

TO: DIRECTOR PROGRAMS AND SERVICES DATE Feb 3, 10
FROM: MEDICAL SERVICES ESHGHABADI, REZA

Comments: I'm unable to pay any portion.

1958.12.22



Nurse Signature

I recommend the following service(s) be provided for the above mentioned Inmate:

Dentures \$ 1000. upper and lower dentures
Glasses \$ _____
Prosthetics \$ _____
Outside Procedure \$ _____

If the above is not provided prior to discharge, the Inmate's health will:

Not be impaired and can be dealt with after release.
 Cause physical/psychological discomfort, but will not impair general condition.
 Be seriously impaired and deteriorate.

COMMENTS: _____

DATE: Feb 2, 10

[Signature]
Attending Practitioner Signature

Employed: Yes _____ No Current Account Balance \$ 56.86

DIRECTOR PROGRAMS & SERVICES _____ Approved Denied _____ Apportioned

PAYMENT ALLOCATION:

From Inmate's Trust Account \$ 0
From Centre Funds \$ _____

DATE: 02/09/2010

[Signature]
Program Director's Signature

INMATE PAYMENT APPLICATION FOR DENTURES/EYE GLASSES/PROSTHETICS

TO TRUST CLERK:

Inmate Name: _____ CS# _____ Unit SH

Balance in account: \$ _____

"I request to be provided with _____ at a cost of \$ _____. Please deduct \$ 0 from my trust account for this purpose; and/or hold my weekly pay \$ _____ per week for _____ weeks.

DATE: Feb 2, 10

[Signature]
Inmate's Signature

* ONCE CUSTOM MADE ITEMS ARE ORDERED, EG., GLASSES, DENTURES, PROSTHETICS, THEY CANNOT BE CANCELLED. MONIES OWING WILL BE DEDUCTED FROM THE INMATE'S ACCOUNT AS AUTHORIZED.

This is Exhibit " E . " referred to in the affidavit of Reza Eshghabadi made before me at Maple Ridge, BC this 3 day of November 2010

Kristy Sim
KRISTY SIM
BARRISTER & SOLICITOR Commissioner for taking Affidavits within British Columbia
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9



FEB 25 2010

February 19, 2010

Mr. Joel Doucette
Legal Advocate
Prisoners' Legal Services
#201 - 33241 Walsh Avenue
Abbotsford, BC
V2S 1Z9

This is Exhibit "F" referred to in the
affidavit of Reza Eshghabadi
made before me at Maple Ridge, BC
this 3 day of November 2010

Kristy Sim

A Commissioner for taking Affidavits
within British Columbia

KRISTY SIM
BARRISTER & SOLICITOR
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

Re: Reza Eshghabadi CS# 05.763.024 – Dental Issue

I am in receipt of your letter regarding concerns for your client Mr. Reza Eshghabadi. The letter indicates that your client is unable to eat, subsequently losing weight, due to the removal of ten of his teeth by the dentist.

The centre does not make assessments on medical procedures. This is an issue that is decided confidentially by medical professionals within our Health Care Department. Any further inquiries regarding this matter will be directed to them.

However, we have directed an officer to assist Mr. Eshghabadi in completing a request form to ensure he is seen and followed up by our Health Care Department in order to ensure health needs are met.

S. DiCastr
S. DiCastr
Warden
FRCD

SD/hb

Protect Communities, Reduce Reoffending

Ministry of
Public Safety and
Solicitor General

Corrections Branch
Fraser Regional
Correctional Centre

Mailing Address:
PO Box 1500
Maple Ridge, BC
V2X 7G3

Location Address:
13777 - 256th Street
Maple Ridge, BC V4R 1C9
Telephone: 604-462-9313
Facsimile: 604-462-5186



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 - 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

This is Exhibit " G " referred to in the
affidavit of Reza Eshghabadi
made before me at Maple Ridge, BC
this 3 day of November 2010

Kristy Sim
A Commissioner for Taking Affidavits
British Columbia

KRISTY SIM
BARRISTER & SOLICITOR
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

April 1, 2010

VIA FACSIMILE: (250) 356 9875

Lynette Pineau
Investigation and Standards Office
PO Box 9270
STN PROV GOVT
Victoria, BC
V8W 9J7

Dear Ms. Pineau:

Re: Reza Eshghabadi
Dental Care

We are the legal advocate for Mr. Eshghabadi. Enclosed is Mr. Eshghabadi's appointment of counsel form. Please accept this letter on his behalf.

Background

Mr. Eshghabadi contacted our office on January 20, 2010 requesting assistance in obtaining appropriate dental care at Fraser Regional Correctional Center ("FRCC"). Mr. Eshghabadi is an Iranian-born Canadian whose first language is Farsi. He has considerable difficulty speaking and understanding English.

Mr. Eshghabadi reports that at the time of his admission into FRCC on November 20, 2010, he was physically healthy and weighed approximately 85 kilograms. Mr. Eshghabadi also reports that at the time of his admission to FRCC, he wore dentures. Mr. Eshghabadi reports that on November 23, 2009 he attended an appointment at the FRCC health department ("Health Care"). According to Mr. Eshghabadi the purpose of this visit was to request dental adhesive for his dentures as his dentures were becoming loose. Mr. Eshghabadi reports that he received and applied the adhesive which adequately secured his dentures in place.

Mr. Eshghabadi reports that on November 24, 2009 he attended a dentist appointment with Dr. James Luk. According to Mr. Eshghabadi, he did not know why he was asked to see Dr. Luk and did not give his consent for Dr. Luk to perform any dental procedure. Mr. Eshghabadi reports that as Dr. Luk inspected his teeth, he was given a local anesthetic in his oral cavity. Mr. Eshghabadi reports that he still did not understand the nature of the procedure. Mr. Eshghabadi reports that when the procedure over, he was shocked to discover that Dr. Luk had removed ten posts from his oral cavity which were necessary to secure his dentures. Mr. Eshghabadi reports that his dentures no longer attach to his oral cavity, which now has a large edentulous region as a result of the surgery. Mr. Eshghabadi insists that if Dr. Luk and FRCC had followed their responsibility to fully inform him of the surgery, he would not have consented to it. Regrettably, this responsibility was neglected.

More than four months have passed since the surgery and FRCC continues to downplay the urgency of Mr. Eshghabadi's situation. Mr. Eshghabadi reports that Health Care has done nothing to alleviate his condition and FRCC refuses to replace his old dentures, which were rendered useless after the surgery.

Mr. Eshghabadi reports that his ability to speak has been severely impaired due to the surgery. He reports that having no anterior teeth exacerbates an existing communication barrier that he has experienced with staff and fellow prisoners. This has impaired his ability to function adequately in an institutional environment.

Mr. Eshghabadi reports that since his surgery, he has been unable to chew or consume most of the meals offered by FRCC food services. According to Mr. Eshghabadi, he must limit his diet to soup and other soft foods. Mr. Eshghabadi reports that regular meal servings consist mostly of hard food and he is not provided any alternatives to account for the reduced nutrition in his soft food diet. Furthermore, Mr. Eshghabadi reports that to supplement his soft diet, he often swallows unchewed food, which has led to problems with his digestive system.

According to Mr. Eshghabadi, four months of being unable to consume a regular diet has left him seriously undernourished and underweight. Mr. Eshghabadi reports that he now weighs 73 kilograms; over 10 kilograms less than his admission weight. He also reports that he experiences stomach pains related to his undernourishment and digestive problems. Mr. Eshghabadi reports that his poor health also prevents him from participating in many day to day activities and employment opportunities.

According to Mr. Eshghabadi, dental prostheses will remedy his situation. Mr. Eshghabadi reports that he has submitted numerous requests for an appointment with FRCC's Health Care Department to discuss options for dental which have only recently been acknowledged. Mr. Eshghabadi reports, however, that Health Care refuses to provide dental prostheses to ameliorate his condition.

On February 19, 2010 this office wrote to Steve DiCastrì, warden of FRCC, on Mr. Eshghabadi's behalf, requesting that Mr. Eshghabadi be fitted for dental prostheses.

This letter described Mr. Eshghabadi's current state of health and stated that dental prostheses are vital in restoring and maintaining Mr. Eshghabadi's physical condition. In Mr. DiCastrì's response, he explained that he could not be of assistance as this was "an issue that is decided confidentially by medical professionals within [FRCC's] Health Care Department." Enclosed is a copy of Mr. DiCastrì's response.

According to Mr. Eshghabadi, he was seen by a health care professional on April 1, 2010. Mr. Eshghabadi reports that although there was some difficulty communicating, he managed to ask whether dentures would alleviate his condition. Mr. Eshghabadi reports that she also asserted that dentures would allow him to consume a regular prison diet and help him to reach his original body weight. Mr. Eshghabadi reports that the health care professional was also concerned about his deteriorating health and recommended that he undergo a full medical assessment to determine the extent to which his health has deteriorated.

To date, Mr. Eshghabadi's health continues to deteriorate while FRCC denies the urgency of his situation.

Submission

The Health Care Services Manual (the "Manual") authorizes the Adult Custody Division of BC Corrections ("Corrections") to provide prostheses where it is medically necessary. According to the Manual, the inmate must demonstrate that existing teeth are inadequate to consume a prison diet.

According to Mr. Eshghabadi, he has been relying on soft foods since his dental surgery. He reports that any attempt to consume regular food results in intense discomfort and digestive problems. Mr. Eshghabadi reports that as long as he is without dental prostheses, he will be unable to consume a regular prison diet.

Mr. Eshghabadi's deteriorating health must be addressed immediately. Since November, his condition has grown progressively worse. Mr. Eshghabadi's has just under a year remaining in his sentence and if he left to address this problem after his sentence, there is a substantial potential for harm during the remainder of his sentence.

Mr. Eshghabadi reports that the cost of dentures may exceed five thousand dollars. According to Mr. Eshghabadi, his current financial situation precludes his ability to cover this cost. Mr. Eshghabadi immigrated to Canada in 1995 and has no extended family in the country. Mr. Eshghabadi reports that he and his wife have become estranged since his incarceration and his son is not financially capable of assisting him with such a great expense. According to Mr. Eshghabadi, he has no financial support through friends. Accordingly, Corrections should be required to cover any costs relating to the provision of dental prostheses for Mr. Eshghabadi.

April 1, 2010

Page 4 of 4

Mr. Eshghabadi feels that Corrections should acknowledge their partial responsibility for his current circumstances. Although dentists are responsible for the delivery of dental services to prisoners within the provincial correctional system, it is the responsibility of Corrections to ensure that each prisoner is given access to adequate health care. In many cases, access to adequate health care includes the provision of mechanisms to ensure effective communication between a patient and a health professional. This is especially so when health professionals are seeking a patient's consent. Absent this communication, the basic principles of health care including consent and patient autonomy will not be realized. Regrettably, these mechanisms were not in place when Dr. Luk proceeded with the dental surgery.

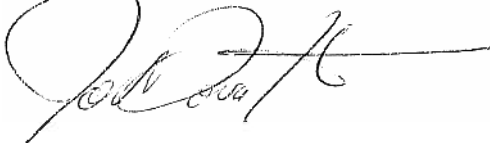
At 73 kilograms, Mr. Eshghabadi cannot bear to lose more weight. He requires dental prostheses immediately to resume a nutritious diet and ameliorate his condition. Mr. Eshghabadi requires the cooperation of Corrections to provide him with the dental services necessary to aid him in his recovery. Given Mr. Eshghabadi's circumstances, this must include the provision of dental prostheses and an agreement to cover any associated costs.

On behalf of Mr. Eshghabadi, we request that the above matters be investigated by the Investigations and Standards Office.

Thank you very much for your attention to this matter.

Sincerely,

PRISONERS' LEGAL SERVICES

A handwritten signature in black ink, appearing to read 'Joel Doucette', with a long horizontal flourish extending to the right.

Joel Doucette
Legal Advocate

Encl.

cc. Reza Eshghabadi by mail



April 28, 2010
59320-20/10-001
CS# 05763024

Mr. Rene Eshghabadi
c/o Fraser Regional Correctional Centre
PO Box 1500
Maple Ridge, BC V2X 7G3

This is Exhibit " H " referred to in the
affidavit of Reza Eshghabadi
made before me at Maple Ridge, BC
this 3 day of November 2010
Kristy Sim
A Commissioner for taking Affidavits
British Columbia

KRISTY SIM
BARRISTER & SOLICITOR
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

Dear Mr. Eshghabadi

I am writing in response to a letter written on your behalf by your legal advocate Mr. Doucette, dated April 1, 2010, which the Investigation and Standards office (ISO) received April 1.

Mr. Doucette wrote that your health is deteriorating and your ability to communicate is affected because the dentures you currently have are no longer suitable. He wrote that the dentist at Fraser Regional Correctional Centre (FRCC) extracted the dental posts that secure your dentures without your consent. Your legal advocate requests that the correctional centre acknowledge their partial responsibility for your current situation and provide you with new dentures immediately.

I reviewed your correctional medical record, the institutional record and Adult Custody Policy for B.C. Corrections when I looked into this matter.

The records indicate that you were admitted to custody at FRCC on November 20. The admitting nurse noted on her assessment that your dentures were ill fitting and your gums were reddened. She wrote that you asked to see the dentist and she made an appointment for you on this basis. The centre physician saw you on November 23 and noted your dentures fell out when you talked. He gave you a denture adhesive to see if this would help you.

In response to your complaints of dental pain, the dentist saw you on November 25. He wrote that you had many decaying and loose tooth fragments and that some of your dental roots would need extraction. He proceeded to do this. He saw you again on November 30 and wrote that he was not able to save your remaining dental roots.

The record indicates that you asked the dentist on February 3 why he had extracted your remaining dental roots. He wrote that he reviewed the x-rays of your gums with you once again. He wrote that it appeared you wanted dentures. He noted that you would benefit from dentures however he indicated that the lack of dentures was not negatively affecting you to any great extent physically. He did submit an " Extended Health Care Benefit " form on your behalf. I reviewed this form and noted you had no funds.

You saw the centre physician on February 19 to complain about weight loss because of your recent dental work. He examined you and noted you did not appear malnourished. He advised you to mince your food as you would if you were living in the community. He noted that you declined to have the kitchen mince your food for you. He asked for four weekly weights to monitor your nutritional status and advised you about the Adult Custody Policy regarding dentures. The records indicate that your weight increased over this four week period.

I reviewed Adult Custody Policy regarding this matter. It states that "Corrections Branch does not assume responsibility for replacing missing or extracted teeth, unless a determination has been made by a qualified health care professional that missing or extracted teeth may be injurious to the well-being or life of the inmate."

I forwarded your file to the Medical Director, B.C. Corrections Branch for his review and opinion on this matter. It was his opinion that there has been no demonstrable injury to your health resulting from not receiving dental prosthetics.

In my view, the health care staff have provided you with dental care that you requested and in accordance with Corrections Branch policy.

As I have addressed your complaint, I am closing your file regarding this matter.

Yours truly,



L. Pineau
Inspector
Investigation & Standards Office

/dk

c: Dr. P. Beckett, Medical Director, Corrections Branch
Ms. J. Morris, President, Calibre Health Services Inc.
Ms. W. Dobbs, Operations Manager, Calibre Health Services Inc.
Mr. M. Alvarado, Health Care Manager, FRCC
✓ Mr. J. Doucette, Prisoners' Legal Services



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 - 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

This is Exhibit " I " referred to in the
Affidavit of Reza Eshghabadi
made before me at Maple Ridge
this 3 day of November 2010

Kristy Sim
KRISTY SIM, Commissioner for Taking Affidavits
BARRISTER & SOLICITOR within British Columbia
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

June 15, 2010

VIA FACSIMILE: (604) 462 5187

Ms. Judy Mitchell/Ms Denean Jones
Fraser Regional Correctional Centre
PO Box 1500
Maple Ridge, BV, V2X 7G3

Dear Mesdames:

Re: I/M CS#05763024
Request under Freedom of Information and Protection of Privacy Act

We are the legal advocate for Mr. Reza Eshghabadi. Please find enclosed an Appointment of Counsel form from Mr. Eshghabadi.

This is a request under the *Freedom of Information and Protection of Privacy Act (FOIRPA)*. Our office has been authorized by Mr. Eshghabadi to bring this request on his behalf. Please find enclosed a completed Request for Access to Records form. We request access to all Mr. Eshghabadi's dental records and all medical records which relate to Mr. Eshghabadi's teeth and dentures held by your department. We will be requiring strict adherence to the statutory timeframes set out in the *FOIRPA*.

If you should decide to withhold any portion of the records that we have requested pursuant to Part 2, Division 2 of the *FOIRPA*, please provide us with a list of the records that you are withholding and the reason you are withholding each of them.

Should you require anything further to assist you, please do not hesitate to contact our office. Thank you for your assistance.

Sincerely,

PRISONERS' LEGAL SERVICES

Rachel Kelly
Legal Advocate

Encl.



FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY REQUEST FOR ACCESS TO RECORDS

ARCS NO. 292-30/ 292-40/

NAME OF PUBLIC BODY TO WHICH YOU ARE DIRECTING YOUR REQUEST

FRASER REGIONAL CORRECTIONAL CENTRE, BC CORRECTIONS

YOUR NAME

LAST NAME: KELLY, FIRST NAME: RACHEL, MIDDLE NAME: MARY, MISS, MS, MRS, MR, OTHER

YOUR ADDRESS

STREET, APARTMENT NO., P.O. BOX, R.R. NO: 201-3324 WALSH AVE, CITY/TOWN: ABBOTSFORD, PROVINCE/COUNTRY: BC, POSTAL CODE: V2S 1Z9

YOUR CONTACT INFORMATION

DAY PHONE NO: (604) 853 3114, ALTERNATE PHONE NO: (), E-MAIL ADDRESS: rachelk@wcpjs.org

DETAILS OF REQUESTED INFORMATION

INFORMATION REQUESTED (PLEASE DESCRIBE THE RECORDS YOU ARE REQUESTING. BE AS SPECIFIC AS POSSIBLE, AS THIS WILL ASSIST THE REQUEST PROCESS. ATTACH A SEPARATE SHEET IF THE SPACE BELOW IS NOT SUFFICIENT.) PLEASE SPECIFY ANY REFERENCE OR FILE NUMBER(S), IF KNOWN

- 1. All dental records relating to Mr. Reza Eshghabadi, CS # 05763024
2. All medical records of Mr. Reza Eshghabadi CS#05763024 which relate or refer to Mr. Eshghabadi's teeth or dentures.

CS# 05763024

ARE YOU REQUESTING ACCESS TO ANOTHER PERSON'S PERSONAL INFORMATION? YES NO (IF SO, PLEASE ATTACH, AS APPROPRIATE: a) THAT PERSON'S SIGNED CONSENT FOR DISCLOSURE, OR b) PROOF OF AUTHORITY TO ACT ON THAT PERSON'S BEHALF.)

PREFERRED METHOD OF ACCESS TO RECORDS: EXAMINE ORIGINAL, RECEIVE COPY, YOUR SIGNATURE: [Signature], DATE SIGNED (YYYY MM DD): 2010 06 15

FOR PUBLIC BODY USE ONLY

REQUEST NO., REQUEST CATEGORY: ACCESS TO GENERAL INFORMATION (ARCS 292-30/), ACCESS TO PERSONAL INFORMATION (ARCS 292-40/)

REQUEST CODE, DATE RECEIVED (YYYY MM DD), NAME OF PUBLIC BODY RECEIVING REQUEST

YOU MAY MAKE A REQUEST FOR ACCESS TO RECORDS WITHOUT USING THIS FORM, PROVIDED YOU DO SO IN WRITING. BIRTHDATE AND CORRECTIONS SERVICE NO. ARE REQUIRED TO VERIFY THE INDIVIDUAL REQUESTING THE INFORMATION. PERSONAL INFORMATION CONTAINED ON THIS FORM IS COLLECTED UNDER THE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT AND WILL BE USED ONLY FOR THE PURPOSE OF RESPONDING TO YOUR REQUEST.



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 - 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

FEB 15 2010

APPOINTMENT OF COUNSEL

I, **Reza Eshghabadi**, CS# **05763024**,

(Date of Birth: **December 22, 1958**), hereby appoint Jennifer Metcalfe (B.C. Law Society ID# 505946), Lisa Kerr (B.C. Law Society ID# 506468) and/or Prisoners' Legal Services, as Counsel. You are authorized to communicate with and take instructions from Counsel and/or a member of Counsel's law firm and provide copies of all correspondence to Counsel. You are also authorized pursuant to the *Privacy Act*, *Access to Information Act*, *Freedom of Information and Protection of Privacy Act* and/or any other applicable legislation/regulation/policy/rule, to provide copies of any personal records, documents, correspondence or other information requested by Counsel. Please consider this Appointment of Counsel to be valid for all purposes related to representation by Counsel under any laws of Canada.

CLIENT SIGNATURE

Feb - 9 - 2010

DATE

Counsel's Address:

Prisoners' Legal Services

201-33241 Walsh Avenue

Abbotsford, BC V2S 1Z9

Tel: 604-853-3114

Fax: 604-853-1038



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 - 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

This is Exhibit " J " referred to in the
affidavit of Reza Eshghabadi
made before me at Maple Ridge
this 3 day of November 2010

Krusty Sim
A Commissioner for taking Affidavits
JUSTY SIM
PRISONERS' SOLICITOR
PRISONERS' LEGAL SERVICES
201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

July 12, 2010

VIA FACSIMILE: (604) 462 5187

Ms. Judy Mitchell/Ms Denean Jones
Fraser Regional Correctional Centre
PO Box 1500
Maple Ridge, BC V2X 7G3

Dear Mesdames:

Re: I/M CS#05763024
Request under Freedom of Information and Protection of Privacy Act

We are the legal advocate for Mr. Reza Eshghabadi. Please find enclosed an Appointment of Counsel form.

This is a request under the *Freedom of Information and Protection of Privacy Act (FOIPPA)*. Our office has been authorized by Mr. Eshghabadi to bring this request on his behalf. We request access to the following records:

- all medical records in the possession of Fraser Regional Correctional Centre that pertain to Mr. Reza Eshghabadi from November 20, 2009 to the current date.

We will be requiring strict adherence to the statutory timeframes set out in the *FOIPPA*. If you should decide to withhold any portion of the records that we have requested pursuant to Part 2, Division 2 of the *FOIPPA*, please provide us with a list of the records that you are withholding and the reason you are withholding each of them.

Should you require anything further to assist you, please do not hesitate to contact our office. Thank you for your assistance.

Sincerely,

PRISONERS' LEGAL SERVICES

Rachel Kelly
Legal Advocate

Encl.



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 – 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

This is Exhibit " K " referred to in the
affidavit of Reza Eshghabadi
made before me at Maple Ridge
this 3 day of November 2010

Kristy Sim
A Commissioner for taking Affidavits
within British Columbia

KRISTY SIM
BARRISTER & SOLICITOR
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

July 26, 2010

VIA FACSIMILE: (604) 462-5150

Mr. Miguel Albarado
Manager, Health Services
Fraser Regional Correctional Centre
PO Box 1500
Maple Ridge, BC V2X 7G3

Dear Mr. Albarado:

Re: REZA ESHGHABADI – CS#05763024

We write on behalf of our client, Mr. Reza Eshghabadi, regarding his request that Fraser Regional Correctional Centre ("FRCC") provide him with dentures. We refer to our initial letter dated January 28, 2010 (copy enclosed) and Mr. DiCastrì's response dated February 19, 2010. We also refer to the decision of the ISO on this issue, dated April 28, 2010 (copy enclosed).

The ISO, in its letter dated April 28, 2010 stated that it investigated Mr. Eshghabadi's complaint concerning dental care he received and FRCC's decision to deny his request for dentures. ISO concluded that Mr. Eshghabadi had not demonstrated injury to his health resulting from FRCC's refusal to provide him dental prosthetics and that BC Corrections had acted in accordance with Corrections Branch policy. ISO subsequently closed the file regarding this matter.

On behalf of Mr. Eshghabadi we submit a further request that FRCC provide him with dentures in light of new medical information which indicates that Mr. Eshghabadi is, in fact, suffering significant injury to his health as a result of being denied dentures. Mr. Eshghabadi reports that for several months he has experienced dizziness. Consequently, the institutional doctor ordered that blood tests be performed. The results of the blood tests apparently indicate that Mr. Eshghabadi is suffering digestive problems from being unable to chew his food and is not obtaining sufficient nourishment. In addition, Mr. Eshghabadi reports that he continues to lose weight, having lost 30 pounds since his teeth were removed. He reports that his medical records evidence this injury to his health. Mr. Eshghabadi advises that he

Mr. Miguel Albarado
Re: Reza Eshghabadi
July 12, 2010
Page 2 of 3

asked healthcare at FRCC to provide him with a copy of his medical records, but has been denied this request. Consequently, we have submitted a Freedom of Information request for his medical records on his behalf. We are yet to receive those records.

As you are aware, Section 9.5.4.5 of the Adult Custody Policy requires BC Corrections to provide dental prosthetics to prisoners where a failure to do so "may be injurious to the well-being or life of the inmate". The section provides:

9.5.4.5 The Corrections Branch does not assume responsibility for replacing missing or extracted teeth, unless a determination has been made by a qualified health care professional that missing or extracted teeth may be injurious to the well-being or life of the inmate.

Mr. Eshghabadi's remaining ten teeth were removed by the institutional dentist without his consent. Since the removal of his teeth, Mr. Eshghabadi has suffered, and continues to suffer, injury to his health, well-being and dignity. As outlined above, new medical evidence exists to support the fact of his deteriorating health.

Contrary to the implications contained in the ISO's decision, we respectfully submit that it is not an adequate response on the part of BC Corrections to simply offer to have the kitchen mince Mr. Eshghabadi's food for him. BC Corrections policy concerning the provision of dental prosthetics for *pre-existing* conditions (section 9.5.3.5) requires an inmate to demonstrate that his existing dentition is "inadequate to consume a prison diet". We submit that the reference to "a prison diet" does not and should not include a *minced* prison diet. Consequently, the fact that Mr. Eshghabadi is unable to chew his food, causing him digestive problems, suggests he meets the standard of injury to health envisaged by BC Corrections dental policy.

Further, the physician's advice to Mr. Eshghabadi, as referred to in the ISO's decision, to mince his food as he would if he were living in the community, fails to take account of the options that would be available to Mr. Eshghabadi to obtain dentures if he were living freely in the community. In the community, Mr. Eshghabadi would either be employed and therefore in a better financial position to purchase dentures, or on welfare, and therefore likely eligible for dentures funded by the provincial government pursuant to the *Employment and Assistance Regulations*, B.C. Reg. 263/2002 and in accordance with its denture policy. However, as recognized by the Federal Court of Canada in the case of *Drennan v. Canada (Attorney General)*, [2008] F.C.J No. 14, Mr. Eshghabadi is in a "uniquely vulnerable position" as a prisoner. He cannot choose his healthcare providers and is reliant on BC Corrections for all his healthcare needs.

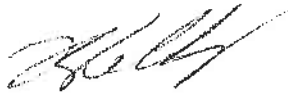
Mr. Miguel Albarado
Re: Reza Eshghabadi
July 12, 2010
Page 3 of 3

In light of the new medical evidence and our submissions above, we request that you review your previous decision and provide Mr. Eshghabadi with dentures in a timely fashion.

Thank you for your consideration of this request.

Sincerely,

PRISONERS' LEGAL SERVICES



Rachel Kelly
Legal Advocate

Encl.

cc: Ms Lynette Pineau, Investigations & Standards Office



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 - 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

January 28, 2010

VIA FACSIMILE: (604) 462-5186

Steve DiCatri
Fraser Regional Correctional Centre
PO Box 1500
13777 256th Street
Maple Ridge, BC
V2X 7G3

Dear Mr. DiCatri:

**Re: Reza Eshghabadi
Dental Care**

We are the legal advocate for Mr. Eshghabadi. Enclosed is Mr. Eshghabadi's appointment of counsel form. Please accept this letter on his behalf.

Mr. Eshghabadi contacted our office on January 20, 2010 requesting assistance in obtaining appropriate dental care at Fraser Regional Correctional Center ("FRCC"). Mr. Eshghabadi is an Iranian-born Canadian whose first language is Farsi. He has considerable difficulty speaking and understanding English.

Mr. Eshghabadi reports that on or around November 24, 2009 he underwent dental surgery during which ten of his teeth were removed. Mr. Eshghabadi reports that prior to undergoing the surgery, he was not adequately informed of the details of the procedure and did not fully understand that the purpose of the procedure was to remove ten of his teeth.

Since that dental procedure, Mr. Eshghabadi has been living with a large edentulous region in his oral cavity. Mr. Eshghabadi reports that he has submitted numerous requests to see the dentist to inquire about dental prostheses but has been unsuccessful. Mr. Eshghabadi reports that FRCC has not yet provided dentures or dental prostheses to replace his missing teeth. The present state of Mr. Eshghabadi's oral cavity makes it impossible for him to chew and consume the food

January 28, 2010
Page 2 of 2

offered as part of FRCC's prison diet. Consequently, Mr. Eshghabadi must limit himself to a diet of soup and other soft foods.

Mr. Eshghabadi reports that due to his present diet he is seriously undernourished and losing weight rapidly. He reports that he is also experiencing stomach pains related to his undernourishment. Failure to replacing Mr. Eshghabadi's edentulous areas with denture in a timely manner will result in a further deterioration of his health.

On behalf of Mr. Eshghabadi, we request that he be fitted for dentures immediately and that dentures be provided to him in a timely fashion.

Thank you for your anticipated cooperation.

Sincerely,

PRISONERS' LEGAL SERVICES

A handwritten signature in black ink, appearing to read 'Joel Doucette', with a long horizontal flourish extending to the right.

Joel Doucette
Legal Advocate

Encl.

cc. Reza Eshghabadi by mail



April 28, 2010

59320-20/10-001
CS# 05763024

Mr. Rene Eshghabadi
c/o Fraser Regional Correctional Centre
PO Box 1500
Maple Ridge, BC V2X 7G3

Dear Mr. Eshghabadi

I am writing in response to a letter written on your behalf by your legal advocate Mr. Doucette, dated April 1, 2010, which the Investigation and Standards office (ISO) received April 1.

Mr. Doucette wrote that your health is deteriorating and your ability to communicate is affected because the dentures you currently have are no longer suitable. He wrote that the dentist at Fraser Regional Correctional Centre (FRCC) extracted the dental posts that secure your dentures without your consent. Your legal advocate requests that the correctional centre acknowledge their partial responsibility for your current situation and provide you with new dentures immediately.

I reviewed your correctional medical record, the institutional record and Adult Custody Policy for B.C. Corrections when I looked into this matter.

The records indicate that you were admitted to custody at FRCC on November 20. The admitting nurse noted on her assessment that your dentures were ill fitting and your gums were reddened. She wrote that you asked to see the dentist and she made an appointment for you on this basis. The centre physician saw you on November 23 and noted your dentures fell out when you talked. He gave you a denture adhesive to see if this would help you.

In response to your complaints of dental pain, the dentist saw you on November 25. He wrote that you had many decaying and loose tooth fragments and that some of your dental roots would need extraction. He proceeded to do this. He saw you again on November 30 and wrote that he was not able to save your remaining dental roots.

The record indicates that you asked the dentist on February 3 why he had extracted your remaining dental roots. He wrote that he reviewed the x-rays of your gums with you once again. He wrote that it appeared you wanted dentures. He noted that you would benefit from dentures however he indicated that the lack of dentures was not negatively affecting you to any great extent physically. He did submit an "Extended Health Care Benefit" form on your behalf. I reviewed this form and noted you had no funds.

You saw the centre physician on February 19 to complain about weight loss because of your recent dental work. He examined you and noted you did not appear malnourished. He advised you to mince your food as you would if you were living in the community. He noted that you declined to have the kitchen mince your food for you. He asked for four weekly weights to monitor your nutritional status and advised you about the Adult Custody Policy regarding dentures. The records indicate that your weight increased over this four week period.

I reviewed Adult Custody Policy regarding this matter. It states that "Corrections Branch does not assume responsibility for replacing missing or extracted teeth, unless a determination has been made by a qualified health care professional that missing or extracted teeth may be injurious to the well-being or life of the inmate."

I forwarded your file to the Medical Director, B.C. Corrections Branch for his review and opinion on this matter. It was his opinion that there has been no demonstrable injury to your health resulting from not receiving dental prosthetics.

In my view, the health care staff have provided you with dental care that you requested and in accordance with Corrections Branch policy.

As I have addressed your complaint, I am closing your file regarding this matter.

Yours truly,



L. Pineau
Inspector
Investigation & Standards Office

/dk

- c: Dr. P. Beckett, Medical Director, Corrections Branch
Ms. J. Morris, President, Calibre Health Services Inc.
Ms. W. Dobbs, Operations Manager, Calibre Health Services Inc.
Mr. M. Alvarado, Health Care Manager, FRCC
✓ Mr. J. Doucette, Prisoners' Legal Services



BRITISH
COLUMBIA

The Best Place on Earth

File Number: 292-40/PSS-2010-01166

August 6, 2010

Rachel Kelly
Legal Advocate
Prisoners' Legal Services
201-33241 Walsh Avenue
Abbotsford, BC, V2S 1Z9

Dear Ms. Kelly:

Re: Request for Records
Freedom of Information and Protection of Privacy Act (the Act)

I am writing in response to your request received by the Ministry of Public Safety and Solicitor General on June 23, 2010. You requested a copy of all dental and medical records pertaining to your client, Reza Eshghabadi's, teeth and dentures.

Please find enclosed copies of the requested records. Some of the records contain information which is excepted from disclosure under the Act. Wherever this occurs, we have noted the section of the Act that applies. In the case of the enclosed records, we have withheld information under section 15(1)(L) (disclosure harmful to the security of any property or system, including a building, a vehicle, a computer system or a communications system) of the Act. A copy of this section is enclosed for your reference. Your file with our office is now closed.

You have the right to request a review of this decision. Please note you have 30 business days to request a review. I have enclosed information regarding this process. Any questions or concerns relating to your request may be directed to Stephanie MacLeod, the analyst assigned to your request, at 250-356-0820. You may be transferred to this telephone number free of charge by calling Enquiry BC at 604-660-2421 in Vancouver or at 1-800-663-7867 outside Victoria and Vancouver.

Yours sincerely,

Stephanie MacLeod, Analyst
On behalf of Dorothy Fielding, Team Lead

Enclosures

This is Exhibit " L " referred to in the
affidavit of Reza Eshghabadi
made before me at Maple Ridge, BC
this 3 day of November 2010

Kristy Sim
A Commissioner for taking Affidavits
British Columbia

KRISTY SIM
BARRISTER & SOLICITOR
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9



CALIBRE HEALTH SERVICES INC.

Facsimile - Fraser Regional Correctional Centre

To: Elizabeth Babecy

From: Manpreet Grewal (MOA)

Tel: 1- 250-952-6659

Date: ~~April 8, 2010~~
JUNE 30 / 2010

Fax: 1- 250-387-0817

of Pages: 5 , including this cover page

RE:

ESHGHABADI, REZA



1958.12.22



05763024

STATEMENT OF CONFIDENTIALITY: The information in this facsimile is legally privileged and confidential information. It is intended ONLY for the person(s) listed on the cover sheet. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this telecopy is strictly prohibited. If you receive this facsimile in error, please immediately notify us by phone. Call 604-462-5168. Please shred the document. Thank you.

Quality care for persons in custody

Website: CalibreHealth.ca

Health Care
Fraser Regional Correctional Centre
P. O. Box 1500, Maple Ridge, BC, V2X 7G3
Telephone: 604-462-5168
Fax: 604-462-5150

Main Office
Suite 407, 110 - 174 Wilson Street
Victoria, BC, V9A 7N7
Telephone: 250-388-5647
Fax: 250-388-7068

CENTRE: FRCC
TO: DIRECTOR PROGRAMS AND SERVICES
FROM: MEDICAL SERVICES

DATE: Feb 3, 10

ESHGHABADI, REZA

Comments: I'm unable to pay any portion.

1958.12.22



05783024



Nurse Signature

I recommend the following service(s) be provided for the above mentioned Inmate:

Dentures	\$ <u>1000.</u>	<u>upper and lower denture</u>
Glasses	\$ _____	
Prosthetics	\$ _____	
Outside Procedure	\$ _____	

If the above is not provided prior to discharge, the Inmate's health will:

Not be impaired and can be dealt with after release.
 Cause physical/psychological discomfort, but will not impair general condition.
 Be seriously impaired and deteriorate.

COMMENTS: _____

DATE: Feb 2, 10

[Signature]
Attending Practitioner Signature

Employed: Yes _____ No Current Account Balance \$ 56.86

DIRECTOR PROGRAMS & SERVICES _____ Approved Denied _____ Apportioned

PAYMENT ALLOCATION:

From Inmate's Trust Account \$ 0
From Centre Funds \$ _____

DATE: 02/09/2010

[Signature]
Program Director's Signature

INMATE PAYMENT APPLICATION FOR DENTURES/EYE GLASSES/PROSTHETICS

TO TRUST CLERK:

Inmate Name: _____ CS# _____ Unit SH
Balance in account: \$ _____

"I request to be provided with _____ at a cost of \$ _____. Please deduct \$ 0 from my trust account for this purpose; and/or hold my weekly pay \$ _____ per week for _____ weeks.

DATE: Feb 2, 10

[Signature]
Inmate's Signature

* ONCE CUSTOM MADE ITEMS ARE ORDERED, EG., GLASSES, DENTURES, PROSTHETICS, THEY CANNOT BE CANCELLED. MONIES OWING WILL BE DEDUCTED FROM THE INMATE'S ACCOUNT AS AUTHORIZED.

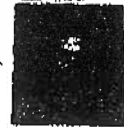
CENTRE: FRCC
TO: DIRECTOR PROGRAMS AND SERVICES
FROM: MEDICAL SERVICES

DATE: Feb 3, 10

ESHGHABADI, REZA

Comments:
I'm unable to pay any portion.

1956.12.22



Nurse Signature

I recommend the following service(s) be provided for the above mentioned Inmate:

Dentures	\$ <u>1000.</u>	<u>upper and lower denture</u>
Glasses	\$ _____	
Prosthetics	\$ _____	
Outside Procedure	\$ _____	

If the above is not provided prior to discharge, the Inmate's health will:

Not be impaired and can be dealt with after release.
 Cause physical/psychological discomfort, but will not impair general condition.
 Be seriously impaired and deteriorate.

COMMENTS:

DATE: Feb 2, 10

[Signature]
Attending Practitioner Signature

Employed: Yes No

Current Account Balance \$ 56.86

DIRECTOR PROGRAMS & SERVICES Approved Denied Apportioned

PAYMENT ALLOCATION:

From Inmate's Trust Account	\$ <u>0</u>
From Centre Funds	\$ _____

DATE: _____

Program Director's Signature

INMATE PAYMENT APPLICATION FOR DENTURES/EYE GLASSES/PROSTHETICS

TO TRUST CLERK:

Inmate Name: _____ CS# _____ Unit 5H

Balance in account: \$ _____

"I request to be provided with _____ at a cost of \$ _____. Please deduct \$ 0 from my trust account for this purpose; and/or hold my weekly pay \$ _____ per week for _____ weeks.

DATE: Feb 2, 10

[Signature]
Inmate's Signature

* ONCE CUSTOM MADE ITEMS ARE ORDERED, EG., GLASSES, DENTURES, PROSTHETICS, THEY CANNOT BE CANCELLED. MONIES OWING WILL BE DEDUCTED FROM THE INMATE'S ACCOUNT AS AUTHORIZED.

PAID
2/10/10

COPY

SOAP Report

Family Name ESHGHABADI
 First Name REZA
 CS Number 05763024

Centre FRCC
 Living Unit SH
 FPS Number

PHN 9892014537
 Birth Date 1958-12-22
 Gender MALE

ENCOUNTERS

Date Assessed	Status	Type Of Service	Diagnosis List	Prof. Status	Provider	Centre
2010-03-08	COMPLETED	Dental		DENTIST	LUK,JAMES	FRCC

Subjective**Objective****Assessment****Plan**

Patient presented for discussion of application for extended health care services.

Explained to him his request for dentures was denied because he had no funds. Told patient that if he could obtain funding we would make him dentures as he is here for another year. him says he has no money. No relatives or social support to provide him with funds. Suggested to him to contact legal aid and perhaps they could set him up for benefits. Patient said "thank you" and left.

Return pm.

Date Assessed

2010-02-03

Status

COMPLETED

Type Of Service

Dental

Diagnosis List

Prof. Status

DENTIST

Provider

LUK,JAMES

Centre

FRCC

Subjective

him presented to clinic and showed me letter stating and asking why I pulled out his remaining roots. Shows me his previous fixed partial dentures (bridges) and a tube of Poly grip that he was using to hold his bridges to his roots. I reviewed his radiographs with him again and it appears he just wanted dentures.

Objective

spec. upper and lower arches appear to have healed quite well.

Assessment

him would benefit from complete upper and lower dentures. Undoubtedly not having any teeth has affected him psychosocially and less so physically. Amount quoted \$850 to 1000. Application for extended health care benefits applied for.

Plan

Return pm.

Date Assessed

2009-11-30

Status

COMPLETED

Type Of Service

Dental

Diagnosis List

Prof. Status

DENTIST

Provider

LUK,JAMES

Centre

FRCC

Subjective

him presented for ext of left side.

2010-06-30 15:57:19

S.15(1)(L)

SOAP
Objective
Assessment
Plan
roots #23 #24 #25 and #27 #35 #34 and #33.
hopeless teeth.
bc ext #23 #24 #25 #27 #35 #34 and #33. 4 carp anticaline 4% with 1:200,000api given as L PSA MSA ASA GP IA B and L. Released pdl, elevated and forceps removal of all roots. Sockets curetted, rinsed and cleaned. Post op given. Rx: Ibuprofen 400mg 1 qid prn x12 tabs.

Centre
FRCC

Provider
LUK,JAMES

Prof. Status
DENTIST

Type Of Service
Dental

Status
COMPLETED

Date Assessed
2009-11-25

Subjective
Objective
Assessment
Plan
cc: "I have pain here." Irm removes upper and lower fixed bridges and points to many loose and carious abutments. "They make in Iran."
msh.nkda. spec. many carious abutments,px6.
#14 #13 #47fragment #44 #43 abutments require extraction. NV: left side.
bc ext # 14 #13 #47fragment #44 #43. 3 carp anticaline 4% with 1:200,000api given as R ASA GP NP IA B and L. Released pdl, elevated than forceps complete removal of roots and fragment. Sockets curetted rinsed and cleaned. Post op given. Ibuprofen as needed. Irm kept upper and lower bridges.



The Best Place on Earth

Our File: 292-40/PSS-2010-01870

October 22, 2010

Rachel Kelly
Prisoners' Legal Services
201 - 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9

This is Exhibit " M " referred to in the
affidavit of Reza Eshghabadi
made before me at Naple Ridge, BC
this 3 day of November 2010

Dear Rachel Kelly:

Re: Request for Records
Freedom of Information and Protection of Privacy Act (the Act)

Kristy Sim
A Commissioner for taking Affidavits
within British Columbia
KRISTY SIM
BARRISTER & SOLICITOR
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

The Ministry of Public Safety and Solicitor General received your request for access to information under the *Freedom of Information and Protection of Privacy Act* (the Act) on October 14, 2010. You requested a copy of your client, Reza Eshghabadi's medical records from November 20, 2009 to October 14, 2010.

Please find enclosed a copy of the requested records. Some of the records contain information which is exempted from disclosure under the Act. Wherever this occurs, we have noted the section of the Act that applies. In the case of the enclosed records, we have withheld information under Section 15(1)(L) (disclosure harmful to the security of any property or system, including a building, a vehicle, a computer system or a communications system), and Section 22 (disclosure harmful to personal privacy) of the Act. I have enclosed a copy of these sections of the Act for your reference.

Under Section 52 of the Act, you may ask the Information and Privacy Commissioner to review the Ministry's response to your request. You have 30 business days upon receipt of this notice to request a review by writing to:

Information and Privacy Commissioner
PO Box 9038 Stn Prov Govt
Victoria, BC, V8W 9A4
Phone: (250) 387-5629 Fax: 250 387-1696
Website: www.oipc.bc.ca

If you wish to request a review by the Commissioner's Office, please provide their office with:

- a copy of your original request;
- a copy of this letter; and
- a written request, specifying the reasons for a review.

Failure to request a review, in writing, within the 30 business day time limit will result in your right to request a review being lost, unless the Commissioner deems otherwise.

.../2

Ministry of Citizens' Services
Information Access Operations
Personal Access Services Team


Mailing Address:
PO Box 9569 Stn Prov Govt Victoria BC V8W 9K1
Telephone: 250-387-0820 Facsimile: 250-387-0817

Courier Address:
2nd Floor 548 Michigan Street Victoria BC

If you believe that your request has not been answered completely or if you require further clarification of this release package please call Dale Vanelli at 250-387-9808. You may be transferred to this telephone number free of charge by calling Enquiry BC at 604-660-2421 in Vancouver or at 1-800-663-7867 outside Victoria and Vancouver.

Yours truly,

A handwritten signature in cursive script, appearing to read "Dorothy Fielding", with a long horizontal flourish extending to the right.

: Dorothy Fielding
Team Lead, Personal Access Services

Enclosures



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 - 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

This is Exhibit " N " referred to in the
affidavit of Reza Eshghabadi
made before me at Maple Ridge, BC
this 3 day of November 2010

Kristy Sim
A Commissioner for taking Affidavits
within British Columbia

KRISTY SIM
BARRISTER & SOLICITOR
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

September 1, 2010

VIA FACSIMILE: 604 462 5150

Mr. Jim Goheen
Manager, Health Services
Fraser Regional Correctional Centre
PO Box 1500
Maple Ridge, BV V2X 7G3

Dear Mr. Goheen:

As discussed this morning, I have attached a copy of a letter sent to Fraser Regional Correctional Centre on July 26, 2010 requesting that Mr. Eshghabadi be provided with dentures. This request was made in light of new medical evidence that indicates that Mr. Eshghabadi's health is, in fact, deteriorating as a result of not having any teeth. We have not yet received a response from FRCC or ISO.

Mr. Eshghabadi is becoming increasingly frustrated and his health continues to deteriorate. We ask that you make a decision regarding his request for dentures urgently. As indicated in my attached letter, Mr. Eshghabadi has recently undergone blood tests which confirm his health problems.

Thank you for your assistance.

Sincerely,

PRISONERS' LEGAL SERVICES

Rachel Kelly
Legal Advocate

Encl.



Prisoners' Legal Services

A Project of the West Coast Prison Justice Society
201 – 33241 Walsh Avenue
Abbotsford, BC V2S 1Z9
Tel. 604-853-3114 Fax. 604-853-1038

July 26, 2010

VIA FACSIMILE: (604) 462-5150

Mr. Miguel Albarado
Manager, Health Services
Fraser Regional Correctional Centre
PO Box 1500
Maple Ridge, BC V2X 7G3

Dear Mr. Albarado:

Re: REZA ESHGHABADI – CS#05763024

We write on behalf of our client, Mr. Reza Eshghabadi, regarding his request that Fraser Regional Correctional Centre ("FRCC") provide him with dentures. We refer to our initial letter dated January 28, 2010 (copy enclosed) and Mr. DiCastrì's response dated February 19, 2010. We also refer to the decision of the ISO on this issue, dated April 28, 2010 (copy enclosed).

The ISO, in its letter dated April 28, 2010 stated that it investigated Mr. Eshghabadi's complaint concerning dental care he received and FRCC's decision to deny his request for dentures. ISO concluded that Mr. Eshghabadi had not demonstrated injury to his health resulting from FRCC's refusal to provide him dental prosthetics and that BC Corrections had acted in accordance with Corrections Branch policy. ISO subsequently closed the file regarding this matter.

On behalf of Mr. Eshghabadi we submit a further request that FRCC provide him with dentures in light of new medical information which indicates that Mr. Eshghabadi is, in fact, suffering significant injury to his health as a result of being denied dentures. Mr. Eshghabadi reports that for several months he has experienced dizziness. Consequently, the institutional doctor ordered that blood tests be performed. The results of the blood tests apparently indicate that Mr. Eshghabadi is suffering digestive problems from being unable to chew his food and is not obtaining sufficient nourishment. In addition, Mr. Eshghabadi reports that he continues to lose weight, having lost 30 pounds since his teeth were removed. He reports that his medical records evidence this injury to his health. Mr. Eshghabadi advises that he

Mr. Miguel Albarado
Re: Reza Eshghabadi
July 12, 2010
Page 2 of 3

asked healthcare at FRCC to provide him with a copy of his medical records, but has been denied this request. Consequently, we have submitted a Freedom of Information request for his medical records on his behalf. We are yet to receive those records.

As you are aware, Section 9.5.4.5 of the Adult Custody Policy requires BC Corrections to provide dental prosthetics to prisoners where a failure to do so "may be injurious to the well-being or life of the inmate". The section provides:

9.5.4.5 The Corrections Branch does not assume responsibility for replacing missing or extracted teeth, unless a determination has been made by a qualified health care professional that missing or extracted teeth may be injurious to the well-being or life of the inmate.

Mr. Eshghabadi's remaining ten teeth were removed by the institutional dentist without his consent. Since the removal of his teeth, Mr. Eshghabadi has suffered, and continues to suffer, injury to his health, well-being and dignity. As outlined above, new medical evidence exists to support the fact of his deteriorating health.

Contrary to the implications contained in the ISO's decision, we respectfully submit that it is not an adequate response on the part of BC Corrections to simply offer to have the kitchen mince Mr. Eshghabadi's food for him. BC Corrections policy concerning the provision of dental prosthetics for *pre-existing* conditions (section 9.5.3.5) requires an inmate to demonstrate that his existing dentition is "inadequate to consume a prison diet". We submit that the reference to "a prison diet" does not and should not include a *minced* prison diet. Consequently, the fact that Mr. Eshghabadi is unable to chew his food, causing him digestive problems, suggests he meets the standard of injury to health envisaged by BC Corrections dental policy.

Further, the physician's advice to Mr. Eshghabadi, as referred to in the ISO's decision, to mince his food as he would if he were living in the community, fails to take account of the options that would be available to Mr. Eshghabadi to obtain dentures if he were living freely in the community. In the community, Mr. Eshghabadi would either be employed and therefore in a better financial position to purchase dentures, or on welfare, and therefore likely eligible for dentures funded by the provincial government pursuant to the *Employment and Assistance Regulations*, B.C. Reg. 263/2002 and in accordance with its denture policy. However, as recognized by the Federal Court of Canada in the case of *Drennan v. Canada (Attorney General)*, [2008] F.C.J No. 14, Mr. Eshghabadi is in a "uniquely vulnerable position" as a prisoner. He cannot choose his healthcare providers and is reliant on BC Corrections for all his healthcare needs.

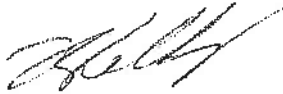
Mr. Miguel Albarado
Re: Reza Eshghabadi
July 12, 2010
Page 3 of 3

In light of the new medical evidence and our submissions above, we request that you review your previous decision and provide Mr. Eshghabadi with dentures in a timely fashion.

Thank you for your consideration of this request.

Sincerely,

PRISONERS' LEGAL SERVICES



Rachel Kelly
Legal Advocate

Encl.

cc: Ms Lynette Pineau, Investigations & Standards Office

Rachel Kelly

From: Alvarado, Miguel SG:EX [Miguel.Alvarado@gov.bc.ca]
Sent: September 17, 2010 12:45 PM
To: Alvarado, Miguel SG:EX; rachelk@wcpjs.org
Cc: Pineau, Lynette L AG:EX; Wynne Dobbs; Legge, Rebecca J SG:EX; Luk, James T SG:EX
Subject: RE: Dental Treatment - I/M R.E. CS#05763024

Ms. Kelly,

As per your request on your letter dated July 12th, 2010, we reviewed this case again with the MD, the dentist, and the FRCC admin office.

We all concur that the patient was well informed in advance of the procedure that was taking place. The procedure was performed with his consent. No injurious consequences have taken place due to the procedure. No digestive problems have been linked to this dental procedure.

In light of this review, we conclude again that the centre will not be providing dentures to this individual at this time.

Sincerely,

Miguel Alvarado

*Fraser Regional Correctional Centre
Health Care Manager*

604.462.5168

This is Exhibit " D " referred to in the affidavit of Reza Eshghabadi made before me at Maple Ridge, BC this 3 day of November 2010

Kristy Sim
A Commissioner for **KRISTY SIM**
with the **BARRISTER & SOLICITOR**
PRISONERS' LEGAL SERVICES
#201 - 33241 Walsh Avenue
Abbotsford, B.C. V2S 1Z9

PATIENT ESHGHABADI, REZA

10-876442

DATE AND TIME OF COLLECTION 2010/05/14 15:07

PHN NOT GIVEN

AGE 51 Years SEX M

DOB 1958/12/22

PATIENT'S PHONE 604 462 5168

CHART NO. 05763024



7455 130th Street, Surrey B.C. V3W 1H8

Test Results	(604) 507-5070
Toll Free	(800) 565-1441
Consultation	(604) 507-3000
FAX	(604) 507-5200

DR REBECCA LEGGE
BOX 1500
MAPLE RIDGE BC V2X 7G3 MM

TEST	FLAG	RESULT	REFERENCE RANGE AND COMMENTS
ROUTINE HEMATOLOGY			
HEMATOLOGY PANEL			
WBC		4.9	(4.0 - 11.0) 10 ⁹ /L
RBC		4.87	(4.30 - 5.90) 10 ¹² /L
HGB		149	(135 - 180) g/L
HCT		0.45	(0.41 - 0.52) L/L
MCV		92	(80 - 100) fL
MCH		30.6	(27.0 - 34.0) pg
MCHC		331	(323 - 365) g/L
PLT		230	(150 - 400) 10 ⁹ /L
DIFFERENTIAL			
Neutrophils		2.8	(2.0 - 8.0) 10 ⁹ /L
Lymphocytes		1.8	(1.0 - 4.0) 10 ⁹ /L
Monocytes		0.2	(< 0.9) 10 ⁹ /L
Eosinophils		0.1	(< 0.8) 10 ⁹ /L
Basophils		<0.1	(< 0.3) 10 ⁹ /L
ESR		4	(< 11) mm/hr
BIOCHEMICAL INVESTIGATION OF ANEMIAS			
Vitamin B12		238	(154 - 530) pmol/L
Interpretation:			
Serum B12 [Probability of symptomatic deficiency]			
		<75 pmol/L	high
		75-150 pmol/L	moderate
		150-220 pmol/L	low
		>220 pmol/L	rare
Clinically significant B12 deficiency may occur with B12 levels in the normal range, particularly in elderly patients.			

This is Exhibit " P " referred to in the affidavit of Reza Eshghabadi made before me at Maple Ridge, BC his 3 day of November 2010.

Kristy Sim
A Commissioner for taking Affidavits within British Columbia
KRISTY SIM
BARRISTER & SOLICITOR
WISOMERS' LEGAL SERVICES
201 - 33241 Walsh Avenue
Surrey, B.C. V2S 1Z9

Printed: 2010/05/15 10:10

PATIENT ESHGHABADI, REZA

FINAL REPORT

Page 1

DATE OF COLLECTION 2010/05/14

BC Biomedical Labs via fax#

PATIENT ESHGHABADI, REZA

10-876442

DATE AND TIME OF COLLECTION 2010/05/14 15:07

PHN NOT GIVEN

AGE 51 Years sex M

DOB:1958/12/22

PATIENT'S PHONE 604 462 5168

CHART NO. 05763024



7455 130th Street, Surrey B.C. V3W 1H8

Test Results	(604) 507-5020
Toll Free	(800) 565-1441
Consultation	(604) 507-5000
FAX	(604) 507-5200

DR REBECCA LEGGE
BOX 1500
MAPLE RIDGE BC V2X 7G3 MM

TEST	FLAG	RESULT	REFERENCE RANGE AND COMMENTS
URINALYSIS ROUTINE			
Appearance		Clear	
Colour		Yellow	
pH		6.5	(4.5-8.0)
Protein		Negative	g/L
Glucose		56	mmol/L
Ketones		Negative	
Blood		Negative	
Leucocytes		Negative	
Nitrite		Negative	
GENERAL CHEMISTRY			
Sodium		137	(135 - 145) mmol/L
Potassium		4.0	(3.5 - 5.0) mmol/L
Creatinine		48	(45 - 110) umol/L
Estimated GFR		> 120	(> 59) mL/min/1.73 sq.m
Note:	eGFR based on serum creatinine, age and gender. This result within reference interval. Diet, drugs and clinical state may also affect: see www.healthservices.gov.bc.ca/msp/protoguides/gpa/ckd.pdf		
Total Bili.		11	(< 25) umol/L
Gamma GT		24	(< 49) U/L
ALT		18	(< 50) U/L
INVESTIGATION OF PANCREATIC DISEASE			
Lipase		48	(< 75) U/L
INVESTIGATION OF CARBOHYDRATE METABOLISM			
DATE		A1C	Ref.Rng. Request#
10/05/14	H	13.1	(4.8 - 6.2) % 876442
Result assumes normal red cell lifespan and absence of hemoglobinopathy.			

Printed: 2010/05/15 10:10

PATIENT ESHGHABADI, REZA

FINAL REPORT

Page 2

DATE OF COLLECTION 2010/05/14

DR. J.J. COADY ASSOCIATES

CONSULTANTS IN LABORATORY MEDICINE

PHSA Laboratories

A service of the Provincial Health Services Authority

BC Cancer Agency
 BC Centre for Disease Control
 BC Children's Hospital and BC Women's Hospital and Health Centres
 BC Mental Health and Addiction Services - Provincial Toxicology

Name: ESEGHABADI, REZA
 PHN:
 DOB: 22/Dec/1958
 Gender: M
 Phone: 604 462 5168

Agency ID:
 PHSA ID: REF-719219
 Location: REF

SUBMITTER ID:

----- CLIENT COPY FOR: LEGGE, REBECCA -----

ACC#: F444
 FINAL

COLL: 14/May/2010 15:07 REC: 17/May/2010 13:29
 CLIENT OR ORD. PHYS: 29851C LEGGE, REBECCA
 COPY TO:

	RESULT	FLAG REFERENCE RANGE	UNITS	RESULT DATE
Hepatitis C Virus Antibody Anti HCV	Non-reactive No evidence of HCV infection.			17/May/2010
Anti HIV 1 and 2 Anti HIV 1 and 2	Non-reactive No evidence of HIV infection.			17/May/2010

LEGEND:

H/L Abnormal Value
 HH/LL Critical Value
 */** General Laboratory - Abnormal Text Result
 * Microbiology Susceptibility Grid - indicates comment printed below grid

Results performed at PHSA Laboratories unless otherwise indicated.
 For inquiries call 1-877-PHSA LAB (1-877-747-2522) or fax 604-707-2601

This report is intended only for the use of the addressee. If this report is received in error, please immediately notify PHSA Laboratories at 1-877-747-2522.

PRINTED: 17/May/2010 21:25

END OF REPORT

PAGE 1

02

PHSA Laboratories

A service of the Provincial Health Services Authority

BC Cancer Agency
BC Centre for Disease Control
BC Children's Hospital and BC Women's Hospital and Health Centre
BC Mental Health and Addiction Services - Provincial Toxicology

Name: ESHGHARADI, REZA Agency ID: SUBMITTER ID:
PHN: PHSA ID: REF-719219
DOB: 22/Dec/1958 Location: REF
Gender: M
Phone: 604 462 5168

CLIENT COPY FOR: LEGGE, REBECCA

ACC#: F445 COLL: 14/May/2010 15:07 REC: 17/May/2010 13:29
FINAL CLIENT OR ORD. PHYS: 29851C LEGGE, REBECCA
COPY TO:

	RESULT	FLAG REFERENCE RANGE	UNITS	RESULT DATE
T. pallidum Screening (RPR)				
Reason For Testing	Routine screen			17/May/2010
Special Requests	None			17/May/2010
Rapid Plasma Reagin	Non-reactive			18/May/2010

ACC#: F460 COLL: 14/May/2010 15:07 REC: 17/May/2010 13:29
FINAL CLIENT OR ORD. PHYS: 29851C LEGGE, REBECCA
COPY TO:

	RESULT	FLAG REFERENCE RANGE	UNITS	RESULT DATE
H. pylori IgG Serology				
Helicobacter pylori IgG	REACTIVE (Enzyme Immunoassay)	**		18/May/2010
	IF symptoms persist, repeat testing is not recommended less than 6-9 months after treatment.			

Booked for May 29th
Dee
MD
A

LEGEND:
H/L Abnormal Value
HH/LL Critical Value
*/** General Laboratory - Abnormal Text Result
* Microbiology Susceptibility Grid - indicates comment printed below grid

Results performed at PHSA Laboratories unless otherwise indicated.
For inquiries call 1-877-PHSA LAB (1-877-747-2522) or fax 604-707-2601

This report is intended only for the use of the addressee. If this report is received in error, please immediately notify PHSA Laboratories at 1-877-747-2522.

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END OF REPORT

PAGE 1

PATIENT ESHGHABADI, REZA

10-1549383

DATE AND TIME OF COLLECTION 2010/09/14 11:34

PHN NOT GIVEN

AGE 51 Years SEX M

DOB 1958/12/22

PATIENT'S PHONE 604 462 5168

CHART NO. 005763024



7455 130th Street, Surrey B.C. V3W 1H8

Test Results	(604) 507-5070
Test Price	(800) 565-1441
Consultation	(604) 507-5000
FAX	(604) 507-5200

DR REBECCA LEGGE
BOX 1500
MAPLE RIDGE BC V2X 7G3 MM

TEST	FLAG	RESULT	REFERENCE RANGE AND COMMENTS
GENERAL CHEMISTRY			
FBS	H	16.6 (3.6 - 5.5) mmol/L	FBS Taken at: 1010 h 12.0 h pc
LIPIDS			
Cholesterol	H	6.0 (2.0 - 5.2) mmol/L	At risk: >6.2 mmol/L
LDL Cholesterol	H	3.5 (1.5 - 3.4) mmol/L	At risk: >3.4 mmol/L
An LDL cholesterol level of less than 2.6 mmol/L is suggested for patients with established CAD.			
HDL Cholesterol		1.2 (> 0.9) mmol/L	
Chol:HDL Ratio	H	5.0 (< 5.0)	A ratio of 5.0 in males is associated with average risk. Increased ratios are associated with higher risk for CAD.
Triglycerides	H	2.9 (< 2.3) mmol/L	Spec. Collected: 12.0 h pc

Backed Sep. 22 110
Dee MD

Printed: 2010/09/14 21:50

PATIENT ESHGHABADI, REZA

FINAL REPORT

DATE OF COLLECTION 2010/09/14

Client Services Menu

- Client Profile
- Client History
- Client Log
- Client Form
- Trust Inquiry
- Internal Location

Client Header

Current Name: Eshghabadi, Reza Active Security Alerts: N
 CS#: 05763024 Date of Birth: 1968.12.22 Gender: Male



Trust Account Balance Inquiry

Current Balance: 47.50 Foreign Funds: 0.00
 Hold Balance: 0.00 Type:
 Total Balance: 47.50 Receipt No:

Date	Class	Type	Ref#	Amount	Current	Hold	Description	Loca
2010.10.13	DI	BF	1810128	-0.00	47.50	0.00	BBQ - SH	FRCC
2010.10.13	WR	CW	fisheries	31.50	53.50	0.00		FRCC
2010.10.12	DI	CN	1810206	-20.54	22.00	0.00	canteen - sierra	FRCC
2010.10.08	WR	CW	fisheries	27.00	42.54	0.00		FRCC
2010.10.04	DI	CN	1827846	-20.90	15.54	0.00	canteen - SH	FRCC
2010.09.30	DI	BF	1810032	-8.00	39.44	0.00	SH - BBQ	FRCC
2010.09.29	WR	CW	fishery	31.50	42.44	0.00		FRCC
2010.09.27	DI	CN	1809701	-25.93	10.54	0.00	canteen-sh	FRCC
2010.09.22	WR	CW	fisheries	31.50	36.87	0.00		FRCC
2010.09.20	DI	CN	1809046	-22.34	8.37	0.00	canteen - sierra	FRCC
2010.09.18	DI	BF	1809468	-8.00	27.71	0.00	BBQ -SH	FRCC
2010.09.16	DI	TP	88991	-10.00	39.71	0.00	Runde lo phonecard	FRCC
2010.09.15	WR	CW	mixed wag	18.00	43.71	0.00		FRCC
2010.09.15	WR	CW	fish	27.00	28.71	0.00		FRCC
2010.09.13	DI	CN	1809802	-26.00	1.71	0.00	canteen - sierra	FRCC
2010.09.08	WR	CW	fish	21.00	28.71	0.00		FRCC
2010.09.07	DI	CN	1809274	-24.36	8.71	0.00	canteen	FRCC
2010.09.02	DI	BF	1808375	-9.50	33.07	0.00	BBQ - SH	FRCC
2010.08.01	WR	CW	fish	21.00	42.57	0.00		FRCC
2010.08.30	DI	CN	1809088	-17.82	21.57	0.00	canteen SH	FRCC
2010.08.28	WR	CW	FISH	27.00	39.19	0.00		FRCC
2010.08.23	DI	CN	1849718	-18.00	12.19	0.00	canteen-sierra house	FRCC
2010.08.18	DI	BF	1849867	-8.50	28.28	0.00	BBQ -SH	FRCC
2010.08.18	WR	CW	FISHERYS	31.50	39.78	0.00		FRCC
2010.08.16	DI	CN	1849589	-18.38	5.28	0.00	canteen -SH	FRCC

Page 1 of 6

Previous 1 2 3 4 5 6 Next

This is Exhibit " Q " referred to in the affidavit of Reza Eshghabadi made before me at Maple Ridge, BC this 3 day of November 2010

Kristy Sim

A Commissioner for Taking Affidavits
British Columbia

KRISTY SIM
 BARRISTER & SOLICITOR
 PRISONERS' LEGAL SERVICES
 #201 - 33241 Walsh Avenue
 Abbotsford, B.C. V2S 1Z9