

**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**

**SECOND AGREED ORDER TO AMEND  
ADMINISTRATIVE REMEDY PROGRAM  
FOR MEDICAL COMPLAINTS**

The Court has pending a Second Agreed Order to Amend the Administrative Remedy Program for Medical Complaints. The Administrative Remedy Program, (ARP) pursuant to 42 U.S.C. §1997 (e), the Civil Rights of Institutionalized Persons Act, (CRIPA), and part 40 of Title 28, Code of Federal Regulations was found to be in substantial compliance by this Court and was certified on February 15, 1994. Such program has remained in substantial compliance until the present time.

Some time after the Court's certification of the program, the Mississippi Department of Corrections (MDOC) began using contract medical providers to meet the medical needs of its prison population. The parties have agreed that the ARP should have a special provision for medical complaints that allows medical personnel to participate at all three steps of the procedure. In the interest of economy, this change is made.

The Court finds that the motion of the Defendants to have a specific process dealing with medical complaints by inmates in the MDOC should be granted by this Agreed Order.

After the signature date of this Order, all inmate medical complaints will be answered at Step One of the ARP by the appropriate person employed by the medical contractor.

Step Two of inmate medical complaints will be answered by the on-site Senior Medical Director for the medical contractor. If the Senior Medical Director is the object of the complaint, then it will begin at Step Two.

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

Medical professionals will consider all steps of inmate medical complaints.

Upon receipt of this Order, the Mississippi Department of Corrections is to implement the medical complaint procedure into the Administrative Remedy Program as soon as possible.

The parties agree to this change in the Administrative Remedy Program for inmate medical complaints.

The Court finds that this modification is well taken and should be approved.

**SO ORDERED**, this the 22<sup>nd</sup> day June, 2007.

/s/ JERRY A. DAVIS  
UNITED STATES MAGISTRATE JUDGE

Agreed to:

s/Ronald Reid Welch  
Ronald R. Welch for Plaintiffs

s/Leonard C. Vincent  
Leonard C. Vincent for Defendants