

Description of Exhibits

EXHIBIT A1 (2pgs). FROM (2) Inmate Progress Reports

EXHIBIT A2 Inmate Job Orientation Form (See #14)
"Refusal to accept..."

EXHIBIT A3 ORDER of U.S. Court of Appeals dated
18 Nov 20 Denying rehearing.

EXHIBIT B

EXHIBIT C Administrative Policies: DC ADM 006, 1, A,
3, C; DC ADM 816, 1, M, 7; DC ADM 820, 1, B, 4, 5, 15 & 16

EXHIBIT E Memo fr. Superintendent Thompson acknowledging
disability.

EXHIBIT F Medical Order for "permanent" Rx for gel-
insoles.

EXHIBIT G DC 138A Medical Sick Call Request - Requesting
Alternative to reaction-inducing cloth masks.

EXHIBIT H (10 pgs) DC 135A Request To Staff (7 to
Mrs Feather, 1 to Mr. Oppman, 1 to Mr. Shola, 1 to Mr.
Bromley)

EXHIBIT I (Grievance # 899719-20) re: Med charges for react-
ion to mask treatment, seeking options - DENIED - ^{PENDING @} Sec. Level 1/26/21

EXHIBIT J (Grievance # 877649) re: Med charges for changing
pain meds / allergy issues / mask issues - DENIED

EXHIBIT K (Grievance # 823038) re: Waiting 3mo. 3wks for
replacement insoles - DENIED

EXHIBIT L (Grievance # 742642-18) re: Med charges for gel- insole /re consideration for orthopaedic shoes. DENIED

EXHIBIT M (Grievance # 703114-17) re: Cancellation of pain meds against DC ADM 820,1,B,15 - DENIED

EXHIBIT N (Grievance # 523596-14) re: Initial injury, request for dialogue, implementation of safety protocols, DENIED

EXHIBIT O (Grievance # 535735-14) re: Issues of lack of training and lack of Personal Protective Equipment, DENIED

EXHIBIT P (Grievance # 836255-19) re: Med. charges outside of contract and for appts. scheduled by Dept. against DC ADM 820,1,B,4 & 5 - DENIED

EXHIBIT Q (Grievance # 913487-21) re: Med charges for "chronic" condition against - DC ADM 820,1,B,16 - DENIED

General Docket
Third Circuit Court of Appeals

Court of Appeals Docket #: 19-1085**Docketed:** 01/11/2019**Nature of Suit:** 3555 Prison Condition**Termed:** 02/10/2020

John Sloan v. Pennsylvania Department of Cor, et al

Appeal From: United States District Court for the Western District of Pennsylvania**Fee Status:** PLRA**Case Type Information:**

- 1) civil
- 2) private
- 3) Civil Rights-prisoner

Originating Court Information:**District:** 0315-2 : 2-16-cv-01182**Trial Judge:** Nora B. Fischer, U.S. District Judge**Date Filed:** 08/05/2016**Date Order/Judgment:**

12/17/2018

Date Order/Judgment EOD:

12/17/2018

Date NOA Filed:

01/08/2019

Current Cases:

None

JOHN SLOAN (#KH-0937)
 Plaintiff - Appellant

John Sloan
 [NTC Pro Se]
 Mercer SCI
 801 Butler Pike
 Mercer, PA 16137

v.

PENNSYLVANIA DEPARTMENT OF
 CORRECTIONS
 Defendant - Appellee

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MS. KAREN FEATHER, C.C.S. Site Administrator
Defendant - Appellee

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

JOHN SLOAN,
Appellant






v.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS; MERCER SCI;
SUPERINTENDENT THOMPSON; CAPT. SULLENBERGER; MR. BOGGS, Maint. Mgr;
MR. BROMLEY, Facility Safety Manager; MR. DELLORSO, Maintenance #24;
MS. BOAL, Medical Dept. Supervisor; MR. WOODS, OSCS; MS. ENGSTROM,
Inmate Capt. Spc.; CORRECT CARE SOLUTIONS, (CCS); MR. RICHARD ELLERS, V.P.;
DR. SCOTT MORGAN; MS. KAREN FEATHER, C.C.S. Site Administrator

- 01/11/2019  CIVIL CASE DOCKETED. Notice filed by Appellant John Sloan in District Court No. 2-16-cv-01182. (KR) [Entered: 01/11/2019 08:14 AM]
- 01/11/2019 RECORD available on District Court CM/ECF. (KR) [Entered: 01/11/2019 08:21 AM]
- 01/11/2019  ORDER (Clerk) for all parties represented by Yana L. Warshafsky, Esq. the designated filer shall be Pennsylvania Department of Corrections, filed. (KR) [Entered: 01/11/2019 08:25 AM]
- 01/21/2019  ECF FILER: ENTRY OF APPEARANCE from Benjamin M. Lombard on behalf of Appellee(s) Richard Ellers, Correct Care Solutions, Dr. Scott Morgan and Karen Feather. [19-1085] (BML) [Entered: 01/21/2019 03:10 PM]
- 01/21/2019  ECF FILER: ENTRY OF APPEARANCE from Samuel H. Foreman on behalf of Appellee(s) Richard Ellers, Correct Care Solutions, Dr. Scott Morgan and Ms. Karen Feather. [19-1085] (SHF) [Entered: 01/21/2019 03:48 PM]
- 01/22/2019  ECF FILER: DISCLOSURE STATEMENT on behalf of Appellee Correct Care Solutions, filed. [19-1085] (SHF) [Entered: 01/22/2019 11:21 AM]
- 01/28/2019  MOTION filed by Appellant John Sloan to Proceed In Forma Pauperis. Response due on 02/08/2019. Certificate of Service dated 01/29/2019. Service made by ECF. (KR) [Entered: 01/29/2019 03:34 PM]
- 01/28/2019  IN FORMA PAUPERIS PRISONER ADDENDUM on behalf of Appellant John Sloan, filed. (KR) [Entered: 01/29/2019 03:38 PM]
- 01/28/2019  IN FORMA PAUPERIS PRISONER AUTHORIZATION on behalf of Appellant John Sloan, filed. (KR) [Entered: 01/29/2019 03:40 PM]
- 01/28/2019  PRISONER ACCOUNT STATEMENT on behalf of Appellant John Sloan, filed. (KR) [Entered: 01/29/2019 03:45 PM]
- 01/29/2019  FOLLOW UP LETTER to Yana L. Warshafsky, Esq. for Pennsylvania Department of Corrections requesting the following document(s): Appearance Form on or before 02/12/2019. (KR) [Entered: 01/29/2019 03:48 PM]
- 01/29/2019  MOTION filed by Appellant John Sloan for Appointment of Counsel. Response due on 02/11/2019. Certificate of Service dated 01/30/2019. Service made by ECF. (KR) [Entered: 01/30/2019 04:23 PM]
- 02/01/2019  CLERK ORDER granting Motion to proceed in forma pauperis filed by Appellant John Sloan. Appellant's Motion for appointment of counsel is referred to the same panel that will consider whether the appeal should be dismissed pursuant to 28 U.S.C. Section 1915(e) or whether summary action is appropriate. The appeal will be submitted to a panel for determination under 28 U.S.C. Section 1915(e)(2) or for summary action under Third Circuit L.A.R. 27.4 and I.O.P. 10.6. Appellant may submit argument, which should not exceed 5 pages, in support of the appeal. The

document, with certificate of service, must be filed with the clerk within 21 days of the date of this order, filed. (KR) [Entered: 02/01/2019 02:24 PM]

- 02/04/2019 ECF FILER: ENTRY OF APPEARANCE from Kemal Alexander Mericli on behalf of Appellee(s) PA Dept. of Corrections, SCI Mercer, Thompson, Sullenberger, Boggs, Bromley, Dellorso, Boal, Woods and Engstrom. [19-1085] (KAM) [Entered: 02/04/2019 01:08 PM]
- 02/04/2019  ECF FILER: CORRECTED ENTRY OF APPEARANCE from Kemal Alexander Mericli on behalf of Appellee(s) PA Dept of Corrections, SCI Mercer, Thompson, Sullenberger, Boggs, Bromley, Dellorso, Boal, Woods, and Engstrom. [19-1085]--[Edited 02/04/2019 by TMM] (KAM) [Entered: 02/04/2019 01:16 PM]
- 02/12/2019  ECF FILER: Response filed by Appellees Correct Care Solutions, Richard Ellers, Karen Feather and Scott Morgan to motion for appointment of counsel. Certificate of Service dated 02/12/2019. [19-1085]--[Edited 02/12/2019 by KR] (BML) [Entered: 02/12/2019 02:51 PM]
- 02/19/2019  Argument in Support of Appeal filed by Appellant John Sloan. Certificate of Service dated 02/14/2019. Service made by US mail. (KR) [Entered: 02/20/2019 10:44 AM]
- 07/24/2019  ORDER (RESTREPO, Circuit Judge) denying motion for appointment of counsel filed by Appellant John Sloan, filed. Panel No.: CLD-234. Restrepo, Authoring Judge. (LMR) [Entered: 07/24/2019 08:36 AM]
- 07/29/2019  CLERK ORDER advising that the case will not be submitted for possible dismissal pursuant to rule §1915(e)(2)(B), and advising that the case will not be submitted for possible summary action. The Clerk is directed to issue a briefing schedule. [SEE ORDER FOR FULL TEXT] (SH) [Entered: 07/29/2019 03:52 PM]
- 07/30/2019  BRIEFING NOTICE ISSUED. Brief on behalf of Appellant John Sloan due on or before 09/09/2019. Appendix due on or before 09/09/2019. (KR) [Entered: 07/30/2019 08:34 AM]
- 08/14/2019  ECF FILER: ENTRY OF APPEARANCE from Daniel B. Mullen on behalf of Appellee(s) Pa. Department of Corrections, SCI Mercer, Thompson, Sullenberger, Boggs, Bromley, Dellorso, Boal, Woods, and Engstrom. [19-1085] (DBM) [Entered: 08/14/2019 09:49 AM]
- 08/14/2019  Pro Se BRIEF with Appendix attached on behalf of Appellant John Sloan, filed. Pages: 5, Certificate of Service dated 08/12/2019 by US mail. (RM) [Entered: 08/14/2019 02:56 PM]
- 08/20/2019  ECF FILER: ENTRY OF APPEARANCE from Daniel B. Mullen on behalf of Appellee(s) PA Dept. of Corrections, SCI Mercer, Thompson, Sullenberger, Boggs, Bromley, Dellorso, Boal, Woods, Engstrom. [19-1085] (DBM) [Entered: 08/20/2019 02:44 PM]
- 08/21/2019  ECF FILER: Motion filed by Appellee(s) Pa. Department of Corrections, SCI Mercer, Thompson, Sullenberger, Boggs, Bromley, Dellorso, Boal, Woods, and Engstrom for Extension of Time to file Appellee Brief until/for November 12, 2019. Certificate of Service dated 08/21/2019. Service made by ECF, US mail. [19-1085]--[Edited 08/21/2019 by KR] (DBM) [Entered: 08/21/2019 03:19 PM]
- 08/27/2019  ECF FILER: Motion filed by Appellees Correct Care Solutions, Richard Ellers, Karen Feather and Scott Morgan for Extension of Time to file Appellees' Brief until/for November 12, 2019. Certificate of Service dated 08/27/2019. Service made by ECF, US mail. [19-1085] (BML) [Entered: 08/27/2019 10:44 AM]
- 08/28/2019  ORDER (Clerk)The foregoing motions are granted. Appellees' briefs must be filed and served on or before November 12, 2019. No further extensions of time will be granted, filed. (TMM) [Entered: 08/28/2019 12:51 PM]
- 11/12/2019  ECF FILER: ELECTRONIC BRIEF on behalf of Appellees Correct Care Solutions, Richard Ellers, Karen Feather and Scott Morgan. Certificate of Service dated 11/12/2019 by ECF, US mail. [19-1085] (BML) [Entered: 11/12/2019 10:38 AM]

- 11/12/2019 ECF FILER: ELECTRONIC BRIEF on behalf of Appellees Correct Care Solutions, Richard Ellers, Karen Feather, Scott Morgan and Pennsylvania Department of Corrections. Certificate of Service dated 11/12/2019 by ECF, US mail. [19-1085] - [Attachment has been removed by the Clerk as duplicative]--[Edited 11/12/2019 by MS] (DBM) [Entered: 11/12/2019 11:41 AM]
- 11/12/2019  ECF FILER: ELECTRONIC BRIEF on behalf of Appellee Pennsylvania Department of Corrections. Certificate of Service dated 11/12/2019 by ECF, US mail. [19-1085] (DBM) [Entered: 11/12/2019 11:50 AM]
- 11/15/2019 HARD COPY RECEIVED from Appellee Pennsylvania Department of Corrections - Brief. Copies: 7. (KEL) [Entered: 11/15/2019 03:10 PM]
- 11/18/2019 HARD COPY RECEIVED from Appellees Correct Care Solutions, Richard Ellers, Karen Feather and Scott Morgan - Brief. Copies: 7. (AR) [Entered: 11/18/2019 02:11 PM]
- 12/06/2019  MOTION filed by Appellant John Sloan for Extension of Time to File Reply Brief. Response due on 12/16/2019. Certificate of Service dated 12/02/2019. Service made by US mail. (KR) [Entered: 12/06/2019 04:28 PM]
- 12/12/2019  ORDER (Clerk) granting motion for extension of time to file reply brief filed by Appellant John Sloan. Reply brief must be filed and served on or before December 26, 2019. (ZM) [Entered: 12/12/2019 10:22 AM]
- 12/13/2019  Pro Se REPLY BRIEF on behalf of Appellant John Sloan. Certificate of Service dated 12/07/2019 by US mail. (RM) [Entered: 12/18/2019 04:45 PM]
- 12/13/2019  SUPPLEMENTAL APPENDIX on behalf of Appellant John Sloan, received. Volumes:1. Certificate of Service dated 12/07/2019 by US mail.--[Edited 03/04/2020 by GPK - corrected PDF uploaded.] (RM) [Entered: 12/18/2019 04:47 PM]
- 01/10/2020 68 Letter from Appellant John Sloan with copy of final appeal decision for grievance No. MER-823038 attached, treated as Document in Support of Appeal. Certificate of Service dated 01/06/2020. Service made by US mail. (KR) [Entered: 01/15/2020 04:36 PM]
- 01/27/2020 69 CALENDARED for Friday, 02/07/2020. (PM) [Entered: 01/27/2020 04:02 PM]
- 02/07/2020 70 SUBMITTED (Pro Se) on Friday, February 07, 2020. Panel: KRAUSE, MATEY, COWEN, Circuit Judges. (PM) [Entered: 02/07/2020 10:25 AM]
- 02/10/2020 71 NOT PRECEDENTIAL PER CURIAM OPINION Coram: KRAUSE, MATEY and COWEN, Circuit Judges. Total Pages: 9. (KR) [Entered: 02/10/2020 09:47 AM]
- 02/10/2020 72 JUDGMENT, Affirmed. Costs will not be taxed. (KR) [Entered: 02/10/2020 09:49 AM]
- 03/02/2020 73 MOTION filed by Appellant John Sloan for Extension of Time to File Petition for Rehearing. Response due on 03/12/2020. Certificate of Service dated 02/26/2020. Service made by US mail. (KR) [Entered: 03/03/2020 11:42 AM]
- 03/10/2020 74 ORDER (Clerk) granting motion for extension of time to file petition for rehearing filed by Appellant John Sloan. The petition for rehearing must be filed within thirty (30) days from the date of this order. (KR) [Entered: 03/10/2020 10:49 AM]
- 04/13/2020 75 MOTION filed by Appellant John Sloan for Extension of Time to File Petition for Rehearing until/for 30 days. Response due on 04/23/2020. Certificate of Service dated 04/08/2020. Service made by US mail. (KR) [Entered: 04/15/2020 10:29 AM]
- 04/28/2020 76 ORDER (MATEY, Circuit Judge) granting motion for extension of time to file petition for rehearing filed by Appellant John Sloan. Matey, Authoring Judge. Appellant is granted an additional 90 days extension to file petition for rehearing. (KR) [Entered: 04/28/2020 09:53 AM]

07/16/2020 77 MANDATE ISSUED. (KR) [Entered: 07/16/2020 02:36 PM]

07/27/2020 78 MOTION filed by Appellant John Sloan to File Petition for Rehearing Out of Time and for Appointment of Counsel. Response due on 08/03/2020. Certificate of Service dated 07/21/2020. Service made by US mail. (SLC) [Entered: 07/28/2020 02:41 PM]

08/24/2020 79 Objection to Court Judgment and Opinion filed by Appellant John Sloan. Certificate of Service dated 08/25/2020. Service made by ECF. (KR) [Entered: 08/25/2020 04:04 PM]

09/09/2020 80 ORDER (Clerk) The foregoing is hereby considered. Appellant is advised that his motion to file a petition for rehearing out of time an appointment of counsel, dated July 21, 2020 and received on July 27, 2020, is still pending with the Court. If the motion to file out of time is granted, the petition for rehearing that was received on the same day will then be forwarded to the Court for consideration. The parties will be notified when a decision on the pending motion has been entered. Appellant is further advised that, if he wishes to seek review of an order of this Court, he must file a petition for writ of certiorari in the United States Supreme Court. Appellant may contact the Supreme Court at 1 First Street, NE, Washington D.C. 20543 for information regarding the filing of a petition for writ of certiorari. The petition must be filed directly with the Supreme Court in accordance with that Court's rules and procedures. (TMM) [Entered: 09/09/2020 07:47 AM]

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-1085

JOHN SLOAN,
Appellant

v.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS; MERCER SCI;
SUPERINTENDENT THOMPSON; CAPT. SULLENBERGER; MR. BOGGS, Maint.
Mgr; MR. BROMLEY, Facility Safety Manager; MR. DELLORSO, Maintenance #24;
MS. BOAL, Medical Dept. Supervisor; MR. WOODS, OSCS; MS. ENGSTROM, Inmate
Capt. Spc.; CORRECT CARE SOLUTIONS, (CCS); MR. RICHARD ELLERS, V.P.;
DR. SCOTT MORGAN; MS. KAREN FEATHER, C.C.S. Site Administrator

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 2:16-cv-01182)
District Judge: Honorable Nora B. Fischer

Submitted Pursuant to Third Circuit LAR 34.1(a)
February 7, 2020

Before: KRAUSE, MATEY and COWEN, Circuit Judges

(Opinion filed: February 10, 2020)

OPINION*

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

PER CURIAM

John Sloan, a Pennsylvania prisoner who is proceeding pro se, appeals from an order of the United States District Court for the Western District of Pennsylvania granting the defendants' motions for summary judgment. We will affirm.

I.

Sloan sustained a fractured toe while on a work assignment as part of SCI-Mercer's maintenance crew. He later filed a civil rights complaint under 42 U.S.C. § 1983, which he later amended, alleging, inter alia, that he was not adequately treated for the toe injury, that the working conditions in the prison were dangerous, and that he was fired from his position in the prison's maintenance department in retaliation for initiating a civil suit in state court. He named as defendants the Pennsylvania Department of Corrections, SCI-Mercer, and several SCI-Mercer employees ("DOC defendants"). He also named Correct Care Solutions, a healthcare company that provides medical services to inmates, and three of its employees, Richard Ellers, Karen Feathers, and Dr. Morgan ("medical defendants").

The medical defendants and the DOC defendants filed separate motions for summary judgment.¹ The medical defendants asserted that they provided Sloan with

¹ Earlier, the District Court granted in part those defendants' motions to dismiss under Federal Rule of Civil Procedure 12(b)(6). Sloan has not challenged that determination in his brief. See United States v. Pelullo, 399 F.3d 197, 222 (3d Cir. 2005) (stating that "[i]t is well settled that an appellant's failure to identify or argue an issue in his opening brief constitutes waiver of that issue on appeal."). In any event, we conclude that, for the reasons provided in the Magistrate Judge's Report and Recommendation, the District Court properly granted in part the motions to dismiss. (ECF No. 54.)

appropriate treatment; the DOC defendants argued that Sloan failed to exhaust his administrative remedies and that his claims lacked merit. A Magistrate Judge recommended granting both motions for summary judgment. The Magistrate Judge concluded that the summary judgment record failed to support Sloan's claims against the medical defendants, and recommended that the District Court decline to exercise jurisdiction over any state law claims. In a separate Report and Recommendation, the Magistrate Judge stated that Sloan had failed to exhaust administrative remedies as to his claims against the DOC defendants. The District Court agreed with the Magistrate Judge's conclusions and granted both motions for summary judgment. Sloan timely appealed.

II.

We have jurisdiction under 28 U.S.C. § 1291. We exercise plenary review over the District Court's order granting summary judgment. See DeHart v. Horn, 390 F.3d 262, 267 (3d Cir. 2004). Summary judgment is proper where, viewing the evidence in the light most favorable to the nonmoving party and drawing all inferences in favor of that party, there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(a); Kaucher v. County of Bucks, 455 F.3d 418, 422-23 (3d Cir. 2006). We may affirm on any basis supported by the record. See Fairview Twp. v. EPA, 773 F.2d 517, 525 n.15 (3d Cir. 1985).

III.

To succeed on an Eighth Amendment claim for the denial or delay of medical care, Sloan is required to demonstrate that the medical defendants were deliberately indifferent to his serious medical needs. See Estelle v. Gamble, 429 U.S. 97, 103-05 (1976). “To act with deliberate indifference to serious medical needs is to recklessly disregard a substantial risk of serious harm.” Giles v. Kearney, 571 F.3d 318, 330 (3d Cir. 2009). Deliberate indifference can be shown by a prison official’s “intentionally denying or delaying access to medical care or intentionally interfering with the treatment once prescribed.” Estelle, 429 U.S. at 104-05. Allegations of medical malpractice are not sufficient to establish a constitutional violation. White v. Napoleon, 897 F.2d 103, 108-09 (3d Cir. 1990). Furthermore, “mere disagreement as to the proper medical treatment” does not support a claim of an Eighth Amendment violation. Monmouth Cty. Corr. Inst. Inmates v. Lanzaro, 834 F.2d 326, 346 (3d Cir. 1987).

It is clear from the record that Sloan received timely and adequate medical care for his injured toe. That injury occurred on August 8, 2014, when Sloan dropped a manhole cover on his left big toe while on a work assignment as part of SCI-Mercer’s maintenance crew. Initially, Sloan was treated at the prison infirmary, where he was diagnosed with a “contusion laceration, left great toe.” The same day, Sloan was transported to the hospital for X-rays, which revealed a fracture. Upon return to SCI-Mercer that evening, Sloan was placed under observation in the infirmary. Medical staff provided Sloan with medication when he complained of pain and changed the bloody bandages. The next day, Sloan was examined by Dr. Morgan, who noted that Sloan had been issued crutches, that

he should use a wheelchair “for distances,” and that he should not engage in work or sports. On August 14, 2014, Sloan was examined by an orthopedic surgeon, who recommended that Sloan be given a “post-op shoe.” At a follow-up appointment one month later, the surgeon noted that Sloan “can weight bare as tolerated and transition to normal shoe wear.” Over the next several months, Sloan had additional X-rays taken and was reevaluated by a physician’s assistant. On November 4, 2014, Dr. Morgan ordered orthopedic shoes for Sloan, but discontinued that order the next month because Sloan did not meet the criteria for issuance of such shoes. Instead, Dr. Morgan ordered gel insoles for Sloan and advised Sloan that he should use a stiff-soled shoe. Dr. Morgan also ordered that Sloan could return to work. Sloan requested orthopedic shoes for “comfort,” but his requests were denied. Sloan continued to use the gel insoles through 2016.

The undisputed record demonstrates that the medical defendants, pursuant to their professional judgment, adequately treated Sloan’s injured toe. Sloan did not present any evidence from which a reasonable juror could conclude that the medical defendants intentionally refused to provide needed treatment, delayed necessary treatment for a non-medical reason, prevented Sloan from receiving required treatment, or persisted in a particular course of treatment “in the face of resultant pain and risk of permanent injury.” Rouse v. Plantier, 182 F.3d 192, 197 (3d Cir. 1999) (quoting White v. Napoleon, 897 F.2d 103, 109-11 (3d Cir. 1990)). In his complaint, Sloan emphasized that he should have been provided with orthopedic shoes instead of gel insoles. But that assertion is simply a disagreement with a course of treatment, which is insufficient to establish deliberate indifference. See Spruill v. Gillis, 372 F.3d 218, 235 (3d Cir. 2004). Notably,

the orthopedic surgeon had concluded that Sloan could “transition to normal shoe wear” and Dr. Morgan advised Sloan to use a stiff-soled shoe. Under these circumstances, the District Court properly granted the medical defendants’ motion for summary judgment. See Norfleet v. Webster, 439 F.3d 392, 393, 396-97 (7th Cir. 2006) (holding that doctor’s refusal to prescribe soft-soled shoes, which was “undisputably based on medical records, some of which support the challenged determination, cannot support an inference of deliberate indifference”).

IV.

The District Court also properly granted summary judgment with respect to the unsafe working conditions and retaliation claims brought against the DOC defendants.² Sloan alleged that the DOC defendants failed to protect him from unsafe working conditions on the prison maintenance crew. To establish an Eighth Amendment violation with respect to conditions of confinement, a prisoner must show that he has been deprived of “the minimal civilized measure of life’s necessities,” such as food, clothing, shelter, sanitation, medical care, or personal safety. Farmer v. Brennan, 511 U.S. 825,

² The District Court granted the DOC defendants’ motion for summary judgment on the basis that Sloan failed to exhaust his administrative remedies as required by the Prison Litigation Reform Act (PLRA). 42 U.S.C. § 1997e(a); Jones v. Unknown D.O.C. Bus Driver & Transp. Crew, 944 F.3d 478, 480 (3d Cir. 2019) (“If a prisoner wants to file a § 1983 suit, he must exhaust the prison’s internal administrative remedies first.”). But because it appears that Sloan may have substantially complied with the exhaustion requirements, see Small v. Camden County, 728 F.3d 265, 272 (3d Cir. 2013), or have been thwarted from doing so, see Rinaldi v. United States, 904 F.3d 257, 266-67 (3d Cir. 2018), we will address the substance of Sloan’s claims. See Glover v. FDIC, 698 F.3d 139, 143 n.4 (3d Cir. 2012) (holding that a district court can be affirmed on any basis supported by the record); Nyhuis v. Reno, 204 F.3d 65, 69 n.4 (3d Cir. 2000) (stating that exhaustion under the PLRA is not a jurisdictional requirement).

832, 834 (1994) (citations omitted). In addition, the prisoner must demonstrate that the deprivation was sufficiently serious and that the defendants acted with deliberate indifference, i.e., that prison officials knew of and disregarded a substantial risk of serious harm. See id. at 837. “[C]laims of negligence, . . . without some more culpable state of mind, do not constitute ‘deliberate indifference.’” See Singletary v. Pa. Dep’t of Corr., 266 F.3d 186, 192 n.2 (3d Cir. 2001).

On the day that he was injured, Sloan and two other inmates were directed to remove a manhole cover with a two-foot prybar. According to Sloan’s amended complaint, “[a]s the manhole cover was being removed using the prybar, the prybar slipped and the cover fell and contacted Sloan’s left foot.” Sloan alleged that his supervisor “did not secure the proper manhole removal tool” and that he and the inmates who assisted him were not “given any personal protective gear or equipment nor were they properly instructed in the safe removal of manhole covers.” Sloan proffered no evidence, however, from which a reasonable jury could infer that the DOC defendants knew of and disregarded the risk that caused the accident. Notably, before starting his job on the maintenance crew, Sloan participated in an “Inmate Worksite Orientation,” which included education on “safety guards and practices.” (ECF Nos. 95-3; 95-4.) Sloan did not voice any concerns about a lack of training or the absence of proper equipment. (ECF No. 95-6, ¶ 11-12.) And Sloan’s supervisor stated that he would not ask an inmate to perform a task that he did not feel safe doing himself. (Id. at ¶ 9.) At most, the DOC defendants were negligent for allowing Sloan to work in conditions in which his accident was possible, but negligence will not support a claim of deliberate

indifference. See Durmer v. O'Carroll, 991 F.2d 64, 67 (3d Cir. 1993) (explaining that deliberate indifference requires something “more than negligence”).

Sloan also alleged that the DOC defendants transferred him from his maintenance job in retaliation for initiating a civil suit in state court. “A prisoner alleging retaliation must show (1) constitutionally protected conduct, (2) an adverse action by prison officials sufficient to deter a person of ordinary firmness from exercising his constitutional rights, and (3) a causal link between the exercise of his constitutional rights and the adverse action taken against him.” Mitchell v. Horn, 318 F.3d 523, 530 (3d Cir. 2003) (internal quotation marks omitted) (quoting Rauser v. Horn, 241 F.3d 330, 333 (3d Cir. 2001)). Filing a state court lawsuit is constitutionally protected conduct. See Milhouse v. Carlson, 652 F.2d 371, 373 (3d Cir. 1981). And loss of a prison work assignment can support a retaliation claim. See Wisniewski v. Fisher, 857 F.3d 152, 157 (3d Cir. 2017). Here, however, the transfer was not an adverse action. Sloan was removed from his maintenance job on July 3, 2015. (ECF No. 95-5, ¶ 3.) He resumed work as a library aide on August 16, 2015. (Id. at ¶ 8.) During the approximately six-week period between assignments, Sloan was compensated as if he were still working. (Id. at ¶ 9.) In addition, his work as a library aide was compensated at the same hourly rate that he was paid in his maintenance job. (Id. at ¶ 10.) Sloan did not allege that his duties as a library aide job were somehow more unpleasant than those as a maintenance worker, nor did he otherwise meaningfully claim that there were negative consequences to the job transfer. Under these circumstances, we conclude that no reasonable trier of fact could conclude that Sloan’s reassignment, which had de minimis consequences, would deter a prisoner of

ordinary firmness from exercising his rights. Cf. Watson v. Rozum, 834 F.3d 417, 423 (3d Cir. 2016) (“An adverse consequence ‘need not be great in order to be actionable[;]’ rather, it need only be ‘more than de minimis.’” (citation omitted)).

V.

For the foregoing reasons, we will affirm the District Court’s judgment granting the defendants’ motions for summary judgment.³

³ In granting the motions for summary judgment, the District Court dismissed Sloan’s state law claims. A District Court has discretion to decline to exercise supplemental jurisdiction over state law claims if the court “has dismissed all claims over which it has original jurisdiction.” 28 U.S.C. § 1367(c)(3). Because the District Court properly dismissed Sloan’s claims under federal law, it plainly acted within its discretion in declining to hear his claims under state law. See Maio v. Aetna, Inc., 221 F.3d 472, 480 n.6 (3d Cir. 2000).

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-1085

JOHN SLOAN,
Appellant

v.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS; MERCER SCI;
SUPERINTENDENT THOMPSON; CAPT. SULLENBERGER; MR. BOGGS, Maint.
Mgr; MR. BROMLEY, Facility Safety Manager; MR. DELLORSO, Maintenance #24;
MS. BOAL, Medical Dept. Supervisor; MR. WOODS, OSCS; MS. ENGSTROM, Inmate
Capt. Spc.; CORRECT CARE SOLUTIONS, (CCS); MR. RICHARD ELLERS, V.P.;
DR. SCOTT MORGAN; MS. KAREN FEATHER, C.C.S. Site Administrator

On Appeal from the United States District Court
for the Western District of Pennsylvania
(D.C. Civil Action No. 2:16-cv-01182)
District Judge: Honorable Nora B. Fischer

Submitted Pursuant to Third Circuit LAR 34.1(a)
February 7, 2020

Before: KRAUSE, MATEY and COWEN, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District
Court for the Western District of Pennsylvania and was submitted pursuant to Third
Circuit LAR 34.1(a) on February 7, 2020. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered December 17, 2018, be and the same is hereby affirmed. Costs will not be taxed. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszeweit
Clerk

Dated: February 10, 2020



Mandate originally issued on 07/16/20 was recalled on 11/06/20. This document is certified as a true copy and reissued in lieu of a formal mandate on 11/27/20.

Teste: Patricia S. Dodszeweit
Clerk, U.S. Court of Appeals for the Third Circuit

Rec'd 11/16/20

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 19-1085

John Sloan v. Pennsylvania Department of Cor, et al

(W.D. Pa. No 2-16-cv-01182)

ORDER

It appearing that a panel of this Court disposed of the above case by an opinion and judgment entered February 10, 2020, and it further appearing that an extension of time to file a petition for rehearing had been granted to Appellant on April 28, 2020, and it further appearing that the Clerk's Office erroneously issued the certified Judgment in lieu of formal mandate on July 16, 2020,

It is **ORDERED** that the certified judgment issued in lieu of formal mandate on July 16, 2020, be and is hereby **RECALLED**.

NMR/cc: Samuel H. Foreman, Esq.
Joshua Lewis, Esq.
Benjamin M. Lombard, Esq.
Kemal A. Mericli, Esq.
Daniel B. Mullen, Esq.
Mr. John Sloan



A True Copy:

Patricia S. Dodszeuweit

Patricia S. Dodszeuweit, Clerk

APPENDIX
A
(5 pages)

PATRICIA S. DODSZUWEIT
CLERK



OFFICE OF THE CLERK
UNITED STATES COURT OF APPEALS
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

November 24, 2020

Joshua Lewis
United States District Court for the Western District of Pennsylvania
Joseph F. Weis Jr. United States
Courthouse 700 Grant Street
Pittsburgh, PA 15219

RE: John Sloan v. Pennsylvania Department of Cor, et al
Case Number: 19-1085
District Court Case Number: 2-16-cv-01182

Dear District Court Clerk,

Enclosed herewith is the certified judgment together with copy of the opinion or certified copy of the order in the above-captioned case(s). The certified judgment or order is reissued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the reissuance of the mandate by copy of this letter. The certified judgment or order is also enclosed showing costs taxed, if any.

Very truly yours,

s/ Patricia S. Dodszuweit
Clerk
By: Legal Assistant/nmr
267-299-4924

cc: Samuel H. Foreman, Esq.
Benjamin M. Lombard, Esq.
Kemal A. Mericli, Esq.
Daniel B. Mullen, Esq.
Mr. John Sloan

Filed
Certified
Reissuance of J. York
7 Dec 20

APPENDIX
B

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN SLOAN,

Plaintiff,

v.

PA DEPT. OF CORRECTIONS, SCI-
MERCER, SUPERINTENDENT
THOMPSON, CAPT. SULLENBERGER,
MR. BOGGS, MR. BROMLEY,
MR. DELLORSO, MS. BOAL, MR.
WOODS, MS. ENGSTROM, CORRECT
CARE SOLUTIONS,
MR. RICHARD ELLERS, DR. SCOTT
SCOTT MORGAN, AND MS. KAREN
FEATHER,

Defendants.

) Civil Action No. 2: 16-cv-1182

)
) United States District Judge
) Nora Barry Fischer

MEMORANDUM OPINION

This prisoner civil rights suit was commenced on August 5, 2016, and referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1) and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges. Following the disposition of 12(b)(6) motions, all Defendants¹ filed motions for summary judgment, to which Plaintiff filed a brief in opposition.

The Magistrate Judge's reports and recommendations ("R&Rs"), dated October 25, 2018, recommended that the motion for summary judgment filed by the DOC Defendants be granted based on Plaintiff's failure to exhaust his administrative remedies as required by the Prison

¹ Defendants in this case are comprised of the "DOC Defendants": Boggs, Bromley, Dellorso, Engstrom, Sullenberger, Thompson, and Woods; and the "Medical Defendants": Correct Care Solutions, LLC; Ellers, Feather, and Morgan.

Litigation Reform Act (ECF No. 109) and that the motion for summary judgment filed by the Medical Defendants be granted as to Plaintiff's constitutional claims. (ECF No. 110). The R&R further recommended that the Court decline to exercise supplemental jurisdiction over Plaintiff's state law claims against the Medical Defendants. (*Id.*) After being granted an extension of time in which to file objections, Plaintiff filed timely objections to both R&Rs. (ECF No. 113).

The filing of timely objections requires the court to "make a *de novo* determination of those portions of the report or specified findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *Sample v. Diecks*, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); Fed.R.Civ.P.72(b)(3). In doing so, the Court may accept, reject, or modify, in whole or in part, the findings and recommendations contained in the report. 28 U.S.C. § 636(b)(1)(C).

After *de novo* review of the pleadings and documents in this case, together with the reports and recommendations, and the objections thereto, the Court finds that Plaintiff's Objections do not undermine the recommendation of the Magistrate Judge. Therefore, the motion for summary judgment filed by the DOC Defendants will be granted based on Plaintiff's failure to exhaust his administrative remedies. The motion for summary judgment filed by the Medical Defendants will be granted as to all constitutional claims. The Court will decline to exercise supplemental jurisdiction over the state law claims Plaintiff has brought against the Medical Defendants and, therefore, these claims will be dismissed without prejudice for want of jurisdiction. An appropriate Order will be entered.

Dated: December 17, 2018

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOHN SLOAN,

Plaintiff,

v.

PA DEPT. OF CORRECTIONS, SCI-
MERCER, SUPERINTENDENT
THOMPSON, CAPT. SULLENBERGER,
MR. BOGGS, MR. BROMLEY,
MR. DELLORSO, MS. BOAL, MR.
WOODS, MS. ENGSTROM, CORRECT
CARE SOLUTIONS,
MR. RICHARD ELLERS, DR. SCOTT
SCOTT MORGAN, AND MS. KAREN
FEATHER,

Defendants.

) Civil Action No. 2: 16-cv-1182

)
) United States District Judge
) Nora Barry Fischer

ORDER

AND NOW, this 17th day of December, 2018, for the reasons set forth in the accompanying Memorandum Opinion it is hereby **ORDERED, ADJUDGED, AND DECREED** as follows:

(1) The Report and Recommendation (ECF No. 109) filed on October 25, 2018, by Magistrate Judge Cynthia Reed Eddy is **ADOPTED** as the opinion of the Court. It is **ORDERED** that the Motion for Summary Judgment filed by the DOC Defendants (ECF No. 93) is **GRANTED** in its entirety based on Plaintiff's failure to exhaust his administrative remedies.

(2) The Report and Recommendation (ECF No. 110) filed on October 25, 2018, by Magistrate Judge Cynthia Reed Eddy is **ADOPTED** as the opinion of the Court. It is

ORDERED that the Motion for Summary Judgment filed by the Medical Defendants (ECF No. 97) is **GRANTED** as to Plaintiff's constitutional claims.

(3) It is further **ORDERED** that Plaintiff's state law claims brought against the Medical Defendants are dismissed without prejudice for want of jurisdiction.

It is further **ORDERED** that the Clerk of Court mark this case closed.

AND it is further **ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Appellate Rules of Appellate Procedure.

BY THE COURT:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: JOHN SLOAN
KH 0937
SCI Mercer
801 Butler Pike
Mercer, PA 16137
(via U.S. First Class Mail)

All Counsel of Record
(via ECF electronic notification)

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN SLOAN,

Plaintiff,

v.

PA DEPT. OF CORRECTIONS, SCI-
MERCER, SUPERINTENDENT
THOMPSON, CAPT. SULLENBERGER,
MR. BOGGS, MR. BROMLEY,
MR. DELLORSO, MS. BOAL, MR.
WOODS, MS. ENGSTROM, CORRECT
CARE SOLUTIONS,
MR. RICHARD ELLERS, DR. SCOTT
SCOTT MORGAN, AND MS. KAREN
FEATHER,

Defendants.

) Civil Action No. 2: 16-cv-1182

) United States District Judge

) Nora Barry Fischer

JUDGMENT ORDER

AND NOW, this 17th day of December, 2018,

IT IS ORDERED that final judgment of this Court is entered pursuant to Rule 58 of the Federal Rules of Civil Procedure in favor of Defendants Superintendent Thompson, Capt. Sullenberger, Mr. Boggs, Mr. Bromley, Mr. Delloroso, Mr. Woods, Ms. Engstrom, Correct Care Solutions, Richard Ellers, Dr. Scott Morgan, and Karen Feather and against Plaintiff, John Sloan.

BY THE COURT:

s/Nora Barry Fischer

Nora Barry Fischer

United States District Judge

EXHIBIT A3
(2 pgs)

Rec'd
24 Mar 20

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 19-1085

JOHN SLOAN,
Appellant

v.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS, et. al.
Appellees

On Appeal from the United States District Court
for the Western District of Pennsylvania
(No. 2-16-cv-01182)

PETITION FOR REHEARING

BEFORE: SMITH, *Chief Judge*, and MCKEE, AMBRO, CHAGARES, JORDAN,
HARDIMAN, GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS,
PORTER, MATEY, PHIPPS, *Circuit Judges*, and *COWEN, *Senior Judge*

The petition for rehearing filed by Appellant John Sloan in the above-captioned matter has been submitted to the judges who participated in the decision of this Court and to all other available circuit judges of the Court in regular active service. No judge who concurred in the decision asked for rehearing, and a majority of the circuit judges of the Court in regular active service who are not disqualified did not vote for rehearing by the

* Judge Cowen's vote is limited to Panel Rehearing only.

Court. It is now hereby **ORDERED** that the petition for rehearing is **DENIED**.

BY THE COURT,

s/ Paul B. Matey
Circuit Judge

Dated: November 18, 2020.

NMR/cc: Mr. John Sloan
Kemal A. Mericli, Esq.
Daniel B. Mullen, Esq.
Samuel H. Foreman, Esq.
Benjamin M. Lombard, Esq.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 19-1085

JOHN SLOAN,
Appellant

v.

PENNSYLVANIA DEPARTMENT OF CORRECTIONS; MERCER SCI;
SUPERINTENDENT THOMPSON; CAPT. SULLENBERGER; MR. BOGGS,
Maint. Mgr; MR. BROMLEY, Facility Safety Manager; MR. DELLORSO,
Maintenance #24; MS. BOAL, Medical Dept. Supervisor; MR. WOODS, OSCS; MS.
ENGSTROM, Inmate Capt. Spc.; CORRECT CARE SOLUTIONS, (CCS); MR.
RICHARD ELLERS, V.P.; DR. SCOTT MORGAN; MS. KAREN FEATHER,
C.C.S. Site Administrator

(W.D. Pa. No. 2-16-cv-01182)

Present: KRAUSE, MATE, Y, and COWEN, Circuit Judges

Motion by Appellant to File Petition for Rehearing Out of Time and for
Appointment of Counsel.

Respectfully,
Clerk/kr

ORDER

The motion to file petition for rehearing out of time is granted, but the motion for
appointment of counsel is denied.

By the Court,

s/ Cheryl Ann Krause
Circuit Judge

Dated: November 6, 2020
NMR/cc: Mr. John Sloan
Kemal A. Mericli, Esq.
Daniel B. Mullen, Esq.

Samuel H. Foreman, Esq.
Benjamin M. Lombard, Esq.
Joshua Lewis, Esq.

PROBLEM AREAS Check any of the following items which appear important			
<input type="checkbox"/>	Uses obscene language often	<input type="checkbox"/>	Quick-tempered
<input type="checkbox"/>	Slow in meeting formations	<input type="checkbox"/>	Careless with equipment
<input type="checkbox"/>	Chronic complainer	<input type="checkbox"/>	Disregards safety precautions
<input type="checkbox"/>	Argumentative	<input type="checkbox"/>	Does only minimum amount of work to keep out of trouble

EXHIBIT

A-1
(2-pages)

COMMENTS: (Please provide any comments you have about the inmate, especially about those areas you feel need the attention of the inmate for improvement.)

I support this man for Custody Level change: 2 ☒; 2-R ☒; 2-MC ☒; None ☐

I support this man for:

CWP ☐

Yes ☒

No ☐

Parole ☐

Yes ☒

No ☐

Pre-release ☐

Yes ☒

No ☐

Transfer ☐

Yes ☒

No ☐

Comments Mr Sloan is an asset to the maint. dept.

- Annual Review

Supervisor's Signature

Date

PROBLEM AREAS

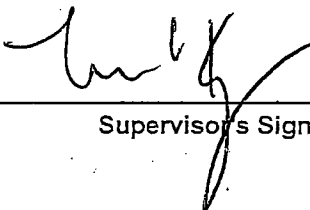
Check any of the following items which appear important

- ☐ Uses obscene language often
- ☐ Slow in meeting formations
- ☐ Chronic complainer
- ☐ Argumentative

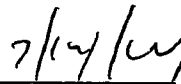
- ☐ Quick-tempered
 - ☐ Careless with equipment
 - ☐ Disregards safety precautions
 - ☐ Does only the minimum amount of work to keep out of trouble
-

COMMENTS: (Please provide any comments you have about the inmate, especially about those areas you feel need the attention of the inmate for improvement.

Mr. sloan is an asset to the maint. dept.



Supervisor's Signature



Date

Inmate Job Orientation Form

KH-0937

Gloan

Inmate Number

Inmate Name

Electric Shop - Krizon

Title

Shop

The following areas were covered with the inmate named above.

INTRODUCTION:

1. ☒ Introduce the inmate to staff and other inmates he/she will be working with.
2. ☒ The shop's function and how it fits into the facility operations.
3. ☒ Importance of two-way communications.
4. ☒ Inmate should be encouraged to ask questions.

ON THE JOB:

1. ☒ Work days and hours.
2. ☒ Days off.
3. ☒ Work Schedule - report time, lunch, overtime, holidays, etc.
4. ☒ Attendance - expected on the job site.
5. ☒ Absence - make supervisor aware of absence and reason immediately.
6. ☒ Tardiness - consequences for repeated lateness.
7. ☒ Pay - starting wage.
Expectations for advancement to semi-skilled and skilled pay rate.
Promotions/demotions based on attitude, performance, time on the job, etc. No raise more frequently than every 60 days, 1 step at a time.
8. ☒ Reasons for not receiving pay.
9. ☒ Duties and responsibilities.
10. ☒ What personal items, if any, are permitted on the job site.
11. ☒ Restrictions, what areas are off limits, when a pass is required.
12. ☒ Evaluation - 1 month from first day on the job, with a pay raise application and thereafter, at least once every 12 months, or when requested by the unit team.
13. ☒ Safety:

Rules and Regulations	Fire prevention and evacuation plan
Clothing - hats, gloves, shoes, etc.	Hygiene
Equipment - demonstrate proper use	Explanation of safety concerning any hazardous substance/mixture
14. ☒ Termination - what actions would cause to lose a job.
Disruption to the normal operation of facility and/or work detail.
Being away from the job for any reason except medical.
Example: A 30 day RHU sanction, 30 day cell restriction sanction.
Refusal to accept any job related assignment.
Refusal to move to a new housing area as directed, a condition of employment.
A unit team decision to remove from pay status, for non-cooperative attitude, performance, security reasons, etc.

I understand and agree to these requirements should I be placed in a job. Refusal to sign will result in a permanent loss of pay and/or future job opportunity. I also understand that refusal to sign could result in a misconduct and placement on unassigned status with no compensation.

Inmate Signature:

Date 2/24/14

Work Supervisor Signature:

Date 2-24-14

DC-ADM 006, Reasonable Accommodations for Inmates with Disabilities Manual
Section 1 – General Procedures

Section 1 – General Procedures

A. Classification/Diagnosis

1. Qualified health-care personnel shall perform a medical, dental, and mental health screening/appraisal of each inmate, including intra-system transfers, within 14 days of the inmate's initial commitment. Only qualified health care professionals shall determine whether an inmate should retain any prosthetic device or equipment upon initial reception.
2. The facility's health care department, through qualified personnel or specialists, and in conjunction with the affected inmate, shall make the diagnosis of a qualified disability, unless previously diagnosed, and shall determine the level of accommodation needed and provide the appropriate medical treatment, as required by the condition. Medical staff shall notify facility staff of any impairment.
3. In determining the type of auxiliary aid and/or service necessary, consideration should be given to the requests of the inmate with the disability, **but the inmate's request is not determinative**. This information shall be recorded in the inmate's medical file. The inmate's **DC-17X, Adjustment Record** should reflect this same information.
4. Upon the request of the inmate, a notation shall be placed on the inmate's I.D. card that he/she has a qualified disability to alert staff that accommodations may be needed to properly communicate.

REFERENCE

B. Facility Placement¹

1. In addition to all other factors considered by the Department in making facility assignments of an inmate, consideration may be given to facilities and programming available at various facilities to accommodate an inmate's particular qualified disability(s)² in accordance with **Facilities Designated to House Qualified Disabled Inmates (Attachment 1-A)**. An inmate diagnosed with a qualified disability may be assigned to a facility where accommodations exist to provide for this population. An inmate diagnosed as mentally and/or physically impaired may be assigned to a Special Needs Unit, depending on the severity of the disability, and may be assigned to a facility with a Mental Health Unit or a facility where accommodations exist to provide for this population.

2. Community Corrections Center (CCC) Placement

In addition to all other factors considered by the Department in making assignments of an inmate for CCC placement, an inmate with a qualified disability who is accepted for CCC placement shall be placed in a CCC or Community Contract Facility (CCF) that provides accommodations according to the individual needs of the inmate.

¹ 4-4348

² 4-ACRS-6A-04, 4-ACRS-6A-11

3. Transfers

Material submitted requesting the transfer of a qualified disabled inmate to another facility must clearly indicate that the inmate has a qualified disability and include the level of accommodation and resulting services that are required.

C. Inmate Work Programs

1. No inmate shall be discriminated against from participating in work programs due to a qualified disability. The Department is required to make reasonable accommodations to the known disability of qualified inmate applicants with disabilities. Compensation and job titles shall be in accordance with Department policy **DC-ADM 816, "Inmate Compensation System."**³
2. Accommodations that pose undue hardships for the Department or pose a threat to security need not be provided. An inmate will not be placed in a work program, which clearly jeopardizes his/her safety or security.

D. Staff Training

Housing Unit Staff who have primary supervisory responsibility for an affected inmate may obtain out-service training to learn methods of communicating with the inmate and/or managing his/her specific disability in accordance with Department policy **5.1.1, "Staff Development and Training."**

REFERENCE

³ 4-4450

Asbestos Abatement trained inmates. Upon starting the Therapeutic Community, the inmate will be paid in accordance with Subsection H. above. Once the inmate has completed the Therapeutic Community, the inmate shall be added to the active list of inmates trained in Asbestos Abatement.

14. Operational concerns regarding the use of inmates certified in asbestos abatement shall be handled in accordance with Department policy **15.1.1**.

L. Pay Rates

1. An inmate who refuses a mandatory education program or work assignment shall not be compensated in any manner, and he/she may be issued a misconduct.⁵
2. The pay rates for skill classifications are found in the **Inmate Pay Class Rate Schedule**. In addition to the skill level of the work assignment, the inmate's attitude and spirit of cooperation are important factors in placement in a pay class.
3. The first pay rate assigned to an inmate shall be the starting step of that class that matches his/her skill to that of the position. The supervisor will evaluate the inmate in 60 days to determine if he/she is eligible for promotion to the next skill level. Advancement is based on increased skill level and a rating of at least "Average" on his/her **Inmate Progress Report**.
4. The inmate's compensation will not be decreased due to assignment of program code (M), (R), (X), or (C) and subsequent assignment to an outside work detail.
5. Special pay rates for work such as Operation Outward Reach (OOR), the Elizabethtown Culinary Academy, Quehanna Boot Camp, and Community Work Programs (CWP) are permitted only upon approval of the Secretary/designee.
6. An inmate participating in, or who has completed vocational training, will not receive a reduction in pay if reassigned to a job that uses the skills for which he/she received training.
7. A Legal Reference Aide will be paid initially at Class 2, Step A.
8. An inmate who receives his/her GED or the CSD will be given a one-time \$10.00 monetary award from the Inmate General Welfare Fund (IGWF) to be credited to his/her account, in accordance with Department policy **3.1.1**, "**Fiscal Administration**."

M. Use of the Inmate Progress Report

1. A change in pay (promotion or demotion) must be reported to the CEVC within one working day.

REFERENCE



2. Pay raises or demotions are done at the discretion of the work supervisor based upon the inmate's performance as documented on the **Inmate Progress Report**.
3. The first pay raise may not be granted prior to the inmate's completion of 60 days of at least "Average" performance.
4. Subsequent increases in pay are approved only after 60 days in the current rate and the inmate's rating of at least "Average" on his/her last **Inmate Progress Report**. Pay raises are not automatic, but are based upon job performance. Pay raises are effective in the first full pay period of the month following the approval of the raise.
5. A supervisor may suspend an inmate worker without pay, pending action of the Unit Management Team and/or Hearing Examiner. The supervisor must provide documentation to the CEVC and the Unit Management Team when an inmate is suspended.
6. The supervisor determines an inmate's demotion within the class/step based on his/her work performance. It is effective immediately, pending Unit Team action. Demotions should not be more than four steps at any one time.
7. Removal of an inmate from a work assignment for reasons other than misconduct or medical necessity must be handled by a Unit Management Team action. The supervisor must submit written information regarding the reason(s) to the Unit Management Team, who will discuss the situation with the inmate and attempt to resolve the problem. The Unit Management team may remove the inmate from the job assignment and his/her pay may be suspended.
8. A Barber/Cosmetology student enters the program at Class 2, Step B and remains at that level until the student's Barber/Cosmetology Permit is issued. Progression through the remaining steps in Class 2 and Class 3, Step C occur at the discretion of the instructor, based on productivity and course progress. Advancement may occur at 60 day intervals. Class 3, Step D is reserved for the individual who has passed the state examination and has received his/her license as a Barber/Cosmetologist.

N. Pay for Job Change

1. An inmate with inside status (Custody Level 2, 3, or 4) who is changing work/school assignments will be compensated at the skill level for the new assignment as determined by the work supervisor and CEVC. An inmate with less than an "Average" work performance rating may take a pay demotion, not to exceed four steps.
2. An inmate progressing from inside the facility to an outside work detail (Custody Level 2M or 2R) shall be moved laterally.
3. When transferred from one PCI plant to another at the same facility, the inmate may be reduced to the unskilled pay level in the new assignment at the discretion of the PCI Manager.

REFERENCE

Section 1 – Co-Pay Fees

A. General

1. An inmate shall pay a \$5.00 co-pay fee for the following:
 - a. any non-emergency medical service provided at the inmate's request;
 - b. any medical service, including emergency medical service, provided to an inmate in the following situations:
 - (1) when the injury or illness is self-inflicted;
 - (2) when the injury or illness arises from the inmate's participation in a sport; or
 - (3) when the inmate is found guilty of a misconduct for the assault or injury of another inmate.
 - c. Initial medical prescription except as provided in Subsection B. 2., 14., 18., and 19. below; and
 - d. any medical service provided to determine whether the inmate's physical condition is suitable for participation in a sport, work, housing, or medical status; unless such medical service is provided as part of an inmate's routine medical screening/physical examination scheduled by the Department.
2. An inmate shall be required to pay the cost of medical services provided to another inmate as a result of the inmate's assaultive conduct, including a sexual assault.

B. Medical Services Resulting in Non-Charge

The following medical services shall not result in a charge to the inmate:

1. physical, dental, or mental health screening provided to an inmate upon intake;
2. immunizations, tuberculosis testing, and other treatments instituted by the Department for public health reasons;
3. facility transfer screening;
- 4. routine physical, dental, and mental health screening performed at the request of the Department;
- 5. medical service provided to an inmate during a follow-up appointment scheduled by a health care professional employed by the Department or its contractors;¹

6. mental health treatment;
7. medical treatment for a chronic medical disease/illness requiring regular return and/or continuous visits, as specified by the medical provider;
8. infirmary care in a Department facility;
9. hospitalization outside a Department facility;
10. long-term care for an inmate who is not in need of hospitalization, but whose needs are such that they can only be met on a long-term basis or through personal or skilled care, and who needs the care because of age, illness, disease, injury, convalescence or physical or mental infirmary;
11. medical referral ordered by a health care professional employed by the Department or its contractors;²
12. medical service provided to an inmate during a medical emergency, unless the medical emergency resulted from a self-inflicted injury or illness as determined by the health care professional providing the medical service;
13. laboratory tests, electrocardiogram, dressing change or other treatment ordered by a health care professional employed by the Department or its contractors;
14. prenatal care;
15. medical service provided as a result of an injury or illness arising from an inmate's facility work assignment.
16. medication prescription subsequent to the initial medication prescription provided to an inmate for the same chronic illness or condition that requires regular continuous medication as specified by the medical provider;
17. social service programs including, but not limited to, substance abuse groups and counseling;
18. psychotropic medications;
19. medication prescribed for public health reasons;
20. medical service provided to an inmate to determine whether his/her physical condition is suitable for a facility work assignment.
21. eyeglass prescriptions;
22. dentures; and

² 4-4345





EXHIBIT E

January 29, 2015

To: John Sloan, KH0937
GA-2031-02

From: 
Brian H. Thompson
Superintendent

Re: Inmate Disability Accommodations Request

I am writing in follow up to your request for an ADA accommodation per DC ADM 006, Reasonable Accommodations for Inmates With Disabilities.

Disability: Permanent fracture in the distal portion of the left foot with pain.

Accommodation Requested: A pair of bendable sole orthopedic shoes.

The DOC Central Office Inmate Disability Accommodations Committee has reviewed your request. It is their determination that you do have a disability, but the disability is already being reasonably accommodated by the institution and no further action is necessary.

BHT/amb

CC: Ms. Boal
File

HEALTH CARE ITEM(S) RECEIPT

On this date 12/17/14, I received the following item(s) from the Health Care Services Department:

Item	Temporary	Permanent	Stop/Review Date
1. <u>Gel Insoles Size 9</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. _____	<input type="checkbox"/>	<input type="checkbox"/>	
3. _____	<input type="checkbox"/>	<input type="checkbox"/>	

Inmate Responsibilities:

1. Ensure special item(s), when authorized, remain in his/her possession at all times.
2. Report to the medical department as ordered for inspection of the special item(s).
3. Ensure the prescribed special item(s) is properly used, not damaged, not stolen or misplaced during the time he/she is issued a special item(s). Any misuse of a special item(s) may cause the special item(s) order to be rescinded.
4. Be financially responsible for the cost of repair/replacement for damage to the special item(s) resulting from the inmate's actions or negligence. Upon inspection, if appropriate medical personnel believe the inmate's actions or negligence caused damage to a special item(s), a DC-141, Misconduct Report, will be issued and the inmate assessed for any and all costs for the repair and/or replacement of the special item(s) in accordance with Department policy DC-ADM 801.
5. Be responsible for carrying a copy of the DC-443 at all times.
6. Be responsible for updating his/her personal property list.

Comments: _____

I, Sloan, John, have received / returned the above named item(s). (circle one)

[Signature]

Inmate Signature

Date:

[Signature]

Issuing Staff Member's Signature

Date/Time

RETURNED ITEM(S):

All items must be intact upon return.

☐

Issued Item was returned / discontinued on _____ and all pieces were / were not intact.
(circle one) (date) (circle one)

☐

Issued Item was returned on _____ for repair.
(date)

Receiving Staff Member's Signature

Date/Time

Original - Medical Records

Yellow - Unit Manager

Pink - Inmate

Health Care Item(s) Receipt
Commonwealth of Pennsylvania
Department of Corrections
DC- 443

Revised 8/2011

Inmate Name: SLOAN, JOHN
Inmate Number: KH5749 KH0937
DOB: 10/5/63
Facility: Mercer

13.2.1, Access to Health Care Procedures Manual
Section 10 - Medical Orders for Special Items

Issued: 9/26/2011
Effective: 10/1/2011

Attachment 10-A

SLOAN 0000256

MEDICAL SICK CALL REQUEST

DATE: 19 Nov 20 TIME: 1350

NAME: John Sloan

DOC NUMBER: 140937 HOUSING UNIT: GA 31-2

PROBLEM: I am requesting a hypo-allergenic alternative to the institution-supplied cloth mask, as it causes a severe facial outbreak to my skin. PA Wendy Regula saw me on or about 6/19/20 re: outbreak and renewing Rx for benadryl, pepcid & hydrocortisone for outbreak of face. She gave me disposable masks.

I UNDERSTAND THAT THIS SICK CALL VISIT MAY BE SUBJECT TO THE FEES CONTAINED IN REGULATION 37 PA CODE § 93.12 ET. SEQ. We determined that perhaps the cloth masks were the source of outbreak. Upon stoppage of cloth mask, outbreak cleared up, so I didn't go back to Med. Dept, as I discussed with her. I told her if condition continued w/o cloth mask I'd return. It cleared up w/o cloth mask.

INMATE SIGNATURE

[Signature]

PLACE THIS REQUEST FORM IN THE LOCKED MEDICAL BOX ON THE HOUSING UNIT. Check one below:



MEDICAL ISSUE



DENTAL ISSUE

DC-138A

MEDICAL CASH SLIP

PE

COMMONWEALTH OF
PENNSYLVANIA
DEPARTMENT OF CORRECTIONS

INMATE SHOULD COMPLETE
SHADED AREAS,
PRIOR TO PLACING SICK CALL
SLIP IN THE BOX.

1. REQUISITIONING INMATE'S NAME

INSTITUTIONAL NUMBER

LOCATION

DATE

2. ITEMS TO BE CHARGED TO MY ACCOUNT

Inmates are required by DC-ADM 820 to share in the cost of their medical services.

\$ 5.00 Co-Payment fee for medical services received

\$ _____ Number of Prescriptions _____ X \$5.00
Co-Payment for Medical Prescriptions

\$ _____ Total Co-Payment fee to be deducted from Inmate's account

re: institution-supplied cloth mask given for COVID-19 protection.

3. INMATE'S SIGNATURE

4. MEDICAL STAFF SIGNATURE

5. BUSINESS OFFICE'S SPACE

CHARGE ENTERED

DATE

BOOKKEEPER

\$

EXHIBIT G

31-2

EXHIBIT H (10 pgs) - 5@2 per pg

Form DC-135A
INMATES REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS
Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and title of Officer)
Ms. Feather Med Admin

2. Date:
4 Nov 2020

3. By: (Print Inmate Name and Number)
John Sloan KH0937

4. Counselor's Name
Ms. Lonta

5. Unit Manager's Name
Ms. Combine

6. Work Assignment
GA Blockworker

7. Housing Assignment BLOCK AND CELL/BED
GA 31-2

8. Subject: State your request completely but briefly. Give detail.
Ms. Combine has no more disposable, pleated masks. Could I be allotted (4) to (5) per month, as you know the institution-supplied masks cause an allergic reaction on my face, as verified through my medical record. Please, and Thank You.
P.S. Or, allow me to purchase a couple of hypo-allergenic masks from some source.

9. Response: (This Section for Staff Response Only)
Mr. Sloan,
Inmate are not authorized to wear the disposable masks. You have to wear the cotton ones.

To DC-14 CAR Only ☐ Staff Member Name Keith Muly Print

To DC-14 CAR and DC-15 IRS ☐ Sign

Date 11-7-20

Form DC-135A
INMATES REQUEST TO STAFF MEMBER

Commonwealth of Pennsylvania
Department of Corrections

INSTRUCTIONS
Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.

1. To: (Name and title of Officer)
Ms. Feather Med Admin

2. Date:
4 Nov 2020

3. By: (Print Inmate Name and Number)
John Sloan KH0937

4. Counselor's Name
Ms. Lonta

5. Unit Manager's Name
Ms. Combine

6. Work Assignment
GA Blockworker

7. Housing Assignment
GA 31-2

8. Subject: State your request completely but briefly. Give detail.
On or about 6/18/20, I was seen by P.A. Wendy Regula regarding renewal of Rx for Benadryl, Zyrtec & Hydrocortisone for facial outbreak. I originally thought it was because of well frankly I didn't know. But near the end of Sept I went to Med Dept for outbreak, and all the while wearing the cloth mask the Rx did not clear up the problem, when I returned to the Med Dept in June, Mr. Regula renewed Rx, and WFE determined that since the outbreak was along my cheeks, that it was caused by the cloth mask. She gave me a handful of disposable masks and told me to "try these". I told her "if they worked I wouldn't be back, but if the outbreak continued, I would be back. On discontinued use of the cloth mask, my face cleared up, so I did not go back to see her. Now, I have the problem of not being afforded a hypo-allergenic alternative

9. Response: (This Section for Staff Response Only)

To DC-14 CAR Only ☐ Staff Member Name Print

To DC-14 CAR and DC-15 IRS ☐ Sign

Date

to the cloth masks Please folio 11

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Mr. Oppman Librarian</i>	2. Date: <i>7 Apr 2020</i>		
3. By: (Print Inmate Name and Number) <i>John Span KH0937</i>	4. Counselor's Name: <i>Mrs. Tonta</i>		
Inmate Signature <i>[Signature]</i>	5. Unit Manager's Name: <i>Ms. Combine</i>		
6. Work Assignment: <i>GA Block Worker</i>	7. Housing Assignment: <i>GA 31-2</i>		
8. Subject: State your request completely but briefly. Give details.			
<p><i>Request to be put on list for low library Tues + Thurs</i></p> <p><i>JA Theria</i></p> <p><i>[Signature]</i></p>			
9. Response (This Section for Staff Response Only)			
<p><i>watch schedule - on bench - you were let called for 1 minute at a time for 2 an hour you must bring proof of a deadline</i></p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	
Staff Member Name <i>L DeForest</i>		Date <i>4/8/20</i>	
Print		Sign	

Revised July 2000

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <i>Karen Heather Med. Advisor</i>	2. Date: <i>7 July 2020</i>		
3. By: (Print Inmate Name and Number) <i>John Span KH0937</i>	4. Counselor's Name: <i>Mrs. Tonta</i>		
Inmate Signature <i>[Signature]</i>	5. Unit Manager's Name: <i>Ms. Combine</i>		
6. Work Assignment: <i>GA Block Worker</i>	7. Housing Assignment: <i>GA 31-2</i>		
8. Subject: State your request completely but briefly. Give details.			
<p><i>It seems that, upon receiving my monthly statement today, I was credited the \$10 back to my account as we discussed; then on 6/22 an extra \$5 was credited. Instead of removing the \$5 that was over credited, \$10 was removed, only leaving me with \$5 credit. I am still owed \$5 and in prison every dollar counts. Please be sure that I am credited \$5 to correct the account. As a result of my frustration, I will not be renewing any more medication or coming to the medical dept. for any reason whatsoever going forward. I will just have to suffer than to endure this seemingly neverending cycle of abuse.</i></p> <p><i>Sincerely,</i></p> <p><i>[Signature]</i></p> <p>cc: file #104286416</p>			
9. Response (This Section for Staff Response Only)			
<p><i>The charge was to see if the allergy pills should continue. The charge was appropriate.</i></p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	
STAFF MEMBER NAME <i>K. Heather</i>		DATE <i>7/8/202</i>	
Print		Signature <i>CHCA</i>	

7.2.1, Counseling Services Procedures Manual - Section 3, Request Slips Attachment 3-A

Form DC-135A	Commonwealth of Pennsylvania Department of Corrections
INMATE'S REQUEST TO STAFF MEMBER	INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <i>Ms Karen Feather Med. Admin.</i>	2. Date: <i>16 Jan 2020</i>
3. By: (Print Inmate Name and Number) <i>John Sloan KH0937</i> <i>[Signature]</i> Inmate Signature	4. Counselor's Name <i>Ms. Jonta</i>
	5. Unit Manager's Name <i>Ms. Combine</i>
6. Work Assignment <i>GA Block worker</i>	7. Housing Assignment <i>GA 31-2</i>
8. Subject: State your request completely but briefly. Give details. <i>Please update me on the status of my Request to you, dated 26 Dec 2019, concerning the wrongful deduction of funds from my account for medical treatment for institutional work-related injury, as per DC-ADM 820, 1, B, 15 & 16. Thank You, in advance, for responding within (5) business days, also as per policy. (15)</i> <i>cc: file</i>	
9. Response (This Section for Staff Response Only)	
To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____
Print Sign Date

Revised July 2000

Form DC-135A	Commonwealth of Pennsylvania Department of Corrections
INMATE'S REQUEST TO STAFF MEMBER	INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <i>Ms Feather Med. Admin.</i>	2. Date: <i>26 Jan 2020</i>
3. By: (Print Inmate Name and Number) <i>John Sloan KH0937</i> <i>[Signature]</i> Inmate Signature	4. Counselor's Name <i>Ms. Jonta</i>
	5. Unit Manager's Name <i>Ms. Combine</i>
6. Work Assignment <i>GA Block worker</i>	7. Housing Assignment <i>GA 31-2</i>
8. Subject: State your request completely but briefly. Give details. <i>As per my previous (2) DC-135As. This is the 3rd time writing to you regarding the wrongful deductions from my account for all the times I was seen in Med. Dept. regarding my (2) great toe for "re-evaluations" and renewed Rx's over the last (5 1/2) yrs, under Dr. Morgan, Phys. Asst. Horneiman, Phys. Asst. Odum, and the most recent one, Phys. Asst Wendy (something) pursuant to DC ADM 820, 1, B, 15 & 16. Why should an inmate show staff how they should function according to policy, before staff complies?</i>	
9. Response (This Section for Staff Response Only)	
To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____
Print Sign Date

Revised July 2000

Please refund my money, which was taken against policy. One would think that the Dept. should know its own policy?

cc: file

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections	
INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.			
1. To: (Name and title of Officer) Mrs. Karen Feather Med. Admin	2. Date: 12 Sept 2018	3. By: (Print Inmate Name and Number) John Sloan KH0937	4. Counselor's Name Mrs. Ordlin
5. Unit Manager's Name Mr. Giddens	6. Work Assignment GA Block Worker	7. Housing Assignment G-A- 31-2	

8. Subject: State your request completely but briefly. Give detail.
 Ms. Feather,
 In your response to my DC-135A Inmate's Request To Staff Member of 10 Sept 2018, you affirmed my sick call of 6/2018. You should also, then, be aware that on that sick call slip I requested not only gel insoles, but also reconsideration on the orthopedic shoes suggested by Orthopedic Spc. Dr. Matthew Shores, and agreed upon by Dr. Scott Morgan, as my medical record will confirm. I was denied orthopedic shoes by the application of diabetic criteria. I do not fit diabetic criteria, as I'm not diabetic. I was categorized to purchase Timberland Boots, which combined with the gel insoles offered some relief; but since we were forced to surrender all Timberland Boots, I am left without a viable option for relief. You are aware, and it is an error that ortho boot is problematic for me, as I have comminuted many times to an oval. It is already confirmed that I have a "permanent fracture" in "with pain". I haven't seen a "doctor" since 12/2014 on this or any other matter. In June 2018, I was charged \$5 to refill a permanent prescription.

9. Response: (This Section for Staff Response Only)
 The Medical provider must have a medical reason to order medical orthopedic shoes. As to the Timberland boot being removed that was a security issue and medical is not replacing those shoes with

did not get the relief requested. Help.
cc: file / bases Daily.

To DC-14 CAR Only ☐
 Staff Member Name

To DC-14 CAR and DC-15 IRS ☐
 Date

Orthopedic shoes. If the medical provider recommends orthopedic shoes then they will be ordered. The last note from an orthopedic 9/2014 was to wear regular shoes.

K. Feather KH0937
 3 of 11 9/13/18

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER		Commonwealth of Pennsylvania Department of Corrections	
INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.			
1. To: (Name and Title of Officer) MR. JOSH SHOLA MEDICAL	2. Date: 12 June 2019	3. By: (Print Inmate Name and Number) JOHN SLOAN KH0937	4. Counselor's Name Ms. JONTA
5. Unit Manager's Name Ms. COMBINE	6. Work Assignment GA BLOCK WORKER	7. Housing Assignment GA 31-2	
8. Subject: State your request completely but briefly. Give details. AS PER OUR DISCUSSION IN THE MED. DEPT. WAITING ROOM ON 3 JUNE 2019, REGARDING THE GEL-INSOLES I HAVE A PERMANENT RX FOR, YOU TOLD ME TO PUT IN REQUEST FOR REPLACEMENTS, AND I WOULD HAVE NO PROBLEM. YOU WERE OF HELP TO ME LAST YR, SO I AM AGAIN REQUESTING YOU FOR HELP, AS I SUBMITTED A REQUEST AND HAVE NOT, AS OF YET, GOTTEN A RESPONSE OF SEEN MY NAME ON THE CALL-OUT REGARDING MY REQUEST. Thank, in advance, for your time and attention. (AS)			
PLEASE write ANOTHER REQUEST WITH your shoe SIZE.			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

STAFF MEMBER NAME J. Shola
 Print Signature DATE 6/18/19

7.2.1, Counseling Services Procedures Manual - Section 3, Request Slips Attachment 3-A

9 of 11

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Mr. Bramley Maintenance Foreman</u>	2. Date: <u>8/16/2014</u>	4. Counselor's Name <u>Mr. Barnhart</u>	5. Unit Manager's Name <u>Mr. Brackelhurst</u>
3. By: (Print Inmate Name and Number) <u>John Sloan KH0937</u>			
<u>[Signature]</u> Inmate Signature			
6. Work Assignment	7. Housing Assignment <u>GA 31-2</u>		
8. Subject: State your request completely but briefly. Give details.			
<p>Please implement better safety protocols for all maintenance workers when working with heavy objects, such as, man-hole covers. On Aug 8, I incurred a broken toe when a man-hole cover fell on my foot due to a lack of safety protocols being in place. I pray for a positive response to this request. Thank you (B)</p>			
9. Response (This Section for Staff Response Only)			
<p>In response to this incident we "Safety + Maintenance" are looking to utilize a lift/lifting tool for removing man hole covers. This is to mitigate and reduce the potential for injuries when performing this task.</p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name M. Bramley [Signature] Date 20 Aug 14

Revised July 2000

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Mr. Kere Feather Med. Admin</u>	2. Date: <u>10 Sept 2018</u>	4. Counselor's Name <u>Mrs. Oshin</u>	5. Unit Manager's Name <u>Mr. Givileas</u>
3. By: (Print Inmate Name and Number) <u>John Sloan KH0937</u>			
<u>[Signature]</u> Inmate Signature			
6. Work Assignment <u>GA Block Worker</u>	7. Housing Assignment <u>GA 31-2</u>		
8. Subject: State your request completely but briefly. Give details.			
<p>Mr. Feather I am reluctantly writing to you, to ask you to allow me to receive the previously recommended orthopedic shoes. As you know there is a subjective component to treatment. I have repeatedly communicated that the prescribed gel insole alone paired with the shoe-issue boot is not an effective treatment for my orthopedic situation. I am in considerable pain every day. Though you are not a "medical professional", you are in a position to authorize the allowance of orthopedic shoes. If one has shown me any policy which would prevent me being afforded orthopedic shoes. If there is a policy, would you show it to me? I am having a difficult time getting sneakers, but am forced to wear shoe-issue boots, which really hurt my foot after 30-40 min. No need to tell you why I am reluctant to write to you, but I beseech you, now the less your sympathetic attention and consideration will be greatly appreciated. (B)</p>			
9. Response (This Section for Staff Response Only)			
<p>All orthopedic shoes must be ordered thru the medical provider. You haven't submitted a sick call since 6/2018 where you asked for gel insoles. Submit a sick call to discuss w/ a medical provider.</p>			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name K. Feather [Signature] Date 9/11/18

Revised July 2000

ACTION REQUIRED
Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

This serves to acknowledge receipt of information based on your intent to appeal the grievance noted below to final review. However, this information is being filed without action since you have failed to comply with one or more provisions outlined in DC-ADM 804, Inmate Grievance System Policy.

Inmate Name:	JOHN SLOAN	Inmate Number:	KH0937 GA
SCI Filed at:	MER	Current SCI:	MER
Grievance #:	899719		
Action:	File Without Action/Pending		
<p>Review of the information you provided indicates that your appeal is incomplete. You are not permitted to appeal to this office unless you have complied with the procedures established in the DC-ADM 804 requiring that all documentation relevant to the appeal be provided upon appeal. Therefore, you have fifteen (15) working days from the date of this notice to provide this office with all completed documents necessary for conducting final review. A failure to provide the missing information (identified below) within this time period may result in a dismissal of your appeal. Further, any future appeals received that do not contain the required documents may result in an immediate dismissal. This notice is only a courtesy of this office and may not be provided again.</p>			
PLEASE FORWARD A COPY OF THE DOCUMENTS CHECKED (XX) BELOW			
Standard or Remanded Appeal to Final Review:			
XX	Legible copy of your initial grievance and/or resubmitted initial grievance (DC-804 Part 1 form)		
	Initial review response and/or rejection		
	Legible copy of your appeal to Facility Manager, signed & dated		
	Facility Manager's appeal response		
	Remanded initial review response		
	Legible copy of your 2 nd appeal to Facility Manager, signed & dated		
	Remanded Facility Manager's appeal response		
	Written appeal to final review, signed & dated		
Appeal of Publication Denial or Unacceptable Correspondence:			
	IPRC decision to deny publication / Notice of unacceptable correspondence form		
	Legible copy of your appeal to Facility Manager, signed & dated		
	Facility Manager's appeal response		
	Written appeal to final review, signed & dated		
Appeal of Grievance Restriction:			
	Grievance Coordinator's notice of grievance restriction		
	Legible copy of your appeal of grievance restriction to the Facility Manager, signed & dated		
	Facility Manager's appeal response		
	Written appeal to final review, signed & dated		
Please Note:			
<ul style="list-style-type: none"> Photocopying Services - Each facility has established local procedures for photocopying services for inmates housed in general population, as well as for those inmates housed in specialized units. If you are not familiar with these procedures, refer to your Facility Inmate Handbook or ask your Unit Team. If you do not have the requested document(s) to make a photocopy, contact the Facility Grievance Coordinator, at the facility where the grievance was filed, for additional copies. Fees may be assessed, in accordance with the DC ADM 003. Indigent Inmate - If you meet the criteria for indigent status, please refer to DC ADM 803 for current guidelines regarding postage and copying charges. 			
Signature:	Amanda West A. West	Grievance Review Officer	Date: 01.26.2021

AMW

cc: DC-15/Superintendent - MER
 Grievance Office

31-2



09/28/2020 08:23

Final Appeal Decision

Secretary's Office of Inmate Grievances & Appeals
Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

Ex J
(3 pgs)

Inmate Name:	SLOAN, JOHN	DOC #:	KH0937
SCF Filed:	Mercer	Current SCF:	Mercer
Grievance #:	877649		GA

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Decision: Uphold Response

It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

Your concern regarding a medical co-pay charge was reviewed by the staff of the Bureau of Health Care Services.

The review determined that the sick call visit in question on 6/17/20 was for non-urgent care and for non-chronic conditions at your request. The co-pay charge was correct as required by the DC ADM 820 Section 1; an inmate shall pay a co-pay fee for any non-emergency medical service provided at the inmate's request. Therefore, your appeal and requested relief are denied.

Signature:	<i>Veri Moore for</i>
Name:	D. Varner
Title:	Chief Grievance Officer
Date:	9/28/20

CC: DC-15/Superintendent - Mercer
Grievance Office

DETERMINED

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-F

Issued: 1/26/2016 Effective: 2/16/2016

KH0937 Grievance #: 877649

SLOAN, JOHN

Page 1 of 1

In the Final Appeal Decision dated 9/28/20, regarding grievance no. MER-877649-20, it mentioned the sick-call visit of 6/17/20 for which I was charged a co-pay. This particular sick call was to switch the pain med Voltaren to Xtra Strength Acetaminophen (Tylenol). The pain meds. are needed for pain of my left great toe, which has a permanent fracture due to an "injury arising from an inmate's facility work assignment" (DC-ADM 820, I, B, 15), which, as stated shall result in "Non-charge". So, even if you say that the charge is from continuation of Zyrtec, which I take for an indoor dust allergy, my own medical records say that it's a "chronic" condition; and, if it is for the meds for the allergic reaction to the institution-supplied cloth mask for which I am now in a fight with the medical department for a viable hypo-allergenic option, it was stated on CCTV that there would be no CHARGE for anything COVID-RELATED. So, please clarify for me what is the charge for, and why can't I seem to get relief for my medical issues regarding viable options to the reaction-inducing institution-supplied cloth mask?

TO: SECRETARY'S OFFICE OF INMATE GRIEVANCES & APPEALS

RE: GRIEVANCE NO. MOR 877649-20 FINAL APPEAL DECISION

The sick call visit in question on 6/17/20 was regarding changing the Rx for Voltaren to Xtra Strength Acetaminophen (Tylenol) because the Voltaren was causing severe stomach problems leading to ulcers and blood in my stool. The response of the medical administrator was that it was "The change was to see if the allergy pills should continue. The change was appropriate. This was stated 7/8/2020, to the DC ~~AMM~~ 135A Inmate Request To Staff Member of 7/7/2020 (See attached). So, the visit of 6/17/20 WAS for urgent care, if you consider severe stomach problems leading to dark stool. The visit had nothing to do with allergy pills ^{initially} as Ms. Feather stated, if she was writing of the Zyrtec that is regularly needed. If she was speaking of the meds for the allergic reaction occurring as a result of the cloth mask provided by the institution, why should I incur a charge for that? The cloth mask was given an account of the COVID-19 pandemic; therefore, being "COVID-related". The closed circuit channel said there would be "no charge for anything 'COVID-related'". So, why should I be charged for having an allergic reaction to the cloth mask provided by the institution; or rather treatment for the allergic reaction to the mask provided by the institution? It's not so much about doing the right thing, as it is about winning on your part. Do what is right.

~~Date: Oct 2, 2020~~

John Sloan RH0937
801 Butter Pike Rd.
Mercer, PA 16137

Allergy Pills: ① Zyrtec - covered by DC AMM 8201 B, 16

② Benadryl - prescribed in June b/c of allergic reaction to cloth mask provided by institution because of COVID-19 pandemic.

Ex K 31-2



Final Appeal Decision

Secretary's Office of Inmate Grievances & Appeals
Pennsylvania Department of Corrections
1920 Technology Parkway
Mechanicsburg, PA 17050

12/23/2019 10:54

Inmate Name:	SLOAN, JOHN	DOC #:	KH0937 GA-31A
SCI Filed:	Verdict	Current SCI:	Verdict
Grievance #:	823038		

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted above. In accordance with the provisions of DC-ADM 804, Inmate Grievance System Policy, the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Decision: Uphold Response

It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or uphold the facility, in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issues raised in the grievance and your appeal and other sought.

Response:

Your concern of not being provided adequate medical care was reviewed by the staff of the Bureau of Health Care Services.

They reviewed the medical record and determined that the medical care provided was reasonable and appropriate. The findings of the review concur with the Initial Review Response. These clinical decisions are made by your attending practitioner. You are encouraged to participate in your treatment plan and to discuss your concerns or changes of condition with a practitioner.

No evidence of wrongdoing was identified. Therefore, your appeal to this office is denied as well as your requested relief.

Signature:	
Name:	D. Venter
Title:	Chief Grievance Officer
Date:	12/24/2019

CC: DC-15/Superintendent - Mercer
Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-F

Issued: 1/26/2016 Effective: 2/16/2016

KH0937 Grievance #: 823038

SLOAN, JOHN

Page 1 of 1

**INMATE APPEAL TO FINAL REVIEW
GRIEVANCE**

Ex L

DENIED

INMATE NUMBER	NAME	FACILITY	DATE	GRIEVANCE#
KH0937	John Sloan	SCJ - Mercer	31 July 2018	MER-742642-18

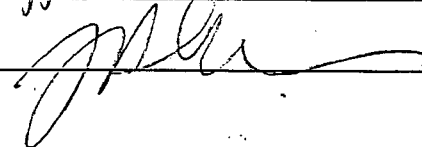
I received my appeal from the Superintendent on 30 July 2018 and have the following appeal issues.

Refer to DC-ADM 804, Grievance Appeal Procedures, for complete instructions. Appeals must relate to the issue presented in the initial grievance and 1st level appeal.

Please provide a BRIEF (no longer than two pages) appeal statement.

I submit the information contained in the Initial Grievance, and Facility Manager Appeal as fully incorporated herein. When I was diagnosed with a "permanent fracture" in my left great toe, and so acknowledged by the PA Dept. of Corrections (See Exhibit E), the orthopaedic specialist, Dr. Matthew Stonestreet recommended orthopaedic shoes as a viable option for treatment; "and not to exclude fusion (surgery)". Dr. Scott Morgan of Correct Care Solutions LLC, contracted by SCJ - Mercer, agreed with Dr. Stonestreet, and wrote in my chart to provide "orthopaedic shoes, size 9. Inmate may return to work when shoes arrive". The next entry on the chart was "D/c (discontinue) shoes, inmate does not fit diabetic criteria". I am not diabetic, and therefore, should not have diabetic criteria be gauged as a factor in determining the need for orthopaedic shoes. Dr. Morgan, offering as a reason for the sudden change of plan was, "my administrators would not allow me to write the prescription". So, I was only afforded gel-insoles. When Ms. Fether, the then, Site Administrator for Correct Care Solutions, dispensed the gel-insoles to me, she told me that the prescription for insoles was permanent, and that I would get new ones every (6) months, year, or whenever they needed replaced. I was not charged for the insoles; nor was I charged for the next (2) replacements. The nurse, Mr. Sam, who dispensed the replacement insoles only informed me to switch-out the worn-out ones for new ones. As is clear from the Initial Grievance, and subsequent Fac. Mgr. Appeal, I am now being evaluated for "changes" in my "permanent" condition. My request was for reconsideration of orthopaedic shoes, since I can no longer keep my Timberland Boots, and ^{to receive} new gel-insoles. Though I was never charged \$5.00 before for ^{evaluation for} new gel-insoles, I am now. They were ordered 4 June 2018; and I am still without gel-insoles AND/OR orthopaedic shoes. I was invited to "participate in (my) treatment," yet am given no consideration as to what treatment is effective or not.

INMATE SIGNATURE: _____



Ex M

Final Appeal Decision
Secretary's Office of Inmate Grievances & Appeals
 Pennsylvania Department of Corrections
 1920 Technology Parkway
 Mechanicsburg, PA 17050

This serves to acknowledge receipt of your appeal to the Secretary's Office of Inmate Grievances and Appeals for the grievance noted below. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to the Facility Manager, the Facility Manager's response, the issues you raised to final review, and (when applicable) any revised institutional responses required as a result of a subsequent remand action by this office. As necessary, input from appropriate Central Office Bureaus (e.g., Health Care Services, Chief Counsel, Office of Special Investigations and Intelligence, etc) may have been solicited in making a determination in response to your issue as well.

Inmate Name:	John Sloan	Inmate Number:	KH0937
SCI Filed at:	Mercer	Current SCI:	Mercer
Grievance #:	703114		
Publication (if applicable):			
Decision:			
<input checked="" type="checkbox"/> Uphold Response (UR) HC <input type="checkbox"/> Uphold Inmate (UI) <input type="checkbox"/> Uphold in part/Deny in part			
<i>It is the decision of the Secretary's Office of Inmate Grievances and Appeals to uphold the initial response, uphold the inmate, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.</i>			
Response:	Frivolous		
A review of the record was conducted by the Bureau of Health Care Services. Upon reviewing your medical record, it was determined that the medical care provided was reasonable and appropriate. The findings of this review concur with the Initial Review Response. These clinical decisions are made by your attending practitioner. You are encouraged to participate in your treatment plan and to discuss your concerns or changes of condition with a practitioner. No evidence of wrongdoing was identified.			
This office upholds the decisions of the Bureau of Health Care Services, the Facility Manager, and the Grievance Officer in denying your grievance and requested relief.			
Signature:	Dorina Varner <i>[Handwritten Signature]</i>		
Title:	Chief Grievance Officer		
Date:	5/10/2018		

DLV/HIS

 cc: DC-15/Acting Superintendent Estock
 Grievance Office

DC-ADM 804, Inmate Grievance System Procedures Manual
Section 2 – Appeals

 Issued: 1/26/2016
 Effective: 2/16/2016

[Handwritten Signature]
 Attachment 2-F

EX N

DENIED

INMATE APPEAL TO FINAL REVIEW GRIEVANCE

INMATE NUMBER	NAME	FACILITY	DATE	GRIEVANCE#
KH 0937	JOHN SLOAN	SCI-MERCER	11-26-14	#12563596-14

I received my appeal from the Superintendent on 11-26-14 and have the following appeal issues:

Refer to DC-ADM 804, Grievance Appeal Procedures, for complete instructions. Appeals must relate to the issue presented in the initial grievance and 1st level appeal.

Please provide a BRIEF (no longer than two pages) appeal statement.

I was injured while at work at SCI-Mercer on 8/8/14. A large manhole cover fell on me fracturing my left hallux (great toe) in multiple places. There was ~~no~~ prior training or instruction given. There was no Personal Protective Equipment (PPE) issued. There was No Risk Management. Three inmates were given the task of removal of the cover. My initial grievance was denied. I work on Mr. Keizman's Electrical Maintenance (M5) crew. I was sent to assist Mr. Dellorso (M24) on an assignment that was not part of (M5) workload. The initial grievance was denied stating "compensation should not be considered under presumptions. In my grievance I wrote "I was informed that it (my toe) is most likely that the injuries probably will never heal properly, and expect arthritis in that toe henceforth". The term "probably" was used by me, "will never heal properly" and the part about arthritis is the Orthopaedic Specialist's quote. Based on the statement of response, "Prognosis is to be determined by medical professionals upon completion of recovery", I waited until my final follow-up with Dr. Mirgan of SCI-Mercer on 11/5/14 before submitting my request to Superintendent Thompson 11/17/14. It has been determined by medical professionals that the injury has NOT indeed healed, and special orthopaedic shoes were ^(grievance) subscribed by the attending physician. Subsequent grievances were submitted after final prognosis. (See ME2535735-14 Initial Review Response p2) Inmate orientation form item #13 makes no provision for PPE. Follow-up investigation review as of 8 Aug 14 in response to my request to Mr. Bramley, Maint. Foreman concluded, "We are in the process to purchase and/or fabricate a device to remove man-hole covers." There was no device available at the time of incident. As a result of my injuries, which are sustaining, I am seeking financial compensation and relief and look forward to discussing and amicable and fair resolution to my request. Thank You.

INMATE SIGNATURE: 



Facility Manager's Appeal Response

SCI Mercer
801 Butler Pike
Mercer, PA, 16137-5653

31-2
EX 9
CF

12/20/2019 02:27

Inmate Name:	SLOAN, JOHN	DOC #:	KH0937
Facility:	Mercer	Unit Location:	G / A
Grievance #:	836255		


This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted above. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

Decision: Uphold Inmate

It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss, or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

Upon review of the grievance and applicable policy it has been determined that the inmate is correct. According to Section #1 Co-Pay fee of the DC-ADM 820, Co-Payment for Medical Services Procedures Manual #15 states "medical service provided as a result of an injury or illness arising from an inmate's facility work assignment" should not have a co-pay assigned to it. The co-pay in question here was due to a job related incident. The inmate will be refunded this co-pay in accordance with this policy.

Signature:	
Name	W. Woods
Title:	Facility Manager
Date:	

CC: DC-15
File

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-B

Issued: 1/26/2016 Effective: 2/16/2016

KH0937 Grievance #: 836255

SLOAN, JOHN

Page 1 of 1



Facility Manager's Appeal Response

SCI Mercer
801 Butler Pike
Mercer, PA, 16137-5653

03/08/2021 02:29

Inmate Name:	SLOAN, JOHN	DOC #:	KH0937
Facility:	Mercer	Unit Location:	C-1A
Grievance #:	913487		

This serves to acknowledge receipt of your grievance appeal to the Facility Manager for the grievance noted above. In accordance with the provisions of DC-ADM 804, "Inmate Grievance System Policy", the following response is being provided based on a review of the entire record of this grievance. The review included your initial grievance, the Grievance Officer's response, your appeal to me and any other documents submitted.

Decision: Uphold Response

It is the decision of this Facility Manager to uphold the initial response, uphold the inmate, dismiss or Uphold in part/Deny in part. This response will include a brief rationale, summarizing the conclusion, any action taken to resolve the issue(s) raised in the grievance and your appeal and relief sought.

Response:

Inmate Sloan submitted an appeal to the Facility Manager on grievance #913487 arguing the response of the Grievance Officer. He provides the Facility Manager with his argument as to why he believes he should not have been charged a co-payment and cites several sections of DC-ADM 820 as his evidence.

Upon review of the medical notes for 11/27/21, inmate Sloan requested medication that had already expired. As a result, he was scheduled to be seen to determine if the medication was necessary. The medication in question is an allergy medication and that does not fall under the definition of chronic care.

Inmate Sloan quotes the sections of the DC-ADM 820 that would not require a co-payment, however, his situation does not meet those quoted sections. DC-ADM 820, Section 1, A.1. says an inmate shall pay a \$5.00 co-pay for any non-emergency medical service provided at the inmate's request and for initial prescriptions. Inmate Sloan sent a request for medication that required him to be seen and was appropriately charged for the visit and two medications.

DC-ADM 820, Glossary of Terms defines chronic medical disease/illness as a disease or illness that is deemed "chronic" by the medical provider, based on the professional opinion that the inmate's condition will require regular return and/or continuous visits for medical services. The following diagnoses provide several examples of diseases/illnesses that may (or may not) be defined as "chronic", depending on the individual inmate's specific diagnosis and medical condition: Asthma, Congestive Heart Failure, Coronary Artery Disease, Diabetes, Dislipidemia, Hepatitis C, HIV, and Hypertension. Inmate Sloan attaches a copy of his transfer health information from 2016 from the County Jail that lists allergies under chronic/acute health problems. Mercer County Jail may have listed that on the transfer sheet, but the attending medical provider makes the determination if/when a condition is deemed chronic. It has been deemed in inmate Sloan's case that allergies are not chronic.

Based upon the above information, the decision is to uphold the initial review response. All requested relief is denied.

DC-ADM 804, Inmate Grievance System Procedures Manual

Section 2 - Appeals, Attachment 2-B

Issued: 1/26/2016 Effective: 2/16/2016

KH0937 Grievance #: 913487

SLOAN, JOHN

Page 1 of 2