

DATE FILED: 2022-10-12 12:51 PM 2022

EL PASO COUNTY DISTRICT COURT, COLORADO 270 S. Tejon Street Colorado Springs, CO 80903; 719-452-5284	
<b>PEOPLE OF THE STATE OF COLORADO,</b> Plaintiff <b>v.</b> <b>LETECIA STAUCH,</b> Defendant	▲ COURT USE ONLY ▲
<i>Attorneys for Wellpath, LLC</i> Catherine O'Brien Crum, #22656 Hall Booth Smith, P.C. 5619 DTC Parkway, Suite 1200 Greenwood Village, CO 80111 Phone: (303) 773-3500 Fax: (303) 779-0740 <a href="mailto:cobrien@hallboothsmith.com">cobrien@hallboothsmith.com</a>	Case No.: 2020CR1358 Div.: 15
<b>WELLPATH'S POSITION REGARDING          DEFENDANT'S MOTION FOR SECOND EVALUATION</b>	

Wellpath, LLC ("Wellpath"), by and through undersigned counsel hereby submits Wellpath's position regarding Defendant's "MOTION FOR SECOND SANITY EXAMINATION TO BE CONDUCTED AT CMHIP IN PUEBLO (D-47)." In support thereof, Wellpath states the following:

1. Wellpath currently contracts with El Paso County Detention Facility ("ECDF") to provide medical care through physicians, advanced practice staff and nurses to detainees at the ECDF.
2. Letecia Stauch is currently incarcerated in the El Paso County Jail ("CJC") pending trial in the above-captioned case.
3. Wellpath has been informed by the County that on September 12, 2022, Defendant submitted a motion for a sanity evaluation to be conducted at Colorado Mental Health Institute at Pueblo ("CMHIP"). The motion includes a request from the named clinical evaluator that the Defendant be monitored on an electroencephalogram ("EEG") machine for 72 hours and that a magnetic resonance imaging ("MRI") scan also be conducted on the Defendant.
4. While Wellpath takes no position on the motion itself, Wellpath does wish to provide the court with information on the burden posed to Wellpath of providing an EEG and at El Paso County Detention Center.

5. As a preliminary matter, according to the Mayo Clinic writings, an EEG (electroencephalogram) is a recording of brain activity usually done to investigate epilepsy or seizures. It can be done to confirm brain death or comas as well. In a conventional scalp EEG, sensors are attached to the scalp to pick up the electrical activity or signals in the brain. The activity is then transmitted to a machine through wires. A physician, usually a neurologist, interprets the recording. The recording is usually carried out by highly trained specialists called clinical neurophysiologists at centers and hospital clinics specializing in performing the tests. And, the test usually is completed during a short, as in an hour, visit for 20 to 40 minutes. Such tests would never be performed in a detention center.

6. Wellpath would not have protocols for caring for a detainee having such a test, and the performance of such a test would be outside the scope of Wellpath practitioners. Wellpath does not contract with El Paso County to provide such a service. If a patient at the jail needed one as a medical necessity, that patient would be referred out to an appropriate neurologist and clinic.

7. Even if the neurology team performing the EEG would be at the jail, it by necessity would need to be performed in a clinic cell which would take a clinic bed away from one or more detainees potentially. And, Wellpath practitioners in the jail clinic would of course need to be involved in assisting to make sure the subject detainee was all right, not having problems, and that other clinic patients were not being subjected to the circus environment that likely would occur if a company brought equipment and staff into the jail clinic setting.

8. At a minimum, concern for this detainee and for other clinic patients would require time consuming oversight by Wellpath staff regarding security, safety, and administration. Such burdensome oversight work would deter from the care other detainees require.

9. As an aside, when a patient does not have a seizure history, there likely would be no apparent medical necessity for such a test to be ordered by Wellpath. Wellpath has no knowledge supporting an EEG is medically necessary. And, Wellpath reports they are unaware of why a 72-hour EEG would be ordered in one clinical setting.

10. Regardless, conducting such a test for 72 hours at El Paso County Detention Center would be burdensome and interfere with the orderly flow of patient care by Wellpath providers.

WHEREFORE, for the reasons set forth above, Wellpath respectfully requests that the Court take due notice of Wellpath's position in this matter that the EEG not be performed at the El Paso County Detention Center.

Respectfully Submitted this 12th day of October 2022.

HALL BOOTH SMITH, P.C.

*s/ Catherine O'Brien Crum*

\_\_\_\_\_  
Catherine O'Brien Crum, #22656

*Attorneys for Wellpath, LLC*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 12th day of October 2022, a true and complete copy of the foregoing was filed with the Court via Colorado E-Filing and served thereby on the following:

Joshua Tolini, #30119  
Barker and Tolini PC  
720 S Tejon St.  
Colorado Springs, CO 80903  
[joshuatolini@hotmail.com](mailto:joshuatolini@hotmail.com)

Chris Strider, #51124  
Assistant County Attorney, ECSO  
El Paso County Attorney's Office  
200 S. Cascade Ave.  
Colorado Springs, CO 80903  
*Attorney for El Paso County*

4th Judicial District Attorneys' Office  
Michael Allen, #42955  
Angelina Gratiano, #50674  
David Young, #21118  
105 E Vermijo Ave.  
Colorado Springs, CO 80903  
[michaelallen@elpasoco.com](mailto:michaelallen@elpasoco.com)  
[angelinagratiانو@elpasoco.com](mailto:angelinagratiانو@elpasoco.com)  
[daveyoung@elpasoco.com](mailto:daveyoung@elpasoco.com)

*s/ Dixie Child*

\_\_\_\_\_  
Dixie Child

*This document will be maintained in accordance with C.R.C.P. 121 § 1-26(7).*