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Behind bars but free from copays

BY MARGHERITA BEALE

Crystal Hall was convicted in 2013 for attempted murder. Since being in jail, Hall says she has developed several medical conditions, including diabetes and cervical cancer. Hall says that through her time in the California Institution for Women in Corona, no word has rolled off the tongue of prison health-care providers as often as “copay.”

“It’s like a vicious cycle, a cycle that goes on all around paperwork and copays,” Hall said. “Everything is about a copay.”

But for inmates like Hall, things are changing. On Oct. 9, Gov. Gavin Newsom signed historic legislation that permanently bars county jails and state prisons from charging copays for medical and dental services, as well as equipment.

Incarcerated people typically earn between 14 and 62 cents an hour, if employed at all. A 2017 study by the Prison Policy Initiative found that California’s standard \$5 medical copay in prisons is equivalent to an almost \$700 copay for someone working a minimum wage job on the outside. By eliminating copays, California is the first state to take what advocates are calling “an important first step.”

“The governor’s decision to permanently remove copays from California jails and prisons brings us one step closer to fair and just access to health care for everyone, including those who are incarcerated,” said Eric Henderson, policy director of Initiate Justice.

Though Assembly Bill 45 won’t officially go into effect until January, state prisons started eliminating copays earlier this year, citing public health concerns. AB 45 codifies their decision into law, and extends the requirement to California jails.

Romarilyn Ralston, policy director for the California Coalition for Women Prisoners, said the decision has already helped some members on the inside.

“The incarceration sometimes murders people because you don’t have the right quality of care and access,” Ralston said. “I know that’s a strong word to use. But people are dying in prisons and jails all over this country all the time because of lack of care.”

Charisse Shumate, founder of CCWP, didn’t receive the treatment she needed for sickle cell anemia while in prison, Ralston said.

“She died in prison, and many other women die in prison because of lack of health care,” Ralston said. “They should be here today. They should be alive.”

In Sacramento, this bill is especially relevant.

Just a month ago, a settlement was reached in the 2018 federal class-action lawsuit filed against Sacramento County, which alleged the “unconstitutional and illegal treatment” of inmates inside county jails.

Aaron Fischer, counsel with Disability Rights California, which filed the suit, believes the settlement will lead to significant improvements. One of its more innovative aspects is recognizing the importance of reducing the jail population, particularly for people with mental health needs and disabilities, Fischer said.

The lawsuit also addresses Sacramento County’s longstanding rule under which inmates were only allowed to raise one medical condition per visit. Not only does this practice have financial implications due to copays, but Fischer said it has health ones.

“The example I always give is someone comes in and says, ‘I want to be seen because I’ve lost a lot of weight.’ And then they get there and also say, ‘My eyesight has gotten worse,’” Fischer said. “Those are

two different issues, but both are symptoms of diabetes. So the idea that you can only raise one condition at a time is deeply problematic.”

In 2017, Sacramento County collected \$20,280 in copays. Divided by the \$3 copay required in jails, this means medical care was sought approximately 6,670 times.

Courtney Hanson, an organizer with Decarcerate Sacramento and Californians United for a Responsible Budget, has been held inside Sacramento County jail twice for brief stints, which she cites as the inspiration for her current work.

“You’re sort of seen as being less than human,” Hanson said. “You’re seen as a manipulator, a complainer. Anyone who’s been on the inside jokes about how aspirin is the solution to everything. We’re talking severe medical conditions and people being written off as not being trustworthy.”

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Romarilyn Ralston
policy director, California Coalition
for Women Prisoners

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