

Wednesday, June 7, 1989

Bill cuts inmates' plastic surgery

Legislature enforces prohibition of unnecessary improvements

GALVESTON (AP) — Purely cosmetic surgery on state prison inmates is being halted at the University of Texas Medical Branch two years after the state Legislature prohibited the practice, officials said.

Dr. Alvin L. LeBlanc, vice president for hospital affairs, said he was unaware of the prohibition until contacted by the *Houston Chronicle*, but Jim Lynaugh, executive director of the Texas Department of Corrections, said he knew the law.

A rider to the 1987 prison appropriations bill, included again in the appropriations bill passed this year, prohibits expenditure of state funds for "cosmetic surgery on prisoners unless they are disfigured and suffer psychological problems because of it. "It is our intent to limit down so

that we can stay out of trouble with everybody," LeBlanc said. "We are going to try to please the Legislature, I can tell you that."

Lynaugh said prison officials "definitely were aware of that rider and have not violated it."

"When my inmates check into that hospital, I have no control of anything except security," he said. "I don't control any medical practices in that hospital."

Medical branch surgeons have performed at least 123 elective cosmetic surgeries on inmates since the beginning of 1988, according to a partial list released under the Texas Open Records act.

Although the prison system is not charged for the services, they are mostly tax-funded because the medi-

cal branch is a state school.

Charles Terrell, chairman of the prison board, said Rider Scott, general counsel to Gov. Bill Clements, had asked him to look into the practice.

"It is our... (intent to) stay out of trouble with everybody. We are going to try to please the Legislature, I can tell you that."

— Alvin LeBlanc, hospital administrator

After Clements received letters from citizens critical of the tax-supported inmate surgeries.

Under the prison's agreement with the medical branch on operation of the 120-bed prison hospital in Galveston, the prison system only pays for security officers.

Terrell said he called the branch and asked that purely cosmetic surgery on inmates be stopped.

"I simply asked the medical school that any operations performed were very necessary or it was the combined decision of TDC personnel that it was essential to a person's rehabilitation," he said. "The medical school assured us that they were tightening up things."

A prison policy that took effect April 28 requires cosmetic surgery recommendations be approved by Dr. Charles Alexander, deputy director for medical services in the prison system.

Court-ordered study finds improvements still needed at schools for retarded in Texas

DALLAS (AP) — A court-ordered study found that Texas has not lived up to promises to improve conditions at its 13 state schools for the retarded.

The state agreed to make sweeping changes after the Texas Department of Mental Health and Mental Retardation was found in contempt of court two years ago.

But in the first court-ordered evaluation of compliance with a settlement in the class-action suit, court-appointed expert consultant Dr. Linda O'Neill said Monday the state had not complied with the agreement in the area of staff training.

"The state is out of compliance in the comprehensive competency of its staff," O'Neill told the *Dallas Morning News*.

"They have not met the implementation

agreement" by repeatedly refusing to improve training, she said.

O'Neill also found that the state had only partially complied with mandates on "addressing medical services, behavior treatment programs and resident abuse, neglect and injury."

The report was filed Monday in the court of U.S. District Judge Barefoot Sanders, who will rule on whether to accept the findings.

O'Neill's report recommends that the state train employees in the prevention and reporting of abuse and neglect.

The plaintiff's attorney, David Ferleger, said the report could land the state back in court.

"Unless the state shows a serious commitment to an immense alteration in its operations, we are likely to be back in court on contempt again," Ferleger said.

Assistant Attorney General Dona Hamilton disagreed.

"I don't think it's a terrible report," she said. "She (Dr. O'Neill) has recommended some corrective action that we'll consider."

Hamilton disputed O'Neill's findings on staff training.

"The defendants don't think they're out of compliance," Hamilton said.

After the 1987 contempt hearing, Judge Sanders ruled the staff was poorly screened and that the professional staff wasn't adequately trained, resulting in inadequate training of direct care staff.

Ferleger also had words of criticism for the recommendations, saying O'Neill, a Florida sociologist, "really let them off the hook by giving them a very easy standard to meet."

Jury sentences 19-year-old to death by injection

DALLAS (AP) — A Dallas County jury has sentenced a 19-year-old man to death for the slaying of a narcotics officer who was shot seven times during an undercover drug deal last December.

Javier Suarez Medina stood and listened impassively to state District Judge Larry Baraka's pronouncement.

"All I know is it's not going to happen... it's not going to happen."

— Laura Salazar, Medina's girlfriend

ment that he be "taken and put to death by lethal injection."

The death sentence was automatically appealed Monday to the Texas Court of Criminal Appeals.

Medina, who had no previous criminal record, was convicted two weeks ago of killing officer Larry Cadena on Dec. 13 during an under-

cover drug purchase. The killing capped the police department's deadliest year in which five officers were slain in the line of duty.

Cadena, 43, was a 17-year veteran of the department.

"Justice was done," Cadena's son, 21-year-old Larry Cadena Jr., said. "For all his crimes, justice was done."

Medina's girlfriend, Laura Salazar, 16, said angrily after the verdict, "All I know is it's not going to happen... it's not going to happen."

Medina was charged under a provision of the capital-murder statute that allows prosecutors to seek the death penalty if the defendant committed another crime while committing a murder.

The jury deliberated for two hours before finding that Medina acted deliberately in shooting Cadena seven times and would be a threat to society, even though he had no previous criminal convictions.

After the verdict, defense attorney E. Brice Cunningham said his

client's lack of a previous record could play a role in the appeal.

"I could not see where the state proved beyond a reasonable doubt that he would commit criminal acts of violence that would constitute a continuing threat to society," Cunningham said.

During the trial, Medina testified that other men involved in the robbery had threatened him and his family if he did not participate.

Arrests warrants also were issued Monday for two other men, a Galveston County Sheriff's Department spokesman said.

Tran, 39, who was torched in his San Leon trailer home May 28, died Saturday at the University of Texas Medical Branch Hospital.

He had second- and third-degree burns over 98 percent of his body.

Authorities believe the attack on Tran may have been the result of an ongoing feud between Tran and another Vietnamese man.

Charged with murder Monday in the death of Tay Tran were Giang Minh Ho, 33; Rua Van Le, 32; and Van Hung Truong, 28, all of San Leon.

They remain in the Galveston County Jail in lieu of \$30,000 bond, which was increased from \$20,000.

Accused killers of shrimper face new charges of murder

GALVESTON (AP) — Charges against three men accused of dousing a Vietnamese shrimper in gasoline and then setting him ablaze were upgraded to murder following the victim's death.


Charged with murder Monday in the death of Tay Tran were Giang Minh Ho, 33; Rua Van Le, 32; and Van Hung Truong, 28, all of San Leon.

They remain in the Galveston County Jail in lieu of \$30,000 bond, which was increased from \$20,000.

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Quite a change from the freedoms most of us enjoy today.

Yet such restrictions are typical of a new breed of alternative dental plan popping up around the country.

These programs go by different names and impose different limits. But they all share one thing in common: the focus is on money, not health.

Remember this: No plan that restricts your family's access to the dental care they need is likely to be in your best interest.

Something to consider before you surrender your freedom of choice.

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