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|          | <b>DEPARTMENT OF CORRECTIONS<br/>AND REHABILITATION</b><br><b>CORRECTIONS ADMINISTRATION</b><br><b>POLICY AND PROCEDURES</b> | <b>EFFECTIVE DATE:</b><br>January 01, 2024                                      | <b>POLICY NO.:</b><br>COR.10.D.09 |
|   |  | <b>SUPERSEDES (Policy No. &amp; Date):</b><br>COR.10.1A.15 of December 29, 2008 |                                   |
| <b>SUBJECT:</b><br><b>INCARCERATED INDIVIDUAL REQUESTING PRIVATE<br/>MEDICAL PROVIDER</b> |  | Page 1 of 3   |                                   |

## 1.0 PURPOSE

The purpose of this policy is to provide guidelines regarding an incarcerated individual's request for private medical and psychological care.

## 2.0 SCOPE

This policy and procedure applies to all correctional facilities and their assigned personnel.

## 3.0 REFERENCES, DEFINITIONS & FORMS

### .1 References

- a. Hawaii Revised Statutes, Section 26-14.6, Department of Corrections and Rehabilitation; Section 353-A, Director of Corrections and Rehabilitation, Powers and Duties.
- b. Hawaii Revised Statutes, Election of Private Medical or Psychological Care by Prisoners, 353-13.5.
- c. Standards for Health Services in Prisons. National Commission on Correctional Health Care, (2018).
- d. Standards for Health Services in Jails. National Commission on Correctional Health Care, (2018).
- e. Standards for Mental Health Services in Correctional Facilities. National Commission on Correctional Health Care, (2015).

### .2 Definitions

- a. Health Authority: Clinical Section Administrator is the Health Authority for clinical operations.
- b. Medical Authority: The physician responsible for the provision of medical care at the facility.

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- c. Private Provider: A State-licensed medical doctor or psychologist who is not paid staff or contracted to provide medical services to the Department.

**4.0 POLICY**

1. Incarcerated individuals may retain a private provider at their own expense.
2. It is the incarcerated individual's responsibility to verify his or her financial standings to the facility and to select a private provider for his or her medical or psychological care.
3. Incarcerated individual s seek a private provider at their own expense and at their own risk. The State will be exempt from any civil liabilities as a result of the private provider's care. The State shall not be responsible for the cost of the private care. This includes, but is not limited to, any associated treatment, diagnostic, laboratory or medication cost.
4. The private provider shall conform to the Department and facility's procedures, protocols, formulary and established practices.
5. The facility shall not schedule outside movements for incarcerated individuals to private providers for medical treatments that are strictly for cosmetic reasons.

**5.0 PROCEDURES**

1. The incarcerated individual shall inform the facility Clinical Section Administrator when arrangements are being made with a private provider.
2. The Clinical Section Administrator, or designee, shall inform the private provider of the Department and facility's policy and rules regarding private care. The private provider shall be made to understand that the Department shall not be liable for the private care services or the cost of the services.
3. If possible, the private provider shall come to the incarcerated individual. The private provider shall give advance notice of visitation with incarcerated individual.
4. Private health services shall be conducive to the facility's safety and security procedures. The facility shall develop scheduling requirements for the incarcerated individual and the private provider. Transportation and guard escort cost shall also be at the financial expense of the incarcerated individual.

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Transportation to a private provider shall not take precedence over medical appointments ordered by the facility physician or other facility required movements.

5. The incarcerated individual shall initiate a request for private health services by contacting a private provider who is agreeable to provide the service. The incarcerated individual shall request that the private provider contact the facility health authority to make arrangements to examine the incarcerated individual and shall notify the health authority that he or she has contacted a private provider for services in accordance with HRS 353-15.5.
6. When contacted by the private provider, the Clinical Section Administrator shall inform the private provider of the provisions of HRS 353-13.5, including the release of liability of the State and the responsibility of the provider to make reports to the facility health services section. The health authority shall reiterate to the private provider that the State assumes no responsibility for payment for services, associated treatments or medications.
7. Should a private provider be willing to come to the facility, the health authority shall arrange an appointment for the private provider according to the facility's policies, procedures and rules and ensure that there is examination or treatment space.
8. The private provider shall submit timely reports to the facility's health authority regarding the progress of the incarcerated individual's care and treatment and shall notify the facility's health authority immediately when private care is terminated.
9. All treatments, medications, therapies or other medical procedures ordered by the private provider for the patient to be conducted or taken in the facility must be approved by the facility physician. Such orders by the private provider must adhere to the facility's policies, procedures and rules.
10. The provisions of this directive shall not apply to instances of referral to outside health care providers by the facility medical staff, who deem the service is necessary but beyond the scope of the facility Health Care Services.

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
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APPROVAL RECOMMENDED:

  
\_\_\_\_\_  
Deputy Director for Corrections

**JAN 0 1 2024**  
\_\_\_\_\_  
Date

APPROVED:

  
\_\_\_\_\_  
DIRECTOR

**JAN 0 1 2024**  
\_\_\_\_\_  
Date

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