



**Commission of
Correction**

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

In the Matter of the Death of

**Edgardo Mejias,
an incarcerated individual of the
Anna M. Kross Center**

December 18, 2024

**To: Commissioner Lynelle Maginley-Liddie
NYC Department of Correction
75-20 Astoria Blvd., Suite 100
East Elmhurst, NY 11370**

Allen Riley
Chairman

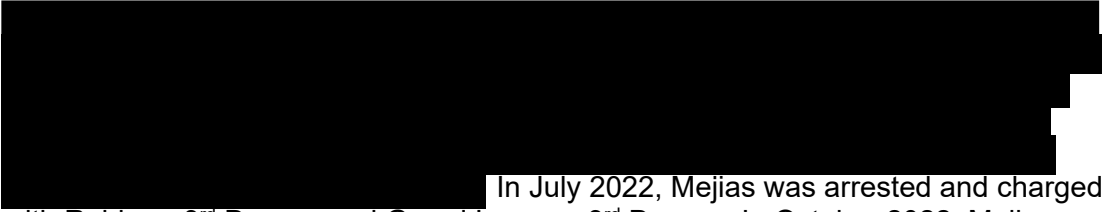


Yolanda Canty
Commissioner

Elizabeth Gaynes
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 Edgardo Mejias, who died on December 11, 2022, as result of circumstances which occurred while an incarcerated individual in the custody of the New York City Department of Correction, the Commission has determined that the following final report be issued.

FINDINGS:

1. Edgardo Mejias was a 39-year-old male who died on 12/11/22 from Acute Bronchial Asthma Exacerbation while in the custody of the New York City Department of Correction (NYC DOC) at the Anna M. Kross Center (AMKC). The Medical Review Board finds that there were serious lapses in Mejias' medical care by Correctional Health Services that were contributory to his death.
2.  In July 2022, Mejias was arrested and charged with Robbery 3rd Degree and Grand Larceny 3rd Degree. In October 2022, Mejias was arraigned on charges of Grand Larceny 4th Degree and Petit Larceny. The charges were abated by his death.
3. 
4. On 10/2/22, Mejias was committed to the NYC DOC custody. The Arraignment and Classification Risk Screening form was completed but was not signed by Mejias. The second page of the form was not completed and sections "F" through "Q" were left blank. The form was not signed by DOC staff or a receiving supervisor. On 10/2/22 at 12:00 p.m., a Suicide Prevention Screening Guideline was completed. The officer noted that Mejias was on . The officer marked yes on the form to: Detainee self-reports or is showing signs of withdrawal from alcohol or drugs and detainee is incoherent, disoriented, or showing signs of mental illness. Per the directions on the form, if those answers were "yes", a supervisor was to be notified. The officer did not indicate that any action was taken or that a supervisor was notified. There was no action noted on the form and there was no referral to medical or mental health documented. There was no supervisor signature on the form. Mejias' securing order noted that he required medical and mental health attention. This is a violation of 9 NYCRR §7013.7(a) which states: *Each inmate upon admission to a facility shall undergo an initial screening and risk assessment which shall consist of a screening interview, visual assessment and review of commitment documents. Such screening and risk assessment shall occur immediately upon an inmate's admission.*

This is also a violation of 9 NYCRR §7013.7(b)(11) which states:
A screening instrument(s) shall be utilized to elicit and record information on each inmate relating to the following: any other relevant information concerning the safety or welfare of the inmate.

5. On 10/2/22, Mejias was received at NYC DOC. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. On 10/25/22, Mejias was not produced by DOC staff [REDACTED] [REDACTED] appointment.

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

[REDACTED]

21.

[REDACTED]

A review by the Medical Review Board revealed that there was no evidence in the record to indicate that the sputum testing was completed. As Mejias had findings for multiple bacterium in his lung tissue at his autopsy, the Medical Review Board finds that this was a critical failure by Correctional Health Services to properly diagnose Mejias' illness and assure that proper therapy was prescribed.

22.

[REDACTED]

23.

[REDACTED]

24.

[REDACTED]

25.

[REDACTED]

The Medical Review Board finds that Mejias was not seen by a physician during his admission to the CDU (only at his discharge) and that there did not appear to be a defined physician responsible to coordinate CDU patient care and supervise the activity of the assigned physician assistants. The Board opines that Mejias' diagnosis of bi-lobar pneumonia should have been elevated to a physician level for assessment and monitoring. Additionally, the Medical Review Board finds that there was no consideration made for a pulmonology consultation for Mejias.

26.

On 11/30/22, Mejias was not produced by DOC staff for his appointment. [REDACTED]

27.

On 12/1/22, Mejias was not produced [REDACTED]

28. [REDACTED] On 12/2/22, Mejias was not produced for the [REDACTED] appointment.
29. [REDACTED]
30. [REDACTED]
31. On 12/6/22, Mejias was not produced by DOC staff for his [REDACTED] appointment twice and again was not produced on 12/7/22. Per the movement records, Mejias was at court on those dates. [REDACTED]
32. On 12/10/22, Mejias was not produced for his [REDACTED] appointment.
33. On 12/11/22 at 4:24 p.m., Corrections Officer (CO) J.M. noted that while observing the feeding on the bridge of West 19, the A post officer notified CO J.M. that Mejias was having difficulty breathing. CO J.M. responded to Mejias' bunk and noted that Mejias was on his knees on his bunk with labored breathing. CO J.M. ran to the A post and advised the A post officer to call a medical response. CO J.M. returned to the bunk and requested assistance from other incarcerated individuals to move Mejias to the front of the housing area. Mejias was being carried to the front of the housing area and CO J.M. noted that Mejias began to turn blue. Mejias was placed on a wagon. CO J.M. and the incarcerated individuals brought Mejias to medical. [REDACTED]
- [REDACTED] Emergency Medical Services (EMS) was activated, and Urgi Care was contacted. [REDACTED]
- [REDACTED] . EMS arrived at 4:45 p.m.
[REDACTED] Urgicare Dr. [REDACTED] arrived at 4.48 p.m. [REDACTED]
34. [REDACTED]

[REDACTED]

The Medical Review Board finds that Mejias had significant respiratory disease that went undiagnosed and undertreated and was not resolved upon his CDU discharge on 11/29/22.

ACTIONS REQUIRED:

TO THE COMMISSIONER OF THE NEW YORK CITY DEPARTMENT OF CORRECTION:

The Commissioner shall conduct an investigation into the staff that failed to properly complete the Classification of Mejias in compartment with 9 NYCRR §7013.7(a) and 9 NYCRR §7013.7(b)(11). Administrative action should be taken if staff are found to be in violation of department directives.

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

In a response dated 12/3/24 to the Commission's preliminary report, NYC DOC indicated that the requested investigation was completed with corrective action taken.

TO THE SENIOR VICE PRESIDENT OF CORRECTIONAL HEALTH SERVICES, NYC HEALTH AND HOSPITALS:

1. Correctional Health Services shall conduct a quality assurance review to determine why Mejias did not have vital signs completed while in the CDU on 11/23/22 and 11/24/22.
2. Correctional Health Services shall conduct a quality assurance review to determine why Mejias did not have urinalysis testing or sputum testing completed.
3. Correctional Health Services shall review why Mejias was discharged from the CDU without verifying that all ordered diagnostic tests were completed with the results read .
4. Correctional Health Services shall review and report to Medical Review Board why there was a lack of physician monitoring of Mejias while admitted to the CDU along with supervision of the physicians assistants assigned to his care.
5. Correction Health Services shall review why a pulmonology consult was not considered for Mejias with a diagnosis of bi-lobar pneumonia and clinical indicators of a worsening condition.

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

In a response dated 9/25/24 to the Commission's preliminary report, Correctional Health Services indicated that the requested reviews were completed but disagreed with the Medical Review Board's findings. The Board remains affirmed in its findings and opinions regarding the care and treatment of Mejias by CHS providers.

TO THE OFFICE OF THE NYC COUNCIL SPEAKER:

As the appointing authority for the delivery of correctional health services pursuant to Correction Law section 501, the City Council shall review the above findings and conduct an inquiry into the fitness of the currently designated provider.

WITNESS, HONORABLE YOLANDA CANTY, 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 18th day of December 2024.



Yolanda Canty
Commissioner
Commission of Correction

YC:DC:vc
2022-M-0143
December 18, 2024

cc: Deputy Commissioner of Legal Matters/General Counsel
Deputy Commissioner of Security Operations
Deputy Commissioner of Health Affairs
Director of Compliance
Patricia Yang, DrPH, Senior Vice President
Correctional Health Services
Chief Medical Officer
Correctional Health Services
Executive Director
NYC Board of Correction