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Valley Fever and CDCR Housing (January 2015)

Introduction

Valley Fever (sometimes called “cocci”) is an infection caused by a fungus in the soil that can get into the air and then inhaled when people breathe. Valley Fever occurs naturally in the lower (southern) part of California’s central valley and other nearby places. However, most people in those areas do not get infected. Also, most people who get infected with Valley Fever do not get sick or very sick. However, a small percentage of people who get Valley Fever get very sick, and some die. **See information on page 2 – the other side of this page.**

There are nine CDCR prisons, plus a few community correctional facilities that house CDCR prisoners, in that part of California where Valley Fever is most common. CDCR policy prohibits housing prisoners with certain medical conditions in these prisons and facilities because those conditions increase the risk of getting very sick or dying if the person catches Valley Fever. **See page 3 for a list of the nine CDCR prisons in the Valley Fever area and the medical conditions that prohibit being housed in those prisons.**

There is an especially high risk of catching and getting very sick or dying from Valley Fever at Avenal State Prison (ASP) and Pleasant Valley State Prison (PVSP). For these reasons, and as required by a June 2013 federal court order, CDCR prohibits even more prisoners from being housed at those prisons. Prisoners with certain medical conditions cannot be housed at ASP or PVSP. Starting in January 2015, a new CDCR medical policy offers a cocci skin test to determine if a prisoner would face a high risk from Valley Fever and thus should be housed at either of the two prisons. **See pages 3 through 5 for information about who can and cannot be housed at ASP and PVSP, and information about the cocci skin test.**

If you have symptoms that might be caused by Valley Fever (**see other side of this page**), submit a medical sick call request (CDCR Form 7362) describing the symptoms. If you do not receive adequate treatment file a medical appeal (602-HC), and pursue it to the Third Level. **See page 6 for more information.**

If you believe you face a serious risk of harm from Valley Fever, including because you are housed in a prison in the Valley Fever area, you should ask for a transfer and if necessary submit a Form 22 and then an administrative appeal (602) asking for a transfer. **See page 6 for more information.**

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Basic Information about Valley Fever

Valley Fever is a disease caused by a fungus that lives in the soil in certain parts of the world, including the southern part of California's central valley. The fungus takes the form of tiny spores (so tiny they cannot be seen) in the dirt.

Valley Fever is caught when dirt and dust get disturbed and/or are blown into the air, and people then breathe in the fungus spores, and an infection starts in the lungs. The medical name for Valley Fever is coccidioidomycosis or cocci.

Valley Fever is not contagious from person to person. You cannot catch it from another person. To repeat, a person becomes infected by breathing tiny spores of fungus that live in the dirt and that gets into the air, including when the wind blows. There is no vaccine that will protect people from getting Valley Fever.

Most people who live, work, travel in, or are in prison in the southern part of California's central valley do not get infected with Valley Fever at all. It is not known why some people get infected and some do not.

In addition, most people who get infected with Valley Fever do not get sick at all, or get only mildly sick. These people will have no symptoms at all or simply feel like they have a cold or a few days of flu (cough, fever, aches, tiredness), and may not require any treatment at all.

If you have symptoms, put in a sick call request (CDCR Form 7362) and ask to see a doctor. Of course, tell any staff member immediately if you have an emergency or urgent medical care problem.

Approximately ten percent of people infected with Valley Fever get very sick. Among this ten percent, some develop what is called disseminated Valley Fever, which means the infection travels from the lungs to other places in the body including the skin, joints, bones, other organs, and brain. Generally, those who get very sick from Valley Fever have major health problems that can last for years, and some die from the disease.

Some people who get infected with Valley Fever have a higher risk of getting very sick from it. These include people with weakened immune systems. There is also a higher risk of getting very sick if you are of African or Filipino descent, or a woman in the last months of pregnancy.

Treatment for Valley Fever depends on many factors. As stated above, some people need no treatment because the infection does not cause any problems or only mild symptoms that go away on their own. In other cases, anti-fungal medication is prescribed and controls the disease. In the most serious cases, surgery and hospitalization is necessary, and the disease can cause death.

Most people who get Valley Fever have a life-long immunity from getting another Valley Fever infection. However, the disease can be reactivated or if your immune system is significantly weakened you can be reinfected.

*[please see next page for information about
Valley Fever and CDCR Prison Placements / Transfers]*

CDCR Prisons and Valley Fever

1.

The Nine Prison Valley Fever Area and the policy prohibiting certain prisoners from all those prisons

Nine CDCR prisons – Avenal, CCI, CMC, Corcoran, KVSP, NKSP, Pleasant Valley, SATF, and Wasco – are located in the geographic area where Valley Fever is most common. There are also community correctional facilities near some of these prisons that house CDCR prisoners. CDCR policy prohibits housing prisoners with certain medical conditions in these prisons and facilities, if these prisoners do not already have Valley Fever, because these prisoners face a serious risk of getting very sick or dying if they catch Valley Fever. **The medical conditions which prohibit being housed in all Valley Fever area prisons are: (1) HIV, (2) history of lymphoma, (3) a transplanted organ, (4) chronic immunosuppressive therapy (for example, medication received for severe rheumatoid arthritis), (5) moderate to severe Chronic Obstructive Pulmonary Disease (COPD) requiring ongoing oxygen therapy, (6) cancer with chemotherapy; and (7) pregnancy.** A prisoner identified with any of these conditions – it is called a “Cocci 1” restriction – should usually be transferred out of the nine-prison area within 60 days.

2.

Special Policy for Valley Fever at Avenal State Prison (ASP) and Pleasant Valley State Prison (PVSP)

Prisoners get Valley Fever much more often at Avenal State Prison (ASP) and Pleasant Valley State Prison (PVSP) than at the other prisons. Also, prisoners at those two prisons have gotten very sick and even died from Valley Fever more often than at the other prisons, and some types of prisoners (for example, African-Americans, Filipinos, those designated “medical high risk,” and those who have diabetes) have gotten very sick from Valley Fever far more often than others. Because of the special risks from Valley Fever at ASP and PVSP, in June 2013 the federal court in the *Plata* case ordered CDCR to not house certain prisoners at those two prisons.

In addition, in 2014 the federal government’s Center for Disease Control (CDC) recommended that a Valley Fever/cocci skin test be given to all prisoners who are or could be housed at ASP and PVSP, to find out which prisoners have never been infected by Valley Fever. The CDC also said CDCR should exclude from ASP and PVSP all prisoners who the skin test shows have never had Valley Fever. CDC recommended this because the risk from Valley Fever is much higher in those who have never been infected compared to those who have had the disease, and the skin test is the best way to find out who has never been infected.

In December 2014, the federal court-appointed Receiver in charge of prisoner medical care and CDCR established a new Valley Fever policy that adopts the federal government CDC recommendations, including those regarding the cocci skin test and which prisoners should be housed at ASP and PVSP.

(Information continues on other side of page)

Valley Fever and Placement at Avenal (ASP) and Pleasant Valley (PVSP)

(continued from other side of page)

The key part of the new Valley Fever policy is a cocci skin test, offered in January 2015 to prisoners at ASP or PVSP, and those who possibly could be placed there at any time in the future. The cocci skin test was not offered to prisoners who CDCR medical or other policy already absolutely prohibits from placement at ASP or PVSP: those designated medical high risk or immuno-compromised, women prisoners, and the condemned. The cocci skin test is voluntary, but if refused it can impact whether you are medically restricted from placement at ASP and PVSP based on the risk from Valley Fever.

Under the new medical policy, prisoners who take the cocci skin test and have a negative result are prohibited from placement at ASP or PVSP. A negative skin test means the prisoner has never had Valley Fever. For those who have never had the disease, there is too great a risk of getting Valley Fever or getting very sick from it at those two prisons, and so they cannot go there. For the same reason, the new policy also prohibits certain other prisoners from ASP and PVSP: those designated medical high-risk or immuno-compromised (they are not even offered a skin test), and those who are African-American, Filipino, or have diabetes and refused the cocci skin test.

In contrast, the new medical policy provides that prisoners offered the cocci skin test and have positive result are medically eligible for placement at ASP and PVSP. A positive result means the person already has Valley Fever. For those prisoners, the federal government CDC and CDCR say there is relatively little risk from Valley Fever if housed at the two prisons.

In addition, the new medical policy provides that prisoners who are offered the cocci skin test but refuse it are medically eligible for placement at ASP and PVSP, except for African-Americans, Filipinos, or those who have diabetes. Except for the named exceptions, a refusal results in being medically eligible for the two prisons because by refusing the CDCR's offer to find out if he has had Valley Fever or not (and thus preventing them from excluding him from ASP and PVSP if the test shows he has not had the disease), the prisoner is considered to have waived the right not to be placed in the two prisons. Prison medical officials have said that a prisoner who refuses a cocci skin test can change his mind and ask to get it.

As stated, African-Americans, Filipinos, or those who have diabetes will be offered the cocci skin test but if they refuse will still be medically prohibited from ASP and PVSP. This is because the June 2013 Plata court order found that such prisoners have an especially great risk from Valley Fever at the two prisons and prohibits them from being housed there unless they already have Valley Fever. Although these prisoners' refusal of the cocci skin test does not change their medical restriction from ASP and PVSP, they will continue to be able to waive that restriction if they want to be at ASP and PVSP.

On the other hand, if an African-American, Filipino, or diabetic is offered a cocci skin test and takes it, the results will determine whether placement is prohibited at ASP and PVSP. If the cocci skin test result is negative, the prisoner is medically restricted from placement at the two prisons, and no waiver is possible. If the cocci skin test result is positive, there is no medical restriction on placement at the prisons, because the positive result shows that the prisoner already has Valley Fever.

(Information continues on next page)

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Valley Fever and Placement at Avenal (ASP) and Pleasant Valley (PVSP)

(continued from page 4)

In summary, CDCR's new medical policy **PROHIBITS** placement at ASP or PVSP if a prisoner has **any** of the following factors:

- (1) designated “medical high risk” on a CDCR 128-C3 chrono;**
- (2) diagnosed with any of the medical conditions, listed in the first paragraph on page 3, that prohibit housing at any of the nine Valley Fever area prisons, unless known to have previously had Valley Fever;**
- (3) offered and taken a cocci skin test, with a negative result (meaning no previous Valley Fever infection); or**
- (4) is African-American, Filipino, or has diabetes, unless such prisoner either (a) was previously known to have had Valley Fever; (b) agreed take a cocci skin test and tested positive, or (c) refused the cocci skin test and signed a medical waiver agreeing to stay at or go to ASP or PVSP.**

No prisoner who has one of these factors – such prisoners are said to have a “Cocci 2” restriction – should be transferred to ASP or PVSP. Any ASP or PVSP prisoner identified with such a factor should usually be transferred to another prison within 60 days of the date a doctor documents the factor.

On the other hand, CDCR's new medical policy **PERMITS** placement at ASP or PVSP **only if a prisoner has one of the following factors:**

- (1) offered and took a cocci skin test and had a positive result (meaning they have had Valley Fever before and thus face a much lower risk from the disease if housed at the two prisons);**
- (2) offered a cocci skin test and refused (except for African Americans, Filipinos, or diabetics who have not had Valley Fever before); or**
- (3) African American, Filipino, or a diabetic who was offered cocci skin test, refused, and signed a medical waiver agreeing to stay at or go to ASP or PVSP.**

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The new CDCR medical policy summarized above is designed to reduce the risk from Valley Fever to prisoners, especially at ASP and PVSP, based on the federal government's recommendations and the June 2013 federal court order in Plata. However, Valley Fever still exists at all nine prisons in the Valley Fever area, including ASP and PVSP.

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(Please see the other side of this page for advice regarding Valley Fever issues)

Valley Fever and CDCR Prisoners – Advice

If you have symptoms that might be Valley Fever, submit a sick call request (CDCR Form 7362) that describes the symptoms, so that medical staff can evaluate you. Tell any staff member at any time if you have an emergency or urgent medical problem. If you do not receive timely and adequate care you should file a medical appeal (602-HC). If your administrative appeal is denied, you should re-file it until you get a Third Level response. You can send the Prison Law Office any third level response to a medical appeal, and we will consider whether we can help under the *Plata* case. You can write to us at any time if you have an urgent medical care problem, and we will consider if we can help.

If you are at one of the nine CDCR prisons in the Valley Fever area, including ASP and PVSP, and medical policy as described above prohibits you from being at your prison, you should make sure that medical staff has documented the condition or factor which requires your transfer. CDCR has 60 days to transfer you once the medical or other factor requiring a Valley Fever transfer is documented. If this does not happen, talk to your correctional counselor, submit a Form 22, and file an emergency administrative appeal (602) asking for a transfer. You can also write us here at Prison Law Office; if you write us please be as specific as possible and include any documents you have. We will consider whether we can help you under the *Plata* case. Whether you write us or not, if your administrative appeal is denied, you should re-file it until you get a Third Level response.

If you are at a endorsed for transfer to a Valley Fever area prison, including ASP and PVSP, and medical policy as described above prohibits you from being at the prison to which you will be transferred, you should talk to medical staff, talk to your correctional counselor, submit a Form 22, and file an emergency administrative appeal (602) to stop the transfer. You can also write us here at Prison Law Office; if you write us please be as specific as possible and include any documents you have. We will consider whether we can help you under the *Plata* case. Whether you write us or not, if your administrative appeal is denied, you should re-file it until you get a Third Level response.

Finally, if you do not meet the current criteria that restricts placement at certain prisons based on Valley Fever risk, but believe you face a serious risk of harm from Valley Fever and should not be housed in or transferred to a particular prison, you should talk to medical staff, talk to your correctional counselor, submit a Form 22, and file an administrative appeal (602) asking to be transferred (or not transferred). If the administrative appeal is denied, you should file it until you get a Third Level response. You can send the Third Level response and appeal package to the Prison Law Office. If you do, we will consider whether we can help you under the *Plata* case. whether we can help you under the *Plata* case.

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