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MEDICAL AND MEDICATION PROBLEMS IN THE JAILS

BACKGROUND

California Correctional Institutions must comply with Constitutional requirements and statutes[1], including Title 15 of the California Code of Regulations (Title 15). Title 15 governs the minimum standards of care that are to be provided to California inmates. The Tulare County Sheriff's Department Detentions Division Policy & Procedure Manual (Sheriff's Detention Policy Manual) addresses a multitude of Title 15 standards and identifies Sheriff's Policies and Procedures including medication.

Tulare County Health and Human Services Agency (HHSA) along with the Tulare County Sheriff's Department developed and co-signed the Tulare County Health and Human Services Agency, Primary Care Branch, Criminal Justice Manual (Health Care Manual). The Health Care Manual addresses the medical care policies and procedures that are to be administered by the Detention Divisions within the County. The Health Care Manual was developed in reference to "...the California Code of Regulations (C.C.R.), Title 15, Crime Prevention and Corrections, Division 1, Board of Corrections, Chapter 1 Board of Corrections, Subchapter 4. Minimum Standards for Local Detention Facilities May 1998."

REASONS FOR INVESTIGATION

The 2009-2010 Tulare County Grand Jury received 15 medical/medication related complaints from inmates at the Bob Wiley Detention Facility (BWDF).

PROCEDURES FOLLOWED

1. Interviewed relevant witnesses.
2. Reviewed relevant documents.
3. Inspected relevant facilities.

FINDINGS

MEDICAL:

1. The nursing staff reviews the sick call slips and prioritizes them into a triage list of inmates to be seen that day.
2. Not all inmates who submit sick call slips are seen the same day. Some inmates are not seen for weeks after their sick call slip is submitted.
3. Some symptoms, identified as medical emergencies in the Health Care Manual 90-05 (V) (B) Correctional Facility Staff, are not treated as medical emergencies.
4. The Physician Assistant's (PAs) refer the inmate to a Doctor (MD) at Visalia Health Care Clinic (VHCC) and then the MD makes the referral to the Specialists if deemed necessary.
5. The Specialists that care for the inmates are located at Tulare Regional Medical Hospital Clinic and VHCC as required by

[1] The Tulare County Sheriff's Department Detentions Division Policy & Procedure Manual, # A-140

Health Care Manual 90-06 (V) (A) (2) (A-M).

6. At the Pre-Trial Facility there is a Dentist, to treat inmates from all of the jails, employed by HHSA.

7. The three PAs at the jails work four 10 hour shifts per week to cover medical needs of the inmates. Mondays and Fridays are their busiest days, but the schedule calls for only two PAs on those days.

8. HHSA implemented a *Grievance Tracking Log*. The intent of the log is to allow tracking of medical grievances from submission to resolution. Review of seven months of the *Grievance Tracking Log* show the log did not adequately represent the issues identified by aggrieved inmates.

9. Inmate concerns on the grievance form are reduced to a one line item on the tracking log, while the medical practitioner responses are lengthy and detailed.

10. Grievances forwarded to the medical staff, with medical and non-medical issues, are not always redirected to the responsible authority.

MEDICATION:

11. Not all medication is being refilled in a timely manner as prescribed.

12. The Hillman Pharmacy[2] had an automatic prescription refill system. This system would occasionally fill prescriptions even though inmates had been released. This system is no longer in place.

13. Review of the HHSA grievance logs for September, October, November and December 2009, revealed there were 120 medical/medication grievances from inmates.

14. A Medical Technician (Med Tech) normally distributes medications to inmates and documents when an inmate is almost or completely out of medication.

15. When short staffed, a Licensed Vocational Nurse and/or PA help distribute medication, preventing them from seeing patients.

16. The inmate is supposed to sign a medical distribution log , per the Health Care Manual Policy # 90-05(V)(D), however only the Med Tech signs when he/she gives the inmates their medication.

17. The Sheriff's Detention Policy Manual # F-625, Medical/Pill Call Services states, "Anyone who brings medications (prescription and over-the-counter) into the facility are to turn them into the Intake Officer. All such medications will be checked by medical staff to validate authenticity. This medication will then be dispensed through pill call in the normal manner."

18. During the current booking process, all drugs, including prescribed medications, are confiscated. Prescription medications are held for inmates until they are released in violation of Sheriff's Detention Policy Manual.

19. One pregnant inmate's prenatal vitamins were not provided for a month.

20. Seizure medication was confiscated from an inmate and was not provided

[2] Also known as HHSA Pharmacy

until after two weeks and three emergency visits to Kaweah Delta District Hospital.

21. One inmate was on chemotherapy when incarcerated. The Judge ordered the continuation of chemotherapy. However, two sessions were missed, and the inmate had to file a complaint before the chemotherapy was administered.

22. A Med Tech threatened to have an inmate's need for medication reviewed because of disrespectful behavior.

23. The Health Care Manual Policy 95-01(V)(F) (1, 2 and 3) states, "Unused medication should be returned to the HHSA Pharmacy in unit dose containers for disposal. Containers shall not be taken apart and the medications shall not be removed prior to returning to the pharmacy. Any unit dose container no longer in use (i.e., inmate released, medication discontinued or therapy completed) must be returned to pharmacy as soon as possible. It is preferable to return unit dose containers on a daily basis. Out of date medications are to be returned to the HHSA Pharmacy on a monthly basis."

24. In October 2009, a large box of 'salvaged' medication disappeared from BWDF. The contents of the box were unknown, due to the lack of a chain of custody.

25. The Sheriff's Detention Policy Manual # B300 H(3) states, "The Shift Supervisor will…prior to release…retrieve all inmate medications and give the inmate, not to exceed a two-week supply".

26. Medication does not always go with the inmate upon their release.

27. Inmates' medication is dispensed twice a day, including those that are prescribed to be taken three or four times a day. Dosages are increased to allow for frequency.

28. The majority of prescriptions are antibiotics and pain medications.

29. There is no communication or briefing between medical staff during shift change.

30. There are multiple conflicts within and between Title 15, the Sheriff's Detention Policy Manual and the Health Care Manual (e.g. Sheriff's Detention Policy #F-625 and #F-408).

CONCLUSIONS

It appears as though the term "adequate" as referred to in Title 15 regarding health care has been defined in Tulare County as "barely sufficient or satisfactory" instead of "sufficient for a specific requirement"

Inmates being offered outside medical services in a limited manner and sick call slips not being processed timely could lead to long term illnesses and additional financial burden to the County.

Not providing a secure accounting of unused medication leads to theft or lost of medication and is not a fiscally sound practice.

Threatening to review the need for medication to control inmates is not part of the policy.

Jail policies and procedures not being followed are causing significant medical and medication problems within the jail system.

RECOMMENDATIONS

1. Review Title 15, Sheriff's Detention Policy Manual and Health Care Manual. Make necessary corrections and resolve conflicting policies.

2. All categories of specialists need to be contracted per Health Care Manual. The following are missing:
   a. Cardiology
   b. Gastroenterology
   c. Neurology
   d. Pulmonary Disease
   e. Rheumatology
   f. Urology

3. Make Medical and Specialist referrals and appointments as soon as possible in accordance with the Health Care Manual 90-05 (V) (B) Correctional Facility Staff.

4. Review the triage system to ensure those with a serious illness are seen immediately.

5. Comply with Sheriff's Detention Policy Manual, including but not limited to, emergency treatment, and medication upon booking /release.

6. Adjust the PA staff schedule for maximum coverage on Mondays and Fridays.

7. Develop a Medical Grievance Form in addition to the general Grievance Form.

8. Require inmates to sign for the medications they receive in accordance with policy.

9. Do not use an inmate's need for medication as a disciplinary tool.

10. Medication no longer needed in the jails should be tracked and sent back to Hillman Pharmacy as soon as possible in accordance with the Health Care Manual.

11. Amend Health Care Manual and Sheriff's Detention Policy Manual to include a mandatory shift briefing prior to assuming duties by incoming medical staff.

12. Distribute medications as prescribed.

RESPONSES REQUIRED

Tulare County Board of Supervisors
Tulare County Sheriff Department
Tulare County Health and Human Services Agency