

TEXAS COMMISSION ON JAIL STANDARDS

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TECHNICAL ASSISTANCE MEMORANDUM

TO: All Sheriffs and Jail Administrators
FROM: Brandon Wood, Executive Director
REGARDING: Changes to Operational Plan: OBGYN, Mental Health Access, Staff Training in Labor Identification, Use of Restraints on Pregnant Inmates
DATE: December 4, 2019

Changes to Health Services Operational Plan
OBGYN Care - Enacted by HB 1651; §273.2(5)
Mental Health Access - Enacted by HB 4468; §273.2(13),
Staff Training in Labor ID - Enacted by HB 4468; §273.2(15)
Use of Restraints on Pregnant Inmates - Enacted by HB 1651 §273.6(6) (see page 2)

The Commission adopted the following changes to Minimum Jail Standards on November 7, 2019. By January 1, 2020, jails must complete the attached Health Services Plan Addendum and email it to Program Specialist Lupe Moreno at: lupe.moreno@tcjs.state.tx.us

§273.2. Health Services Plan.

Each facility shall have and implement a written plan, approved by the Commission, for inmate medical, mental, and dental services. The plan shall:

(5) provide procedures for medical, to include obstetrical and gynecological care, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates. A sheriff/operator shall notify the commission of any changes in policies and procedures in the provision of health care to pregnant prisoners. A sheriff/operator shall notify the commission of any changes in policies and procedures in the placement of a pregnant prisoner in administrative separation; ...

(13) provide procedures that shall give inmates the ability to access a mental health professional at the jail or through a telemental health service 24 hours a day and approved by the Commission by August 31, 2020. If a mental health professional is not present at the county jail at the time or available by telemental health services, then require the jail to provide the inmate access to, at a minimum, a qualified mental health professional (as defined by 25 TAC, §412.303(48)) within a reasonable time; and ...

(15) provide procedures to train staff to identify when a pregnant inmate is in labor and provide access to appropriate care. Inmates shall be promptly transported to a local hospital when they state that they are in labor or are determined by a person at the level of emergency medical technician or above to be in labor.

Judge Bill Stoudt, Longview, Chair
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"The Commission on Jail Standards welcomes all suggestions and will promptly respond to all complaints directed against the agency or any facilities under its purview."
To empower local government to provide safe, secure and suitable local jail facilities through proper rules and procedures while promoting innovative programs and ideas

Use of Restraints on Pregnant Inmates - Enacted by HB 1651 §273.6(6)

The Commission adopted the following new Minimum Jail Standards on November 7, 2019. Accordingly, jails must revise their policies on the use of restraints on pregnant inmates. Furthermore, beginning January 1, 2020, jails must begin recording each use of restraints on pregnant inmates on the attached report. Do not submit the reports monthly. Instead, jails must retain the reports and then submit them once, all together in one package, between January 1, 2021 and February 1, 2021. These reports should cover the previous time period of January 1, 2020, through December 31, 2020. Completing a report on each use of restraints and submitting all the reports at the end of the year will fulfill the reporting requirements of these new rules. If the jail did not use restraints on pregnant inmates during the year, the jail must still submit a report stating that no restraints were used on pregnant inmates.

§273.6. Restraints.

(6) A jail shall not use restraints on an inmate confirmed by a medical professional to be pregnant or who gave birth in the preceding 12 weeks. The restraints shall not be used for the duration of the pregnancy or for a period of not less than 12 weeks after the inmate gives birth:

(a) unless supervisory personnel determine that the use of restraints is necessary to prevent an immediate and credible risk that the inmate will attempt to escape; or the inmate poses an immediate and serious threat to the health and safety of the inmate, staff, or any member of the public; or

(b) unless a health care professional responsible for the health and safety of the inmate determines that the use of restraints is appropriate for the health and safety of the inmate and, if applicable, the unborn child of the inmate.

(7) If the determination to utilize restraints in accordance with (6)(a) or (b) is made, a jail shall use the least restrictive restraints necessary to prevent escape or to ensure health and safety.

(8) Notwithstanding subsection (6)(a), at the request of a health care professional responsible for the health and safety of the inmate, jail staff shall refrain from using restraints on the inmate or shall remove the restraints.

(9) Use of restraints on pregnant inmates shall be documented and submitted as required by §269.50.

(10) Restraints shall be removed from an inmate at the earliest possible time that the inmate no longer exhibits behavior necessitating restraint. In no case shall an inmate be kept in restraints longer than 24 hours.

For more information, contact William Turner at (512) 463-2690 or via e-mail at: will.turner@tcjs.state.tx.us.

**Health Service Plan Addendum
RESTRAINTS/TRAINING/OBGYN-CARE**

The following addendum to the _____ County Health Service Plan is effective December 1, 2019:

PREGNANT INMATES – RESTRAINTS

Restraints shall not be used on any inmate confirmed to be pregnant by a medical professional or who has given birth in the preceding 12 weeks. Restraints shall not be used for the duration of the pregnancy or for a period of not less than 12 weeks after the inmate gives birth, unless:

(a) unless supervisory personnel determine that the use of restraints is necessary to prevent an immediate and credible risk that the inmate will attempt to escape; or the inmate poses an immediate and serious threat to the health and safety of the inmate, staff, or any member of the public; or

(b) unless a health care professional responsible for the health and safety of the inmate determines that the use of restraints is appropriate for the health and safety of the inmate and, if applicable, the unborn child of the inmate.

If the determination to utilize restraints in accordance with (6)(a) or (b) is made, the least restrictive restraints necessary to prevent escape or to ensure health and safety shall be utilized.

Notwithstanding subsection (6)(a), at the request of a health care professional responsible for the health and safety of the inmate, staff shall refrain from using restraints on the inmate or shall remove the restraints.

Use of restraints on pregnant inmates shall be documented and submitted as required by §269.50.

LABOR RECOGNITION

Provide procedures to train staff to identify when a pregnant inmate is in labor and provide access to appropriate care. Inmates shall be promptly transported to a local hospital when they state that they are in labor or are determined by a person at the level of emergency medical technician or above to be in labor.

OBGYN- CARE

Provide procedures for medical, to include obstetrical and gynecological care, mental, nutritional requirements, special housing and appropriate work assignments and the documented use of restraints during labor, delivery and recovery for known pregnant inmates.

Sheriff's signature

Date

Jail Administrator's signature

Date