

 <p>CD-171100</p>	<h1 style="text-align: center;">NEW MEXICO CORRECTIONS DEPARTMENT</h1> <p style="text-align: center;"><i>"We commit to the safety and well-being of the people of New Mexico by doing the right thing, always."</i> Courage Responsibility Ethics Dedication - CREDibly serving the public safety of New Mexico</p>	
	ISSUE DATE: 07/01/94 REVIEW/REVISED: 02/16/15	EFFECTIVE DATE: 07/01/94
	TITLE: Emergency Medical Grievances	

AUTHORITY:

- A. NMSA 1978, Section 33-1-6, as amended.
- B. Consent Decree, Duran v Johnson, CV. 77-0721-JB (by reference only)

REFERENCES:

- A. Policy CD-150500
- B. ACA Std. 2-CO-4E-01, *Standards for the Administration of Correctional Agencies*, 2nd Edition.
- C. ACA Std. 4-4284 and 4-4344, *Standards for Adult Correctional Institutions*, 4th Edition.

PURPOSE:

To establish standardized access to an Inmate Grievance Procedure to provide opportunity for informal resolution and a standardized procedure to ensure that emergency medical grievances are properly addressed and provide a formal review of an issue impacting conditions of confinement or institutional life which personally affect the inmate grievant.

APPLICABILITY:

This operating procedure applies to all inmates at any facility operated by or for the New Mexico Corrections Department (NMCD), including those with contracted health services and any privately operated prisons contracted with the NMCD.

FORMS:

None

ATTACHMENTS:

None

DEFINITIONS:

Emergency Medical Grievance: An emergency grievance regarding medical, dental or psychiatric conditions which, if not treated promptly, will likely result in substantial harm to inmate or others.

POLICY:

Medical grievances shall be filed in accordance with (*CD-150500*) with proper medical notification as set forth in procedure (*CD-171101*).

- A. A written inmate grievance procedure shall be made available to all inmates and shall include at least one level of appeal. **[4-4284]**



Gregg Marcantel, Secretary of Corrections
New Mexico Corrections Department

02/16/15

Date

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Policy *CD-171100*

PROCEDURES:

A. There is a system for resolving inmate grievances related to health care concerns.
(4-4394)

1. Informal Grievance

- a. All grievances are stamped indicating the date and time when received.
- b. Inmates shall attempt to resolve their complaints through informal means including but not limited to:
 - Discussion with a medical staff member and or written communication.
 - In the event the inmate is unable to resolve their complaint through informal means:
 - Corrections Health staff member shall provide the inmate with an Informal Resolution form for the inmate to document their complaint.
 - Correctional Health staff member shall ensure the inmate understands and is able to complete the form.
- c. Director of Nursing Supervisor reviews the form, documents a response, meets with the inmate and attempts to resolve the issue within five working (5) working days of receiving.
- d. If there is resolution, the inmate signs the form, the nursing supervisor signs the form, a copy is provided to the inmate and the original is forwarded to the Health Services Administrator (HSA) or designee to be filed.
- e. If there is no resolution, the inmate may proceed with a formal grievance.

2. Formal Grievance:

1. Upon receipt of any Medical Grievance, the unit Grievance Coordinator shall immediately forward the Formal Grievance form to the Facility Health Services Administrator or designee. Within 10 workdays of receipt, the Facility Health Services Administrator or designee will:
 - a. Investigate the complaint
 - b. If it is determined the grievance cannot be resolved by a written response, the facility Health Services Administrator or designee will meet with the inmate submitting the Formal Grievance prior to preparing a written response. An attempt shall be made during the meeting to mutually resolve the grievance issue consistent with the essential medical needs of the inmate and the provision of medical services established by existing standards of required care and the system of written instructions;
2. Prepare a written response to the inmate's Formal Grievance. The written response to the inmate will include:
 - a. Summarization of the inmate's complaint and a description of what action was taken to investigate the complaint to include the date and content if a personal meeting with the inmate was conducted as outlined in 2 of this section.
 - b. A summary of findings.
 - c. The decision and supporting rationale in reaching the decision.
 - d. Return the documentation to the inmate through the unit Grievance coordinator.

3. Appeal for Medical Grievance

- a. If the inmate is not satisfied with the response he or she received from the Facility Health Services Administrator, the inmate may appeal to the NMCD Health Services Bureau Health Authority
- b. A copy of the Informal Grievance form and all responses must be attached to the Formal Grievance form when submitted.

- c. NMCD Health Services Bureau will provide a written response within fifteen (15) working days to receiving the grievance. The decision rendered by the NMCD Health Services Bureau is final.



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