

SOUTH CAROLINA Lawyers Weekly

Jury awards \$908K for inmate's opioid withdrawal

By: renee.sexton Renee Sexton July 24, 2019

A Marlboro County jury has awarded almost \$908,000 in actual damages to a man who was denied any treatment for opioid withdrawal during a 27-day incarceration in the county's detention center in 2015.

The verdict, which illustrates how the ripple effects from the nation's opioid crisis are manifesting themselves in a wide variety of ways, was subsequently vacated when the two sides reached a confidential settlement shortly before the jury would have begun to consider whether to impose any punitive damages.

Brink Hinson of the Finkel Law Firm in Columbia said that his client, Robert Hilliard, was a U.S. Navy veteran in his mid-60s who had served in Vietnam. He had been taking prescribed oxycodone to treat severe back pain for more than ten years, and the dosage he was taking was quite large.

During his brief incarceration, Hilliard suffered excruciating withdrawal symptoms and his chronic back pain went ineffectively treated. As a result, he became extremely sedentary, causing bedsores to develop, Hinson said.

Hinson said that Southern Health Partners, which provides medical care in city jails and county detention centers, did not provide alternative medications to treat Hilliard's pain, did not wean him off the narcotics, and did not observe him for problems associated with opioid withdrawal. When he was discharged from the jail, SHP gave him no medical advice and failed to warn him that he should not resume taking his pain medication at the same dosage as before.

As a result, Hilliard went back to taking his medication at the original dosage after his release. He was later found unconscious at his home, where he was found to have stage two bedsores on his back and heel. His diabetes aggravated the sores and caused him to undergo numerous skin grafts. Treatment for the bedsores cost \$682,963, which the jury awarded in special damages.

Hilliard sued SHP, alleging ordinary negligence and medical malpractice. The company argued that Hilliard didn't undergo narcotic withdrawal while in jail, that it wasn't severe enough for the medical staff to know about if he did, and that the bedsores began after he left the jail, Hinson said.

After a five-day trial, the jury returned a verdict on July 21 finding SHP liable and 100 percent at fault for Hilliard's injuries. It awarded him a verdict of \$907,963, more than the \$750,000 he had demanded. It also found that SHP had acted in a grossly negligent, willful, wanton or reckless manner, which meant that it could have been assessed punitive damages as well. Over the ensuing weekend, the parties agreed to a settlement that eliminated the need for a punitive damages phase.

The terms of the settlement are confidential. Doug Jennings and Mason King of the Douglas Jennings Law Firm in Bennettsville also represented Hilliard.

Hinson said that his client felt it was important to send a message to health care providers that people who find themselves in his position still need and deserve opioid withdrawal treatment, and the consequences of cutting him



Hinson

off cold turkey for 27 days without any instruction not to resume his normal dose could have been catastrophic.

“This case serves as a great example of how the opioid crisis takes many forms,” Hinson said. “There are far too many incidents of narcotic-dependent detainees suffering injury, almost all of which could and should have been prevented ... Education and training on properly screening new detainees for opioid dependence is critical, and anyone suspected to have the potential for withdrawal must be monitored and treated.”

Jimmy Long and Emily Globber of Nexsen Pruet in Columbia represented SHP. Long said his clients were happy that the matter is now concluded.

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VERDICT REPORT — MEDICAL MALPRACTICE

Amount: \$907,963 (later vacated as part of a confidential settlement)

Injuries alleged: Untreated opioid withdrawal, back pain, bedsores

Case name: *Hilliard v. Southern Health Partners, Inc.*

Case No: 2016-CP-34-00202

Court: Marlboro County Circuit Court

Judge: Roger Henderson

Date of verdict: June 21

Special damages: \$682,963.25 in medical costs

Most helpful experts: Lori Roscoe of Correctional HealthCare Consultants in West Palm Beach, Florida

Attorneys for plaintiff: Brink Hinson of Finkel Law Firm in Columbia and Doug Jennings and Mason King of Douglas Jennings Law Firm in Bennettsville

Attorneys for defendant: Jimmy Long and Emily Globber of Nexsen Pruet in Columbia

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