



PENNSYLVANIA INSTITUTIONAL LAW PROJECT

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November 13, 2023

Superintendent Tom McGinley
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866

Brandon Noll
Medical Director
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866

RE: Eddie Williams #MJ8418

Dear Superintendent McGinley and Dr. Noll:

We are writing on behalf of our client, Eddie Williams #MJ8418, who has been incarcerated in the Pennsylvania Department of Corrections (“DOC”) since 2016. Our review of Mr. Williams’ medical records and our conversations with Mr. Williams raise serious concerns for us regarding his lack of appropriate medical care and disability accommodations at State Correctional Institution (“SCI”) Coal Township. We ask that you take immediate action to provide medical care and accommodations for Mr. Williams’ disabilities to avoid further violating the Eighth Amendment and the Americans with Disabilities Act (“ADA”).

Mr. Williams is entirely blind in his left eye and has limited vision in his right eye. He has been diagnosed with glaucoma, keratoconus, and amblyopia.¹ Although Mr. Williams has had limited vision for much of his life, his impairment has significantly increased over time. Since his incarceration in the DOC, Mr. Williams has had difficulty obtaining contact lenses, eye drops, and other medical care, sometimes going years without the prescribed items. To date, the vision care

¹ Keratoconus, a condition in which the cornea thins and bulges outward, causes blurred vision, and sensitivity to light and glare. National Institutes of Health, *Keratoconus*. <https://www.ncbi.nlm.nih.gov/books/NBK470435/> (last visited November 9, 2023).

Amblyopia describes a condition in which the brain can’t recognize the sight from one eye. National Eye Institute, *Amblyopia*. <https://www.nei.nih.gov/learn-about-eye-health/eye-conditions-and-diseases/amblyopia-lazy-eye> (last visited November 9, 2023).

that the DOC has provided to Mr. Williams is grossly inadequate, placing him at significant risk of infection and additional loss of vision.

Vision Services of Washington-Greene evaluated Mr. Williams on May 5, 2023, and subsequently provided recommendations to the DOC via a letter dated May 15, 2023. Enclosed please find a copy of that letter. To date, the DOC has failed to incorporate any of the recommendations in that letter. Unfortunately, the DOC's failure to accommodate Mr. Williams' visual impairment is wholly consistent with a larger pattern of the DOC's failure to accommodate visual impairments generally and raises grave concerns both at the Pennsylvania Institutional Law Project and at Vision Services of Washington-Greene.

Mr. Williams' visual disability entitles him to the protection of Title II of the ADA, which prohibits public entities, including prisons, from discriminating against qualified individuals with disabilities in the provision of programs, services, and activities.² The phrase "service, program, or activity under Title II...is extremely broad in scope and includes anything a public entity does."³ Public entities have an affirmative duty under the ADA to "make reasonable modifications in policies, practices, or procedures...to avoid discrimination on the basis of disability."⁴ The ADA also requires a public entity to "take appropriate steps to ensure that communications with [individuals] with disabilities are as effective as communications with others" and to provide "appropriate auxiliary aids and services" so that individuals with disabilities have "an equal opportunity to participate in, and enjoy the benefits of, a service, program, or activity of a public entity."⁵ In order to fully participate in the programs, services, and activities at SCI Coal Township, Mr. Williams requires accommodations including contact lenses, prescription glasses, prescription eye drops, and contact lens cleaning supplies. The right to accommodation of visual impairments in a carceral setting is well-established.⁶

The limited vision in Mr. Williams' right eye allows him to read and navigate his space independently with the assistance of corrective lenses. Because Mr. Williams has keratoconus, an eye condition which causes the cornea to bulge outward into a cone shape, he requires a rigid gas permeable contact lens, to be used in conjunction with his soft contact lens, *or* he requires a hybrid

² See 42 U.S.C. § 12132, *et seq.*

³ *Furgess v. Pa. Dep't of Corr.*, 933 F.3d 285, 289 (internal quotations omitted).

⁴ See 28 C.F.R. § 35.130(b)(7).

⁵ See 28 C.F.R. § 35.160(a)(1), (b)(1).

⁶ See *e.g.*, *Thompson v. N.Y. State Corr. & Cmty. Supervision*, No. 22-CV-6307-FPG, 2022 U.S. Dist. LEXIS 177723, at *6, *24 (W.D.N.Y. Sep. 28, 2022) (stating that the plaintiff established a plausible failure-to-accommodate claim under the ADA and Rehabilitation Act based on the correctional facility's denial of corrective lenses and other accommodations); *James v. Miller*, No. 2:21-cv-3984, 2021 U.S. Dist. LEXIS 158495, at *13 (S.D. Ohio Aug. 23, 2021) (finding that the plaintiff "alleged sufficient facts to state a claim for violation of the ADA and RA" based on the correctional facility's denial of accommodations for plaintiff's visual disability); *Williams v. Ill. Dep't of Corr.*, No. 97 C 3475, 1999 U.S. Dist. LEXIS 18190, at *24 (N.D. Ill. Nov. 16, 1999) (granting summary judgment to plaintiff and ordering the Illinois Department of Corrections to accommodate plaintiff's visual impairment).

lens, such as Clear Kone, which the DOC has previously offered.⁷ As of November 2023, Mr. Williams had been using the same soft contact lens for approximately a year. Using a contact for greater than the recommended period significantly increases the risk of microbial keratitis, a serious type of eye infection which can, at its most severe, cause blindness.⁸ Mr. Williams has also experienced difficulty in obtaining contact lenses with the correct prescription strength. In April 2023, he was offered a Clear Kone lens, but it was the wrong prescription. Wearing a lens of the wrong prescription strength causes him headaches and limits his ability to participate in services and programs at SCI Coal Township. Forced to choose between the future risk of serious infection and the present certainty of severe headaches and eye strain, Mr. Williams chose not to use the contact lens provided to him in April 2023 in favor of continuing to use the lens previously provided to him. Being forced into this catch 22 situation runs directly counter to the imperatives of the ADA. Mr. Williams requires an ongoing supply of contact lenses of the correct prescription strength, sufficient to allow him to replace his contact lens with the frequency recommended by the manufacturer of the lens, as well as a spare lens in case of damage or loss.

Despite receiving prescriptions and recommendations for eyeglasses from Dr. Russell Barry, OD, on March 17, 2021, February 9, 2022, and August 17, 2022, Mr. Williams has yet to receive eyeglasses. Given Mr. Williams' severe vision loss, he requires a secondary form of vision correction for those times when he is unable to wear his contact lens, such as when cleaning the lens, in case of an eye infection, or in the event his contact lens is damaged or lost. For example, in August 2023, the DOC placed him in the Restricted Housing Unit ("RHU") for the duration of an investigation. During the first several days of this placement, Mr. Williams did not have access to his lens cleaning solution, despite reporting his need to multiple staff members. Consequently, for several days, Mr. Williams was unable to remove, clean and reinsert his contact lens. As a result, his eye became painful and irritated, forcing him to remove the lens and leaving him near blind until he was again able to access his lens cleaning solution. In addition to a secondary form of vision correction, Mr. Williams requires consistent, unfettered access to his contact lens care supplies, in order to prevent a recurrence of his experience in August. The DOC must take steps to remedy this issue for the future, such as an order for staff to ensure Mr. Williams's access to corrective lenses and vision care supplies during any relocation.

In addition to vision correction, Mr. Williams also requires access to appropriate eye medications in order to participate in programs, services and activities at SCI Coal Township. He currently uses three prescription eyedrops, each of which he must take daily to control and reduce the pressure in his right eye. Standard glaucoma treatment requires the use of prescription eyedrops

⁷ See enclosed May 15, 2023, letter from Vision Services of Washington-Greene; National Institutes of Health, *Clinical Outcome of Hybrid Contact Lenses in Keratoconus*. <https://pubmed.ncbi.nlm.nih.gov/33009254/> (last visited November 9, 2023); The Keratoconus Doctor, *Synergeyes Contact Lenses for the Treatment of Keratoconus and Irregular Corneas*. <https://keratoconusdoctors.com/synergeyes-hybrid-contact-lenses/> (last visited November 9, 2023).

⁸ Centers for Disease Control and Prevention, *Healthy Contact Lens Wear and Care: Germs & Infections*, <https://www.cdc.gov/contactlenses/germs-infections.html> (last visited October 23, 2023).

to manage eye pressure so as to slow loss of vision.⁹ Intermittently, he has lacked access for weeks or months to the eye drops he requires, despite timely requests for prescription refills on his part. Notably, during his August 2023 placement in the RHU, the DOC failed to provide him with his prescription eye drops for several days. Mr. Williams requires consistent access to all prescribed medications in accordance with the directions of his physicians. He also requires timely access to specialist care and routine eye exams with the frequency recommended by his physicians.

In addition to violating the ADA, the above-identified needs also represent a violation of Mr. Williams' constitutional right to adequate medical care.¹⁰ The Eighth Amendment prohibits jail officials from being "deliberately indifferent" to an individual's "serious medical needs."¹¹ A medical condition that "has been diagnosed by a physician as requiring treatment" is a serious medical need.¹² A serious medical need also exists "where denial or delay causes an [incarcerated person] to suffer a lifelong handicap or permanent loss."¹³ More specifically, courts have held that an incarcerated person's need for prescription lenses may constitute a "serious medical need."¹⁴ Mr. Williams' ophthalmologic needs unquestionably constitute a serious medical need.

Prison officials are deliberately indifferent, and thereby violate the constitution, when they have "knowledge of the need for medical care" but respond with "intentional refusal to provide that care."¹⁵ Failure to provide treatment for a diagnosed serious medical condition constitutes deliberate indifference.¹⁶ It is also deliberate indifference when medical care is delayed for non-medical reasons.¹⁷ Mr. Williams' medical records with the DOC provide ample evidence that the DOC is fully aware of Mr. Williams' ophthalmologic needs, both in regard to glaucoma treatment, and vision correction. The DOC's failure to provide adequate treatment for these conditions meets the definition of deliberate indifference.

In view of the serious Eighth Amendment and ADA violations described above, we ask that you take immediate action on Mr. Williams' behalf to accommodate his disability and address his medical needs. We recognize that providing accommodations for individuals with disabilities requires careful individual specific consideration and welcome the opportunity to further discuss

⁹ National Eye Institute, *Glaucoma Medicines*. <https://www.nei.nih.gov/Glaucoma/glaucoma-medicines>, (last visited October 23, 2023).

¹⁰ *See Estelle v. Gamble*, 429 U.S.97, 103 (1976).

¹¹ *Id.* at 106.

¹² *Atkinson v. Taylor*, 316 F.3d 257, 266 (3d Cir. 2003).

¹³ *Monmouth Cty. Corr. Institutional Inmates v. Lanzaro*, 834 F.2d 326, 347 (3d Cir. 1987).

¹⁴ *See Tormasi v. Hayman*, 452 F. App'x 203, 206 (3d Cir. 2011) (stating that where an incarcerated person's uncorrected vision resulted in dizziness and imbalance, his optometry needs constituted a serious medical need); *Koehl v. Dalsheim*, 85 F. 3d 86, 88 (2d Cir. 1996) (holding that an incarcerated person established serious medical need when he experienced double vision and loss of depth perception without prescription glasses such that he would fall or walk into objects).

¹⁵ *Spruill v. Gillis*, 372 F.3d 218, 235 (3d Cir. 2004).

¹⁶ *Hudson v. McHugh*, 148 F.3d 859, 861 (7th Cir. 1998).

¹⁷ *Greeno v. Daley*, 414 F.3d 645, 655 (7th Cir. 2005); *Pearson v. Prison Health Serv.*, 850 F.3d 526, 537 (3d Cir. 2017).

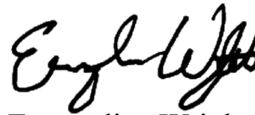
the best way to meet Mr. Williams' needs.

We ask that you respond in writing to this letter within thirty days. If we do not receive a response, we may take further action. If you have any questions or concerns, you may contact Alexandra Morgan-Kurtz (amorgan-kurtz@pilp.org) and Evangeline Wright (ewright@pilp.org).

Sincerely,



Alexandra Morgan-Kurtz
Deputy Director



Evangeline Wright
Staff Attorney

cc: Timothy Holmes, tholmes@pa.gov
Chase DeFelice, chdefelice@pa.gov

Encl: May 15, 2023, Letter, Vision Services of Washington-Greene