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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK WILLIAMS,
Plaintiff,
v.
CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

No. 2: 14-cv-1951 WBS KJN P

ORDER

Plaintiff is a state prisoner, proceeding without counsel with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff is incarcerated at the Deuel Vocational Institution (“DVI”). In his complaint, filed August 21, 2014, plaintiff alleges that he is diabetic. (ECF No. 1.) Plaintiff alleges that DVI does not follow proper procedures for the use of glucometers by multiple inmates.

Attached as an exhibit to plaintiff’s complaint is a First Level response to plaintiff’s administrative grievance regarding the use of glucometers by multiple inmates. (Id. at 11-12.) This response, dated March 12, 2014, states, in relevant part,

You were interviewed by J. Blanks, SRN II on 03-10-14 regarding your medical appeal issue. You stated that you wanted compensation because you feel that the glucometer is not being cleaned in between patients and you feel that you may catch Hepatitis. SRN Blanks explained to you that nursing follows the diabetic protocol which states that the nursing staff much change their gloves in between each patient.

1 Additionally, it was explained to you that the way the glucometer is
2 made the machine itself does not touch the patient, only the lancet
3 and test strips touch each patient and they are disposed of after each
4 patient.

5 (Id. at 12.)

6 Also attached as an exhibit to plaintiff's complaint is a letter to plaintiff from the Prison
7 Law Office dated March 14, 2014. (Id. at 15-16.) This letter informs plaintiff that the Prison
8 Law Office contacted the Federal Receiver's office and asked about plaintiff's claims. (Id. at 15.)
9 The letter from the Prison Law Office to plaintiff quotes the letter from the Prison Law Office to
10 the Federal Receiver's office:

11 A prison-patient housed in DVI's East Hall raises concerns about
12 the use of the glucose meter (aka glucometer) there, saying that it
13 presents a risk to his and other prisoner's health because it is being
14 used on multiple patients but not being cleaned/disinfected between
15 uses.

16 If this is true, the concerns appear valid, as the Center for Disease
17 Control (CDC), at [http://www.cdc.gov/injectionssafety/blood-
18 glucose-monitoring.html](http://www.cdc.gov/injectionssafety/blood-glucose-monitoring.html) advises as follows:

19 Blood Glucose Meters

20 Blood glucose meters are devices that measure blood glucose
21 levels. Whenever possible, blood glucose meters should be
22 assigned to an individual person and not be shared. If blood
23 glucose meters must be shared, the device should be cleaned and
24 disinfected after every use, per manufacturer's instructions, to
25 prevent carry-over of blood and infectious agents. If the
26 manufacturer does not specify how the device should be cleaned
27 and disinfected then it should not be shared.

28 A simple rule for safe care:

 If shared, blood glucose meters should be cleaned and disinfected
 after every use.

 Please review this concern, including investigating as necessary
 with DVI staff and prisoner-patients and provide a response.

 (Id.)

 In the complaint, plaintiff states that he does not know if the Prison Law Office received a
 response from the Federal Receiver's office to the letter described above.

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1 Attached as an exhibit to the complaint is a Health Care Services Appeal Response form
2 dated April 22, 2014. (Id. at 19-20.) This response states that plaintiff's request for a Blood
3 Glucose Meter has been granted. (Id. at 20.) "Regarding your Glucometer, you will receive it
4 from the nursing department and will be shown how to use it if you have any questions regarding
5 the use of the device." (Id.) In the complaint, plaintiff alleges that he has not received the
6 glucometer. (Id. at 6.)

7 The undersigned is concerned by plaintiff's allegations regarding the use of glucometers
8 by multiple inmates and the nursing department's alleged failure to deliver the glucometer to
9 plaintiff, as mentioned in the April 22, 2014 response to plaintiff's grievance.


10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Within fourteen days of the date of this order, Supervising Deputy Attorney General
12 Monica Anderson will inform the court of the status of the delivery of the glucometer to plaintiff;
13 if plaintiff has not received the glucometer, Ms. Anderson shall address whether DVI is following
14 CDC protocols regarding the use of glucometers on more than one person;

15 2. The Clerk of the Court is directed to serve a copy of this order on Supervising Deputy
16 Attorney General Monica Anderson.

17 Dated: October 22, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE