



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 #: 500.70.06	Page 1 of 4
	Original Effective Date: 03/28/11	New Effective Date: 06/06/16
	Supersedes: 500.70.06	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: Consent for Mental Health Services		

POLICY

The Division of Adult Institutions' mental health staff shall provide inmates with sufficient information regarding proposed treatment to allow for informed consent.

REFERENCES

Wisconsin Statutes Ch. 51 – State Alcohol, Drug Abuse, Developmental Disabilities and Mental Health Act

Executive Directive 35 – Confidentiality of Offender Health Information

Executive Directive 48 – Confidentiality of Information Rendered to Treatment Staff

DAI Policy 500.70.05 – Mental Health Treatment – Crisis Services

DEFINITIONS, ACRONYMS, AND FORMS

DAI – Division of Adult Institutions

DOC – Department of Corrections

DOC-1923 – Limits of Confidentiality of Health Information

DOC-3497 – Special Purpose Evaluation Informed Consent

DOC-3498 – Informed Consent for Psychological Services Provided by Intern-Student

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.

Informed Consent for Evaluations – A process of communication between a provider and an inmate wherein the inmate achieves an understanding of the purpose of an evaluation and the likely consequences of participation and non-participation.

Informed Consent for Treatment – A process of communication between a provider and an inmate wherein the inmate achieves an understanding of the relevant risks, benefits, alternatives, and implications of a proposed treatment and makes a rational choice whether to proceed with that treatment.

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Mental Health Staff – PSU staff and DOC Psychiatrists.

ORPT170 – Acknowledgement of Receipt of Access to Information (WICS)

PSU – Psychological Services Unit

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.

PROCEDURE

I. Informed Consent for Evaluations

- A. Mental health staff shall have a discussion with an inmate prior to participation in an evaluation to explain the purpose of the evaluation and the likely consequences of participation and non-participation. This discussion is not required for urgent evaluations or crisis services.
- B. The following evaluations shall proceed even without the inmate's consent:
 1. Minimum security placement.
 2. Wisconsin Secure Program Facility Mental Health Screen.
 3. Visitor list changes.
 4. Hunger strike.
 5. Suicide or self-harm risk.
 6. Risk of assault or substantial property damage.
 7. Chapter 980 evaluations.
 8. Sex Offender Assessment Program.
 9. Clinical monitoring
- C. Staff shall record informed consent discussions as part of their clinical documentation in the PSU Record (PSU staff) or the Medical Chart (Psychiatry staff).
- D. Chapter 980 evaluators shall document informed consent discussions on DOC-3497.

II. Informed Consent for Treatment

- A. Mental health staff shall provide inmates with sufficient information regarding proposed treatment to allow for informed consent. Exceptions to informed consent may exist during an emergency or as part of crisis services.
- B. Mental health staff shall have ongoing informed consent discussions during the course of treatment when needed to ensure that the inmate retains a current understanding of relevant aspects of the treatment.

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- C. Staff shall record informed consent discussions as part of their clinical documentation in the PSU Record (PSU staff) or the Medical Chart (Psychiatry staff).
- D. Psychology interns shall document informed consent on DOC-3498.

III. Limits of Confidentiality

- A. During inmate orientation at intake, staff shall review with inmates the limits of confidentiality of health information regarding information rendered to treatment staff using the limits of confidentiality section of ORPT170.
- B. At any later point in treatment, PSU staff may review DOC-1923 with an inmate to refresh the principles outlined in ORPT170.

IV. Mental Health Treatment Refusal

- A. Unless treatment is court-ordered, inmates have the right to refuse mental health treatment.
- B. Staff shall record treatment refusals as part of their clinical documentation in the PSU Record (PSU staff) or the Medical Chart (Psychiatry staff). The documentation shall include what follow-up actions are planned.
- C. Inmates may not be disciplined for refusing medication or declining to participate in mental health evaluation or treatment. However, it may be appropriate to discipline an inmate for failing to report to an appointment site when directed.

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

_____ **Date Signed:** _____
 Dr. Ryan Holzmacher, 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: 500.70.06	Page 4 of 4
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 500 Health Services		
Subject: Consent for Mental Health 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****I.**

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

II.**III.****RESPONSIBILITY**

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