**MEMORANDUM**

To: Paralegal

From:

Date:

RE: Research Memorandum Assignment

# Questions Presented

Ray Thomson has sought to establish whether the denial of his desire to have Vicodin as a prescription and surgery as a treatment for his carpal tunnel syndrome, constitute an unusual punishment as well as a violation of the Eighth Amendment to the Constitutions. In the Bill of Rights, Thomson has a fundamental right to access the most appropriate healthcare, regardless of his current state as a prisoner, following a ten-year term he has to serve, having been proven guilty of bank robbery.

Under this right, accompanied by strong evidence such as previous medical reports detailing his carpal tunnel syndrome condition and relevant prescription, or a witness including his personal doctor, should prove to the authorities that he needed the Vicodin and an immediate surgery, other than the treatment offered by the prison doctors. The point of contention is that the prison doctors, contrary to the recommended practice by many other doctors, have administered over-the-counter pain medication to act as a relievers of the intermittent pains, as well as hand and wrist splints. However, with sufficient evidence to justify the preferred treatment, it would constitute an unusual punishment and a violation of the Eighth Amendment of the Constitution for the authorities to deny Thomson a chance to secure the desired and appropriate treatment for his condition.

# Statement of Facts

The current status of Thomson as a prisoner is out of question, having been proven guilty of bank robbery by a court. However, the question about his status as a prisoner involves the possibility of the authorities using it to limit his fundamental right to access appropriate medical care as stipulated in the Bill of Rights. Thomson has a medical condition called carpal tunnel syndrome, which is a condition that causes pressure in the nerve of the wrist, as well as pain and numbness in the hands. There is no dispute about the validity of this condition, since the prison doctors, who meet Thomson on a fortnight basis, have verified and commenced their form of treatment on the patient.

Having conducted an assessment of Thomson’s condition, it is evident that they have development a treatment plan, which involves the administration of over-the-counter pain drugs, with a recommendation that they may conduct a surgery at a later date. The main argument presented by the prison doctors is that the idea of conducting a surgery is premature at the time of the case. The decision by these prison doctors Thomson’s treatment plan is the main source of conflict, since it conflicts with that of the patient, and most importantly, many other doctors. According to other doctors, Thomson’s condition requires a prompt surgery, which is contrary to the treatment plan administered by the prison doctors.

The respondent inmate (Thomson) brought the civil right action under the 429 U.S. 97, against the petitioners, which include the state departments of correction, the medical director of the correctional facility, as well as the prison medical doctors. In the case, the complainant claims that the nature of the treatment he received violates the Eighth Amendment of the Constitution.

The claim is based on the issue that he has been denied a chance to secure surgery, which he perceives as the moist appropriate approach to handle his condition. However, the respondent has not provided sufficient evidence to back up his claims for requiring an alternative treatment plan. Furthermore, the corrections department medical director can also claim that they have taken the necessary steps of offering treatment the inmate as a way of guaranteeing his constitutional right.

# Discussion

As to whether the current treatment plan given to Thomson, in its nature and effectiveness, violates the Eighth Amendment to the Constitution as an unusual punishment, can be judged with reference to the Bill of Rights. Every American citizen has a right to access adequate, appropriate, and timely medical care. According to the Bill of Rights, there are no specified circumstances under which the provisions of such articles of the Bill of Rights become null and void.

Even though there are a set of rights and freedoms that Thomson’s status as a prisoner limits, access to medical care should not face any form of limitation. There are cases in the United States prison systems in which correction departments have either delayed or hindered expensive medical care actions prescribed for inmates. Moreover, there are also cases that further violate the rights of the inmates to access medical care when the correction facilities selectively choose when to accord adequate and appropriate healthcare, especially when such inmates have significant roles in ongoing or anticipated investigations. It is, therefore, an important step to take an early precautionary measure, to guard against any eventuality, by securing an early surgery as recommended by other doctors.

On the other hand, there is a sense of commitment by the correction department to offer treatment to Thomson, as a way of fulfilling the provisions of his constitutional rights as a person, other than as a prisoner. The commitment involves the assignment of a team of three prison doctors, who have been providing a regular check-up on Thomson on a fortnight basis. In the case, there is no registered complaint showing that the doctors had missed any of their appointments, and therefore, failed to carry out the regular medical checks on Thomson’s condition.

Under these circumstances, it is not justifiable to file a claim against the correction department, since they seem to have fulfilled their obligation to offer a treatment as deemed appropriate. Furthermore, the team of prison doctors have not acted in any manner likely to suggest that they have denied the possibility of a surgery. The difference occurs in the overall approach, as they suggest a surgery at a later date, after their regular examinations would have shown that the current treatment plan is ineffective. In this case, the respondent has a duty to prove beyond any reasonable doubt that the department of correction medical director has denied him the chance to secure the desired form of medical care, as to constitute an unusual punishment, as well as a violation of the Eighth Amendment to the Constitution.

# Conclusion

This issue involves the health of an individual, and may to some extent, involve the life. It is logical that it should be devoid of baseless debate, especially now that the state involved has no cases or statutes regarding it. Since it touches on a fundamental human right to access medical care, it is important that the relevant authorities, through an enforcement from the courts, ensure that Thomson accesses the most appropriate medical care in the timeliest manner possible.

Reference

Rold, W. J. (2008). Thirty years after Estelle v. Gamble: A legal retrospective. *Journal of Correctional Health Care*, *14*(1), 11-20.