



NEVADA DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REGULATION

**MEDICAL RECORDS
ADMINISTRATIVE REGULATION-639**

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

Effective Date: May 21, 2021, TEMPORARY EDITION

PURPOSE

To identify the appropriate procedures and policies for maintaining all Nevada Department of Corrections (NDOC and Department) medical, dental, and mental health records for each offender in the care of NDOC and throughout the offender's period of incarceration.

AUTHORITY

NRS 49.265; 209.131; 458.055; 629.051; 629.016; and 629.061

RESPONSIBILITY

The Director has the overall responsibility for this administrative regulation.

The Director of the Medical Division and the Director of Health Information has 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. NDOC maintains medical, dental, and mental health records for each offender throughout the period of their incarceration.
2. Medical records are initiated during the intake process.

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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 offender's medical record.
 5. The medical record shall include documentation of all health-related services provided to the offender, for both onsite and offsite services.
 6. Copies of the offender's medical record will be kept in the NDOC outpatient mental-health services units/sites that facilitate mental health care services.
 7. Practitioners responsible for conservation camps and transition centers will document medical information on any treatment offenders receive 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 correcting the mistake.
 9. The Directors of Nursing will provide On-the-Job Training for all medical staff to ensure that medical personnel is trained on how to make entries into medical records and that staff is trained on HIPAA requirements and medical records confidentiality.
 10. The Medical Director will appoint a staff person in the Medical Division to review departmental training and ensure that all NDOC personnel are trained on the requirements and of HIPAA and the protocols required of maintaining the offender's medical record confidentiality.
 11. The Director(s) of Nursing or designee will provide only medically necessary information to correctional staff, regarding contagious or infectious diseases from the offender's medical record when an offender has to be escorted, transported, guarded, or restrained to ensure that correctional staff is taking the appropriate universal precautions whether the issue is an airborne, blood, or saliva contagion. The information will not include specific diseases, only the precautions necessary when managing the offender.
 12. The Director(s) of Nursing or designee will provide only enough information necessary to correctional staff from the offender's medical record when it is necessary that correctional staff provide the offender medication during escort, supervision of offender, 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;
 - F. Other staff as authorized by the Director or Medical Director; and
 - G. If an offender's medical records are transported from one facility to another, those medical records will be labeled confidential and sealed, so that they are not accessible by unauthorized personnel including offender (inmate) clerks.
2. Offenders are only allowed access to their medical file, and will not be allowed access to any other offender'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. Outside healthcare providers will only receive medical information of the offender in their care with written authorization (Form DOC 2548 Consent – Release of Medical Information) from the offender. An exception to this requirement is pertinent copies of the offender's medical records sent for approved outside consultations at the request of institutional physicians, or as required by law.
 - A. Original medical records are never to leave the possession of department staff at any time. If consulting physicians need to maintain a medical record, copies will be made and the original record will be retained at the institution.
 - B. A notation will be made in the offender's medical file that copies were made, which agency or outside provider is the recipient, 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 offender's medical record.
 5. Where required by law, appropriate public health agencies will be notified of reportable diseases.
 6. An offender's attorney may obtain a copy of their medical records with the appropriate written request and authorization of the offender.

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7. Offenders are not constitutionally entitled to free copy work. Offenders may request limited copies of medical records for legal purposes by submitting a brass slip for the cost of the copies requested. Copies should be charged to the requesting attorney or offender at the rate set by NRS 629.061.
 8. Copies of an offender's health record will not be released directly to the offender while incarcerated and should be maintained in a separate file in the offender's medical records for attachment to pleadings when directed by the Attorney General's staff.
 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 that original medical records are ordered, such as in cases of litigation, those records will be hand-delivered by authorized Department staff and records kept of where, to whom, and date/time original records were delivered, along with a signed receipt as proof of delivery. This information will be returned to NDOC for documentation purposes.
 10. All other requests for medical records will be transferred to the Health Information Archives Coordinator.

639.03 OFFENDER REVIEW OF MEDICAL RECORDS

1. An offender is prohibited from possessing any portion of their medical file on their person, in their cell, or on the yard.
2. Offenders may request to review their medical records. The review will occur under the direct supervision of medical staff.
3. Before an offender reviews their medical record, the file will be purged of all psychiatric/psychological materials, any materials received from an outside source that NDOC has requested, with authorization from the offender, and any information which may jeopardize the safety of the offender or institution.
4. Absent an offender's litigation directly involving psychiatric/psychological records, the records shall not be reviewed with an offender 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 offender's mental health, the records may be withheld pending a court order to release the records.
 - A. Except under special circumstances, as determined by the Medical Director, attending practitioner, or by court order, an offender should only be permitted to review their medical records once per calendar year.

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- a) An exception to this one annual review, during litigation involving a medical issue of the offender's, the offender will be allowed additional opportunity to review the medical record. Upon a request from the offender 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 offender will be given one hour to review the medical record. If the offender feels that additional time is needed for the review, the offender 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 offender will be allowed to make separate notes regarding the information contained in his/her medical record.
 - d) Offenders are not permitted to remove documents from their medical records.
5. Any offender request to review their medical record that is denied by the Medical Director or attending practitioner will be documented in the medical record with the reason for the denial.

639.04 TRANSFER OF OFFENDER'S MEDICAL RECORDS

1. When an offender is transferred between institutions or facilities, the complete medical, mental health, and dental records will be transferred to the receiving institution or facility along with the offender. If the medical record cannot be found, a temporary record will be created and used until the original file is located.
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 offender had to be emergency transferred due to enemy or safety reasons without notice.*
3. The medical record(s) should be reviewed at the receiving institution by the nursing staff for pertinent information and noted in the progress notes that this review was accomplished. Appointments and referrals as noted in the medical record will be made as indicated. The relevant documentation will then be given to the Health Information Coordinator for quality control purposes.
4. When an offender is transferred for treatment to an outside facility for an indefinite period, the institutional medical records office shall inform the Health Information Archives Coordinator and obtain pertinent medical records.

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5. A copy of the medical record will be sent to the receiving facility, the original medical record will remain in the medical records archives.
 6. When an offender 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

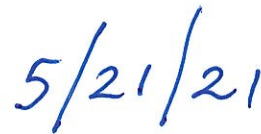
1. This Administrative Regulation requires a Medical Director for the management, format, access, and confidentiality of the health care record.
2. This Administrative Regulation requires an audit.

REFERENCES

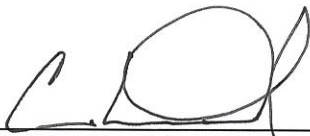
ACA Standards 4th Edition: 4-4096; 4-4352; 4-4393; 4-4400; 4-4413; 4-4414; and 4-4415



Dr. Michael Minev, Medical Director



Date



Charles Daniels, Director



Date