

**NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION
639**

MEDICAL RECORDS

Supersedes: AR 639 (01/05/12); (05/06/14, Temporary); (09/16/14); (01/11/18, Temporary); (03/01/18)
Effective date: 09/1/2020, Temporary

AUTHORITY: NRS 49.265; 209.131; 458.055; 629.051; 629.061

RESPONSIBILITY

The Director has the overall responsibility for this administrative regulation.

The Director of the Medical Division and the Health Information Director have the responsibility to implement this regulation.

The Directors of Nursing have the responsibility to ensure that all staff within the Medical Division have knowledge of and comply with this regulation.

All medical records initiated by a practitioner operating within an institution must comply with this regulation.

639.01 MEDICAL RECORDS

1. The Nevada Department of Corrections (NDOC) maintains medical, dental, and mental health records for each inmate throughout the period of incarceration.
2. Medical records are initiated during the intake process.
3. The record will be standardized and uniform throughout the Department.
4. All original medical, dental and mental health care data will be maintained in the medical record.
5. The record shall include documentation of all health related service provided to the inmate, both on-site and off-site.
6. Copies of the medical record shall be kept in the outpatient mental-health services to facilitate mental health care.

not sure what this means. Kept in the ~~the~~ outpatient mental health services division?

7. Practitioners responsible for conservation camps and transition centers will document medical information on any treatment received by inmates under their care. Physicians, Physician Assistants, or Advanced Practitioners of Nursing are considered to be practitioners.

8. Medical records or portions of medical records will not be destroyed, deleted or expunged. If a mistake is made in a notation, the correction will be noted, dated and initialed by the medical person making the correction.

9. The Directors of Nursing will provide ~~On-The-Job~~ ^{info} Training for all medical staff to ensure that medical personnel are trained on how to ~~make entries~~ ^{into} to the medical records and that staff are trained on HIPAA requirements and medical records confidentiality.

10. A staff person designated by the Director of the Medical Division will review departmental training to ensure that all NDOC personnel are trained on the requirements of HIPAA and inmate medical records privacy requirements.

Is there a difference?

11. The Director of Nursing or designee will provide only medically necessary information to correctional staff, regarding contagious or infectious diseases from the inmate's medical record, when an inmate has to be escorted, transported, guarded or restrained for the purposes of ensuring that correctional staff are taking the appropriate universal precautions whether the issue is an air-borne, blood or saliva contagion. The information will not include specific diseases but only the precautions necessary.

12. The Director of Nursing or designee will provide enough information to correctional staff from the inmate's medical record when the information is necessary for the taking or providing of medication to the inmate during escort, guarding or transporting.

639.02 CONFIDENTIALITY OF MEDICAL RECORDS

1. Medical records will be maintained in secure files and will only be handled by authorized medical division staff and the following persons, on a need to know basis, as authorized by the Medical Director:

- A. Director or designee;
- B. Deputy Directors;
- C. Wardens;
- D. Associate Wardens;
- E. Attorney General staff; or
- F. Other staff as authorized by the Director or Medical Director.

G. If medical records are transported from one facility to another, the medical records will be labeled confidential and sealed, so that they are not accessible by unauthorized personnel, to include inmate clerks.

is this necessary?

2. Inmates are only allowed access to their own medical file and will not be allowed access to any other inmate's medical file.

3. Medical information, such as progress notes, laboratory and radiology results, and other pertinent information, should be made available to authorized staff and practitioners in the Department.

4. Medical information should be released to outside healthcare providers only with written authorization (Form DOC 2548 Consent – Release of Medical Information) from the inmate, except for pertinent copies of the inmate medical records sent for approved outside consultations at the request of institutional physicians, or as required by law.

Check if extra space!

A. Original medical records should not leave the possession of department staff at any time. If consulting physicians need to maintain a medical record, copies should be made and the original record will be retained at the institution.

B. A notation will be made in the medical file that copies were made, which agency or outside provider is the recipient of the copies, the date which the copies were made and the reason the copies were made, a copy of any applicable court order will be maintained with the medical record.

5. Where required by law, appropriate public health agencies will be notified of reportable diseases.

6. *An inmate's* ~~Inmate's~~ attorneys may obtain a copy of the medical records with the written request and authorization by the inmate.

7. Inmates are not constitutionally entitled to free copy work. Inmates may request limited copies of medical records for legal purposes by submitting a brass slip for the cost of the copies requested.

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* Copies should be charged to the requesting attorney or inmate at the rate set by NRS 629.061.

8. Copies of the health record shall not be released directly to the inmate while incarcerated and should be maintained in a separate file in the inmate's medical records for attachment to pleadings when directed by the staff of the Attorney General.

9. Original medical records should not be sent to outside agencies unless ordered by the court or unless a DOC 2548 Consent – Release of Medical Information is signed by the offender for continuity of care purposes after release from NDOC custody.

A. In the event original records are ordered in cases of litigation, they should be hand delivered by authorized Department staff. *and record made that original records were delivered to and to whom with record of receipt and return to DOC.*

10. All other requests for medical records will be transferred to the Health Information Archives Coordinator.

639.03 INMATE REVIEW OF MEDICAL RECORDS

1. An inmate is prohibited from possessing any portion of their medical file on their person, in their cell or on the yard.

2. Inmates may request to review their medical record. The review will occur under the direct supervision of medical staff.

3. Prior to an inmate's review of their medical record, the record shall be purged of all psychiatric/psychological materials, *space* any materials received from an outside source which NDOC has requested with authorization from the inmate, and *space* any information *space!* which may jeopardize the safety of the inmate or institution. *space?*

4. Absent an inmate's personal litigation directly involving ~~these~~ psychiatric/psychological records, the records shall not be reviewed with an inmate without consultation with the treating (or a knowledgeable) psychiatric/psychological professional. If this consultant believes that the content of the psychological records, or any part thereof, may be counter-therapeutic or detrimental to the inmate's mental health, the records may be withheld pending a court order to release the records. *check spaces*

A. Except under special circumstances, as determined by the Medical Director, attending practitioner or by court order, an inmate should only be permitted to review their medical records once per calendar year.

- What is the reasoning behind only once a year?*
- a) Exception to this once annual review, during the course of litigation involving a medical issue of the inmate's, the inmate will be allowed additional opportunity to review the medical record. Upon a request from the inmate to review his medical records for litigation purposes, all efforts will be made to make the records available within 3-5 working days from the date of the request.
 - b) The inmate will be given one hour to review the medical record. If the inmate feels that additional time is needed for the review, the inmate is permitted to:
 - i. Request an additional review.
 - ii. Review the Medical Record at a date and time that is convenient and does not conflict with staff workload priorities.
 - c) The inmate will be allowed to make separate notes regarding the information contained in his/her own medical record.
 - d) Inmates are not permitted to remove documents from the medical record.

5. Any inmate request for review that is denied by the Medical Director or attending practitioner shall be documented in the medical record, stating the reason for the denial.

639.04 TRANSFER OF INMATE MEDICAL RECORDS

1. When an inmate is transferred between institutions or facilities, the complete medical, mental health, and dental records will be transferred to the receiving institution or facility at the same time as the inmate.

A. If the medical record cannot be found, a temporary record shall be used until the original is found.

2. All medical information accumulated and not filed shall be filed appropriately in the medical record before it is transferred. If for unforeseen circumstances this cannot be accomplished the reasons will be documented and placed in the medical record. *For example; the inmate had to be emergency transferred due to enemy or safety reasons without notice.*

3. Medical record should be reviewed at the receiving institution by the nursing staff for the pertinent information, noting in the progress notes that this review was accomplished.

X Appointments and referrals will be made as indicated. The relevant documentation will then be given to the Health Information Coordinator for quality control functions.

4. When an inmate is transferred out for treatment for an indefinite period of time, the institutional medical records office shall contact the Health Information Archives Coordinator to obtain pertinent medical records.

5. A copy of the medical record shall be sent to the receiving institution, the original medical record should remain in the medical records archives.

6. When an inmate is released from the Department, his medical records shall be forwarded to the medical records archives to be maintained according to applicable state, federal, and local laws, rules and regulations.

APPLICABILITY

1. This regulation requires a Medical Directive for the management, format, access, and confidentiality of the health care record.

2. This regulation requires an audit.

REFERENCES: ACA Standards 4th Edition, 4-4096; 4-4352; 4-4393; 4-4400; 4-4413; 4-4414; 4-4415;

Dr. Michael Minev, Medical Director

Date

Charles Daniels, Director

Date