



**Commission of  
Correction**

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

**In the Matter of the Death of**

**Dung Nguyen,  
an incarcerated individual of the  
Saratoga County Jail**

**June 28, 2022**

**To: Sheriff Michael Zurlo  
Saratoga County Sheriff's Office  
6012 County Farm Road  
Ballston Spa, New York 12020**

**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 Dung Nguyen who died on April 19, 2021, as a result of circumstances which occurred while an incarcerated individual in the custody of the Saratoga County Sheriff at the Saratoga County Jail, the Commission has determined that the following final report be issued.

FINDINGS:

1. Dung Nguyen was a 51-year-old male who died on 4/19/21 from COVID pneumonitis while in the custody of the Saratoga County Sheriff at the Saratoga County Jail. The Medical Review Board has found that although Nguyen's eventual terminal COVID pneumonitis may not have been preventable, his healthcare at the Saratoga CJ prior to his hospitalization was deficient. Nguyen was never examined nor treated by the jail physician despite repeated complaints of intractable headaches and orthopedic pain. The Medical Review Board opines that given Nguyen's recent medical history a full physician assessment with referrals should have occurred during his incarceration.
2. On 1/15/21, Nguyen was sentenced to one and a half to three years for Vehicular Assault 2<sup>nd</sup> Operating a Motor Vehicle Impaired.
3. [REDACTED]
4. On 1/15/21, Nguyen was received at the Saratoga County Jail to begin serving his sentence. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]. During an interview with Commission staff, RN [REDACTED]. stated that the process to obtain prn medications is to complete a medical request form with a reason and the nurse will dispense the prn medications. The request slips are not always a request to be seen by medical but are also a request for the prn medication.

8. [REDACTED]  
[REDACTED]  
[REDACTED]. Per the medical department pathway for inmate admission “if an inmate/patient complains of the same problem more than twice in a 30-day period without being referred to the physician, a physician referral must be made.” There was no indication that Nguyen was referred to the physician as the pathway prn medication order was for five days. The standing order dosage was addressed with jail nursing staff during the Commission’s site visit and the Commission was informed that the orders would be changed to reflect the actual over-the-counter dosages.
9. On 1/28/21, [REDACTED]  
[REDACTED] There was no documentation to indicate Nguyen was assessed for his complaints.
10. On 1/30/21, [REDACTED]  
[REDACTED] There was no documentation to indicate Nguyen was assessed for his complaints.
11. On 2/2/21, [REDACTED]  
[REDACTED]. There was no documentation to indicate Nguyen was assessed for his complaints.
12. On 2/2/21, [REDACTED]  
[REDACTED]. There was no documentation regarding this medication or complaints.
13. [REDACTED]  
[REDACTED].”
14. On 2/4/21 at 8:28 p.m., Nguyen complained to CO S.W. of issues breathing and feeling pulsing in the stomach where a previous surgery was performed when walking up and down stairs. Nguyen was brought to medical and moved to a bottom cell per CO S.W. There was no documentation from medical staff in the records received.
15. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED].
16. On 2/8/21, [REDACTED]  
[REDACTED] There was no documentation to indicate Nguyen was assessed for his complaints.
17. On 2/9/21, [REDACTED]  
[REDACTED] There was no documentation to indicate that Nguyen was assessed for his complaints. [REDACTED]  
[REDACTED]

- [REDACTED]
- [REDACTED].
18. [REDACTED]  
[REDACTED]
19. On 2/12/21, [REDACTED]  
[REDACTED]. There was no documentation of Nguyen being seen or assessed by a provider.
20. On 2/13/21, [REDACTED]  
[REDACTED]. There was no documentation of Nguyen being seen or assessed by a provider.
21. On 2/15/21, [REDACTED]  
[REDACTED]. There was no documentation to indicate that Nguyen was assessed for his complaints.
22. On 2/16/21, 2/20/21, and 2/22/21, [REDACTED]  
[REDACTED]. There was no documentation to indicate Nguyen was assessed for his complaints.
23. [REDACTED]
24. [REDACTED]  
[REDACTED].
25. On 2/24/21, [REDACTED]  
[REDACTED]. There was no documentation of Nguyen being seen or assessed by a provider.
26. On 2/26/21, [REDACTED]  
[REDACTED]. There was no documentation to indicate that Nguyen was assessed for his complaints. The Medical Review Board has found that there was a pattern of repeated failures by the jail physician to examine Nguyen despite having multiple referrals for intractable headaches of a severity that required medication. Nguyen was never assessed for the possibility of recurrent cranium hemorrhage nor assessed for post-operative abdominal complaints and back pain all of which would have been indicated given his history of traumatic injury from a motor vehicle accident in 2020. The Board opines that Nguyen's history and unresolved complaints should have prompted a full assessment by the jail physician with indicated referrals.
27. [REDACTED].
28. [REDACTED].
29. [REDACTED]  
[REDACTED].

- 30. On 3/30/21, [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] There was no documentation of Nguyen being seen or assessed by a medical provider.
- 31. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 32. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 33. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 34. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 35. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 36. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]
- 37. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

ACTIONS REQUIRED:

TO THE OFFICE OF SHERIFF OF SARATOGA COUNTY AND JAIL PHYSICIAN OF THE SARATOGA COUNTY JAIL:

Arrangements shall be made to obtain an independent physician peer review regarding the medical care provided to Nguyen while in custody. A focus of the review shall include:

- Why Nguyen was not seen nor assessed by any provider for his complaints of recurrent headaches and status post traumatic head injury?
- Why the medication administration record contained an order for Claritin without a provider order?

*In a response dated 6/2/22 to the Commission's preliminary report the Saratoga County Sheriff's Office has indicated that the current jail physician will be leaving the position and that a new medical service provider company will begin providing the jail healthcare services effective July 2022.*

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



Thomas J. Loughren  
Commissioner & Chair  
Medical Review Board

TJL:DC:jdb  
2021-M-0059  
June 2022