



**Commission of
Correction**

**Final Report of the
New York State Commission of Correction:**

In the Matter of the Death of

**Ommy Graziano,
an incarcerated individual of the
Midstate Correctional Facility**

June 28, 2022

**To: Honorable Anthony Annucci
Acting Commissioner
NYS Department of Corrections
And Community Supervision
The Harriman State Campus
1220 Washington Avenue
Albany, New York 12226**

Allen Riley
Chairman

Thomas J. Loughren
Commissioner

Yolanda Canty
Commissioner

GREETINGS:

WHEREAS, the Medical Review Board has reported to the NYS Commission of Correction pursuant to Correction Law, section 47(1)(d), regarding the death of Omy Graziano who died on July 4, 2019, while an incarcerated individual in the custody of the NYS Department of Corrections and Community Supervision at the Midstate Correctional Facility, the Commission has determined that the following final report be issued.

FINDINGS:

1. Omy Graziano was a 40-year-old Hispanic male who died on 7/4/19 from an acute aortic dissection due to hypertensive cardiovascular disease while in the custody of New York State Department of Corrections and Community Supervision (NYS DOCCS) at the Midstate Correctional Facility (CF). The Medical Review Board has found that there was a delay in transferring Graziano to a hospital for diagnosis and treatment of his acute condition.
2. Graziano was born in Massachusetts. Graziano was survived by two children, his mother, and three siblings. Graziano received a GED in 2001. There was no information available to the Commission regarding Graziano's employment history.
3. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
In the instant offense on 11/10/14, in Syracuse, NY, Graziano was found to be in possession of 27 grams of cocaine. Graziano pled guilty to Criminal Possession of a Controlled Substance 3rd Degree and was sentenced to 6 years in NYS DOCCS.
4. [REDACTED]
[REDACTED]
[REDACTED]
5. [REDACTED]
[REDACTED]
6. Graziano was admitted to NYS DOCCS at Elmira CF on 4/13/15. Graziano was transferred to Attica CF on 4/28/15. Graziano spent time in Livingston CF before being transferred to Mohawk CF for his area of preference. On 7/3/19, Graziano was transferred from Mohawk CF to Midstate CF infirmary for complaints of back pain. This is where Graziano remained until the terminal event.
7. Graziano did not accrue any disciplinary infractions during this incarceration.
8. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

15.

[REDACTED]

[REDACTED]. The Medical Review Board opines that the rapid onset of non-traumatic mid-thoracic back pain should have raised suspicion of a possible aortic aneurysm with the attending medical staff. Additionally, Graziano should have been transported to the emergency room for an evaluation at this time for his complaints of intermittent chest pain and new onset of diaphoresis.

16.

[REDACTED]

17.

[REDACTED]

18.

[REDACTED]

19.

[REDACTED]

[REDACTED]

20. On 7/4/19 at 12:30 a.m., Kunkel Emergency Medical Technicians (EMT) arrived at the scene [REDACTED]

[REDACTED]

21.

[REDACTED]

ACTIONS REQUIRED:

TO THE DEPUTY COMMISSIONER OF THE NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION, DIVISION OF HEALTH SERVICES:

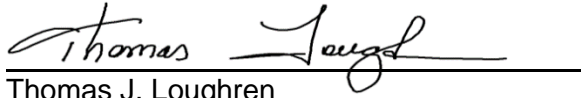
The Deputy Commissioner shall convene a comprehensive quality assurance review on the health care provided to Graziano at Midstate CF with a focus on:

- The inadequate nursing assessment of Graziano on 7/3/19 at 4:45 p.m., who was exhibiting increased intermittent chest pain with new onset diaphoresis.
- The failure of the MD on 7/3/19 at 4:45 p.m. to have Graziano transported to the emergency room for an evaluation for complaints of intermittent chest pain and new onset of diaphoresis.

A report of findings and corrective actions taken shall be provided to the Board upon completion.

In a response dated 5/9/22 to the Commission's preliminary report, the Deputy Commissioner of Health Services indicated that the findings of the Medical Review Board were affirmed, reviewed, and had corrective action taken in response to them.

WITNESS, HONORABLE THOMAS J. LOUGHREN, Commissioner, NYS Commission of Correction, Alfred E. Smith State Office Building, 80 South Swan Street, 12th Floor, in the City of Albany, New York 12210 on this 28th day of June, 2022.

A handwritten signature in black ink, appearing to read "Thomas Loughren", written over a horizontal line.

Thomas J. Loughren
Commissioner & Chair
Medical Review Board

TJL:BB:jdb
2019-M-0071
June 2022

cc: Dr. Carol Moores, Acting Deputy Commissioner, Chief Medical Officer
Bryan Hilton, Assistant Commissioner for Mental Health
Superintendent Mark Passage, Midstate CF