How to File a Healthcare Related Grievance in a Missouri State Prison

Please read before using this packet:

This information is not meant as legal advice and you should not take it as legal advice. Talk to a lawyer if you have questions about your situation. The law in this area changes often, so it is your responsibility to find out the rules and laws that apply to your specific circumstance.

Check the prison law library or ask facility staff where you can find the rules.

If you are currently represented in a lawsuit about the same issue you want to grieve please contact your lawyer.

MDOC's Grievance Process and How to File

If you have a complaint about conditions or how you're treated in a Missouri Department of Corrections' prison, you must follow Missouri Department of Corrections' formal inmate grievance rules. A federal law called the Prison Litigation Reform Act (PLRA) says **you must complete, or "exhaust" administrative remedies as are available before you can file a lawsuit**, or sue, the government officials or department in federal court.

It is important that you follow the grievance procedures for available administrative remedies because if you file a lawsuit a court could dismiss, or throw out, your lawsuit and you could lose your rights.

If you are having problems at your facility you can try to resolve the issue through the MDOC grievance process. The grievance process is a list of steps you must take so that MDOC can try to fix the problem if the administrative remedy is available. The MDOC grievance process is in MDOC Department Manual section D5-3.2, "Offender Grievance Procedure." Issues that can be grieved include the denial of medical care or inadequate medical care for your condition.

The first step is to send in, or submit, informal and formal complaints. These complaints are called **grievances**. There are **three steps** incarcerated people must follow before filing a lawsuit about their conditions including denial of medical care or inadequate medical care. Appendix A (at the end) includes a timeline of all the steps.

If the issue is not resolved at the end of the grievance process or if the administrative remedy is unavailable, you could sue the prison officials and MDOC in prison.

MDOC Grievance Process
(MDOC Department Manual D5 3.2)

Step 1: File an Informal Resolution Request (IRR)

Step 2: File a Formal Grievance

Step 3: Appeal the Grievance Decision

Step 1: File an Informal Resolution Request (IRR)



When to submit an IRR Form

- You have to file an Informal Resolution Request (IRR) **within 15 days of the event or situation** that you want to complain about.
- **Ask for an IRR Form, Form # 931-3376**, either in writing or verbally, from your unit's classification staff (for example, a case manager or unit manager) as soon as possible. Ask facility staff who your classification staff member is to make sure you are talking to the appropriate person.



Helpful details to include about your specific circumstances

- **Briefly say** what your specific complaint is.
- **Describe only one issue** in your complaint. If you describe more than one issue, your complaint may be rejected. An issue involves a single incident or act.
    - **If you have more than one issue,** file a different IRR for each issue. For example, if you are experiencing both medical and safety issues, you should write two separate grievances, one for the medical issue and one for the safety issue.
- **Include** your name, housing unit, the date of the event, and what you want done about it. You could also include details on who you spoke with (name and position) and what if any relief they provided to you.
- For medical related issues you could also include details specific to your health such as changes to your medical care and how this has affected your health.
- **Sign** the complaint.



Deadlines

- You must file the IRR Form **within 15 calendar days** of the event you are complaining about. If possible, keep a personal, written record of what you sent in and dates.
- Check the language in your facility rulebook for any waivers or extensions about this deadline.



What's next?

- The prison staff will review your IRR and try to discuss a solution with you.
- If the issue cannot be resolved by discussion, MDOC should respond to you in writing **within 40 calendar days** from the date the staff in charge of handling IRRs gets your IRR.
- You will review the prison's written response and mark the response as satisfactory (fixed the problem) or unsatisfactory (has not yet fixed the problem). **You must sign and date the form.**
    - If you do not sign the form, it will be considered abandoned, and it will be closed.

- If you have not received MDOC's response within 40 calendar days or if MDOC's response does not fix your problem, **continue to Step 2 by approaching IRR staff and requesting a Grievance Form**.



Do not wait for prison officials to respond to your IRR.
Once the 40 days have passed, file a formal grievance.

Many people wait longer for prison officials to respond to their IRR, file their grievance too late, which could cause your complaint to be closed or affect your right to sue in court.

Step 2: File a Formal Grievance

When to submit a formal grievance

- If the prison responds but the issue is not resolved, or if prison officials did not respond within the required 40 calendar days, **tell the IRR staff** and **ask for an Offender Grievance Form, Form # 931-3377.**
- **Use one grievance form for each response to your IRR**.
    - Grievances must also follow the "one issue rule".

Helpful details to include in your grievance

- **Describe** what prison officials or staff did and the facts that show it.
- **Name** any people involved and their role in the harm.
- **State what is the harm** they caused you and how this affected you.
- **Note** any important dates or places where the harm occurred.
- **Include** *your* name, number, the date of the grievance and the incident, and sign your grievance.
- **Only include what you know to be true** in your grievance form.

When writing your grievance, remember that MDOC Policy prohibits:

- Profane language or drawings
- Threats of bodily harm or other threatening language
- Facts that are not about the grievance you are making

Important deadlines

- You must file your Grievance Form **within 7 calendar days** from the date you signed the response to your IRR from Step 1.

Do not miss this 7 day deadline for an appeal. If you miss this deadline, the prison will close your grievance because you abandoned it and you could lose your rights.

What's next?

- MDOC should respond in writing to your grievance **within 40 calendar days**.
- You will review the response and mark it as "accept" or "appeal." You must **sign and date the form.**
    - If you do not sign the form, it will be considered abandoned and closed.
    - If you plan to appeal, **do not say that you accept the prison's response** to your grievance
- If you disagree with MDOC's decision or do not receive a written response within 40 calendar days, **request an Appeal Form from the Grievance Officer and go to Step 3** (the Appeal stage).

Step 3: Appeal the Grievance Decision



When to file an Appeal

- If you disagree with the grievance decision you received in Step 2
  OR
- If you did not receive a response within 40 calendar days

Ask for an Appeal Form, Form # 931-3378.



Helpful details to include

- **Explain** why the first grievance was not handled correctly.
- **State** the reasons that you should have what you requested to fix the problem.
- **Explain** why the prison should not deny your appeal, or why you should get what you have requested to fix the problem.



Deadlines

You must file the Appeal form with your Grievance Officer **within 7 calendar days** from the date you sign the response to your grievance from Step 2.

Do not miss this 7 day deadline to appeal. If you miss this deadline, the prison will close your grievance because you abandoned it and you could lose your rights.



What's next?

- **Wait up to 100 calendar days** for the prison to give you a decision about your appeal. You should get a written decision within those 100 calendar days.
- If the prison responds in that time, or you wait 100 calendar days and they did not respond, **you have done what you needed to do** and completed, or exhausted, the grievance process by following the rules.

General Tips for the Grievance Process

Counting Deadlines and Reminders

- "Calendar days" include weekends and holidays.
- Only include one complaint/issue per Grievance Form. The information in each form should be directly related to the one issue being discussed (see "Step One" above for more details on what counts as a "single issue").
- Fill out every blank on the form, including name, housing unit, the date of the incident, and **signature.**
- **IF** you *must* miss a deadline, file the next step of the grievance process anyway. Explain in the grievance why you are late.
- Always make/keep your own record of your grievances, even if by hand.
  - **Keep track of** the date you sent in your Grievance Form and who you gave it to you.
  - If prison officials deny you access to medication or treatment, write down how this has affected your health including any symptoms or effects to your physical and/or mental health.
  - If prison officials took some action but the issue is still not fixed, write that down. For example, if staff switched you from one unhelpful form of medical treatment to another.

What You Cannot Grieve

There are problems you might have in prison that cannot be in a grievance. If you make a grievance about something that is not covered in the grievance rules, the prison could reject it.

You can grieve:	**You cannot grieve:**
Medical care and treatment, including claims of deficient medical care, inadequate treatment, untimely healthcare, and discontinuation of prescribed medication;	Probation and parole issues;
Retaliation, including claims that prison staff retaliated against an inmate for filing grievances or pursuing litigation;	Actions of state legislature or agencies;
Conditions of confinement and excessive force claims;	Judicial proceedings;
Sexual abuse claims.	Actions of others that do not affect you personally.

Where to Find More Information

- Policies and Procedures affecting living conditions, programs, housing, and work areas should be available in the prison library.
- Missouri Department of Corrections, Offender Rulebook – The section about grievances is at the end, just before the summary
- Missouri Department of Corrections Department Manual, §D5-3.2 Offender Grievance – Section Three (III) outlines the process
- For more information on how courts have looked at the MDOC grievance process and some common pitfalls you can check out the following cases. This is not legal advice on how the courts may treat your lawsuit.
    - *Wewerka v. Roper*, No. 4:09CV1973 CDP, 2 010 WL 4628093 (E.D. Mo. Nov. 8, 2010)
    - *Taylor v. Null,* No. 4:13-CV-1065-CEJ, 2015 WL 1006093, (E.D. Mo. Mar. 5, 2015)
    - *Baker v. Bryan*, No. 4:14-CV-333-JAR, 2015 WL 5735142 (E.D. Mo. Sept. 29, 2015)
    - *Marsh v. Reckert,* No. 4:23-CV-00128-SPM, 2025 WL 2442876, (E.D. Mo. Aug. 25, 2025)
    - *Flowers-Bey v. Anderson,* No. 2:19-CV-00070-SRC, 2021 WL 4243169, (E.D. Mo. Sept. 17, 2021).
    - *Ware v. Jordan*, No. 2:24-CV-48-ZMB, 2026 WL 586176, (E.D. Mo. Mar. 3, 2026)
    - *Porter v. Sturm*, 781 F.3d 448, (8th Cir. 2015)

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Appendix A: Grievance Timeline

