

Procedure for Grievances Related to Medical Care

Step 1: Informal Resolution (Form 808.11A)

WHAT TO DO:

Verbally communicate your issue to a relevant staff member. If this does not work, file a Request for Interview ("RFI") (Form 808.11A) **as soon as possible**. **KEEP A COPY**. RFIs should be returned within 7 business days from the date correctional staff receive it.

FILING DEADLINES AT THIS STEP: Try to complete Step 1 **as soon as possible**. This will allow you to complete Step 2 within 30 calendar days of the incident, which is **required to later bring a lawsuit**.

WHAT'S NEXT? If you are unsatisfied with the response or receive no response, continue to Step 2 to file a formal grievance within 30 calendar days of the event at issue.

IMPORTANT: YOU MUST COMPLETE ALL STEPS (1-3) BEFORE YOU ARE ABLE TO FILE A LAWSUIT RELATED TO YOUR MEDICAL CARE. FAILING TO COMPLETE ANY OF THESE STEPS WILL RESULT IN YOUR LAWSUIT BEING DISMISSED FOR FAILURE TO EXHAUST YOUR ADMINISTRATIVE REMEDIES.

Step 2: File a Grievance (Form 808.03C)

WHAT TO DO: Fill out a Prisoner Grievance Form (Form 808.03C) to appeal your RFI decision from Step 1. **Attach a copy of the response to your RFI; if you did not receive a response to your RFI, attach a copy of your original RFI.** File these documents in the appropriate locked box.

FILING DEADLINES AT THIS STEP: You **MUST** file your Form 808.03C **within 30 calendar days of the event at issue**. **Do not miss this deadline!**

WHAT'S NEXT? Wait 15 business days. **If you are unsatisfied with the response or if you do not receive a response within 15 business days, immediately continue to Step 3.** Keep a copy of any response you receive.

IF YOUR GRIEVANCE IS RETURNED "SCREENED:" See other side of this handout for how to proceed.

Step 3: Appeal the Grievance Decision (Form 808.03D)

WHAT TO DO: If you disagree with the grievance decision you received in Step 2 or otherwise did not receive a response within 15 business days, file an appeal (Form 808.03D) **within 2 business days**.

On the form: (1) explain why you think the first grievance was not handled correctly; (2) state why you think you should have the services you requested; and (3) explain why you should not be denied.

Also complete the "Prisoner Response" section on page two of Form 808.03C that was returned to you in Step 2.

FILING DEADLINES AT THIS STEP:

Both Form 808.03D and the "Prisoner Response" section of Form 808.03C must be placed in the appropriate locked box **within 2 business days** of when you received a response to your grievance, or within 2 business days after the facility missed the 15-day deadline from Step 2. **Do not miss this deadline!**

WHAT'S NEXT? Wait for a decision from the Medical Advisory Committee. This is supposed to be rendered within 15 business days. If more than 15 days have passed, consider your appeal denied.

Once you receive a decision from the Medical Advisory Committee or 15 business days have passed without a decision, you may file a lawsuit.

IMPORTANT POINTS

1. Keep personal copies of **everything**. Even if it means writing them out by hand. Keeping a paper trail always helps!
2. EXTREMELY IMPORTANT: If you have not received a DOC response by the required date, FILE THE NEXT LEVEL GRIEVANCE. DO NOT WAIT ANY LONGER! Many incarcerated people wait and end up filing too late and losing their rights to sue. Don't be one of them!
3. If you have missed a deadline for some reason, file it late anyway and state the reason you are late (examples: my writing hand was broken; I was in the hole and COs would not take my grievance paperwork).
4. Do not be late filing required documents because you cannot obtain forms! If you can't get a form by the filing deadline, file on a plain piece of paper.
5. Use one grievance form for each complaint you have, instead of writing about multiple unrelated issues on one form.

Sample Language

Review the sample language below to get an idea of how to write your own grievance. A good grievance is one that specifies why you are making the request and states exactly what you want. We have provided a good example and a bad example of two common situations.

Medical care situation:

- Bad example: *"I want an x-ray done on my knee."*
- Good example: *"I have had sharp pain in my knee for the last 3 weeks. I would like to get an x-ray done as soon as possible to get a diagnosis of my issue. If an x-ray is not appropriate, I would like to know why not and I would like appropriate treatment."*

Assault situation:

- Bad example: *"I want to be moved out of my cell."*
- Good example: *"I was assaulted by my cellmate on March 18, 2018. We have not been separated, and I fear for my safety. I would like to be separated from him immediately."*

IF YOUR GRIEVANCE IS RETURNED "SCREENED" (see Step 2 on your Grievance Procedures chart): this means that DOC has identified something they believe is wrong with your grievance file.

You have two options:

1. You can correct what they claim is wrong and resubmit within two business days of receiving the screening form [Form 808.03A]; or
2. You can appeal the screening as incorrect. To do so you must submit in writing another Request for Interview Form [Form 808.11A, discussed in STEP ONE on reverse] and return it to the Facility Standards Officer within two business days. In this form:
 - a. Explain why the screening is incorrect, and
 - b. Attach a copy of the grievance you submitted and the screening form you received.