers about the research will be important in discussing the bill, Schmit-Albin said. The answers given by university officials to state senators and others to dispel myths about research at UNMC have been given in the form of a fact sheet, Schmit-Albin said. She said she sees the sheet as part of a public relations campaign intended to "smooth over" issues UNMC has been questioned on. "We're not going to be satisfied with that," she said.

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