

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 500.70.11	<b>Page</b> 1 of 10
	<b>Original Effective Date:</b> 09/25/05	<b>New Effective Date:</b> 12/01/16
	<b>Supersedes:</b> 500.70.11	<b>Dated:</b> 07/21/14
	<b>Administrator's Approval:</b> Jim Schwochert, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

## POLICY

The Division of Adult Institutions shall create and maintain a Psychological Services Unit Record for each inmate. The record shall be created and maintained as a legal file and serve as a communication tool for health care providers regarding the mental health care of patients.

## REFERENCES

Chapter 938 – Juvenile Justice Code

45 CFR Part 164 – Security and Privacy (HIPAA regulations)

Standards for Health Services in Prisons – National Commission on Correctional Health Care, 2014

DAI Policy 300.00.09 – Death of an Inmate

DAI Policy 500.50.01 – Minimum Necessary and Duty to Mitigate HIPAA Standards

DAI Policy 500.50.02 – Health Care Record Format, Content and Documentation

DAI Policy 500.50.02 – Health Care Record Format, Content and Documentation

Attachment 1 – Filing in Health Care Record (HCR)

DAI Policy 500.50.06 – Management of DOC Health Care Records

DAI Policy 500.50.07 – Records Retention/Disposition Authorizations

DAI Policy 500.50.08 – Access by Inmate Patients to Their Health Care Records

DAI Policy 500.50.09 – Disclosure of Protected Health Information (PHI) with Inmate Patient Authorization and Court Orders

DAI Policy 500.50.10 – Authorized Disclosure of Protected Health Information (PHI) without Inmate Patient Authorization

RDA 1 – DAI and DJC Offender Health Care Records

RDA 1A – DAI Offender Health Care Records Purged Documents

RDA 160 – DAI and DJC Psychological Services Unit Record Pertaining to Sex Offenders

## DEFINITIONS, ACRONYMS, AND FORMS

Active HCR – Health Care Record relating to an inmate housed in a DAI facility.

BHS – Bureau of Health Services

Central Medical Records (CMR) – Unit at Dodge Correctional Institution that creates new HCRs, stores inactive HCRs, reactivates HCRs upon readmission of an inmate, responds to requests for information contained in inactive HCRs, and follows applicable Records Retention/Disposition Authorizations (RDAs) regarding documents contained in the HCR relating to male inmates.

<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 2 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

DAI – Division of Adult Institutions

Disclosure – Communication of protected health information outside of the DOC.

DJC – Department of Juvenile Corrections

DOC – Department of Corrections

DOC-1163A – Authorization for Use and Disclosure of Protected Health Information (PHI)

DOC-2056 – Mental Health Screen for Wisconsin Secure Program Facility

DOC-3370 (for males) – Psychological Records (Copies) - Medical Chart

DOC-3370A (for males) – Psychological Services Unit Record

DOC-3370B (for females) – Psychological Records (Copies) – Medical Chart

DOC-3370C (for females) – Psychological Services Unit Record

Health Care Record (HCR) – Confidential DOC record maintained for each patient consisting of all or some of the following components: Medical Chart, Dental Record, Psychological Records (Copies) – Medical Chart envelope, Medications Record-Medical Chart envelope, Patient Request folder, x-ray films, Psychological Services Unit Record, and other components as defined by the Bureau of Health Services.

Health Information – Any information, including genetic information, whether oral or recorded in any form or medium, that: is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

Health Information Supervisor/HIPAA Compliance Officer – DOC employee with the responsibility for overseeing proper management of protected health information maintained in any format and compliance with Wisconsin and federal confidentiality laws.

HIPAA – Health Insurance Portability and Accountability Act

HSU – Health Service Unit

ID – Intellectually Disabled

Inactive Women's Medical Record (IWMR) – Unit at Taycheedah Correctional Institution that for females stores inactive HCRs, reactivates HCRs upon readmission, responds to

<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 3 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

requests for information, and follows applicable Records Retention/Disposition Authorizations.

Inactive HCR – Health care record of an individual no longer housed in a DAI facility.

Individually identifiable health information – Information that is a subset of health information, including demographic information collected from an individual, and: is created or received by a health care provider, health plan, employer, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual; and that identifies the individual; or with respect to which there is a reasonable basis to believe the information can be used to identify the individual.

Mental Health Codes – Designation made by PSU staff in WICS that identifies inmates who are not on the mental health caseload (MH-0), on the mental health caseload but not with serious mental illness (MH-1), with serious mental illness (MH-2a and MH-2b), or intellectually disabled (ID).

Protected Health Information (PHI) – Any written, electronic, or verbal health and demographic information about an individual transmitted or maintained in any medium that relates to a past, present, or future physical or mental health condition, provision of health care to an individual, or payment for health care.

Psychological Services Unit (PSU) Record – Confidential file maintained by a Psychological Services Unit that contains the psychological documents and other designated documents of an inmate.

PSU Record – AODA – Component of the PSU Record consisting of an envelope containing documents related to participation in an AODA treatment program created by an AODA treatment provider, and sent to the PSU upon completion of the program.

PSU Staff – Employees classified as Psychologist Supervisor, Psychologist-Licensed, Psychological Associate A or B, Crisis Intervention Worker, Psychological Services Assistant, Clinical Social Worker, or any other clinical classification that is directly supervised by Psychological Services.

Psychotherapy Notes – Notes recorded in any medium by a mental health professional documenting or analyzing the contents of conversation during a private counseling session or a group, joint or family counseling session and that are kept separated from the rest of the individual's HCR. Psychotherapy notes exclude medication prescriptions and monitoring, session start/stop times, modalities and frequency of treatment, results of clinical tests, and summaries of diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

RDA – Records Retention/Disposition Authorization

<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 4 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

Wisconsin Integrated Corrections System (WICS) – An electronic offender management database in use by the DOC.

Wisconsin Resource Center (WRC) – Facility operated by the Department of Health Services that serves male individuals with serious mental health needs.

Women's Wisconsin Resource Center (WWRC) – Facility operated by the Department of Health Services that serves female individuals with serious mental health needs.

## **PROCEDURE**

### **I. General Standards for Creating and Maintaining the PSU Record**

- A. A PSU Record may consist of a DOC-3370A/DOC-3370C yellow envelope, or green-colored multi-section hard cover chart containing eight sections with standardized labels, as described in Section II. The envelope and the chart contain the same types of documents.
- B. The following inmates shall have a multi-section chart:
  1. Inmates with mental health codes MH-2a, MH-2b or ID.
  2. Inmates with a DOC-3370A/DOC-3370C yellow envelope that reaches capacity (no longer able to easily place or remove documents). Inmates shall not have multiple yellow envelopes.
  3. Inmates accepted for transfer to WRC/WWRC. The sending DAI facility shall create the multi-section chart prior to transfer.

### **II. Content of the PSU Record**

- A. The multi-section hard cover PSU Record shall be organized according to the following sections. Contents of the sections are listed in DAI Policy 500.50.02 – Attachment 1. The distribution on the bottom of the forms indicates filing location within the hard cover PSU Record.
  1. Psychological Reports
    - a. All documents from a DJC stay for an adjudication are filed in this section between an approved cover and end sheet to separate them from the DAI records. See "H" below for more information.
    - b. Clinically relevant test data and results, which includes raw and scaled scores, inmate responses, and psychologist notes regarding inmate statements and behavior during the testing. Do not file any copyrighted or proprietary material in this section such as test manuals, protocols or questions, even when the material includes inmate identifying information (see Section 8 below).
  2. Referrals/Screening/Contacts.
  3. Psychiatric reports.
  4. Inmate correspondence.
  5. Observation/Use of Restraints/Segregation Reviews.
  6. Sex Offender Treatment/Chapter 980 Section.
  7. Legal Documents/Consents/Outside Records
    - a. Designated legal documents per DAI Policy 500.50.02 – Attachment 1.

<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 5 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

- b. Consents to treatment and authorizations to disclose confidential information.
  - c. Documents created by non-DOC health providers that serve as collateral information, also referred to as retrieval information, generally from prior to current incarceration.
  - d. Documents pertaining to a WRC/WWRC stay are considered outside documents.
    - i. WRC/WWRC shall file designated Department of Health Services and DOC forms, primarily created by PSU staff, in this section, per DAI Policy 500.50.02 – Attachment 1, in the PSU Record section.
    - ii. DOC forms might not list this section as the filing location in the Distribution on the bottom of the form because the form is filed in a different section of the PSU Record for a DAI facility.
    - iii. WRC/WWRC shall file all other documents related to a stay in the proper location in the components of the HCR kept in the HSU, per the distribution on the bottom of the form.
8. Restricted Access
- a. Neither inmates nor those persons authorized by the inmate on a signed DOC-1163A – Authorization for Use and Disclosure of Protected Health Information (PHI), or equivalent authorization form, shall be permitted to review or obtain copies of documents in the Restricted Access section.
  - b. Health care staff may access documents in the Restricted Access section on a need-to-know basis (see Section V.A.).
  - c. Some documents created by non-health care staff, copies of which are filed in this section, may be obtained from the creator or legal custodian of the document.
  - d. DOC-2056 – Mental Health Screen for Wisconsin Secure Program Facility may not be accessed during incarceration, but loses its restricted status after release of the inmate to the community.
  - e. Staff shall file “blended” test materials in this section.
    - i. Blended test materials include copyrighted or proprietary material such as test manuals, protocols and questions/stimuli that also contain inmate responses, psychologist notes, or scores.
    - ii. Due to copyright protection, inmates may not access, inspect, obtain a copy, or authorize access to, or disclosure of, blended test material.
    - iii. If an inmate requests access to blended test material, PSU staff shall provide the inmate with a written summary of test results.
- B. Staff shall file documents in each section in chronological order, with the most recent documents on top.
- C. Staff shall obtain the approval of the Health Information Supervisor or Mental Health Director prior to filing any document in the PSU Record not listed in

<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 6 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

the distribution section at the bottom of each form, or in DAI Policy 500.50.02 – Attachment 1.

- D. PSU staff shall not create or retain psychotherapy notes. However, staff may create temporary “working notes” that assist staff to remember and organize the contents of an individual or group session, provided those working notes are destroyed in a confidential manner upon completion of documentation in the PSU record.
- E. PSU staff shall not file hard copies of emails in the PSU Record.
- F. PSU staff shall file only single-sided forms, created by PSU, in the PSU record.
- G. Documents shall not be stapled together.
- H. DJC psychological records in a DAI PSU Record:
  - 1. Documents from a DJC stay have a higher level of confidentiality protections. See DAI Policy 500.50.09 for processing records requests.
  - 2. Upon admission to a DAI facility of a former DJC youth, when he or she has an existing DJC hard cover PSU Record, CMR/IWMR shall pull forward all documents from each section in the order in which they were filed, and do the following:
    - a. Insert a cover and end sheet to keep separate the DJC documents to comply with confidentiality protections of Ch. 938.
    - b. File separated DJC documents, along with cover and end sheets, in the Psychological Records Section of the DAI hard cover PSU Record.
  - 3. Upon admission to a DAI facility of a former DJC youth, when he or she has an existing DOC-3370A/DOC-3370C yellow envelope, or manila folder, CMR/IWMR shall do the following:
    - a. Clip together DJC documents and place a cover and end sheet to separate the DJC documents,
    - b. File the documents, along with the cover and end sheets, in the yellow envelope or manila folder.
    - c. PSU at the reception facility shall create a DOC-3370A/DOC 3370C yellow envelope, or hard cover PSU Record, per standards above in I.B.

### **III. Multiple DOC-3370A/DOC-3370C Envelopes**

- A. Inmates shall not have more than one yellow DOC-3370A/DOC-3370C envelope. Staff shall create a multi-section chart when the first DOC-3370A/DOC-3370C envelope reaches capacity.
- B. If a PSU receives more than one envelope from another facility, staff shall create one or more multi-section charts out of the existing DOC-3370A or DOC-3370C envelopes.

<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 7 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

- C. When staff converts a PSU Record from a DOC-3370A/DOC-3370C envelope to a multi-section chart, the envelope shall be destroyed.

**IV. Psychological Records (Copies) – Medical Chart (DOC-3370/DOC3370B envelope)**

- A. PSU shall copy and send to the HSU, the documents identified in DAI 500.50.02 – Attachment 1, at the DOC-3370/3370B white envelope section.
- B. PSU shall not copy documents other than those listed in DAI Policy 500.50.02 – Attachment 1, from the PSU Record for filing within the DOC-3370/DOC-3370B white envelope kept in the HSU without the authorization of the Mental Health Director or Health Information Supervisor.
- C. Upon receipt of the copies from PSU, HSU shall file the documents in DOC-3370/DOC-3370B white envelope with the most recent documents placed on top.
- D. Upon readmission of a former DJC youth or DAI inmate, CMR/IWMR shall remove and shred confidentially the documents in the DOC-3370/DOC-3370B white envelope.

**V. Access to the PSU Record**

- A. HSU staff with a need to know PHI contained in the PSU Record, in order to provide medical care to an inmate patient, may request verbal information from PSU staff and may have access to documents within the PSU Record.
- B. PSU Record – AODA Envelope
1. Access by HSU and PSU health providers to the AODA envelope is limited due to confidentiality provisions of 42 C.F.R. Part 2.
  2. Health providers may only access the documents in the AODA envelope when a treatment plan developed by the health provider for the inmate patient includes AODA recovery/relapse issues.
- C. Non-health care providers, such as Inmate Complaints Examiners and DCC agents, with a job-related need to know PHI in the PSU Record may review and copy from the PSU Record the minimum necessary PHI to complete the assigned task. See DAI Policy 500.50.01.
- D. When an inmate asks to review his or her own PSU Record, staff shall follow the procedures in DAI Policy 500.50.08.
- E. Inmates may review documents contained in the Chapter 980 Program Data/Reports section of their PSU Record.
1. A Psychologist Supervisor, Psychologist-Licensed, or Psychological Associate shall be present during the inmate's initial review of DOC-1490 – End of Confinement Review Board (ECRB) Case Review Summary and Disposition or DOC-2295 – Special Purpose Evaluation Report.

<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 8 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

2. Prior to the inmate's review, PSU staff or PSU support staff shall redact from these documents any victim statements or information that is clearly identified as being obtained from a presentence investigation report.
  3. Inmates may obtain a copy of documents from the Chapter 980 Program Data/Reports section of their PSU Record, including a redacted document, upon request as described in DAI Policy 500.50.08.
- F. Staff shall follow the procedures of DAI Policy 500.50.09 to process a signed DOC-1163A, or equivalent authorization, signed by an inmate permitting the individual or entity named in the authorization to access and/or obtain copies from the PSU Record.
- G. Staff shall follow the procedures of DAI Policy 500.50.10 to determine when disclosures may be made without a signed DOC-1163A, or equivalent authorization, from an inmate.
- VI. Processing PSU Records Relating to Sex Offenders**
- A. PSUs shall place the approved green label on the outside of the PSU Record for an offender assigned "S" in WICS, or other designated electronic database, as soon as possible after the "S" is assigned. This does not apply to the DOC-3370/DOC-3370B white envelope maintained in the HSU.
- B. The green label indicates the record must be retained for a period of sixty (60) years following the release date from a period of incarceration pursuant to RDA 160, in accordance with DAI Policy 500.50.07. CMR/IWMM shall enter the date on the green sticker when the PSU Record is in storage.
- VII. Movement of the PSU Record**
- A. Upon receiving a notice of the transfer of an inmate to another facility, PSU shall coordinate with HSU to forward the PSU Record, along with the other components of the HCR, to the receiving facility in accordance with DAI Policy 500.50.06.
- B. Within one week of the release of an inmate to the community, PSU shall coordinate with HSU and forward the PSU Record, along with the other components of the HCR, to CMR for males and to IWMM for females in accordance with DAI Policy 500.50.06.
- C. By the first working day following the death of an inmate, PSU shall coordinate with HSU and forward the complete original HCR to BHS Central Office via certified mail or hand delivery in accordance with DAI Policy 500.50.06 and DAI Policy 300.00.09.
- VIII. Retention and Destruction of the PSU Record**
- A. CMR/IWMM shall retain all components of an inmate's inactive HCR, including the PSU Record, in accordance with DAI Policy 500.50.07.



<b>DAI Policy #:</b> 500.70.11	<b>New Effective Date:</b> 12/01/16	<b>Page</b> 9 of 10
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		

B. CMR/IWMR shall retain the entire PSU Record of a sex offender for sixty (60) years after the date of release from the latest period of incarceration.

**Bureau of Health Services:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
James Greer, Director

\_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Ryan Holzmacher, MD, Medical Director

\_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Mary Muse, Nursing Director

\_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Dr. Kevin Kallas, Mental Health Director

**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Jim Schwochert, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
<b>Original Effective Date:</b>	<b>DAI Policy Number:</b> 500.70.11	<b>Page</b> 10 of 10
<b>New Effective Date:</b> 00/00/00	<b>Supersedes Number:</b>	<b>Dated:</b>
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Psychological Services Unit Record		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES**

**DEFINITIONS, ACRONYMS, AND FORMS**

**FACILITY PROCEDURE**

**I.**

- A.
- B.
  - 1.
  - 2.
    - a.
    - b.
    - c.
  - 3.
- C.

**II.**

**III.**

**RESPONSIBILITY**

I. Staff

II. Inmate

III. Other