

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

NAZARETH GATES, ET AL.,

PLAINTIFFS

VS.

4:71CV6-JAD

HALEY BARBOUR, ET AL.,

DEFENDANTS

**DEFENDANT'S MOTION TO AMEND
ADMINISTRATIVE REMEDY PROGRAM
FOR MEDICAL COMPLAINTS**

NOW INTO COURT, represented by undersigned counsel, comes the Mississippi Department of Corrections Commissioner Christopher B. Epps, who respectfully represents as follows:

I.

On February 15, 1994 Chief United States District Court Judge L. T. Senter signed an Order certifying the Administrative Remedy Program (ARP) for the Mississippi Department of Corrections (MDOC).

II.

Since that time, MDOC has contracted with medical service providers to provide medical care to its inmates.

III.

MDOC desires Court approval for a specific process dealing with medical complaints filed by inmates within the MDOC.

IV.

Specifically, MDOC desires for all inmate medical complaints to be answered at Step One of the ARP by the on site senior medical director employed by the contractor.

V.

Step Two of inmate medical complaints will be answered by the regional medical director for the contractor.

VI.

Step Three medical complaints will be answered by the MDOC Commissioner of Corrections with input from the MDOC medical director.

VII.

This process will allow consideration by licensed medical professionals on all medical complaints of inmates.

VIII.

MDOC prays for this to be implemented as soon as approved by the Court.

IX.

MDOC prays for ARP rules to be drafted for medical complaints that comply with this pleading as soon as Court approval is obtained.

X.

The new amended plan will assist the MDOC medical director in monitoring the medical care provided to MDOC inmates under the medical contract.

WHEREFORE, PREMISES CONSIDERED, Defendants move this Honorable Court to amend the Administrative Remedy Program Order for Medical Complaints, and grant any other relief deemed necessary and proper under the circumstances.

Respectf

ully submitted,

STATE

**JIM HOOD, ATTORNEY GENERAL
OF MISSISSIPPI**

SPECIAL

DAVID SCOTT
ASSISTANT ATTORNEY GENERAL

BY: s/Leonard C. Vincent

LEONARD C. VINCENT

CERTIFICATE OF SERVICE

I, **Leonard C. Vincent**, Attorney for the Mississippi Department of Corrections and one of the attorneys for the Defendants, do hereby certify that I have, this date, electronically filed the foregoing **Motion to Amend Administrative Remedy Program for Medical Complaints** with the Clerk of the Court using the ECF system which sent notification of such filing to Ronald R. Welch and David Scott

This, 5th day of June, 2006.

s/ Leonard C. Vincent
Leonard C. Vincent
General Counsel

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