

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 3:090. Medical services.

RELATES TO: KRS 72.025, 441.045, 441.047, 441.055, 441.560

STATUTORY AUTHORITY: KRS 196.035, 197.020, 441.055, 441.560

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 requires the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet. KRS 197.020(1)(e) requires the Department of Corrections to promulgate administrative regulations to require telehealth services in county jails. KRS 441.560 requires the department to promulgate administrative regulations relating to the transfer of prisoners to the department for medical treatment and care. KRS 441.055 requires the Department of Corrections to promulgate administrative regulations establishing minimum health standards for jails that house state prisoners. This administrative regulation establishes procedures for the proper delivery of medical services in full-service jails.

Section 1. Medical Services.

(1) The jail's medical services shall be provided by contracting with a health care provider licensed in Kentucky.

(2) The medical authority shall be a licensed practical nurse (LPN), a higher level of licensed nurse, a licensed medical doctor, or licensed doctor of osteopathy. Telehealth services may be used, except for mental health evaluations for involuntary commitments pursuant to KRS Chapter 202A.

(3) The health care staff shall not be restricted by the jailer or jail administrator in the performance of their duties except to adhere to the jail's security requirements.

(4) All health care staff working in the jail shall comply with state licensure and certificate requirements commensurate with similar health care personnel working elsewhere in the community. Copies of licenses and certificates for health care staff employed by the jail shall be maintained on file within the jail.

(5) A daily medical log shall be maintained documenting specific medical treatment rendered in the jail. This log shall be kept current to the preceding hour.

(6) Prisoners shall not perform any medical functions within the jail.

(7) Prisoners shall be informed verbally and in writing at the time of admission about the methods of gaining access to medical care within the jail.

(8) All medical procedures shall be performed according to orders issued by the responsible medical authority. All medical procedures that require hospital care shall use the Kentucky Correctional Health Care Services Network, or other contracted health care network.

(9) Medical screening shall be performed by the receiving jail personnel on all prisoners upon their admission to the jail and before their placement in prisoner living areas. The findings of this medical screening shall be recorded on a printed screening form approved by the medical authority. The medical screening inquiry shall include:

(a) Current illnesses and health problems;

(b) Medications taken and special health requirements;

(c) Screening of other health problems designated by the medical authority;

(d) Behavioral observation, state of consciousness, and mental status;

(e) Notation of body deformities, markings, bruises, lesions, jaundice, ease of movement, and other distinguishing characteristics;

(f) Condition of skin and body orifices, including rashes and infestations; and

- (g) Disposition and referral of prisoners to qualified medical personnel on an emergency basis.
- (10) Sick call conducted by the medical authority shall be available to each prisoner as provided by this subsection.
 - (a) Category I jails shall hold sick call two (2) days per week, at a minimum.
 - (b) Category II jails shall hold sick call three (3) days per week, at a minimum.
 - (c) Category III jails shall hold sick call four (4) days per week, at a minimum.
 - (d) Category IV jails shall hold sick call five (5) days per week, at a minimum.
 - (e) Category V jails shall hold sick call six (6) days per week, at a minimum.
- (11) Jailers, jail administrators, or jail personnel shall report suicides or attempted suicides that constitute a serious health situation to the department within twenty-four (24) hours.
- (12) Each jail shall have a written policy and procedure outlining jail personnel response to detainees who are at risk for suicide or have attempted or completed suicide.
- (13) Emergency medical, vision, and dental care shall be available to all prisoners commensurate with the level of care available to the community.
- (14) Medical research shall not be permitted on any prisoner in the jail.
- (15) Access to the prisoner's medical file shall be controlled by the medical authority and the jailer or jail administrator. The medical record shall be separate from custody and other administrative records of the jail.
- (16) The jail shall follow informed consent standards in the community for prisoner care.
- (17) The jailer, jail administrators, or jail personnel shall notify the coroner, if a prisoner dies while in the jail's custody, to allow for a postmortem examination pursuant to KRS 72.025.
- (18) The jailer or jail administrator shall have written delousing procedures.
- (19) The jail shall have first aid kits available at all times.
- (20) A prisoner who has been prescribed treatment by a recognized medical authority and cannot receive that treatment in the jail shall be moved to another confinement facility that can provide the treatment or may be moved to a hospital.
- (21) If emergency care is needed, it shall be provided.
- (22) Telehealth services shall be provided for prisoners.

Section 2. Medical Transfers Pursuant to KRS 441.560.

- (1) A jailer, jail administrators, or jail personnel may request that a prisoner be transferred to the department for necessary medical treatment and care if the prisoner:
 - (a) Is injured;
 - (b) Is pregnant;
 - (c) Becomes sick or ill;
 - (d)
 - 1. Is severely and persistently mentally ill; and
 - 2. Is presenting an imminent risk of harm to self or others; or
 - (e) Requires specialized medical care or long-term medical care that is not available at the local jail.
- (2) The transfer request shall be submitted to the Classification Branch in writing and shall contain the following information:
 - (a) Prisoner's name;
 - (b) Prisoner's Social Security number;
 - (c) County where currently housed;
 - (d) Inmate number;
 - (e) Pending charge or conviction and whether felony or misdemeanor;
 - (f) Estimated sentence or time to serve;
 - (g) Whether the prisoner has insurance or not;

- (h) Whether the prisoner is indigent or not;
 - (i) Justification for medical transfer;
 - (j) Whether the care is necessary or not;
 - (k) Any conflict reports; and
 - (l) Relevant attachments such as:
 1. Copy of prisoner's insurance card;
 2. Doctor's report;
 3. Incident report;
 4. Citation;
 5. Booking information;
 6. Preexisting medical records; or
 7. Current medication.
- (3) If a prisoner is approved for transfer to the department, pursuant to KRS 441.560, the jail shall provide the following, unless already provided with the transfer request:
- (a) All medical information;
 - (b) Current medication in proper container;
 - (c) Booking information;
 - (d) Incident reports;
 - (e) Current citation;
 - (f) Classification information;
 - (g) Conflict reports;
 - (h) Any additional pertinent information; and
 - (i) Custody receipt.
- (4) If a prisoner is approved for transfer to the department, pursuant to KRS 441.560, the prisoner shall be transported by the department.

Section 3. Inmate Medications. When a prisoner is transferred from the jail to another facility, or discharged:

- (1) A copy of the most recent Medical Administration Record (MAR) shall be sent with the prisoner; and
 - (2) If prescribed medication was purchased for a prisoner by the jail, then the jail may provide the medication, a prescription, or both to the prisoner.
- (9 Ky.R. 644; Am. 927; eff. 3-2-1983; 13 Ky.R. 688; eff. 11-11-1986; 19 Ky.R. 1852; eff. 6-7-1993; 29 Ky.R. 2758; 30 Ky.R. 23; eff. 7-17-2003; 31 Ky.R. 1557; 1796; eff. 5-26-2005; 34 Ky.R. 1184; 1964; eff. 3-7-2008; 37 Ky.R. 2954; 38 Ky.R. 574; 755; eff. 11-4-2011; 42 Ky.R. 1950; 2343; eff. 3-4-2016; 50 Ky.R. 1956; eff. 9-3-2024.)

The Jail Standards Review Commission established pursuant to KRS 441.055(1)(b) has approved the standards in this administrative regulation at its meeting on January 8, 2024, prior to its filing with the Legislative Research Commission in compliance with KRS 13A.120(3), 13A.220(6)(a), and 441.055(2).

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: February 6, 2024

FILED WITH LRC: February 15, 2024 at 8:50 a.m.

PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 23, 2024, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be

heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2024. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, Justice.RegContact@ky.gov, telephone number (502) 564-3279, facsimile number (502) 564-6686.