



**Commission of
Correction**

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

**In the Matter of the Special Investigation into the Care and Treatment
Provided to**

**Thomas Filupeit,
an incarcerated individual of the
Delaware County Jail**

December 17, 2025

**To: Sheriff Craig S. Dumond
Delaware County Sheriff's Office
280 Phoebe Lane, Suite 1
Delhi, New York 13753**

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)(e), regarding the care and treatment provided to Thomas Filupeit, which occurred while an incarcerated individual in the custody of the Delaware County Sheriff at the Delaware County Jail, the Commission has determined that the following final report be issued.

FINDINGS:

1. Thomas Filupeit was a 67-year-old male who died from a cardiac arrest on 12/13/23 while hospitalized at AO Fox Hospital in Oneonta, NY. Filupeit was hospitalized on 12/10/23 while in the custody of the Delaware County Sheriff at the Delaware County Jail. Filupeit became septic after developing a perforated bowel and peritonitis stemming from chronic unresolved constipation. While hospitalized, on 12/11/23, Filupeit was released from the custody of the Delaware County Sheriff. The Medical Review Board has found that the medical provider at the Delaware CJ failed to properly address an obvious clinical deterioration in Filupeit's physical and mental conditions and failed to seek a higher level of care in a timely manner prior to his hospitalization and ultimately his death. The Medical Review Board opines that Filupeit's death could have been prevented had he received proper medical management and timely intervention.

2. . On 3/8/23, Filupeit was arrested and charged with Criminal Contempt 1st Degree. On 10/5/23, the case was transferred to Superior Court. On 3/11/23, Filupeit was arrested and charged with Criminal Contempt 1st Degree, but the charge was abated by his death.

3. 

4. [REDACTED]

5. On 3/11/23, Filupeit was admitted to the Delaware CJ on the charge of Criminal Contempt 1st Degree. [REDACTED]

6. [REDACTED]

7. [REDACTED]. The failure of the medical provider to document a complete examination is a violation of 9 NYCRR §7010.2(b)(1) which states:
Each incarcerated individual shall be examined by a physician licensed to practice in the State of New York or by a medical personnel legally authorized to perform such examination at the time of admission or as soon thereafter as possible

8. [REDACTED]

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. [REDACTED]

13. [REDACTED]. This is a violation of Delaware County Policy 9042.0 Refusal of Medical Treatment.

14. [REDACTED]

15. [REDACTED]

16. On 7/28/23, Filupeit arrived at the Delaware CJ. On Filupeit's Initial Risk Assessment, Correction Officer (CO) J.Y. noted that Filupeit used a cane to ambulate and had two prior strokes. CO J.Y. noted that Filupeit had returned [REDACTED]." Filupeit was referred to medical and mental health. Filupeit had a Suicide Prevention Screening Guideline completed which noted that Filupeit was worried about his mother and had just been discharged [REDACTED]." CO J.Y. noted that the supervisor was notified. [REDACTED]

[REDACTED]

[REDACTED] During an interview with Commission staff, RN [REDACTED] stated that the medication would be documented in the chart and that if the medication was discontinued, it would be crossed out.

17. [REDACTED] which is a violation of Delaware County Policy 9042.0 Refusal of Medical Treatment.

18. [REDACTED]

[REDACTED]. During an interview with Commission staff, LMSW [REDACTED] noted that she would receive a referral from the facility when an incarcerated individual is needed to be seen. Most of the referrals would indicate the basic reason for the individual to be seen but it would be without any history or other information included. LMSW [REDACTED] stated that she does not have access to the medical records, the medications, or the paperwork [REDACTED]

[REDACTED] During an interview with Commission staff, LMSW [REDACTED] stated that she would not obtain records of any prior treatment as this was a responsibility of medical since she had no access to the records. The Medical Review Board opines that the ability to maintain continuity of care necessitates that a clinician has adequate access to a patient's records. Additionally, the lack of access to a patient's records would compromise the ability to comply with the mental health summaries as required for classification purposes pursuant to 9 NYCRR §7013.8(e)(4 & 5) which states:

(e) In considering the information contained in subdivision (c) of this section, the chief administrative officer shall examine and verify the following:

(4) information obtained from mental health treatment providers pursuant to Mental Hygiene Law, section 33.13(c)(9);

(5) information contained in the detailed summaries of inmate medical and psychiatric records if disclosed by the facility medical director pursuant to section 7013.10 of this Part.

19. [REDACTED]

20. [REDACTED], which is a violation of Delaware County Policy 9042.0 Refusal of Medical Treatment.

21. [REDACTED]

22. [REDACTED]

23. [REDACTED]

24. [REDACTED]

25. [REDACTED]

[REDACTED], which is a violation of Delaware County Policy 9042.0 Refusal of Medical Treatment.

26. [REDACTED] This is a violation of 9 NYCRR §7010.2 (j) which states:

Adequate health service and medical records shall be maintained which shall include but shall not necessarily be limited to such data as: date, name(s) of individual (s) concerned, diagnosis of complaint, medication and/or treatment prescribed. A record shall also be maintained of medication prescribed by the physician and dispensed to an incarcerated individual by a staff person.

27. [REDACTED]

28. [REDACTED]

29. [REDACTED]

30. [REDACTED]

31. [REDACTED] The

Medical Review Board finds that there was an unacceptable delay in obtaining a physical examination by either a physician or a mid-level provider for unresolved complaints of constipation. Filupeit had been complaining of constipation since 8/19/23 with no documented exam by a physician until over 30 days later. The Medical Review Board opines that Filupeit was developing serious gastrointestinal disease that required examination, monitoring, and a referral to gastroenterology for follow up

32.

[REDACTED]

The Medical Review Board opines that there was a significant and unacceptable delay in obtaining interventional care for Filupeit's unresolved complaints of constipation that had extended over 30 days.

33.

[REDACTED]

The Medical Review Board opines that Filupeit was developing an impacted bowel that required monitoring, follow-up, and a possible surgical referral that did not occur. The Medical Review Board also questions whether Filupeit was fit for confinement at his discharge from the hospital given that he still had evidence of active bowel obstruction.

34.

[REDACTED]

35.

[REDACTED]

36.

[REDACTED]

During an interview with Commission staff, RN [REDACTED] stated that the medical provider did not go to the housing area to see incarcerated individuals due to privacy issues on the housing unit. [REDACTED]

37.

[REDACTED]

38.

[REDACTED]

39. [REDACTED]

[REDACTED] During an interview with Commission staff, RN [REDACTED] stated that logs can be started by medical or security staff and are done around the clock. At the end of the tour, they are placed in the medical box for the nurse or nurse practitioner to review. RN [REDACTED] stated that diapers can be issued without a provider order.

40. [REDACTED]

41. [REDACTED]

42. [REDACTED]

[REDACTED] The Medical Review Board opines that there was a failure by the Delaware CJ medical staff to make a referral to mental health and to psychiatry to address Filupeit's chronic non-compliance with medication due to his deteriorating mental capacity and his ability to self-manage his wellbeing. The Board, noting the pattern of inadequately documented medication refusals, questions whether Filupeit had the proper capacity and understanding of his medical conditions and the risks to his health of refusing medications.

43. [REDACTED]

44. [REDACTED]

45. [REDACTED]

46. [REDACTED]

47. [REDACTED]

48. [REDACTED]

The Medical Review Board finds that there was a pattern of failures to maintain adequate patient records and a failure to monitor and manage Filupeit's impacted bowel. The Medical Review Board finds that there was a lack of coordination between nursing staff, the nurse practitioner, and mental health regarding Filupeit's care along with a complete absence of any indicated oversight by a jail physician. Jail physicians, appointed by the legislative body of the county per Correction Law §501 and 9 NYCRR §7010.2(a), are the sole responsible official for managing and overseeing the delivery of healthcare to all individuals who are incarcerated. A review Filupeit's records by the Board did not reveal any indicated review or intervention by the jail physician in this matter.

49. [REDACTED]

The Medical Review Board finds that there was a failure by RN B.B. to recognize that Filupeit was suffering a medical emergency and to have him immediately sent to a

hospital. The Board finds it shockingly inexplicable that there was no immediate action taken or any notifications made between 7:30 a.m. and 9:30 a.m., which is after RN B.B. documented the findings that Filupeit had evidence of a fall with a laceration and swelling to his head and exhibited symptoms of an altered mental status due to Filupeit having no memory of falling.

50.

[REDACTED]

51.

[REDACTED]

52.

[REDACTED]

53. On 12/11/23, Filupeit was released from the custody of the Delaware CJ while hospitalized.

54. A Commission staff review of the medical records noted that the medications were documented on an "inventory sheet" with no start or stop dates noted and no prescriber identification. This is a violation of the Delaware County Policy 9018.1 Medication

Administration Training. During an interview with Commission staff, RN [REDACTED] stated that these were the forms used prior to the current pharmacy printing the Medication Administration Records.

ACTIONS REQUIRED:

TO THE JAIL PHYSICIAN OF THE DELAWARE COUNTY JAIL:

1. The Medical Review Board requests that the jail physician review the current contracted mental health services for the Delaware CJ to assure that mental health staff can access records required to provide adequate services and that psychiatric services are provided directly to the patients and that compliance with the requirements of 9 NYCRR §7013.8(e)(4 & 5) can be maintained.
2. The Medical Review Board requests that the jail physician conduct a quality assurance review with all medical and clinical staff regarding maintaining proper patient care records in comportment with the requirements of the Delaware CJ policy and procedure and 9 NYCRR §7010.2(b)(1) and §7010.2(j).

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

In a response dated 10/30/25, the current jail physician and medical director indicated that the requested reviews were completed with corrective actions and modification to policies completed. These will be subject to verification by the Commission at a later scheduled health services evaluation.

The Medical Review Board requests that the jail physician separately obtain outside peer and quality assurance review with a focus on:

- Why Filupeit's complaints of abdominal discomfort and constipation were not properly monitored and followed up leading to terminal impacted bowel.
- Why Filupeit's chronic medication non-compliance and deteriorating mental condition was not referred to mental health or psychiatry.
- Why Filupeit was not immediately sent to the hospital after being evaluated for a fall and had altered mental status.
- Why there was no physician review and oversight of Filupeit's condition and care and oversight of the attending jail medical staff in accordance with CL §501 and 9 NYCRR §7010.2(a).

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

In a response dated 10/30/25, the current jail physician and medical director indicated that the requested outside peer review was not able to be obtained, and the previous providers' care was reviewed. The current jail physician was unable to account for the action of the previous providers. The Medical Review Board remains affirmed in their findings and will refer the findings to the Commission for follow up at a later scheduled health services evaluation.

TO THE CHAIR OF THE DELAWARE COUNTY LEGISLATURE:

As the appointing authority for the delivery of jail incarcerated individual health services pursuant to Correction Law section 501, the County Legislature shall review the above findings and conduct an inquiry into the fitness of the formally designated provider.

In a response dated 11/3/25, the Delaware County Chairman of the Board of Supervisors indicated that a new medical director and providers have been appointed to provide health services at the jail.

TO THE SENIOR VICE PRESIDENT, CHIEF CLINICAL & ACADEMIC OFFICER OF BASSETT HEALTHCARE NETWORK:

The Medical Review Board requests that the Bassett Healthcare Network conduct a quality assurance review regarding the emergency care provided to Filupeit on 9/25/23 and whether he was fit for confinement at his discharge given documented evidence of a developing impacted bowel.

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

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 17th day of December 2025.



Yolanda Canty
Commissioner
Commission of Correction

YC:DC:vc
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