



U.S. District Court for the District of Nebraska Considered Inmates' Claims Related to Dental Care

In *Ditter v. Nebraska Department of Correctional Services*, 2018 WL 2184454 (Slip Law), the court considered an inmate's claims that the dental care he received there constituted cruel and unusual punishment under the Eighth and Fourteenth Amendments because Defendants were deliberately indifferent to his serious medical needs. Specifically, the inmate alleged that Defendants failed to provide him with dental implants, ground down some of his healthy teeth, and—as to Correct Care Solutions—maintained a policy or custom of deliberately disregarding state prisoners' objectively serious dental needs in order to increase its profit.

The inmate requested injunctive and monetary relief against some of the defendants, and monetary relief against other defendants.

Deliberate Indifference to Serious Medical Needs

In order for an inmate to prevail on an Eighth Amendment claim, he or she must prove that Defendants acted with deliberate indifference to his serious medical needs. As described by the court, the deliberate-indifference standard includes both an objective and a subjective component. The inmate must demonstrate that (1) he suffered from objectively serious medical needs, and (2) defendants knew of, but deliberately disregarded, those needs.

“For a claim of deliberate indifference, ‘the prisoner must show more than negligence, more even than gross negligence, and mere disagreement with treatment decisions does not rise to the level of a constitutional violation.’”

“The plaintiff-inmate must clear a substantial evidentiary threshold to show that the prison’s medical staff deliberately disregarded the inmate’s needs by administering an inadequate treatment.” The Eighth Circuit has held that prison medical professionals do not act with deliberate indifference where they do not ignore a prisoner’s complaints but exercise independent medical judgment and attempt to treat them in a manner other than the precise manner the prisoner requests.

Objectively Serious Medical Need

The inmate’s mere desire for dental implants instead of the dentures that were prescribed to him does not create an objectively serious medical need for Eighth Amendment purposes. The rationale in part was that “An objectively serious medical need is ‘one that either has been diagnosed by a physician as requiring

treatment or is so obvious that even a layperson would easily recognize the necessity for a doctor's attention." The Court went on to state, "Furthermore, where a particular course of treatment sought is medically unnecessary, there is no objectively serious medical need under the Eighth Amendment."

In this case, the inmate was found to have furnished no evidence that he had a diagnosed medical need for dental implants or that the need for such implants would be obvious to a layperson; rather, he merely alleged that implants would have been more effective than the dentures he was given. The Court found that the desire for an alternative treatment, did not rise to the level of a serious medical need. In addition, such a conclusion was supported by the evidence presented that showed that five doctors all concluded that dental implants were not medically necessary in the inmate's case; the denture treatment provided to the inmate was medically appropriate; and, in any event, the inmate would not be a good candidate for dental implants. The inmate's Eighth Amendment claim fails as a matter of law because he could not demonstrate a serious medical need for dental implants.

Deliberate Disregard of Serious Medical Needs

The Court further concluded, "Even if [inmate] could show a serious medical need for dental implants, the evidence does not support the conclusion that any of the defendants knew of a substantial risk to [his] health if he were denied such implants and deliberately disregarded that risk through actions that were "so inappropriate as to evidence intentional maltreatment or a refusal to provide essential care."

Evidence had been presented that Defendants had not ignored the inmate's complaints but provided constant care in the exercise of their professional judgment. Therefore, this was not considered deliberate indifference.

Defendants – Director of Corrections and ADA Coordinator in Their Individual Capacities

For the reason that there was no evidence that the Director of Corrections directly and personally participated in the inmate's dental treatment, or the alleged lack thereof, his § 1983 claim against him must be dismissed. Likewise, the ADA Coordinator for the Department of Corrections is not a dentist or medical provider. She has no authority to provide medical or dental treatment to the inmate, and she could not be held liable for the medical defendants' diagnostic and treatment decisions. Summary judgment was therefore granted in favor of the Department of Corrections Director and ADA Coordinator.

Department of Corrections Defendants in Official Capacities

Additionally, the inmate's claims for monetary relief against the Department of Corrections and various Department employees, the Court did not find any constitutional violation for which the inmate was entitled and the claim against such individuals in their official capacities was barred by the Eleventh Amendment. The Eleventh Amendment bars claims for damages by private parties against a state and its agencies or departments. There was nothing in the record before the court showing that the State of Nebraska waived, or that Congress overrode, sovereign immunity in this matter.

Qualified Immunity

Defendants in their individual capacities argue that they are entitled to qualified immunity as to inmate's claim for money damages. As discussed above, the court has decided that Defendants are entitled to summary judgment on the merits of inmate's deliberate-indifference claim. "[I]f the court finds no constitutional violation occurred, the analysis ends and the issue of qualified immunity is not addressed.

This is not to say; however, the defendant official is entitled to qualified immunity. Rather, if no constitutional violation occurred, plaintiff's claim fails as a matter of law because plaintiff did not prove an essential element of the § 1983 claim."

Conclusion

The Department of Corrections and other defendants' motions for summary judgment were granted; the motions filed by the inmate were denied and the judgment was entered on a separate document.

(Citations omitted throughout the article.)

The inmate filed an appeal to the decision of the Court in late June 2018. For a full copy of the text of the opinion, click [here](#).

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