

IN THE SUPREME COURT OF MISSISSIPPI

NO. 2025-CA-00413-SCT

WILLIE JEAN KNIGHTEN

v.

VITALCORE HEALTH STRATEGIES, LLC

DATE OF JUDGMENT:	04/01/2025
TRIAL JUDGE:	HON. CAROL L. WHITE-RICHARD
TRIAL COURT ATTORNEYS:	JIM WAIDE HIAWATHA NORTINGTON, II JESSICA ROSHAUN McLAURIN YANCE ALFRED FALKNER
COURT FROM WHICH APPEALED:	SUNFLOWER COUNTY CIRCUIT COURT
ATTORNEYS FOR APPELLANT:	JIM WAIDE RACHEL PIERCE WAIDE YANCE ALFRED FALKNER
ATTORNEYS FOR APPELLEE:	HIAWATHA NORTINGTON, II CHRISTINA MARIA SEANOR
NATURE OF THE CASE:	CIVIL - OTHER
DISPOSITION:	AFFIRMED - 09/03/2026
MOTION FOR REHEARING FILED:	

EN BANC.

ISHEE, JUSTICE, FOR THE COURT:

¶1. Willie Jean Knighten sued her former employer VitalCore Health Strategies, LLC, alleging that she was wrongfully terminated for reporting a prison physician's illegal activity and refusing to participate in the illegal activity. VitalCore moved for summary judgment, arguing that Knighten was terminated for reasons unrelated to her complaints and that she failed to identify conduct that could subject the physician to criminal penalties under the public-policy exceptions recognized in *McArn v. Allied Bruce-Terminix Co., Inc.*, 626 So.

2d 603 (Miss. 1993). The circuit court granted VitalCore's motion for summary judgment, and Knighten appealed. After review, we affirm the circuit court's judgment.

FACTS AND PROCEDURAL HISTORY

¶2. In October 2020, VitalCore obtained the contract to provide healthcare services at facilities operated by the Mississippi Department of Corrections. Knighten had worked at the Mississippi State Penitentiary at Parchman for approximately twenty-six years, both as a state employee and for private healthcare providers serving inmates at the facility. Before VitalCore assumed the contract, Knighten served as Health Services Administrator (HSA) for Centurion, the prior healthcare contractor. VitalCore retained Knighten in the same position when it took over operations. As HSA, Knighten did not provide medical treatment. Instead, she was responsible for supervising nursing and physician staff, overseeing the facility's daily healthcare operations, and ensuring compliance with VitalCore's contractual obligations.

¶3. During 2021, Knighten became concerned that Dr. Collette Scott, a physician employed by VitalCore at Parchman, was providing inadequate medical care to inmates and may have been impaired by drugs while on duty. In April 2021, Knighten reported her concerns to Dr. Ramon Singh, VitalCore's chief medical officer, and recommended that Dr. Scott be terminated. VitalCore did not act on that recommendation. In August 2021, Dr. James Glisson, then VitalCore's medical director, also reported concerns regarding Dr. Scott to the Mississippi State Board of Medical Licensure. Although Dr. Scott was placed on administrative leave for a brief period, she returned to work at the facility in September 2021.

Knighten continued to express concerns regarding Dr. Scott's performance.

¶4. On January 3, 2022, Knighten received notice from VitalCore that her employment would be terminated effective April 3, 2022. As basis for termination, VitalCore stated that it intended to require all HSAs at its facilities to be registered nurses, and Knighten was not a registered nurse.

¶5. Knighten filed suit on January 17, 2023, alleging that VitalCore and individual defendants wrongfully terminated her employment and tortiously interfered with her employment relationship. She contended that her termination was motivated by (1) her refusal to participate in the denial of adequate medical care to prisoners and (2) her repeated reports concerning Dr. Scott's alleged failure to provide adequate patient care and Dr. Scott's possible drug use. Knighten further alleged that VitalCore sought to protect Dr. Scott despite concerns about the quality of care being provided to inmates.

¶6. VitalCore denied those allegations. In its motion for summary judgment filed February 20, 2025, VitalCore argued that Knighten, as an at-will employee, failed to satisfy the requirements for her claim to succeed because she could not establish that she was terminated for reporting unlawful conduct under *McArn*, which provides two narrow public-policy exceptions to the general rule of at-will employment. 626 So. 2d at 607. In response to VitalCore's motion for summary judgment, Knighten argued that her case fell squarely within the exceptions recognized in *McArn* because her complaints regarding Dr. Scott constituted reports of unlawful conduct.

¶7. The circuit court granted summary judgment in favor of VitalCore. In doing so, the

court reasoned that Knighten’s claim did not trigger either of the public-policy exceptions listed in *McArn* because none of the complaints she classified as unlawful conduct carried criminal penalties for providing negligent healthcare to inmates. Knighten appealed.

STANDARD OF REVIEW

¶8. This Court reviews a grant or denial of summary judgment de novo. *Pub. Serv. Comm’n of Yazoo City v. Wright*, 391 So. 3d 1161, 1165 (Miss. 2024). A party is entitled to summary judgment if the record shows that there is no genuine issue of material fact and that the party is entitled to a judgment as a matter of law. M.R.C.P. 56(c).

¶9. This Court reviews the summary-judgment record in the light most favorable to the nonmoving party. *Thomas v. Chevron U.S.A., Inc.*, 212 So. 3d 58, 60 (Miss. 2017). The nonmoving party, however, “may not rest upon the mere allegations or denials of his pleadings, but his response, by affidavits or as otherwise provided in [Mississippi Rule of Civil Procedure 56], must set forth specific facts showing that there is a genuine issue for trial.” M.R.C.P. 56(e). “[A] motion for summary judgment should be denied unless the trial court finds beyond any reasonable doubt that the plaintiff would be unable to prove any facts to support his/her claim.” *Wright*, 391 So. 3d at 1165-66 (alteration in original) (internal quotation marks omitted) (quoting *Robinson v. Cobb*, 763 So. 2d 883, 886 (Miss. 2000)).

DISCUSSION

¶10. Since 1858, this Court has recognized the at-will-employment doctrine. *See Butler v. Smith*, 35 Miss. 457, 464 (1858). Under the at-will-employment doctrine, employers may fire employees “for good reason, bad reason, or no reason at all, excepting only reasons

independently declared legally impermissible.” *Brandi’s Hope Cmty. Servs., LLC v. Walters*, 391 So. 3d 162, 166 (Miss. 2024) (internal quotation marks omitted) (quoting *McArn*, 626 So. 2d at 606). “When an employer fires an employee for a reason declared legally impermissible, that employer is liable to the employee via a claim of wrongful termination.” *Id.*

1. Knighten failed to show a genuine issue of material fact that she reported illegal activity within the meaning of *McArn*.

¶11. In *McArn*, this Court carved out two narrow public-policy exceptions to Mississippi’s employment-at-will doctrine, whether there is a written contract or not, allowing a tort action for wrongful termination for either: (1) an employee who is discharged for refusing to participate in an illegal activity or (2) an employee who is discharged for reporting illegal acts of his employer to the employer or anyone else. 626 So. 2d at 607.

¶12. The threshold question is whether Knighten presented a genuine issue of material fact that she was discharged for refusing to participate in or for reporting illegal activity within the meaning of *McArn*. In her complaint, Knighten alleged that she was terminated for “refusing to participate in illegal activity—the denial of adequate medical care to prisoners-patients.” In response to VitalCore’s motion for summary judgment, Knighten further argued that she was terminated for reporting the “illegal act of [VitalCore] denying the serious medical needs of prisoners or failing to provide adequate medical care because of the drug addiction of the prison physician.” VitalCore contends that Knighten failed to show a genuine issue of material fact that she refused to participate in or reported conduct that is criminal in nature under *McArn*.

¶13. This Court has made clear that the “illegal activity” and “illegal acts” referenced in *McArn* are limited to conduct that is criminal in nature. *Wright*, 391 So. 3d at 1166. “The public policy exception protects an employee from being forced to choose between committing a crime and losing his or her job.” *Id.* (internal quotation marks omitted) (quoting *Galle v. Isle of Capri Casinos, Inc.*, 180 So. 3d 619, 623 (Miss. 2015)). Further, “[a]pplicability of the exception does not require that a crime has already been committed, but it does require that the acts complained of warrant the imposition of criminal penalties, as opposed to mere civil penalties.” *Id.* at 1168 (alteration in original) (internal quotation marks omitted) (quoting *Roop v. S. Pharms. Corp.*, 188 So. 3d 1179, 1185 (Miss. 2016)).

¶14. Here, Knighten argues that Dr. Scott’s alleged conduct is a public-policy concern and violates Mississippi Code Section 47-5-23 (Rev. 2023), 18 U.S.C. § 242, and the Eighth Amendment to the United States Constitution.¹ Mississippi Code Section 47-5-23 vests the Mississippi Department of Corrections with the “exclusive responsibility for management and control of the correctional system . . . and shall be responsible for the management of affairs of the correctional system and for the proper care, treatment, feeding, clothing and management of the offenders confined therein.” Miss. Code Ann. § 47-5-23 (Rev. 2023). This statute does not create a criminal offense or impose criminal penalties. Thus, it cannot serve as basis for her *McArn* claim. See *Wright*, 391 So. 3d at 1168.

¶15. Knighten also claims the alleged conduct violates 18 U.S.C. § 242. Section 242

¹ For the first time on appeal, Knighten argues that additional provisions of the United States Code and the Mississippi Code are implicated. It is well settled that this Court does not consider arguments presented for the first time on appeal. *Stratton v. McKey*, 384 So. 3d 499, 503 (Miss. 2024).

provides in pertinent part:

Whoever, under color of any law, statute, ordinance, regulation or custom, willfully subjects any person in any State . . . to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States . . . shall be fined under this title or imprisoned more than ten years or both

18 U.S.C. § 242. To be sure, § 242 is a criminal statute that carries criminal penalties. To establish a violation of § 242, however, the government must prove that the defendant acted under color of law and willfully deprived another person of a constitutional right. § 242. Knighten relies on *Estelle v. Gamble*, 429 U.S. 97, 104-05, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976), to identify the constitutional right allegedly infringed. While *Estelle* recognizes that deliberate indifference to an inmate's serious medical needs may violate the Eighth Amendment for purposes of civil liability under 42 U.S.C. § 1983, a violation of the Eighth Amendment does not, standing alone, establish a violation of § 242. Section 242 requires proof that the defendant acted *willfully* in depriving another of a constitutional right.

¶16. In *Screws v. United States*, 325 U.S. 91, 103, 65 S. Ct. 1031, 89 L. Ed. 1495 (1945), the Supreme Court explained that § 242's willfulness requirement demands more than negligence or inadvertence. Rather, the government must prove that the defendant willfully deprived another of a constitutional right. *Id.* As the Supreme Court explained, this requirement is satisfied by proof that the defendant acted with the "specific intent" to deprive another of a constitutional right, including conduct undertaken "in open defiance or in reckless disregard of a constitutional requirement which has been made specific and definite." *Id.* at 103, 105; *see also United States v. Hayes*, 589 F.2d 811, 821 (5th Cir. 1979)

(discussing the *Screws* Court’s interpretation of § 242). Thus, even assuming that conduct amounting to deliberate indifference under *Estelle* could, in some circumstances, also violate § 242, Knighten was still required to present evidence showing a genuine issue of material fact that the conduct she reported amounted to the willful deprivation of a constitutional right as required by § 242.

¶17. Here, Knighten asserts that Dr. Scott neglected inmates by denying them adequate medical care because of her alleged drug addiction. Knighten relies on testimony from Dr. Glisson and nurse practitioner Miranda Shegog to support her claim. Dr. Glisson testified that inmates complained Dr. Scott failed to pay attention to them, that he believed she was mentally impaired while working, and that he suspected she was using alcohol or drugs. Based on those concerns, he restricted her access to controlled substances and reported her to the Mississippi State Board of Medical Licensure. Shegog likewise testified that Dr. Scott failed to refill inmates’ medications and that she suspected Dr. Scott was “taking pills.” Knighten’s evidence, viewed in the light most favorable to her, tends to show that Dr. Scott was impaired by an alleged drug addiction and that her impairment resulted in deficient medical care. But that evidence fails to show a genuine issue of material fact as to whether Dr. Scott willfully deprived inmates of a constitutional right, which is required for criminal liability under § 242.

¶18. In sum, Knighten identifies three sources of public policy: Mississippi Code Section 47-5-23, the Eighth Amendment, and 18 U.S.C. § 242. Neither Section 47-5-23 nor the Eighth Amendment criminalizes the alleged conduct. Although § 242 is a criminal statute,

Knighten’s summary-judgment evidence does not show a genuine issue of material fact that Dr. Scott acted with the willfulness required by that statute. Accordingly, Knighten failed to show a genuine issue of material fact that she was discharged for refusing to participate in or for reporting illegal activity within the meaning of *McArn*.

2. *Swindol* does not expand *McArn* beyond criminal conduct.

¶19. Knighten alternatively argues that, even if the conduct she reported does not constitute criminal conduct, her claim nevertheless falls within the public-policy exception recognized by this Court in *Swindol v. Aurora Flight Sciences Corp.*, 194 So. 3d 847 (Miss. 2016). Specifically, Knighten contends that *Swindol* broadened *McArn* to encompass violations of noncriminal statutes and other sources of public policy. Her reliance on *Swindol* is misplaced.

¶20. In *Swindol*, this Court held that an employee who was discharged after exercising a right expressly protected by Mississippi Code Section 45-9-55 could pursue a wrongful-discharge claim. 194 So. 3d at 854. Section 45-9-55 specifically prohibits an employer from establishing or enforcing a policy preventing an employee from transporting or storing a firearm in a locked vehicle in the employer’s parking lot. Miss. Code Ann. § 45-9-55 (Rev. 2023). This Court concluded that permitting an employer to terminate an employee for exercising a right expressly protected by that statute would undermine the Legislature’s clearly stated public policy. *Swindol*, 194 So. 3d at 854-55.

¶21. Knighten seemingly interprets *Swindol* as broadly expanding *McArn* to encompass any discharge allegedly implicating an important public policy, regardless of whether the

reported conduct is criminal in nature. This Court, however, expressly rejected that interpretation in *Walters*, 391 So. 3d 162.

¶22. In *Walters*, this Court explained that *Swindol* was a statute-based wrongful-discharge case, not an expansion of the common-law exception recognized in *McArn*. *Walters*, 391 So. 3d at 168-69. The Court emphasized that “*McArn*’s exceptions require illegal acts or requests” and that “[t]he public policy behind the exceptions’ implementation is based on the goal of preventing criminality.” *Id.* at 169. Thus, although a statutory cause of action may exist independent of *McArn*, the common-law exception recognized in *McArn* remains limited to circumstances involving conduct warranting criminal penalties. *See also Wright*, 391 So. 3d at 1166-68. Accordingly, *Swindol* does not relieve Knighten of her burden to show a genuine issue of material fact that she was discharged for refusing to participate in or for reporting conduct that is criminal in nature. *See Wright*, 391 So. 3d at 1166, 1168 (discussing each party’s burden on a summary-judgment motion). As discussed above, Knighten failed to satisfy that burden. Because the conduct she reported does not show a genuine issue of material fact that it constituted criminal conduct within the meaning of *McArn*, VitalCore was entitled to summary judgment.

CONCLUSION

¶23. The public-policy exception recognized in *McArn* is a narrow exception to Mississippi’s employment-at-will doctrine. To invoke that exception and survive summary judgment, an employee must present evidence demonstrating a genuine issue of material fact that he or she was discharged for refusing to participate in or for reporting conduct that is

criminal in nature. Although Knighten identifies Mississippi Code Section 47-5-23, 18 U.S.C. § 242, and the Eighth Amendment as sources of public policy, neither Section 47-5-23 nor the Eighth Amendment impose criminal penalties. And while § 242 is a criminal statute, Knighten failed to present evidence showing a genuine issue of material fact that the conduct she reported amounted to the willful deprivation of a constitutional right required by that statute. Further, *Swindol* does not expand *McArn* beyond its narrow criminal-conduct requirement. Because Knighten failed to establish a genuine issue of material fact that she was discharged for refusing to participate in or for reporting illegal activity within the meaning of *McArn*, we affirm the circuit court's grant of summary judgment in favor of VitalCore.

¶24. **AFFIRMED.**

RANDOLPH, C.J., COLEMAN, P.J., GRIFFIS, SULLIVAN, BRANNING AND WILSON, JJ., CONCUR. KING, P.J., CONCURS IN RESULT ONLY WITHOUT SEPARATE WRITTEN OPINION. TOLLISON, J., NOT PARTICIPATING.