

**CHAPTER 16**

**MEDICAL AND HEALTH SERVICES**

**Authority**

N.J.S.A. 3B:10-3 and 4, 13:1E-48 et seq., 26:2D-27d, 26:2H-55 et seq., 30:1B-6, 30:1B-10, 30:4-27 et seq., 30:7E-1 et seq., 45:25-1 et seq., 46:6-1 et seq. and 46:30B-1 et seq.; N.J.A.C. 7:26-3A, 8:57-1, 13:30-8.7 and 8.9 and 13:35-6.5; and *Roe v. Fauver*, C.A. No. 88 1255(AET), (D.N.J., March 3, 1992), *Jaffee v. Allen*, 64 U.S.L.W. 4490 (U.S. Supreme Court 1996) and *Washington, et al. v. Harper*, 494 U.S. 210, 110 S.Ct. 1028 (1990).

**Source and Effective Date**

R.1999 d.426, effective December 6, 1999.  
See: 31 N.J.R. 2531(a), 31 N.J.R. 4045(b).

**Executive Order No. 66(1978) Expiration Date**

Chapter 16, Medical and Health Services, expires on December 6, 2004.

**Chapter Historical Note**

Chapter 16, Medical and Health Services, was adopted as R.1987 d.160, effective April 6, 1987. See: 18 N.J.R. 1662(a), 19 N.J.R. 535(a).

Subchapter 6, Pregnant Inmates, was repealed and Subchapter 6, Pregnant Inmates, was adopted as new rules by R.1987 d.305, effective July 20, 1987. See: 19 N.J.R. 503(a), 19 N.J.R. 1318(b).

Subchapter 11, Medical Unit Annex, was renamed "Special Medical Unit", by R.1988 d.142, effective April 4, 1988. See: 20 N.J.R. 163(b), 20 N.J.R. 810(a).

Subchapter 11, Special Medical Unit, was repealed and Subchapter 11, Special Medical Units, was adopted as new rules by R.1990 d.249, effective May 21, 1990 (operative May 29, 1990). See: 22 N.J.R. 310(c), 22 N.J.R. 1606(a).

Subchapter 12, Suicide, was adopted as R.1991 d.439, effective August 19, 1991. See: 23 N.J.R. 1756(a), 23 N.J.R. 2510(a).

Subchapter 13, Commitment for Psychiatric Treatment, was adopted as R.1992 d.23, effective January 6, 1992. See: 23 N.J.R. 1890(a), 24 N.J.R. 104(a).

Pursuant to Executive Order No. 66(1978), Chapter 16, Medical and Health Services, expired on April 6, 1992.

Chapter 16, Medical and Health Services, was adopted as new rules and Subchapter 10, Lethal Injection, of former Chapter 16 was recodified as N.J.A.C. 10A23-2 by R.1992 d.283, effective July 6, 1992. See: 24 N.J.R. 1677(a), 24 N.J.R. 2452(a).

Subchapter 11, Special Medical Units, was repealed by R.1995 d.525, effective September 18, 1995. See: 27 N.J.R. 2675(a), 27 N.J.R. 3613(a).

Pursuant to Executive Order No. 66(1978), Chapter 16, Medical and Health Services, expired on July 6, 1997.

Chapter 16, Medical and Health Services, was adopted as new rules by R.1999 d.426, effective December 6, 1999. See: Source and Effective Date.

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#### SUBCHAPTER 1. GENERAL PROVISIONS

##### 10A:16-1.1 Purpose

(a) The purpose of this chapter is to establish guidelines for:

1. Providing medical services for inmates;
2. Providing dental services for inmates;
3. Providing mental health services for inmates;
4. Obtaining informed consent from an inmate to perform certain medical procedures;
5. Providing assistance to pregnant inmates and placement of their newborn;
6. Providing notification to next of kin in the event of an inmate's critical illness or death;
7. Providing for burial or cremation of unclaimed inmate bodies;
8. Applying for executive clemency;
9. Establishing policies and procedures regarding inmate co-payment for eligible health and dental services and treatment;
10. Donation of blood by inmates;
11. Involuntary psychotropic medications;
12. Medical transfer; and
13. The identification, placement and monitoring of inmates who are deemed to be at risk for suicide.

##### 10A:16-1.2 Scope

This chapter shall be applicable to all correctional facilities within the Department of Corrections unless the context clearly indicates otherwise.

##### 10A:16-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings.

“Advance directive” means a document that declares the wishes of a person to prolong or not prolong life under certain conditions if that person faces certain death from illness or injury and can only survive with the use of extraordinary or extensive medical means.

“Close observation” means intermittent monitoring of an inmate either in person or by video monitor at 15 minute intervals.

“Constant observation” means uninterrupted surveillance of an inmate on suicide watch, either in person or by video monitor when the monitor allows for continuous unobstructed vigilance of the inmate.

“Co-payment” means a nominal fee paid by an inmate.

“Department of Human Services” means the New Jersey Department of Human Services.

“Executive clemency” means the exclusive power of the Governor to commute the sentence of an inmate making the inmate eligible for parole consideration.

“Forensic Psychiatric Hospital” means the Forensic Psychiatric Hospital which is administered by the New Jersey Department of Human Services.

“Health care provider” means the entity which is providing the medical, dental and/or mental health services to inmates.

“Health Services Unit” means the unit administered by the Assistant Commissioner, Division of Operations, responsible for managing the provision of medical, dental and mental health services to inmates under the jurisdiction of the Department of Corrections.

“Responsible health authority” means a designated person within a correctional facility who shall be a physician or health administrator responsible for arranging health services to all inmates. When this authority is other than a physician, medical/ clinical judgments rest with a designated licensed responsible physician.

“Screening service” means a public or private ambulatory service which provides mental health services including assessment, emergency and referral services to mentally ill persons in a specified geographic area (see N.J.S.A. 30:4-27.2).

“St. Francis Unit” means a unit within the St. Francis Hospital that is designated for the treatment of inmates who need hospitalization.

“Staff” means all personnel who are directly hired or contracted by the Department of Corrections or by a contract vendor(s).

“Suicide watch” means monitoring the activities, emotional status and behavior of inmates who are identified as emotionally troubled, mentally disturbed or otherwise deemed likely to inflict physical injury or death upon themselves.

#### 10A:16-1.4 Forms

(a) The following forms related to Medical and Health Services are printed by the Bureau of State Use Industries (DEPTCOR) and a supply of these forms shall be purchased by contacting the Bureau:

1. DR-101 Oral Diagnosis Card;
2. MR-010 Suicide Watch Notice;
3. MR-011 Daily Suicide Monitoring;
4. MR-012 Change in Type of Suicide Observation;
5. MR-013 Daily Correction Officer Suicide Watch Report;
6. MR-014 Release from Suicide Watch; and
7. MR-021 Consent for Medical, Dental or Surgical Treatment.

(b) The following forms related to Medical and Health Services shall be reproduced by each correctional facility from originals that are available by contacting the Standards Development Unit:

1. 520-I Inmate Therapist Confidentiality; and
2. 980-I Research Project Request.

(c) The following form related to executive clemency is printed by the New Jersey State Parole Board and is available by contacting the State Parole Board:

1. Petition For Executive Clemency.

(d) The following forms related to psychiatric transfers shall be reproduced by each correctional facility from originals that are available by contacting the New Jersey Department of Human Services, Division of Mental Health and Hospitals, or the Division of Operations, Health Services Unit, New Jersey Department of Corrections.

1. DHS-C4 Application for Temporary Commitment;
2. Clinical/Screening Certificate of Involuntary Commitment of Mentally Ill Adults; and
3. Temporary Order for Commitment.

(e) Except as otherwise agreed to by the Department of Corrections and its health care provider, no forms other than those set forth in this section shall be used in an inmate's Medical/Dental Record.

**10A:16-1.5 Medical co-payment**

(a) Pursuant to N.J.S.A. 30:7E-1 et seq., inmates shall be liable for the cost of, and charged a nominal co-payment as determined by the State Treasurer for health care to include surgery, dental care, hospitalization or treatment; and medication to include prescription or nonprescription drugs, medicine or dietary supplements. The medical co-payment shall be \$5.00 and the medication co-payment shall be \$1.00. If fees for inmate co-payment change in accordance with N.J.S.A. 30:7E-1 et seq., these changes shall be published as a notice of administrative change in the New Jersey Register.

(b) No inmate shall be denied medical services, surgery, dental services, hospitalization, medication or treatment due to an inmate's inability to pay the co-payment fee.

(c) Payment for health services and medication shall be deducted from the inmate's account in accordance with N.J.A.C. 10A:2-2.2.

(d) The following services are excluded from the co-payment requirement:

1. Initial assessments during the reception and classification process, classification physicals and transfer evaluations and discharge physical examinations;
2. Prescribed laboratory work to include inmate requests for HIV testing;
3. Prescribed x-rays;
4. Immunizations and other treatments mandated for public health reasons such as, but not limited to, tuberculosis (TB) testing and hepatitis B vaccine;
5. Psychiatric, psychological, substance abuse and social work treatment including medication prescribed by the psychiatrist for mental health purposes;
6. Treatment that is prescribed over the course of several days or weeks, such as, electrocardiograms, dressing changes, and other ongoing treatments ordered by health care staff;
7. Medical visits initiated by medical/mental health staff to comply with internal management procedures;
8. Follow-up visits scheduled by the health care provider;
9. Written referrals from one provider to another;
10. Dental referrals made by health care staff;
11. Infirmary care; and
12. Medication provided immediately during a medical visit.

(e) All medications shall be ordered by qualified health care professionals in the largest quantities and longest durations that are medically appropriate and in accordance with all applicable laws and pharmaceutical regulations. The inmate is charged for a prescription when a health care professional writes an initial order and is then required to rewrite the medication order; therefore, for maintenance medications, prescriptions shall be written for as long a period of time as is medically acceptable.

(f) New and amended regulations regarding medical co-payment shall be posted in each housing area, other appropriate areas of the correctional facility and incorporated into the next revision of the correctional facility Inmate Handbook.

**SUBCHAPTER 2. MEDICAL SERVICES****10A:16-2.1 Medical services provided**

(a) Medical services will be provided for the following:

1. Emergency and life threatening/limb threatening conditions;
2. Accidental or traumatic injuries occurring while incarcerated;
3. Acute illness;
4. Chronic conditions which are considered life threatening or if untreated would likely lead to a significant loss of function; and
5. Any other medical condition which the treating physician believes will cause deterioration of the inmate's health or uncontrolled suffering.

(b) Primary care shall be provided by physicians, nurses, technicians, and other support staff of the health care provider operating in compliance with the appropriate regulations of their respective licensing boards. Specialty care may be arranged and provided according to community medical standards, in accordance with N.J.A.C. 10A:16-2.6 and when deemed medically appropriate by the health care provider.

(c) There shall be no cosmetic or elective surgery provided.

**10A:16-2.2 Director of Medical Services, Department of Corrections**

(a) The Director of Medical Services of the Department of Corrections serving under the Division of Operations, Health Services Unit Supervisor, shall: