



Oklahoma State Department of Health
Creating a State of Health

May 4, 2011

HRDS Letter: JID2011-01

To: Jail Administrators

RE: **Medical Protocol for Department of Correction Inmates**

Dear Administrator:

This letter was prompted by numerous requests received by the Jail Inspection Division regarding the protocol for obtaining emergency medical, mental health, and dental care for Department of Correction (DOC) inmates held in county jails. I am sure many of you are aware of the protocol; however, due to changes in jail administrators at some jails, this information is provided should this situation occur at your jail.

A ***Request for Authorization Form*** is completed by the county jail for outside and/or emergency care for certified judged and sentenced offenders in the county jail that require medical attention. Per Oklahoma State Statute 57, *prior* to obtaining nonemergency outside medical care, the ***Request for Authorization Form*** must be sent to the HOST facility for authorization. For emergency medical, dental, or mental health care, the ***Request for Authorization Form*** must be faxed to the HOST facility within twenty-four (24) hours of delivery of emergency care for review and approval. In addition, Jane Kirby, RN should be notified by the county jail regarding emergency care/hospital admissions at (405) 962-6155.

Routine medical care is provided by the county jail.

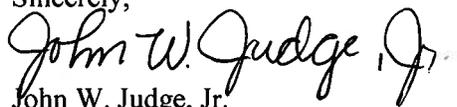
The ***Medical Transfer Request Form*** is completed to request that offenders in the custody of the county jail be transferred to DOC custody because the county jail cannot provide needed medical care. The ***Medical Transfer Request Form*** is faxed to DOC Medical Administration at (405) 962-6147 for review and approval. DOC Medical Administration will either recommend that the offender seek medical care at the designated HOST facility, or will recommend to Oklahoma DOC Population that the offender be transferred into DOC custody to obtain needed medical care.

Contract Beds – Several counties are contracted by the Oklahoma DOC to permanently house offenders; All contract bed offenders will receive routine medical care from their DOC HOST facility.

Although the request to transfer an inmate to DOC Medical may be approved, it does not mean the inmate will be transferred immediately. As you are all aware, DOC has a long waiting list and not enough bed space for inmates that have been judged and sentenced to DOC custody. DOC reports there are currently 1,547 inmates on the waiting list.

If you have questions regarding this guidance please contact Ms. Kirby at (405) 962-6155 or you may contact me at (405) 271-9444, ext. 57273.

Sincerely,



John W. Judge, Jr.

Director, Jail Inspection Division
Health Resources Development Service
Protective Health Services

Enc:

- *Request for Authorization Form*
- *Medical Transfer Request Form*
- *County Jail Algorithm*
- *Ok State Statute 57 excerpt – which details the responsibilities for medical care of offenders in county jail custody.*

OKLAHOMA DEPARTMENT OF CORRECTIONS

Request for Authorization

Today's Date: _____ County: _____ County Sheriff: _____

Phone #: () _____ Fax #: () _____

Offender Name: _____ Certified J and S Date: _____

Date of Birth: _____ Social Security Number: _____ DOC # (if known) _____

Authorization of payment for (check all that apply):

- Outside Medical Care Medication(s) Emergency Care

Judgment and Sentencing Information (check all that apply)

- Awaiting reception into Department of Corrections and no pending cases or holds from another jurisdiction (57 O.S. 38)
 Community Services Sentencing program (CSSP) (22 O.S. 991.02)
 Community Sentencing Act (22 O.S. 988.12)
 Intermediate Sanctions (57 O.S. 38.2)

Describe physical injury or illness for which medical care/ medication(s) is sought (attach any supporting documentation):

FOR DOC USE ONLY		
<p>Outside Medical Care</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Not Approved Reason: _____</p> <p>_____</p> <p>Offender to be seen by host facility provider: _____</p> <p>Appointment Date: _____</p> <p>Appointment Time: _____</p> <p>County jail is responsible for transportation and security to medical appointments</p> <p>Signature: _____ Date: _____</p>	<p>Medication(s)</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Not Approved Reason: _____</p> <p>_____</p> <p>County jail is responsible for paying for medications that are not listed on the DOC formulary, unless the county jail receives a written exception from DOC. If you wish to pursue non-formulary medication(s), complete the Non-Formulary Medication Request form and fax back to host facility at: _____</p> <p>This process will not be necessary for refills since eligibility and approval has already been done.</p> <p>Signature: _____ Date: _____</p>	<p>Emergency Care</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Not Approved Reason: _____</p> <p>_____</p> <p>Date/Time offender received emergency care: _____</p> <p>Facility name and address where offender Received emergency care: _____</p> <p>_____</p> <p>For all emergency care please provide emergency room record or report and discharge summary for all inpatients stays when completed.</p> <p>Notification of emergency treatment must be made to DOC within 24 hours or the county will be responsible for payment of the bills.</p> <p>Signature: _____ Date: _____</p>
<p>Instruct Outside Provider/Pharmacy/Hospital to mail bills to: HP Administrative Services, LLC P.O. Box 268928 Oklahoma City, OK 73126-8928 Fax: 405-416-1790 Phone: 1-800-262-7683</p>		

AUTHORIZATION FORM MUST BE SENT TO HOST FACILITY AFTER OUTSIDE MEDICAL CARE APPOINTMENT IS SCHEDULED WITH THE FOLLOWING INFORMATION IN ORDER FOR PAYMENT TO BE RENDERED:

Date(s) of treatment to be provided: _____

Facility / Medical Providers Name: _____

Address: _____

OKLAHOMA DEPARTMENT OF CORRECTIONS
Medical Transfer Request to Assessment & Reception

Date: _____ Time: _____

Requesting Facility: _____ Phone #: (____) _____

Contact Person: _____ Fax #: (____) _____

Inmate Name: _____ Gender: M F

SSN: _____ DOB: _____ Judgment and Sentence Date: _____

Primary Diagnosis: _____

Severity Classification: Mild Moderate Severe

Mental Health Diagnosis: _____

Severity Classification: Mild Moderate Severe

Check all that apply:

Orthoses/Prostheses: None Braces Shoe Inserts Hand/Leg Splints Limbs Other: _____

Aides of Impairment: None Glasses Walker Cane Crutches Wheelchair Hearing Aide(s)

Impairments: None Mental Speech Hearing Vision Sensation

Activity Limitation: None Moderate Severe

Pending Appointments: None Date: ____/____/____ Time: _____ AM PM Location: _____

Medical Justification for Transfer: _____

Emergency Transfer: Yes No

Hospitalizations: Currently in hospital Recent hospitalization Name of Hospital: _____

State reason: _____

Name of person completing form: _____ Title: _____

* Fax completed form to: Medical Services at 405-962-6147.

To be completed by Medical Services Office:

Received by: _____ Date: _____

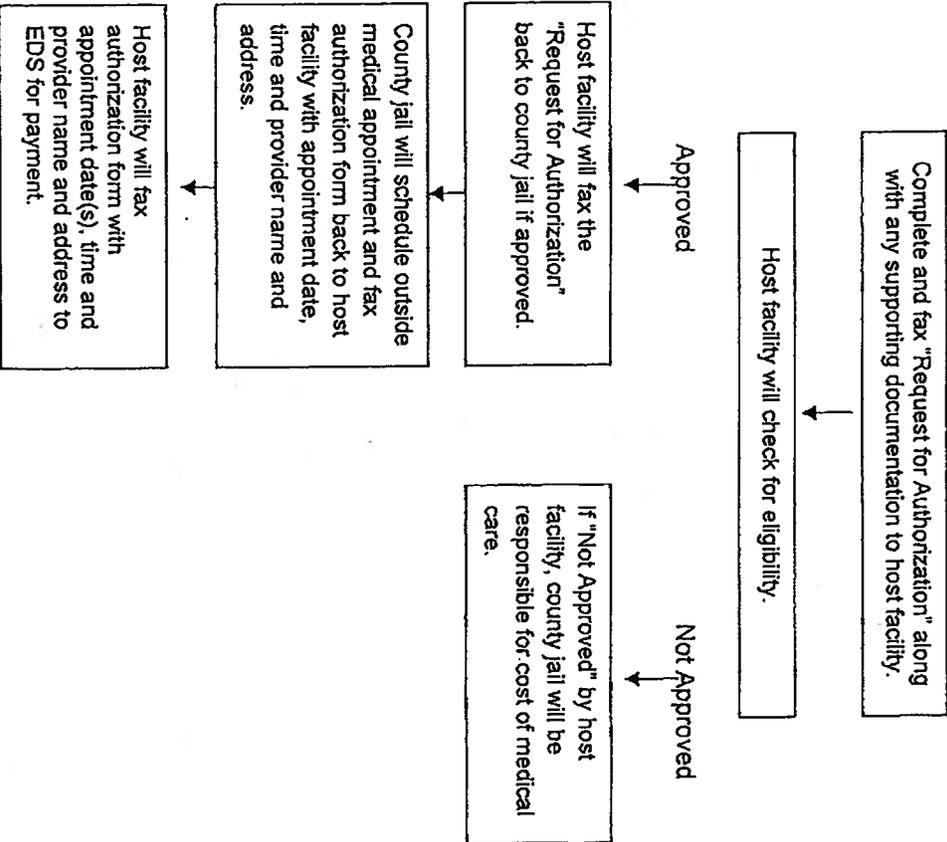
Medical transfer approved: Yes No If "No" state reason: _____

Comments: _____

Date Assessment & Reception notified: _____

County Jail Algorithm

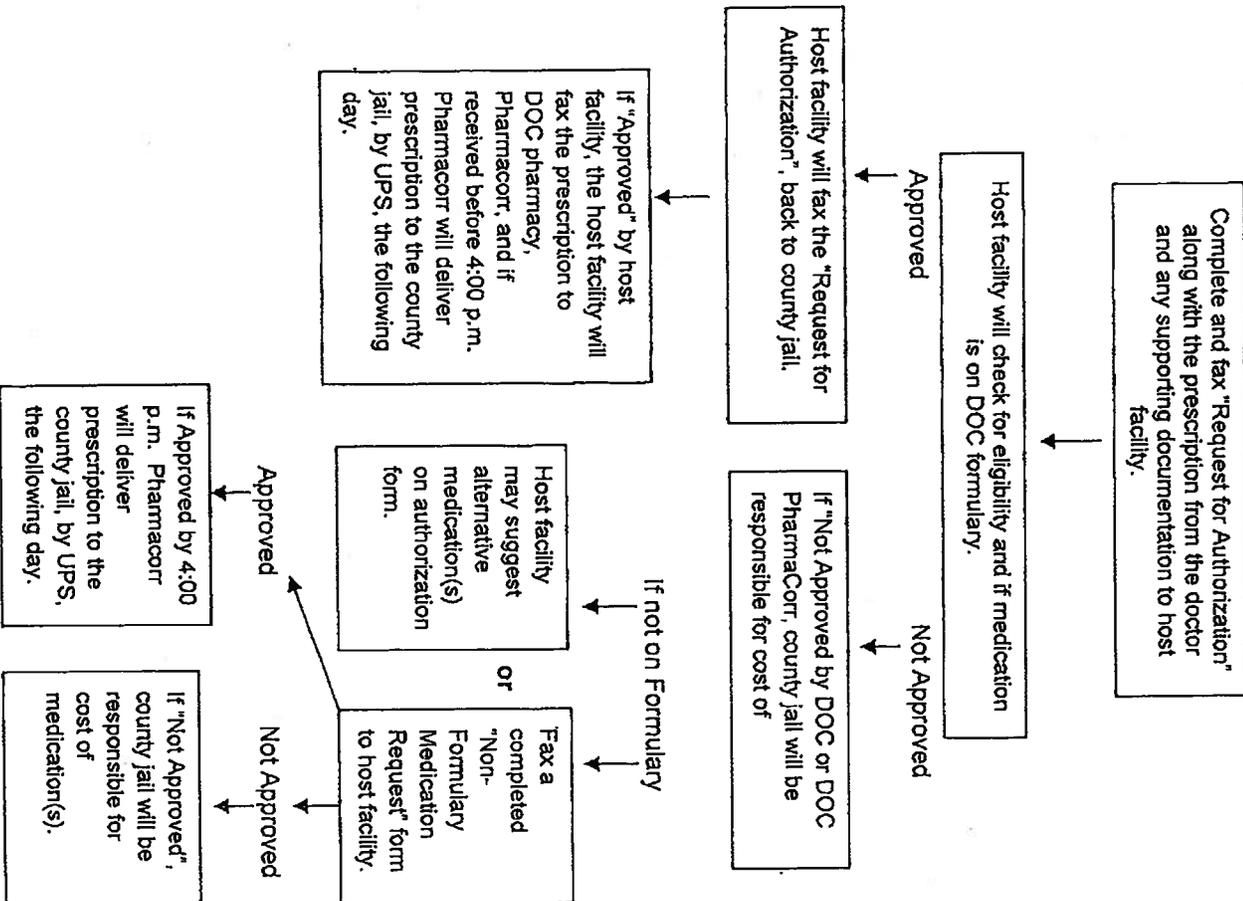
Outside Medical Care



NOTE: DOC host facility may schedule appointment for offender to be evaluated by host facility medical provider prior to approving outside appointment.

Instruct provider (s) to mail bills to:
 HP Administrative Services, LLC
 P.O. Box 268928
 Oklahoma City, OK 73126-8928
 Fax : 405-416-1790
 Phone: 1-800-262-7683

Medication(s)



pp.2010

38. Jail reimbursement rate—Reimbursement of medical expenses

From January 1, 2007, the Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed Twenty-seven Dollars (\$24.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county. Effective January 1, 2007, the Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed Twenty-seven Dollars (\$27.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the emergency medical care for physical injury or illness of the inmate retained under this act if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Department shall not pay for medical care in excess of the rates established for Medicaid providers. The state shall not be liable for medical charges in excess of the Medicaid scheduled rate. The Director may accept any inmate required to have extended medical care upon application of the county.

1 S.J.R. No. 14, p. 1291, § 3, emerg. eff. April 13, 1981; Laws 1992, c. 293, § 1, emerg. eff. May 25, 1992; Laws 1997, c. 33, § 76, eff. July 1, 1997; Laws 1999, c. 51, § 3, eff. July 1, 1999; Laws 1999, 1st Ex.Sess., c. 5, § 24, eff. July 1, 1999; Laws 2006, 2nd Ex.Sess., c. 74, § 8.

Title 57, § 37 et seq.

38.2. Reimbursement for incarceration ordered as an intermediate sanction

The Department of Corrections shall reimburse each county in an amount not to exceed Thirty Dollars (\$30.00) per offender per day for county jail incarceration that is ordered as an intermediate sanction for eligible offenders under the provisions of subsection B of Section 991b and subsection H of Section 991c of Title 22 of the Oklahoma Statutes.

Laws 2006, c. 288, § 1, eff. July 1, 2006.

§ 38.3. Reimbursement and payment for medical care and treatment

A. As used in this section:

1. "Emergency care" means the medical or surgical care necessary to treat the sudden onset of a potentially life- or limb-threatening condition or symptom;

2. "Dental emergency" means acute problems in the mouth exhibiting symptoms of pain, swelling, bleeding or elevation of temperature; and

3. "Mental health emergency" means a person exhibiting behavior due to mental illness that may be an immediate threat to others or himself or herself that renders the person incapable of caring for himself or herself.

B. The Department of Corrections shall reimburse health care providers for medical care and treatment for inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Health care providers that are in the network established by the Department of Corrections in conjunction with the State and Education Employees Group Insurance Board shall be reimbursed according to the fee schedule established for that network; provided, that reimbursement will be no less than the fee structure that was in effect January 1, 2007, or the current fee schedule, whichever is greater. Health care providers that are out of network shall be reimbursed according to the Oklahoma Medicaid Fee Schedule; provided, that reimbursement shall be no less than the fee structure that was in effect January 1, 2007, or the current fee schedule, whichever is greater. Prior to obtaining nonemergency care outside the county jail facility, authorization must be received from the Department of Corrections. For any emergency care, dental emergency or mental health emergency care obtained outside the county jail facility, the Department of Corrections must be notified within twenty-four (24) hours. The Department of Corrections is hereby authorized to reject claims if proper notification has not been provided.

C. The sheriff shall be responsible for providing and paying for medical, dental and mental health care screening when an inmate is admitted, routine sick calls within the county jail and access to on-site physician services as is routinely provided for all inmates in the custody of the sheriff and as provided by Section 52 of Title 57 of the Oklahoma Statutes.

D. The Department of Corrections shall pay the pharmacy provider for medications provided to inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. If the pharmacy provider is a Medicaid

the pharmacy provider must bill the Department at Medicaid rates. The county jail shall be responsible for paying for any medications that are not listed on the Department of Corrections formulary, unless the county jail receives a written exception from the Department.

E. Dental and mental health care shall be provided through the designated host facility of the Department of Corrections for inmates retained in county jails after a certified copy of a judgment and sentence has been entered pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes or pursuant to the provisions of Section 988.12 or 991a-2 of Title 22 of the Oklahoma Statutes. Each county jail is encouraged to work with local community mental health centers to provide necessary medications and emergency services that would be reimbursed pursuant to the provisions of this subsection.

F. The sheriff shall be responsible for transportation and security of inmates to all outside health care appointments including host facilities of the Department of Corrections.

G. Neither the Department of Corrections nor the sheriff shall be responsible for the cost of health care while an inmate is on escape status or for any injury incurred while on escape status.

H. The Department of Corrections shall not be responsible for payment of health care of inmates housed in the county jail under the following circumstances:

1. Prior to entry of a certified judgment and sentence pursuant to the provisions of Section 980 of Title 22 of the Oklahoma Statutes;
2. When an inmate is detained in the county jail pursuant to a writ of habeas corpus;
3. When an inmate is detained in the county jail for additional cases pending after a certified copy of the judgment and sentence has been entered;
4. When an inmate is detained in the county jail and his or her status is on hold for another jurisdiction; or
5. When an inmate is detained in the county jail and the inmate is sentenced to county jail time only. Laws 2008, c. 366, § 8, emerg. eff. June 3, 2008.

CHAPTER 2.—COUNTY JAILS

Section

57. Separate rooms for different classes and sexes—Classifying prisoners—Double-celling barrack-style living space—Construction contracts with private contractors.
- 58.3. Sentence and fine or cost credits for prisoner labor.
69. Meals for county jail and correctional facilities personnel.

§ 47. Sheriff to have charge of the jail

Medical care

Board of county commissioners was not liable to personal representative of inmate's estate, in representative's action against the board,

sheriff, and others after inmate died of an acute asthma incarcerated in county jail; the sheriff, and not the county, is responsible for medical care in the jails, and the statutory duty to hire, train, supervise, or discipline county deputies. Estate of Crowell ex rel. Boen v. Board of County of Cleveland, Okla., 2010 WL 298439 (2010).

§ 52. Sheriff to provide board, medical necessities—Compensation—Purchases

Medical care
Board of county commissioners was not liable to personal representative of inmate's estate, in representative's action against sheriff, and others after inmate died of an acute asthma incarcerated in county jail; the sheriff, and not the county, is responsible for medical care in the jails, and the statutory duty to hire, train, supervise, or discipline county deputies. Estate of Crowell ex rel. Boen v. Board of County of Cleveland, Okla., 2010 WL 298439 (2010).

County's duty to provide medical care for inmates in care for treatment related to pre-existing medical condition, although county remained primarily liable for cost of care, although county had reimbursement claim against HCA Health Services of Oklahoma, Inc. v. Whetsel, (2007).

While under federal law it is the constitutional duty of state government agencies to provide medical care for inmates in need of treatment, the cost of that care is left to state. Health Services of Oklahoma, Inc. v. Whetsel, Okla., (2007).

§ 57. Separate rooms for different classes and sexes—Classifying prisoners—Double-celling barrack-style living space—Construction contracts with private contractors

A. In the city and county jails in this state, there shall be provided sufficient and convenient living space for confining prisoners of different sexes and classes of prisoners separate and apart from each other. The sheriff of each county of this state shall notify the Department of Corrections of the prisoner capacity of each county jail by July 1, 2003. After that date, any change in prisoner capacity shall be reported within (30) days of the change. For purposes of this section, "prisoner capacity" means the capacity determined by the State Fire Marshal pursuant to Section 74 of the Oklahoma Statutes.

B. In the city and county jails in this state, there shall be a system of classifying prisoners, based on the severity of the charges, past criminal history, and other relevant factors.

C. In the city and county jails in this state, inmates shall be classified pursuant to subsection B of this section. No inmate may be confined two per cell or barrack-style living space unless the living space meets the square footage requirements set forth in Section 192 of Title 22 of the Oklahoma Statutes.

D. All funds used by the Department of Corrections to contract with private contractors for the construction of prisons and pre-release centers will be paid from appropriations by the Legislature.

E. Nothing in this section shall authorize the Department of Corrections to contract with private contractors for construction of facilities, unless authorized by the Legislature. R.L.1910, § 4695; Laws 1990, Ch. 307, § 1, eff. March 1, 1990; Laws 1994, c. 367, § 4, emerg. eff. June 9, 1994; Laws 2003, c. 1, § 19, emerg. eff. March 2, 1995; Laws 2003, c. 1, § 19, emerg. eff. April 15, 2003.