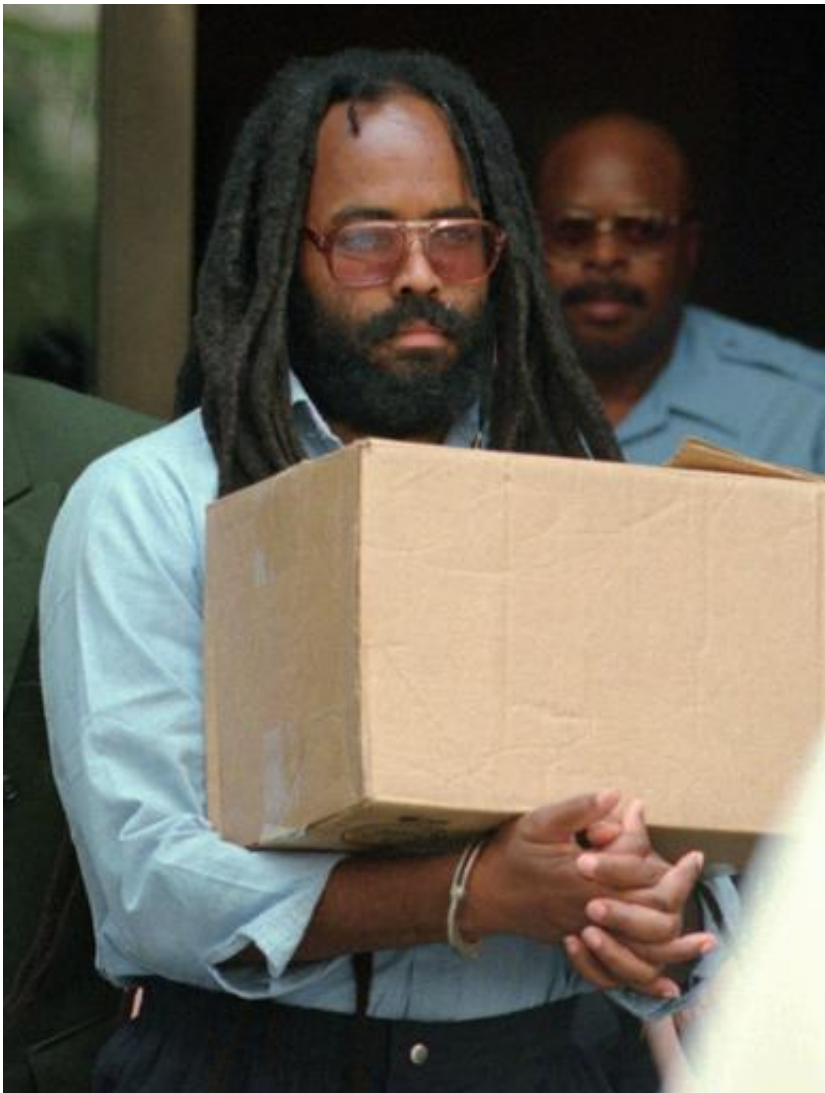


Abu-Jamal loses suit over hepatitis C drug; can refile

September 1 2016, by Maryclaire Dale



In this July 12, 1995 file photo, Mumia Abu-Jamal leaves Philadelphia's City Hall after a hearing. A federal judge in Pennsylvania has blasted a prison policy that denies former death-row inmate Abu-Jamal and others an expensive

hepatitis C drug until they have advanced liver damage. Abu-Jamal is serving a life term for the 1981 killing of a Philadelphia police officer. He is a former Black Panther and radio reporter. (AP Photo/Chris Gardner, File)

A federal judge in Pennsylvania has blasted a prison policy that denies former death-row inmate Mumia Abu-Jamal and others an expensive hepatitis C drug until they have advanced liver damage.

U.S. District Judge Robert Mariani said the policy amounts to "conscious disregard" for the inmates' health, but noted that prisons, Medicaid officials and courts across the country are struggling to decide who should get the anti-viral drugs.

The judge nonetheless rejected Abu-Jamal's bid for treatment Wednesday after concluding that the former Black Panther and radio reporter sued the wrong prison officials. His lawyers vowed to refile it to add the members of the hepatitis treatment committee who created the policy.

Experts told the judge the latest antiviral drugs are highly effective, offering cure rates as high as 90 to 95 percent. However, the cost of the treatments can range from \$50,000 to \$75,000 or more. Researchers say that nearly one in five inmates in the U.S. are infected, many from sharing needles during illegal drug use.

Abu-Jamal, 62, is serving a life term for the 1981 killing of a Philadelphia police officer. His case has long been a cause celebre among supporters around the world who believe he did not get a fair trial. Abu-Jamal spent decades on death row before the death sentence was set aside on appeal.

His lawyers have since gone to court several times over the treatment of skin rashes, diabetes and other health problems.

Pennsylvania prison officials note that hepatitis C develops slowly, and can take 20 to 40 years to progress. The state pays \$55,000 per 12-week course of the drug Harvoni, compared to the average annual spending of \$42,000 per inmate, including \$4,800 per person for medical care. A spokeswoman otherwise declined comment on the pending litigation.

Advocates for hepatitis care say the antiviral drugs, while expensive, can be cost-effective given the cure rate and the alternative cost of treating someone who develops cirrhosis or liver cancer.

But states have struggled to pay for the newly developed drugs. Pennsylvania's interim policy provides only annual check-ups until an inmate's liver disease advances.

State and local officials don't have much leverage to negotiate discounts on the antiviral drugs, unlike the federal Bureau of Prisons or Veterans Administration, according to Michael Ninburg, executive director of the Hepatitis Education Project, a Seattle-based group whose work includes hepatitis policies in prisons.

"Most states are rationing it in the prison population and at the Medicaid level," he said. "However, these (drugs) are cost-effective, and there's growing evidence around the benefits of treating early."

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Citation: Abu-Jamal loses suit over hepatitis C drug; can refile (2016, September 1) retrieved 6 May 2024 from <https://medicalxpress.com/news/2016-09-abu-jamal-hepatitis-drug-refile.html>

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