

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

JOHN BAXLEY, JR., et al.,

Plaintiffs,

v.

**Civil Action No. 3:18-cv-01526
(Chambers, J.)**

BETSY JIVIDEN, et al.,

Defendants.

AFFIDAVIT OF DEBBIE E. HISSOM

**STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, To-wit:**

I, Debbie E. Hissom, being first duly sworn upon my oath, hereby come forth and state as follows:

1. I have worked at what is now known as the Division of Corrections and Rehabilitation, (“DCR”) since November, 2011. I am educated and trained as a Registered Nurse and I have been certified as a Correctional Healthcare Professional by the NCCHC. I am employed by DCR as the Director of Correctional Healthcare for prisons and jails. I work in conjunction with Dr. Norman Wood, who is a physician consultant, on inmate healthcare in West Virginia.

2. Pursuant to the Court’s April 3, 2020 Order (Doc 179) I am responding to the following subparagraphs of ¶ 18 of Dr. Venters’ declaration:

e. WV DCR should create and provide a housing area plan for how it intends to cohort inmates.

DCR is implementing and following page 3 of the CDC guidance which reads as follows:

a. “Cohorting – Cohorting refers to the practice of isolating multiple laboratory-confirmed COVID-19 cases together as a group, or quarantining

close contacts of a particular case together as a group. Ideally, cases should be isolated individually, and close contacts should be quarantined individually. However, some correctional facilities and detention centers do not have enough individual cells to do so and must consider cohorting as an alternative. See Quarantine and Medical Isolation sections below for specific details about ways to implement cohorting to minimize the risk of disease spread and adverse health outcomes.”

- b. DCR has prepared for and will comply with Quarantining Close Contacts of COVID-19 Cases section beginning on page 14 and ending on page 16 of the CDC Guidance adopted by March 26, 2020, Memorandum by Commissioner Jividen.

Specific plans for quarantine will vary by facility and necessarily implicates and involves security sensitive information related to staffing, housing, monitoring, and other steps.

- f. WV DCR should create a testing plan, including setting forth who will get tested for COVID-19 and when such testing will occur.

Direct medical care is in the hands of the medical providers/contractors at individual facilities. PrimeCare provides medical services at nine of the Regional Jails. Wexford offers medical services at Northern Regional Jail and all DCR prisons.

PrimeCare and Wexford each have policies and procedures in place to ensure timely and efficient testing of symptomatic inmates in accordance with CDC and DHHR guidelines and criterion. All testing will be/is reported to DHHR consistent with Governor’s Justice’s mandate that DHHR aggregate, monitor, and announce all testing numbers and results. Inmate COVID-19 testing will be conducted by private testing and/or through the local county health department. Results of COVID-19 testing for inmates may only be released to any public entity by DHHR.

- g. WV DCR should create and provide a PPE plan for both staff and patients.

Medical care coordinated and provided by medical professionals employed by PrimeCare and Wexford. PrimeCare provides medical services at nine of the Regional Jails. Wexford offers medical services at Northern Regional Jail and the prisons. PrimeCare and/or Wexford provides PPE for their employees and any inmates housed in medical for any reason, including, but not limited to, COVID-19 symptoms. PrimeCare and Wexford each have policies and protocols for use of PPE by its employees and inmates under their care in the medical ward/area.

DCR provides PPE for staff and inmates housed outside of the medical/infirmarary ward. The use of PPE in the facilities, prison and jails, is contained in the March 20 Policy Directive on COVID-19 and the March 26 Commissioner Memo and CDC guidelines.

DCR will utilize PPE for correctional officers, staff members, and inmates as contained therein.

- h. WV DCR should create a protocol to create special protections for inmates with known risk factors and engage in active surveillance of these inmates.

Medical care coordinated and provided by medical professionals employed by PrimeCare and Wexford. PrimeCare provides medical services at nine of the Regional Jails. Wexford provides medical services at Northern Regional Jail and the prisons.

PrimeCare and Wexford have described their efforts regarding special protects for inmates with known risk factors as follows:

PrimeCare is tracking all patients/inmates, including those in the high risk group, through its CorEMR system. PrimeCare has also recommended to its facilities that, if possible, the individuals considered to be in a high risk group be house in one area. PrimeCare staff are regularly conducting rounds of the entire facility each day, including these individuals; everyone's temperature is taken, and each inmate is checked for symptoms. All movement has been restricted to minimize exposure; all visitation has been suspended; screening for COVID-19 is completed on all incoming staff; and, screening for COVID-19 is completed on patients going in and out of regional jails.

For Wexford, any site with an infirmary can house patients who are high risk and have chronic health conditions that prevent them from being housed in the general population. For sites without infirmaries, should medical providers believe that a patient is high risk based on their clinical presentation or past medical history, Wexford will isolate the patient to the best extent possible or will recommend to WV DCR that the patient be isolated. In addition and including those sites without infirmaries, all movement has been restricted to minimize exposure; all visitation has been suspended; screening for COVID-19 is completed on all incoming staff; and, screening for COVID-19 is completed on all patients coming into the sites and going out of the sites. In the medical units, to limit the exposure, the medical unit is only seeing urgent and emergent sick call. Patients with routine chronic care visits have been postponed, with the exception of those patients who need to be seen because of their co-morbidities or other high risks, which are being seen as scheduled to ensure they do not have any other health issues. The amount of patients allowed in the waiting room of the medical unit is limited and chairs are spaced six feet apart. The medical rooms and equipment are also cleaned before and after any encounter.

Further the affiant sayeth naught.


Debbie E. Hissom

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA

Signed and sworn before me this 3rd day of April, 2020, by Debbie E. Hissom.

My commission expires August 26, 2022.


Notary Public

