



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

James Greer

Name of Individual Certifying this Document/Proposed Document


Director, Bureau of Health Services

Title

Signature

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.70.05	Page 1 of 4
	Original Effective Date: 03/28/11	New Effective Date: 06/06/16
	Supersedes: 500.70.05	Dated: 03/28/11
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 500 Health Services		
Subject: Mental Health Treatment – Crisis Services		

POLICY

The Division of Adult Institutions shall ensure an array of crisis services to manage and treat the mental health emergencies that occur among inmates.

REFERENCES

Wisconsin Statutes s. 51.15 – Emergency Detention by Law Enforcement
Wisconsin Statutes s. 51.20 – Involuntary Commitment for Treatment
Wisconsin Statutes s. 51.37 – Criminal Commitments; Mental Health Institutes
Wisconsin Administrative Code Ch. DOC 314 – Mental Health Treatment for Inmates
Wisconsin Administrative Code Ch. DOC 311 – Observation Status
Wisconsin Administrative Code Ch. DOC 306 – Security
Health Services Policy and Procedures 300:20J – Involuntary Administration of Psychotropic Medications – Youths
DAI Policy 300.00.57 – Hunger Strike – Inmate Refusal to Eat or Drink
DAI Policy 500.70.10 – Mechanical Restraints
DAI Policy 500.70.24 – Clinical Observation
DAI Policy 500.30.20 – Involuntary Administration of Psychotropic Medications

DEFINITIONS, ACRONYMS, AND FORMS

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-223 – Psychological Services Report

DOC-3473 – Psychological Services Clinical Contact

DOC-3496 – Psychiatric Report

Emergency Detention – The act of a law enforcement officer taking an individual into custody for mental health reasons as outlined in Wisconsin Statutes s. 51.15.

HSU – Health Services Unit

HSU Staff – Employees classified as HSU Manager, Psychiatrist, Physician, Physician Assistant, Pharmacist, Dentist, Nurse Practitioner, Optometrist, Registered Nurse, Licensed Practical Nurse, Physical Therapist, Radiologic Technician, or any other clinical classification that is directly supervised by Health Services.

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OLC – Office of Legal Counsel

State Treatment Facility – Winnebago Mental Health Institute or Mendota Mental Health Institute

PROCEDURE

I. Emergency Detentions

- A. An individual may be placed on an emergency detention by outside law enforcement. This may be utilized for inmates who fulfill Wisconsin Statutes s. 51.15 criteria at or near the time of their release to the community.
- B. An inmate may be placed on an emergency detention by a Warden, Superintendent, or designee under Wisconsin Statutes s. 51.37. The inmate is then transferred to a state treatment facility.

II. Mechanical Restraints to Immobilize Inmates

- A. Mechanical restraints are used in order to prevent inmates from physically harming themselves, others, or property.
- B. The use of mechanical restraints is governed by Wisconsin Administrative Code ch. DOC 306.11 and DAI Policy 500.70.10.

III. Involuntary Administration of Psychotropic Medication

- A. Wisconsin Statutes Ch. 51, DAI Policy 500.30.20, and Wisconsin Administrative Code Ch. DOC 314 govern the involuntary administration of psychotropic medication to inmates.
- B. DOC staff may involuntarily administer psychotropic medication to an inmate if a court has involuntarily committed the inmate under Wisconsin Statutes s. 51.20, authorized the inmate to be treated in prison, determined that the inmate is not competent to refuse medication, and ordered the administration of psychotropic medication with or without the inmate's consent.
- C. If the court order does not reflect the above parameters, it needs to be reviewed by OLC to determine whether DOC staff may administer psychotropic medication without the inmate's consent.
- D. When administering psychotropic medication without the inmate's consent, staff shall follow the procedures in Wisconsin Administrative Code ch. DOC 314.05.

IV. Medical Treatment Refusals

- A. When an inmate refuses medical treatment that is necessary to preserve life or prevent significant deterioration of health, HSU staff may request that a Psychologist-Licensed evaluate the inmate's competency to refuse medical treatment. The Psychologist-Licensed or the HSU Manager may request a DOC Psychiatrist also evaluate the inmate.

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- B. The evaluation shall include the following elements:
 - 1. The inmate’s understanding and appreciation of the need for the medical treatment, the risks and potential benefits of the proposed treatment, and the consequences of refusing the treatment.
 - 2. The inmate’s ability to weigh various options, come to a decision about treatment in a rational manner, and communicate a choice about treatment.

- C. The Psychologist-Licensed shall document the evaluation on either DOC-223 or DOC-3473 and forward it to the HSU. If a Psychiatrist conducts an evaluation, it shall be dictated on DOC-3496.

- D. If one or more evaluations conclude that the inmate is not competent to refuse medically necessary treatment, HSU staff shall consult with OLC regarding the legal process to administer necessary treatment and to appoint a guardian, if applicable.

V. Hunger Strikes

DAI Policy 300.00.57 governs the management of hunger strikes.

VI. Civil Commitments

Both male and female inmates who are in need of involuntary commitment under Wisconsin Statutes s. 51.20 are generally referred to the Wisconsin Resource Center.

VII. Clinical Observation (Mental Health Placement)

Wisconsin Administrative Code Ch. DOC 311 and DAI Policy 500.70.24 govern clinical observation placements.

Bureau of Health Services: _____ **Date Signed:** _____

James Greer, Director

_____ **Date Signed:** _____

Dr. 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

Facility: Name		
Original Effective Date:	DAI Policy Number: 500.70.05	Page 4 of 4
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 500 Health Services		
Subject: Mental Health Treatment – Crisis Services		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

VIII.

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

IX.

X.

RESPONSIBILITY

- I. Staff
- II. Inmate
- III. Other