
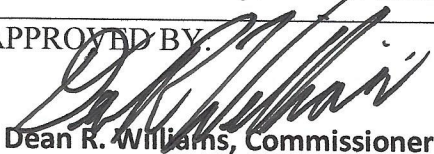


STATE OF ALASKA DEPARTMENT OF CORRECTIONS  POLICIES & PROCEDURES	SECTION: Institutions		PAGE: Page 1 of 3
	CHAPTER: 700	NUMBER: 745.02	P&P TYPE: Public
	TITLE: Classification For Transfer To A Mental Health Or Psychiatric Facility		
	APPROVED BY:  Dean R. Williams, Commissioner		DATE: 09/07/18
ATTACHMENTS / FORMS: (None.)	AUTHORITY / REFERENCES: 22 AAC 05.253 AS 33.30.011 22 AAC 05.155 AS 33.30.021 AS 18.85 AS 44.28.030 AS 33.05.010 AS 47.30.915 (13) AS 33.16.180 DOC P&P 700.01		

POLICY:

It is the policy of the Department of Corrections (DOC) to have in place procedures for the transfer of prisoners to a mental health or psychiatric facility inside or outside the state of Alaska, when such a transfer is appropriate for the prisoner's individual mental health treatment needs.

APPLICATION:

This policy and procedure will apply to all Department employees and prisoners.

DEFINITIONS:

As used in this policy, the following definitions shall apply:

Medical Advisory Committee

The MAC is a Health Care Administrator appointed panel comprised of health care personnel to include at a minimum, the Health Care Administrator, Chief Medical Officer, Chief Nursing Officer, Chief Mental Health Officer, Health Practitioner II(s), Medical Social Worker, Quality Assurance and Utilization Review Nurse and selected collaborating and consulting physicians, psychiatrists or nurses. The MAC shall authorize all non-emergency hospitalizations and surgeries, specialty referrals, complex cases, special studies or treatments, and prisoner health care grievance appeals. (Policy 808.03, Prisoner Grievances); review Departmental decisions that deny a prisoner treatment recommended by a consulting physician; and review and approve health care policies and procedures, clinical guidelines, medical operating procedures and protocols.

Mental Health Or Psychiatric Facility:

A hospital or a hospital unit that provides 24-hour in-patient psychiatric care and treatment for people with mental illness. Any public, private, or contract hospital used for evaluation, diagnosis, and treatment of individuals with mental illness.

Psychiatric Provider

A physician licensed to practice medicine in the jurisdiction in which services are provide and who has

SUPERCEDES POLICY DATED:	12/30/86
THIS POLICY NEXT DUE FOR REVIEW ON:	09/07/23

SECTION: Institutions		PAGE: Page 2 of 3
CHAPTER: 700	NUMBER: 745.02	P&P TYPE: Public
TITLE: Classification For Transfer To A Mental Health Or Psychiatric Facility		

completed a fully qualified residency in psychiatry or an Advanced Practice Registered Nurse (APRN) with specialized training in the provision of psychiatric care.

PROCEDURES:

I. Transfer Criteria:

When, in the opinion of institutional or contract psychiatric providers, the local institutional mental health resources do not adequately meet a prisoner's current mental health treatment needs, the prisoner may be administratively transferred to a more appropriate institution in accordance with established transfer protocols. Final approval lies with the Medical Advisory Committee.

II. Transfers And Classification Hearings:

In the case of a prisoner requiring a level of mental health treatment beyond that available in a DOC institution, the prisoner may be transferred to a mental health or psychiatric facility, as follows:

A. In emergency cases which require a prisoner's immediate transfer into a mental health or psychiatric facility for mental health observation or stabilization, the transfer is an interim emergency medical placement and does not require a classification hearing unless:

1. The prisoner is not returned to the original institution within 20 days, in which case the prisoner must be provided a classification hearing in accordance with B, below within 30 days after the transfer; or
2. A clinical diagnosis indicates the need for treatment in a mental health or psychiatric facility for more than 10 days, in which case the prisoner must be provided a classification hearing in accordance with B, below within 15 days after the diagnosis.

B. A prisoner who has been transferred to a mental health or psychiatric facility under A., above and who requires a classification hearing, or a prisoner being considered for long-term transfer to a mental health or psychiatric facility inside or outside the State of Alaska for observation or treatment of a mental illness shall be provided a classification hearing, as follows:

1. Notice of all the following rights at least 10 days before the classification hearing required under number 2, below;
2. A tape recorded classification hearing in accordance with DOC P&P 700.01, Prisoner Classification;
3. Disclosure, at the time of notice of the hearing, of the evidence being relied upon as the basis for the transfer;
4. An opportunity to be heard in person, and to present testimony of witnesses and confront and cross-examine witnesses, except upon findings of good cause for not permitting such presentation, confrontation, or cross-examination;
5. An independent decision maker not involved in the recommended transfer, who may be an impartial

SUPERCEDES POLICY DATED:	12/30/86
THIS POLICY NEXT DUE FOR REVIEW ON:	09/07/23

SECTION: Institutions		PAGE: Page 3 of 3
CHAPTER: 700	NUMBER: 745.02	P&P TYPE: Public
TITLE: Classification For Transfer To A Mental Health Or Psychiatric Facility		

member of the institution's staff, who shall preside over the hearing;

6. A written statement by the decision maker as to the evidence relied upon and reasons for transferring the prisoner;
 7. Availability of legal counsel, if the prisoner is financially unable to furnish counsel, as permitted in accordance with AS 18.85;
 8. The right to appeal to the Deputy Commissioner for Operations a decision for transfer within five (5) working days following receipt of notice of decision in accordance with the appeal procedures set out in DOC P&P 700.01, Prisoner Classification; and
 9. For out-of-state transfers a stay of transfer until the appeal per number 8., above, has been decided.
- C. The psychiatric provider who determined that the prisoner is suffering from a mental illness for which treatment in a mental health or psychiatric facility is appropriate shall testify at the classification hearing in accordance with B., above. If the psychiatric provider that made the finding of mental illness is unavailable, another physician, psychologists or psychiatrist designated by the Health Care Administrator shall be substituted to testify at the classification hearing.

SUPERCEDES POLICY DATED:	12/30/86
THIS POLICY NEXT DUE FOR REVIEW ON:	09/07/23