Bar Resistance

Getting your HIV meds on time while doing time

July 1, 2009 By Paul Wright

If you are HIV positive, you know you have to take all your HIV meds on time, every time, or risk developing resistance and illness. But if you're living with HIV/AIDS behind bars, you also know that getting health care in prison can be a challenge. *POZ* receives letters almost daily from positive prisoners saying their prescriptions aren't refilled on time or their pills are withheld. These tips will help you get your meds.

Get to Know the Medical Staff.
Learn the names of prison medical personnel. That way, queries and complaints about missed meds can reach or name the appropriate person. Treat medical staff politely and courteously so they will want to help you (and to avoid any charges of unruly behavior).

Advocate for Yourself.
You need your HIV medications now—not in six months—but prison grievance systems are often slow. So start with a simple approach: Ask your unit staff to call the medical department to retrieve your meds. If the prison won't follow the doctor's orders, complain in writing to your treating doctor; write to the prison warden and medical officers too.

Keep Copies.
Store a copy of your prescriptions in your cell or on your person. Learn the medication schedule and stick to it so no one can blame you for missed doses. Keep copies of every letter or complaint you write and the replies you get. In any future grievance or litigation, these will prove a pattern of "deliberate indifference" to your serious medical needs.

Get outside help.
A phone call to the prison from someone outside—a parent, partner, sibling or friend—demanding to know why you are not getting your meds may produce results. These calls let prison officials know that they are being observed. You and your family can also write to legislators, state medical commissions and city, county and state health departments to bring attention to systemic problems in medication delivery.

File a grievance.
The Prison Litigation Reform Act of 1996 mandates that you go through all levels of the prison

grievance system before filing a federal lawsuit. Learn your prison's grievance process and keep a supply of the required forms in your cell to use if other steps fail. Your grievance should be clear and concise: State your medication needs, who prescribed the meds and how the prison is denying you access to them. Be polite and direct, but be firm about your rights. Your letters and grievances may wind up as court exhibits for a judge or jury. Make sure they show you at your best.

Go to Court as a Last Resort.
If, despite your best attempts, the prison is just too incompetent, overcrowded or poorly run to deliver your doses, consider filing suit. You'll need to show a court that the prison did not provide prescribed medication as required. Medical lawsuits are hard to win, and remember that you first have to go through the prison grievance process (except if you are suing for money damages after you are released).

For more tips, get "Protecting Your Health & Safety" ($10 plus $6for shipping) from Prison Legal News (2400 N.W. 80th St. #148, Seattle,WA 98117; 206.246.1022; prisonlegalnews.org).

Paul Wright was imprisoned in Washington state for 17 years. He is the cofounder and editor of Prison Legal News, a monthly magazine on legal and political developments involving the criminal justice system.

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