



Supreme Court Decides Federal Doctors Cannot Be Sued For Prisoner's Death

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[The Los Angeles Times](#): "The family of a Los Angeles-area immigrant who languished in federal detention for nearly a year while a cancerous growth went untreated cannot sue government doctors for medical neglect, the Supreme Court ruled Monday."

Shortly after he arrived at the San Diego Correctional Facility, Francisco Castaneda complained of a painful lesion. "Castaneda was given ibuprofen and an extra set of boxer shorts because the growth was bleeding. Three outside specialists recommended a biopsy, but Dr. Esther Hui, his treating physician, refused."

Permission for a biopsy was finally granted, but then Castaneda was released and "he went to a hospital where he was diagnosed with cancer. His penis was amputated, but it was too late; the cancer had spread. He died at his Los Angeles home in February 2008. ... [Castaneda] filed a broad lawsuit against the U.S. government, California's prison system and Hui, and a physician's assistant at the Public Health Service who denied him treatment. His sister and his daughter continued the suit after his death" (Savage, 5/3).

[The Boston Globe](#): "The law clearly states that the federal government, not individual federal medical personnel, must be the defendant in lawsuits arising out of claims of harm by federal employees during the course of their official duties, the high court ruled in a unanimous decision. 'We are required . . . to read the statute according to its text,' said Justice Sonia Sotomayor, writing for the court."

"Congress in 1970 passed a law that gave immunity to Public Health Service doctors who treat immigrants in detention. Under that law, Castaneda's survivors can sue the federal government only under the Federal Tort Claims Act, which bars jury trials and punitive damages and limits economic damages to those allowed under state law" (Holland, 5/4).

[The Washington Post](#): "Castaneda, a Salvadoran, was convicted in 2005 of possession of methamphetamine with intent to distribute and sentenced to prison. He said in a lawsuit that it eventually took four outside specialists and the intervention of the American Civil Liberties Union before a biopsy was scheduled, and that he was released from custody 11 days after the procedure because the government did not want to pay for his treatment."

"The court noted that Castaneda's supporters at the Supreme Court said that the policy of immunity for USPHS personnel might be contrary to the public interest, and that there was no reason they should receive more protection than other federal employees who perform similar duties. But the court said the law passed by Congress was clear" (Barnes, 5/4).

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