

Lawyer questions rights behind bars

Imprisonment itself is often not the only form of punishment received by criminals.

"As a lawyer," says Peter Westen, a University of Michigan law professor, "I frequently see cases involving allegations of medical mistreatment in prison."

"Prisoners claim that they were denied pain killers on purpose because a prison official wanted them to suffer. Or that a prison physician amputated a limb unnecessarily — or refused to amputate a limb that was gangrenous. Or that a prison physician waited two hours before operating so that the patient would suffer a while."

Withholding of medical treatment in these circumstances may not be a product of sadism by prison physicians, but rather a product of the way society — including prison officials — view prisoners, observes Westen.

"Along with other prison officials, prison physicians may come to have few regard for a prisoner's humanity because the physician recognizes that the prisoner, by definition, is someone deserving of punishment," says the U-M constitutional law scholar.

One of the significant ethical questions facing prison officials, according to Westen, is whether the officials should intervene and force needed medical treatment on a prisoner who chooses to die.

Westen examined this question in a paper dealing with the following hypothetical situation: A woman prison inmate suffering from potentially fatal blood pressure refuses to allow the prison physician to administer life saving medical treatment. Should the physician intervene and force treatment?

THIS IS an area not clearly covered by law, according to Westen, because existing laws often are not applied in the prison context.

"There are laws, both civil and criminal, that purport to regulate the responsibility of prison physicians for the life and health of inmates under their care. There are criminal laws, for example, against aiding persons to commit suicide and against punishing inmates by mistreating (and withholding) medical treatment, and civil laws requiring physicians to take reasonable steps and precautions in ministering to the medical needs of inmates."

"But the brute fact," says Westen, "is that prosecutors rarely enforce these laws against prison physicians, and civ-

il jurists rarely impose civil liability."

Arguing in favor of intervention by the physician in the hypothetical case, Westen contends that inmates, placed in a childlike, dependent role in prisons may not be ready to take "responsibility for life and death decisions."

"I am prepared to assume," he says, that "if the woman in this hypothetical case were not in prison, the physician would have an obligation to intervene and force life-saving treatment on her, and would not be obliged to seek a court order authorizing him to save her life."

But incarceration presents a new dimension on the matter, says Westen. "Prisoners are persons who have been stripped of even the most elemental autonomy. They are not allowed to keep simple aspirin in their cells. If they want aspirin, they must seek it from a prison official; if the official decides to give it to them, they must swallow it in his presence to ensure that they are not selling or misusing it. They are not allowed to keep thermometers in their cells because it is feared that they might use them as weapons."

"In short, we treat prisoners like we once treated slaves, and like we now treat children. We control everything they do — when they eat, what they eat, when they sleep, when the lights go on, what they see, what they read."

"Having denied this woman the autonomy to decide for herself whether to take aspirin, the prison cannot easily explain her now dying by saying she is free to do whatever she wishes with respect to life-saving treatment."

Medical intervention also seems justified, says Westen, in view of the possibility that prison conditions may have contributed to the woman's mental state prior to her refusing medical treatment.

"I am prepared to assume that she alone is responsible for her criminal conduct and for the necessary consequences of her criminal sentence, including any depression resulting from close confinement."

"But it is also possible that her state of depression is unnecessary and is caused by conditions for which society is responsible — such as improper diet, overcrowding, absence of, opportunity for physical exercise, inadequate visiting privileges, lack of minimum levels of privacy, lack of medical staff, or lack of psychiatric care."

"If society is partly responsible for causing her predicament, it is also partly responsible for solving it."

Expansion of four area hospitals, at a cost of nearly \$9 million, was approved by the state health directors' office recently.

Oakwood Hospital, 18101 Oakwood Boulevard, Dearborn, will renovate and construct the lobby and admitting areas at the facility.

A total of 11,400 square feet will be constructed adjacent to the existing Skillman Lobby on the hospital's first floor.

The project will cost an estimated \$990,000 and will be completed in January 1982.

Harper-Grace Hospitals, 3990 John

Hospitals to expand

R. Detroit, received approval to purchase a pharmacy information system. The equipment will be located in the Grace Division pharmacy and in three pharmacy satellites central pharmacy, and the pharmacy storeroom of the Harper Division.

The new system will run checks on drug allergies and interactions, print the drug order, calculate the stop date,

print labels, generate billing, and maintain an inventory. Cost of system is \$422,415.

Sinai Hospital of Detroit, 6767 West Outer Drive, received approval plans to renovate and expand the obstetrical and newborn services of the facility.

The project calls for relocating the postpartum unit from the second floor of the North Wing to the second and

third floors of the Center for Continued Care (CCC). Some remodeling and renovation of the second and third floors will be required for the new postpartum unit; and the area vacated by the postpartum unit will be remodeled to accommodate the Rehabilitative Medicine In-patient Unit.

In addition, a four story addition will be built adjoining the North Wing and the CCC. The ground floor will contain labor and delivery employees' lockers, and the first floor will provide a new entrance to the obstetrical area and administrative space.



August Fun

- The Gasless Gaway Pizzas & Gifts August 9 2:00, 4:00 & 7:00 p.m. Center Court
 - Winnie-The-Pooh Festival Fashion Show August 14 11:00 a.m. & 7:00 p.m. Sears Court
 - Fall Focus Fashion Show August 15 Center Court 11:00 a.m. & 7:00 p.m.
 - Spectacular Days the very best for '79 August 15 through August 19 Fashions & Fun for everyone
 - Magic Show Burger King Magician August 16 & 17 1:00, 3:00 & 5:00 p.m. Center Court
 - Senior Citizens' Coffee O'l Time Band August 21 10:00 a.m. Center Court
 - Dance Recital Elaine's School of Dance August 28 & 29 4:00 & 7:00 p.m. Center Court
- on Novi Road, north of I-96
10 a.m. to 9 p.m. Monday thru Saturday
12 noon to 5 p.m. Sunday



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