

4. Health Services Plan Checklist

Rules [273.2](#), [273.3](#), [273.4](#), [273.6](#)

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

[Rule 273.2](#) Health Services Plan

- ☐ (1) provide procedures for **regularly scheduled sick calls**;
- ☐ (2) provide procedures for **referral** for **medical**, **mental**, and **dental** services;
- ☐ (3) provide procedures for efficient and prompt care for **acute** and **emergency situations**;
- ☐ (4) provide procedures for **long-term**, **convalescent**, and care necessary for **disabled inmates**;
- ☐ (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**. As soon as practicable **after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate** while in the custody of a county jail, the sheriff shall **ensure that an obstetrician or gynecologist and a mental health professional** promptly:
 - ☐ (A) review the health care services provided to the prisoner; and
 - ☐ (B) order additional health care services, including obstetrical and gynecological services and mental health services, as appropriate.
- ☐ (6) provide **procedures** for the **control, distribution, secured storage, inventory, and disposal** of **prescriptions, syringes, needles, and hazardous waste containers**;
- ☐ (7) provide **procedures** for the **distribution of prescriptions** in accordance with written instructions from a physician by an appropriate person designated by the sheriff/operator;
- ☐ (8) provide procedures for the control, distribution, and secured storage of **over-the-counter medications**;
- ☐ (9) provide procedures for the **rights of inmates to refuse health care** in accordance with informed consent standards for certain treatments and procedures (in the case of minors, the informed consent of a parent, guardian, or legal custodian, when required, shall be sufficient);
- ☐ (10) provide procedures for all **examinations, treatments, and other procedures** to be performed in a reasonable and dignified manner and place;
- ☐ (11) provide that **adequate first aid equipment** and **patient evacuation equipment** be on hand at all times;
- ☐ (12) provide procedures that shall require that a **qualified medical professional** shall **review** as soon as possible any **prescription medication** an inmate is taking when the

4. Health Services Plan Checklist

Rules [273.2](#), [273.3](#), [273.4](#), [273.6](#)

inmate is taken into custody. These procedures shall include providing each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of an inmate with **mental illness**;

- ☐ (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**;
- ☐ (14) provide procedures that shall give prisoners the ability to **access a health professional at the jail** or through a **telehealth service 24 hours a day** or, if a health professional is unavailable at the jail or through a telehealth service, provide for a prisoner to **be transported to access** a health professional ~~and approved by the Commission by August 31, 2020~~; 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.
- ☐ (16) provide procedures for a guardian of the person, who has medical decision-making authority, to have access to the Ward's jail medical records and to make medical decisions for the Ward.

Rule 273.3 Health Instructions -

- ☐ **All** medical instructions of designated **physicians shall be followed**.

Rule 273.4 Health Records

- ☐ (a) The health services plan shall include procedures for the **maintenance of a separate health record on each inmate**. The record shall include a **health screening procedure** administered by health personnel or by a trained booking officer upon the **admission of the inmate** to the facility and shall cover, but shall not be limited to, the following items:
 - ☐ (1) **health history**;
 - ☐ (2) **current illnesses** (**prescriptions**, special diets, and therapy);
 - ☐ (3) known **pregnancy**;
 - ☐ (4) **current** medical, mental, and dental **care and treatment**;
 - ☐ (5) **behavioral observation**, including state of consciousness and mental status;
 - (6) **inventory** of body deformities, ease of movement, markings, condition of body orifices, and presence of lice and vermin.

4. Health Services Plan Checklist

Rules [273.2](#), [273.3](#), [273.4](#), [273.6](#)

- ☐ (b) Separate health records shall reflect all subsequent findings, diagnoses, treatment, disposition, special housing assignments, medical isolation, distribution of medications, and the name of any institution to which the inmate's health record has been released.
 - ☐ (c) The Texas Uniform Health Status Update form, in the format prescribed by the Commission, shall be completed and forwarded to the receiving criminal justice entity at the time an inmate is transferred or released from custody.
 - ☐ (d) Each facility shall report to the Department of State Health Services (DSHS) the release of an inmate who is receiving treatment for tuberculosis in accordance with DSHS Guidelines.
-

This is the Pregnant Inmate Section of the Health Services Plan. The purpose of this section of the plan is to establish procedures for the care of inmates found to be or known to be pregnant to ensure access to medical and mental health services. Include in plan. Okay to add more detail for your operation and facility.

- ☐ (5) provide procedures (examples discussed below) 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.

- ☐ **Medical Services**

- ☐ Female inmates will be interviewed and assessed during the booking process to identify possible pregnancy. Inmates may be tested to confirm the pregnancy. Pregnant inmates will be referred to a doctor. Prenatal care, to include obstetrical and gynecological care, and checkups will be conducted as directed by the doctor. Pregnant inmates will also have access to regular sick calls by submitting a written request.

- ☐ **Mental Health**

- ☐ Known pregnant inmates may request mental health services by submitting a written request for services to jail staff. A magistrate will be notified in writing or by electronic notice within 12 hours if a pregnant inmate is suspected to have mental illness or developmental disabilities.

- ☐ **Nutritional Requirements**

- ☐ Pregnant inmates will be provided an adequate diet as directed by doctor's orders.

- ☐ **Special Housing**

- ☐ Pregnant inmates will be housed according to their classification custody level. Inmates with special needs will be referred to a doctor for evaluation. Pregnant inmates may be housed in medical separation if recommended by doctor's orders.

4. Health Services Plan Checklist

Rules [273.2](#), [273.3](#), [273.4](#), [273.6](#)

☐ Work Assignments

- ☐ Pregnant inmates will be afforded the same privileges as other inmates, including the opportunity to participate in work assignments or programs. Pregnant inmate work assignments will be determined with regard to term of pregnancy, current physical condition, and medical evaluation. Under no circumstance will work assignments for pregnant inmates involve activity that would cause physical harm or injury.
 - ☐ 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**. As soon as practicable **after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate** while in the custody of a county jail, the sheriff shall **ensure that an obstetrician or gynecologist and a mental health professional** promptly:
 - ☐ (A) **review** the health care **services provided** to the prisoner; and
 - ☐ (B) **order additional health care services**, including obstetrical and gynecological services and mental health services, as appropriate.
-

[Rule 273.6](#) Restraints (Pregnant Inmates)

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.

4. Health Services Plan Checklist

Rules [273.2](#), [273.3](#), [273.4](#), [273.6](#)

[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.

Medical and Mental Healthcare Access Plan Addendum

Instructions:

1. Read [Rule 273.2](#) #'s 13 & 14.
 2. Read the 4 options below.
 3. Identify the options that best match how your jail facility provides medical and mental healthcare to inmates.
 - a. Choose 1 option for medical healthcare access and 1 option for mental healthcare access for a total of 2 options. These selections would then be added to your Health Services plan to meet the requirements for [Rule 273.2](#) #'s 13 & 14.
- Option 1: **24/7 Access On-site at the Jail Facility**
 - Inmates will have the ability to **access** a [medical](#) or [mental](#) health professional **at the jail 24 hours a day.**
 - Option 2: **24/7 Access via Telehealth**
 - Inmates will have the ability to **access** a [medical](#) or [mental](#) health professional via **tele-health services 24 hours a day.**

4. Health Services Plan Checklist

Rules [273.2](#), [273.3](#), [273.4](#), [273.6](#)

- Option 3: **Reasonable** Amount of Time – **On-site** (Limited Hours)
 - Inmates will be provided with access to medical or mental health professionals, at the facility, within a reasonable amount of time.
 - *For facilities that have medical or mental health professionals onsite less than 24/7.*
 - *Non-emergencies may wait a reasonable time for an appointment until the medical or mental health professional is back on-site.*
- Option 4: **Reasonable** Amount of Time - **Transport**
 - Inmates will be transported to access a qualified medical or mental health professional within a reasonable amount of time.
 - *No medical or mental health professionals onsite. Will have to be transported for all appointments within a reasonable amount of time.*

Please include the information below in your health services plan.

Rule 273.9

☐ Guardianship

Order appointing Guardian shall be obtained for review of what powers and authority the Guardian obtains and what, if any, rights are retained by the Ward. Said Orders shall be obtained by the jail staff from the Court with jurisdiction over the guardianship or from the Guardian.

- (1) Guardian Notification and Consent – for an inmate who has a guardian of the person with legal authority to make medical decisions for the inmate the medical provider shall:
 - (a) Notify and see consent from a Guardian who has the authority to make medical decisions for the Ward, for all medical decisions other than emergency care pursuant to Texas Health and Safety Code Section 773.008;
 - (b) Contact the Guardian and request medical history; and
 - (c) Document in the medical record all decisions regarding medical treatment, consent, refusal and Guardian communication regarding the same.
 - (2) Access to Medical Records - Guardian of the person with the power to review or take possession of medical records shall have access to the inmate's medical records.
-

4. Health Services Plan Checklist

Rules [273.2](#), [273.3](#), [273.4](#), [273.6](#)

(12) provide procedures that shall require that a **qualified medical professional** shall **review** as soon as possible any **prescription medication** an inmate is taking when the inmate is taken into custody. These procedures shall include providing each prescription medication that a qualified medical professional or mental health professional determines is necessary for the care, treatment, or stabilization of an inmate with **mental illness**;

[273.2 # 12](#)

- ☐ A qualified medical professional shall review as soon as possible any prescription medications an inmate is taking when the inmate is taken into custody. These procedures shall include providing each prescription medication that a qualified medical professional or mental health professional determines is necessary for care, treatment, or stabilization of an inmate with mental illness. In this context, qualified medical professionals include but are not limited to physicians, Registered Nurses (RN), and Licensed Vocational Nurses (LVN) performing their duties within their scope of their license. For this purpose, pharmacists and Emergency Medical Technicians (EMT) are not qualified medical professionals.

Notes:

- **Disclaimer:** The **bolded**, **underlined**, and/or **red** sections identify areas that most commonly require revision. However, **all provisions of the standard remain mandatory**, regardless of formatting or emphasis.
- Anything in **blue** is a **hyperlink** that can be clicked on to view pertinent info.
- It is helpful to preserve as much of the language in the standards as possible.
- 273.2 (9) - Carefully document and keep records in the inmate's medical file for protection against liability.
- 273.2 (11) - Ex. wheelchairs, backboards, crutches, etc.
- Make sure only qualified medical professionals are making medical decisions.
- Cannot deny meds. If an inmate is not following the rules to receive meds, make them go to the back of the line but don't deny them meds all together for that day.
- Pregnant-Inmate Restraints, Labor Recognition and OBGYN-Care sections **must be included** in the plan.
 - **Medical direction** takes **priority over** transport or security policy.
- "Appropriate language should replace '*mental retardation*' with **intellectual disability** or **developmental disability**."
 - Some facilities have been rebranded from MHMR to LMHA's or something similar. Please review the mental health provider your facility works with and update names in your operational plan if necessary.