

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
GAINESVILLE DIVISION**

MARY BECKER, individually and	:	
as Temporary and/or Permanent	:	
Administrator of the Estate of	:	
JASON HEWITT ARMSDEN,	:	
	:	CIVIL ACTION NO.
Plaintiff,	:	2:09-CV-00047-RWS
	:	
v.	:	
	:	
FANNIN COUNTY, GEORGIA,	:	
<i>et al.</i> ,	:	
	:	
Defendants.	:	

**ORDER**

This case is before the Court for consideration of the Report and Recommendation [204] of Magistrate Judge Susan S. Cole. After reviewing the Report and Recommendation and the Objections [206] thereto, the Court enters the following Order.

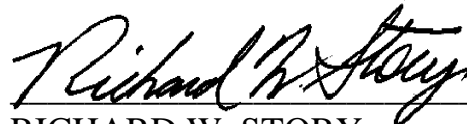
The critical question raised by Defendants Gayle Mercer and Georgia Mountains Health Services, Inc. (“GMHS”) is “whether [Health Resources and Services Administration (“HRSA”)] regulations required GMHS to amend its 2007 Grant Application in order to maintain compliance with applicable scope of project regulations and the 2007 [Notice of Grant Award (“NGA”)]. These

Defendants object to the Report and Recommendation relying upon language in the 2008 Grant Application when deciding whether GMHS was required to submit a grant amendment. Having reviewed this issue, the Court concludes that GMHS was required to submit a change of scope application for the 2007 grant year when the services to the jail were added. The Court finds that under PIN 2002-07, GMHS was required to submit requests for approval of changes in sites. That same regulation defines a site as “any place where a health center provides services to a defined. . . population on a regular, scheduled basis.” The Court finds that providing weekly sick call at the jail is sufficient to classify the jail as a site under the regulation.

The Report and Recommendation is received with approval and with the additional finding herein, is made the Order and Opinion of this Court. Accordingly, the United States’ Motion to Set Aside Substitution of the United States for Gayle Mercer and Georgia Mountains Health Services, Inc.; to dismiss the United States and FTCA claims against it; and to permit Plaintiff to revive her tort claims against Gayle Mercer and Georgia Mountains Health Services, Inc. [188] is **GRANTED**; Plaintiff’s Motion for Leave to File Fourth Amended Complaint Reinstating Gayle Mercer and Georgia Mountains Health

Services as Defendants [190] is **GRANTED**; the United States is **DISMISSED** from this action; Plaintiff's Fourth Amended Complaint [190-1] shall be docketed by the Clerk as the operative complaint in this action; and Ms. Mercer and GMHS are **REINSTATED** as Defendants in this action, via Plaintiff's Fourth Amended Complaint; and Defendant Mercer and GMHS are **ORDERED** to respond to the Fourth Amended Complaint within twenty-one (21) days of the entry of this Order.

**SO ORDERED**, this 31st day of July, 2012.

  
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RICHARD W. STORY  
UNITED STATES DISTRICT JUDGE