

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 7:090. Medical services.

RELATES TO: KRS 72.025, 441.045, 441.055, 441.560

STATUTORY AUTHORITY: KRS 196.035, 197.020, 441.055, 441.560

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations necessary or suitable for the proper administration of the functions of the cabinet or any division in 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 standards for jails that house state prisoners. This administrative regulation establishes procedures to provide proper medical services in restricted custody centers.

Section 1. Medical Services.

- (1) The center's medical services shall be provided by contracting with a Kentucky licensed health care provider.
- (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.
- (3) The health care staff and mental health professionals shall not be restricted by the jailer in the performance of their duties except to adhere to the center's security requirements.
- (4) All health care staff working in the center shall comply with state licensure and certificate requirements commensurate with similar health care personnel working elsewhere in the community. Copies of the licenses and certificates for health care staff employed by the center shall be maintained on file within the center.
- (5) A daily medical log shall be maintained documenting specific medical treatment rendered in the center. This log shall be kept current to the preceding hour.
- (6) Prisoners shall not perform any medical functions within the center.
- (7) Prisoners shall be informed verbally and in writing at the time of admission the methods of gaining access to medical care within the center.
- (8) All medical procedures shall be performed according to orders issued by the responsible medical authority.
- (9) Medical screening information shall be transferred to the center from the jail on each prisoner. Jail personnel shall ensure that the information is current when the prisoner is transferred. 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) Medical, dental, and psychological care for prisoners shall be provided in accordance with KRS Chapter 441.
- (11) Medical research shall not be permitted on any prisoner in the center.
- (12) Access to the prisoner's medical file shall be controlled by the medical authority and the jailer. The medical record shall be separate from custody and other administrative records of the center.
- (13) The jailer or designee 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.
- (14) The center shall have first aid kits available at all times.
- (15) If a urine surveillance program is in effect, there shall be written procedures for carrying out the program.
- (16) Telehealth services shall be provided for prisoners.

Section 2. Medical Transfers pursuant to KRS 441.560.

- (1) A jailer 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 which 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.

(13 Ky.R. 824; eff. 11-11-1986; 31 Ky.R. 1731; 1965; eff. 7-1-2005; 34 Ky.R. 1195; 1972; eff. 3-7-2008; 37 Ky.R. 2982; 38 Ky.R. 588; eff. 10-7-2011; 48 Ky.R. 954; eff. 3-1-2022; 50 Ky.R. 1967; 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 August 15, 2023, 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.