

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

**JEFFERY PRESLEY, ET AL.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 4:05CV148-JAD**

**CHRISTOPHER EPPS, ET AL.**

**DEFENDANTS**

**SUPPLEMENTAL CONSENT DECREE FOR MEDICAL CARE**

**MEDICAL**

1. Defendants will immediately revise their medical co-payment policy and procedure to clarify that they will not charge prisoners co-payment fees for any of the following medical encounters or treatments:
  - A. encounters initiated by medical, security or administrative staff
  - B. encounters resulting from referrals from other medical staff
  - C. encounters relating to the monitoring or treatment of chronic conditions, including Chronic Care clinic visits
  - D. encounters for medical emergencies, as determined by qualified medical staff
  - E. encounters for medication refills, lab work, x-rays, diagnostic tests, specialty care, or other ancillary, secondary or tertiary services
  - F. encounters or treatment in a hospital or infirmary
  - G. follow-up visits

H. encounters for mental health monitoring or treatment if a mental health professional determines the prisoner has a mental disorder for which monitoring or treatment is appropriate

2. Defendants will establish a procedure, separate from the ARP program, whereby prisoners who believe they have been incorrectly charged co-pay can request and receive prompt review of a co-pay charge by the Office of Medical Compliance, an explanation for the Chief Medical Officer's decision, prompt reimbursement of any co-pay charge which the Office of Medical Compliance finds should have been waived, and a record confirming reimbursement.

3. Defendants will distribute to all prisoners and include in the Inmate Handbook the revised co-pay policy and procedure, including the statement, "If you believe that you have been charged co-pay incorrectly, you may write to the MDOC Chief Medical Officer and explain why you believe you should not have been charged co-pay. The Chief Medical Officer will send you a letter notifying you of the decision and an explanation for why the charge was or was not correct. If the MDOC Chief Medical Officer agrees that you should not have been charged co-pay, MDOC will promptly refund the co-pay to your account and provide you with written confirmation that your account has been reimbursed."

4. Defendants will retain or cause to be retained no later than May 15, 2007 an additional full-time physician for Unit-32.

5. Defendants will retain or cause to be retained an additional eight full-time Registered Nurses (RNs) at MSP to fill existing FTE vacancies at MSP. These vacancies shall be reduced by two full-time RNs no later than May 15, 2007; an additional two full-

time RNs by June 15, 2007; an additional two full-time RNs by July 15, 2007; and an additional two full-time RNs by August 15, 2007.

6. Defendants will retain or cause to be retained twelve full-time Licensed Practical Nurses (LPNs) to fill existing LPN vacancies at MSP. These vacancies shall be reduced by three full-time LPNs no later than May 15, 2007; an additional three full-time LPNs by June 15, 2007; an additional three full-time LPNs by July 15, 2007; and an additional three full-time LPNs by August 15, 2007.
7. No later than September 15, 2007, Defendants will implement improvements in their paper medical records of inmates housed in the Mississippi State Penitentiary and particularly at Unit-32 that will meet community standards of medical record keeping. No later than June 30, 2008, Defendants will implement an electronic medical record system that meets community standards of medical record keeping.
8. The Parties agree that the stipulated remedies set forth in this Supplemental Consent Decree are narrowly drawn, extend no further than necessary to correct the violation of Federal rights, and are the least intrusive means necessary to correct the violation of the Federal rights.
9. The Parties agree that the Court shall retain jurisdiction to enforce the provisions of this Supplemental Consent Decree.

**SO ORDERED**, this the 16<sup>th</sup> day of April, 2007.

/s/ Jerry A. Davis  
U. S. MAGISTRATE JUDGE

Agreed:  
/s/ Margaret Winter  
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Counsel for Plaintiffs April 16, 2007

/s/Leonard C. Vincent  
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Counsel for Defendants April 16, 2007