

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Harrison v. Wexford Health Sources, Inc.

669 F. App'x 797 (7th Cir. 2016) · Decided October 28, 2016

SUMMARY

The Seventh Circuit affirmed summary judgment for prison employees, Wexford Health Sources, Inc., and a medical director in an inmate's Eighth Amendment deliberate-indifference action concerning treatment after a fall. The court held that the evidence did not show blatantly inappropriate medical care, an emergency requiring immediate treatment, or culpable disregard by the nonmedical defendants. The court also upheld the denial of recruited counsel because any error did not affect the outcome.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Flaum; Posner; Ripple
JURISDICTION	Federal
DECIDED	October 28, 2016
DISPOSITION	affirmed
PROCEDURAL POSTURE	Harrison appealed the grant of summary judgment to the defendants in his 42 U.S.C. § 1983 action alleging deliberate indifference to serious medical needs in violation of the Eighth Amendment, as well as the denial of his motions for recruited counsel.
STANDARD OF REVIEW	Summary judgment was reviewed on the record viewed in the light most favorable to Harrison. The denial of recruited counsel was reviewed for whether the district court properly assessed Harrison's competency to litigate claims of the relevant complexity and, as to the identified error, whether recruited counsel would have affected the outcome.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Derrick Harrison v. Wexford Health Sources, Inc., Saleh Obaisi, Jennifer Encarnación, Troy Mayes

TOPICS

prisoners rights

section 1983

cruel and unusual punishment

standard of review

appellate procedure

PRACTICE AREAS

civil rights litigation

prisoner medical care

constitutional torts

appellate procedure

QUESTIONS PRESENTED

1. Whether Dr. Obaisi acted with deliberate indifference to Harrison's serious medical needs by delaying diagnostic testing and specialist referral or prescribing allegedly ineffective medication.
2. Whether Wexford Health Sources, Inc. was liable under § 1983 for an allegedly unconstitutional medical-care policy or delay in initial treatment.
3. Whether Sergeant Mayes acted with deliberate indifference by relying on the Health Care Unit's determination that Harrison could wait until the next day for treatment.
4. Whether Nurse Encarnación acted with deliberate indifference by referring Harrison to the Health Care Unit rather than providing immediate treatment.
5. Whether the district court abused its discretion or otherwise erred by denying Harrison's motions for recruited counsel.

HOLDINGS

1. Dr. Obaisi was entitled to summary judgment because Harrison presented no evidence that the treatment was blatantly inappropriate or violated professional medical standards.
2. Wexford was entitled to summary judgment because Harrison failed to establish an underlying constitutional violation or actionable injury attributable to the alleged corporate policy.
3. Mayes was entitled to summary judgment because Harrison presented no evidence that Mayes had a culpable state of mind or recklessly disregarded Harrison's pain when he deferred to the Health Care Unit's decision to treat Harrison the next day.
4. Encarnación was entitled to summary judgment because she referred Harrison's case to the Health Care Unit, was not responsible for that unit's treatment delay, and did not violate professional medical standards.
5. Although the district court should have assessed Harrison's competency to litigate the complex claims when ruling on his second motion for recruited counsel, the error did not warrant relief because recruited counsel would not have affected the outcome.

KEY QUOTATIONS

“A delay in treatment may constitute deliberate indifference if the delay exacerbated the injury or unnecessarily prolonged an inmate’s pain.” (799)

“Because Harrison ‘has not established a constitutional problem with his treatment and thus did not suffer actionable injury from the policy he attributes to the corporation,’” (799)

FACTUAL BACKGROUND

Harrison injured his back and neck after falling while attempting to close high windows at Statesville Correctional Center. Prison personnel arranged medical evaluation the next day, and Dr. Obaisi and other Wexford medical providers treated Harrison with medications, imaging, injections, activity restrictions, specialist referrals, and physical therapy over the following months. Harrison alleged that the defendants delayed an MRI and specialist referral, failed to prescribe a particular antidepressant, failed to provide immediate post-fall care, and that Wexford maintained an unconstitutional policy of providing only minimal medical care.

PROCEDURAL HISTORY

Harrison, an Illinois inmate, sued prison personnel, Wexford Health Sources, Inc., and the prison medical director over treatment following a back injury. The district court concluded that Harrison had an objectively serious medical condition but that no defendant acted with deliberate indifference, and it granted defendants' motions for summary judgment. The district court also denied Harrison's repeated requests for recruited counsel. The Seventh Circuit affirmed.

DISPOSITION

affirmed

CASES CITED

- Hooper v. Proctor Health Care Inc., 804 F.3d 846, 849 (7th Cir. 2015)
- Pyles v. Fahim, 771 F.3d 403, 409 (7th Cir. 2014)
- McGowan v. Hulick, 612 F.3d 636, 640 (7th Cir. 2010)
- Ray v. Wexford Health Sources, Inc., 706 F.3d 864, 866 (7th Cir. 2013)
- Knight v. Wiseman, 590 F.3d 458, 465 (7th Cir. 2009)
- Olson v. Morgan, 750 F.3d 708, 712 (7th Cir. 2014)
- Tidwell v. Hicks, 791 F.3d 704, 709 (7th Cir. 2015)