

10A:31-13.5 Licensure

(a) State licensure and/or certification requirements and restrictions shall apply to health care personnel working in the adult county correctional facility to the same extent as to those working in the community.

(b) Copies of current licenses and/or certification credentials shall be on file in the facility.

10A:31-13.6 Job descriptions

The work of medical personnel shall be governed by written job descriptions which are approved by the physician or medical authority responsible for medical services.

10A:31-13.7 Treatment

(a) Treatment by medical personnel other than the physician responsible for medical services shall be performed pursuant to written standing or direct orders from that physician.

(b) In lieu of written standing orders, certified physician assistants and nurse practitioners may practice within the limits of their certification(s), providing that such practice(s) shall be consistent with State law and shall be authorized by the physician or a qualified medical authority who is responsible for medical services within the adult county correctional facility.

(c) If medical services are delivered in the facility, adequate space, equipment, supplies and materials as determined by the physician who is responsible for medical services shall be provided for primary health care delivery.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (b), deleted "nationally" preceding "certified" and deleted "national" preceding "certification(s)".

10A:31-13.8 First aid kits

(a) First aid kits shall be available in all adult county correctional facilities.

(b) The physician who is responsible for medical services shall approve the:

1. Content of the kits;
2. Number of kits; and
3. Location of the kits.

(c) Written procedures for the use and monthly inspection of all first aid kits shall be established.

10A:31-13.9 Medical screening

(a) Prior to placement in general population, all inmates shall receive:

1. A medical screening by qualified health care personnel;
2. A physical examination by a licensed physician, certified physician assistant or nurse practitioner practicing within the limits of their certification(s);
3. A pregnancy test for all female inmates, except those who are post-menopausal or who have had a hysterectomy; and
4. Any tests determined to be necessary by the physician who is responsible for medical services.

(b) The medical screening and physical examination shall be performed on each inmate prior to the inmate's placement in the general population or housing area.

(c) The findings of the medical screening shall be recorded on a printed form approved by the physician who is responsible for medical services.

(d) The medical screening should include, but not be limited to:

1. Current illnesses and health problems, including those specific to women;
2. Medications taken and special health requirements;
3. Evaluating other health problems designated by the physician responsible for medical services;
4. Behavior observation, including state of consciousness and mental awareness;
5. Notation of body deformities, such as trauma markings, bruises, lesions, jaundice, ease of movement;
6. Condition of skin and body orifices, including rashes and infestation; and
7. Referral of inmates to qualified medical personnel on an emergency basis.

Amended by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Added pregnancy test for female inmates.

Amended by R.1995 d.421, effective August 7, 1995.

See: 27 N.J.R. 1728(a), 27 N.J.R. 2928(a).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Rewrote (a).

10A:31-13.10 Care of pregnant inmates

(a) The adult county correctional facility shall provide pregnant inmates with medical and social services as soon as possible after the pregnancy is diagnosed. Medical and social services shall include:

1. Prenatal medical evaluation and care;
2. Nutritional supplements and diet as prescribed by the treating physician;

3. Non-directive counseling regarding:
 - i. Family planning;
 - ii. Birth Control;
 - iii. Termination of pregnancy;
 - iv. Child placement services; and
 - v. Religious counseling, if desired by the inmate.
4. Obstetrical services;
5. Abortion services, unless the treating physician and/or gynecologist determines that the pregnancy cannot be terminated; and
6. Appropriate postpartum and follow-up medical care.

(b) The delivery or termination of pregnancy shall be scheduled only at a State-licensed medical facility or hospital.

(c) The adult county correctional facility shall also provide the pregnant inmate with:

1. Suitable maternity clothes if the inmate is unable to provide her own;
2. Reasonable housing assignments, as permitted by available space and the inmate's security status; and
3. Appropriate exercise and reduced work schedules as deemed advisable by the treating physician.

New Rule, R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a) and (c), inserted "adult" preceding "county" in the introductory paragraphs.

Case Notes

Held that county order requiring inmates to secure court-ordered releases to obtain abortions while in county's custody was unconstitutional; county regulations requiring inmates to obtain their own funding for abortion was held unconstitutional as infringing on inmate's right to make abortion choice. *Monmouth County Correctional Institution Inmates v. Lanzaro*, 834 F2d 326 (3C1987).

10A:31-13.11 Access to medical and dental services

At the time of admission, all inmates shall be provided with a copy of the adult county correctional facility's rules and regulations which shall include the procedures for gaining access to medical and dental services (see N.J.A.C. 10A:31-21.4).

Recodified from 10A:31-13.10 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.12 Inmate medical complaints

(a) The written medical complaints of inmates shall be collected daily.

(b) The medical staff shall assess the medical complaints of inmates and provide for the treatment of inmates according to priorities of need.

Recodified from 10A:31-13.11 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

10A:31-13.13 Sick call

(a) Sick call conducted in adult county correctional facilities by a physician and/or other qualified medical personnel shall be available to each inmate as follows:

1. Facilities with fewer than 100 inmates shall conduct sick call at least once a week;
2. Facilities with 100 to 300 inmates shall conduct sick call at least three times per week; and
3. Facilities with over 300 inmates shall conduct sick call at least four times per week.

Recodified from 10A:31-13.12 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Rewrote (a).

10A:31-13.14 Physician availability

A physician shall be available at least once each week to respond to inmate medical complaints.

Recodified from 10A:31-13.13 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Inserted "medical" preceding "complaints".

10A:31-13.15 Emergency medical and dental care

(a) The adult county correctional facility shall provide 24 hour seven day per week emergency medical and dental care.

(b) Written standard operating procedures (S.O.P.'s) shall be established which shall include, but not be limited to, arrangements for the following:

1. On-site emergency first aid;
2. Emergency evacuation of the inmate from the adult county correctional facility;
3. Use of an emergency medical vehicle;
4. Use of one or more designated hospital emergency rooms or other appropriate health facilities; and
5. An emergency on call physician or dental services when the emergency health facility is not located in a nearby community.

1. "Electronic medical record" (EMR), which is a healthcare record of an inmate in an electronic format that contains recorded information concerning the medical, dental and mental health history and related health activities of the inmate; and/or

2. "Medical reference file" (MRF), which is a paper, written or printed record that contains information concerning the medical, dental and mental health history and related health activities of an inmate.

(b) The EMR and/or MRF shall contain the following:

1. Completed medical screening forms;
2. First appraisal data collection forms;
3. All findings, diagnoses, treatments, dispositions, prescriptions and administrations of medication;
4. Notes concerning health, medical instructions, or health education provided to the inmate; and
5. Notation of place, date and time of medical encounters and discharges from medical treatment.

(c) The method of recording entries in the EMR and/or MRF and the form and format of the record shall be approved by the physician who is responsible for medical services.

(d) Access to the EMR and/or MRF is controlled by the physician who is responsible for medical services. The physician/patient privilege shall apply to the EMR and MRF (see N.J.A.C. 10A:31-6).

(e) The EMR and/or MRF shall be kept separate from the inmate's classification record.

(f) A medical summary sheet shall accompany an inmate who is being transferred from one facility to another.

Recodified from 10A:31-13.26 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Recodified from N.J.A.C. 10A:31-13.27 and amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Added (e). Former N.J.A.C. 10A:31-13.28, Informed consent for treatment, recodified to N.J.A.C. 10A:31-13.29.

Amended by R.2006 d.59, effective February 6, 2006.

See: 37 N.J.R. 3201(a), 38 N.J.R. 995(a).

Rewrote the section.

10A:31-13.29 Informed consent for treatment

All examinations, treatments and procedures affected by informed consent standards in the community shall be likewise observed when providing care for inmates.

Recodified from 10A:31-13.27 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Recodified from N.J.A.C. 10A:31-13.28 by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Former N.J.A.C. 10A:31-13.29, Quarterly and annual report, recodified to N.J.A.C. 10A:31-13.30.

10A:31-13.30 Quarterly and annual report

The physician who is responsible for medical services shall prepare and submit to the adult county correctional facility Administrator a quarterly report on the health delivery system and an annual statistical summary of the health services provided to inmates during the previous year.

Recodified from 10A:31-13.28 by R.1991 d.190, effective April 15, 1991 (operative April 22, 1991).

See: 23 N.J.R. 15(a), 23 N.J.R. 1128(b).

Recodified from N.J.A.C. 10A:31-13.29 and amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted "adult county correctional facility" for "Jail".

SUBCHAPTER 14. MISCELLANEOUS INMATE RIGHTS

10A:31-14.1 Presumption of innocence

(a) The presumption of innocence of pre-trial detainees shall be respected at all times, and adult county correctional facility staff shall take no action which may interfere with the detainee's right to:

1. Remain silent regarding the charges; or
2. Prepare a defense to the charges.

10A:31-14.2 Protection from abuse

(a) Inmates shall be protected by adult county correctional facility staff from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.

(b) In accordance with the Federal Prison Rape Elimination Act of 2003 (PREA), 42 U.S.C. §§15601 et seq., a zero tolerance for the incidence of sexual assault shall be maintained at adult county correctional facilities.

(c) Appropriate disciplinary action shall be taken against facility staff who engage in abusive behavior and, when necessary, these cases will be referred to the county prosecutor.

Amended by R.2007 d.221, effective July 16, 2007.

See: 39 N.J.R. 1393(a), 39 N.J.R. 2648(a).

Added new (b); and recodified former (b) as (c).

10A:31-14.3 Prohibition against discrimination

(a) There shall be no discrimination on the basis of race, gender, national origin, religion, economic status, political belief or disability.

(b) Care, custody and treatment services of inmates shall be provided equally to male and female inmates.

Amended by R.2000 d.332, effective August 7, 2000.

See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a), substituted "gender" for "sex" and "disability" for "handicap", and deleted "color".

10A:31-14.4 Inmate grievance procedure

A written inmate grievance procedure shall be afforded to all inmates which shall include at least one level of appeal.

10A:31-14.5 Opportunity to practice religion

Inmates shall be afforded full and equal opportunity to practice their religion, or refrain from involvement in religion, subject only to the limitations necessary to maintain the safe, secure and orderly operation of the facility (See N.J.A.C. 10A:31-26.3).

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

Substituted "the safe, secure and orderly operation of the facility" for "order and security".

10A:31-14.6 Access to representatives of the media

Inmates shall be afforded reasonable access to representatives of the media by correspondence, telephone and/or visits.

SUBCHAPTER 15. ACCESS TO THE COURTS**10A:31-15.1 Inmate access to courts**

(a) Persons detained prior to trial and sentenced inmates have a constitutional right of access to the courts.

(b) Adult county correctional facility Administrators shall assist detainees and inmates in the preparation and filing of meaningful legal papers by providing law libraries or adequate assistance from persons trained in the law.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (b), substituted "Adult county correctional facility" for "Jail".

10A:31-15.2 Inmate Law Library

(a) If the Inmate Law Library is the selected method in assisting inmates in the preparation and filing of legal papers, the Inmate Law Library shall be so located as to enable the inmates to be taken to the library to do research.

(b) Arrangements shall be made with a bar association, law school(s), or other law libraries to borrow law books not contained in the adult county correctional facility's own collection.

(c) Inmates who so request shall be given access to the Inmate Law Library on a schedule which permits as many inmates as possible to use the library, depending on:

1. The resources of the adult county correctional facility;
2. The availability of space; and

3. Security considerations.

(d) Punishment for any Inmate Law Library infraction such as damage to law books or disruptive conduct shall not ordinarily include denial of access to the Inmate Law Library.

(e) An inmate who abuses the right of access to the Inmate Law Library may be disciplined in accordance with prescribed procedures as set forth in N.J.A.C. 10A:31-16, Disciplinary Procedures.

(f) In certain extreme instances and only with the approval of the adult county correctional facility Administrator, an inmate may be denied direct personal access to the Inmate Law Library. In such instances, the inmate shall receive legal reference materials and related services from assigned persons trained in the law.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (f), substituted "adult county correctional facility" for "Jail".

10A:31-15.3 Access to supplies and services

(a) Inmates shall have access to legal supplies and services for preparing legal papers, such as:

1. Writing paper;
2. Pens;
3. Reproduction equipment; and
4. Large mailing envelopes.

(b) The cost of the legal supplies noted in (a) above shall be borne by the inmate unless the inmate is indigent.

Amended by R.2000 d.332, effective August 7, 2000.
See: 32 N.J.R. 1894(a), 32 N.J.R. 2945(a).

In (a)2, substituted "pens" for "carbon paper".

10A:31-15.4 Attorneys and court related personal visits

(a) Suitable meeting facilities shall be provided for inmates to meet with attorneys and representatives of attorneys in privacy with reasonable comfort.

(b) Representatives of attorneys may include:

1. Investigators;
2. Investigative aides;
3. Paralegals; and
4. Law students.

(c) Visits of attorneys and representatives of attorneys shall be permitted without notice, or upon reasonable notice, during at least six hours each business day.

(d) Only necessary security requirements may be permitted to interfere with such visits.