

# Ohio Justice and Policy Center

## Criminal Justice Issues and Prisoners' Rights

<https://ohiojpc.org/2016/11/29/garys-story/>

### Public Facing Advocacy Writing

by [Marais Jacon-Duffy](#) | Nov 29, 2016 | [Blog](#)

November 29, 2016 Temporarily lost somewhere in a contentious election season is the knowledge that people of all stripes and all walks of life can and should work together for a healthier, safer, more just society. I feel that more strongly than ever, and feel its even more important that we never write anyone off. OJPC works hard to embody this goal, but importantly, our friends, our community, and our clients do as well.

I want to thank you for supporting [OJPCs mission](#). Part of that mission is to ensure adequate healthcare for those incarcerated in Ohio. But OJPC is far from being the only voice for prisoners; people like Gary show us that they have tremendous power to make the world a better place.

Gary Roberts and Pilot Dogs, Inc. trainee Sheba

Gary Roberts has not let his incarceration stop him from helping others. Imprisoned since 1995, he has used his time championing for appropriate medical care for prisoners. Gary, a rural Ohioan incarcerated in Ohio prisons, is battling Hepatitis C. If left untreated, this condition eventually destroys the liver and leads to a painful death. Nearly 13 years ago, he joined OJPCs [Fussell v. Wilkinson](#) case as a class representative to improve the provision of life-saving healthcare in Ohio prisons. Through his testimony and advocacy, Gary helped revamp Hepatitis C treatment throughout the Ohio Department of Rehabilitation and Corrections (ODRC) to allow more access to cures.

Unfortunately, as happens with treatment for Hepatitis C, some patients dont respond. In 2007, Gary received Interferon treatment, the only medication available at the time, and he did not respond. Although Gary was in a position where he had helped save many lives, he had to wait until a new treatment became available. In 2011, Garys doctor requested that he see a specialist for new treatment; the prison refused the request.

In 2014, a new drug with a 99% cure rate for non-responders like Gary became available. The Federal Bureau of Prisons quickly integrated the new drug into their treatment protocol, however the State of Ohio did not. Gary helped advocate to get the new, more efficacious drug available to Ohio prisoners with Hepatitis C, and the drug was eventually added to the prison formulary.

Gary and his doctor again requested that he receive the new treatment. The Ohio prison system continued to deny treatment to Gary, saying he was too old. Although the new medications are proven safe and effective up to the age of 80, the prison medical director used the protocol for older medications, creating an exclusionary criteria that no one over the age of 65 would receive treatment. Gary was told that the age restriction was non-negotiable. In Garys words, I was 68, and being denied because of my age was a death sentence. I became depressed and prepared myself for death.

With a grant from the Impact Fund, OJPC was able to consult a medical expert who found from our clients medical record that treatment was both indicated and necessary. OJPC gave notice to ODRC of our intention to file a lawsuit alleging constitutional violations by denying necessary and appropriate medical treatment, especially based on an arbitrary age restriction. ODRC subsequently agreed to have our client evaluated and treated according to the recommendations of a physician specializing in infectious diseases.

Today, we are happy to report that Gary Roberts was seen by a specialist and has begun treatment for his Hepatitis C! Despite his incarceration and the mistakes in his past, Gary continues to help others. He works in the dog training program at the prison through Pilot Dogs, Inc. and has a puppy that he trains and that lives with him. After the training is complete, Garys dog will be placed free of charge with an individual with hearing or visual impairments. Garys work gives him purpose and a way to give back. He recently said,

Just knowing that I am getting the treatment lifts my spirits and gives me hope to extend my life. This is a big moment for me. I am grateful for the hard work and great effort of those at the Ohio Justice & Policy Center who made all this happen.

With your help, were able to ensure healthcare for clients like Gary, give second chances to those returning from prison, and to advocate for smart legislation that make our communities safer and more just. In this season of hope and renewal, thank you for your [support](#).

Sincerely,

David Singleton

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