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DONAL CAMPBELL
COMMISSIONER

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ADMINISTRATIVE REGULATION
NUMBER 604

OPR: TREATMENT

CONFIDENTIALITY IN MENTAL HEALTH SERVICES AND MENTAL HEALTH DOCUMENTATION

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures for inmates, mental health staff, and ADOC employees on the limits of confidentiality when mental health services are provided within the ADOC.

II. POLICY

- A. Inmates are informed of the limits of confidentiality of mental health services during the Reception Mental Health Screening (AR 610), and are reminded of these limits when beginning on-going mental health treatment.
- B. All contracted health and mental health staff as well as ADOC employees will receive training about their responsibilities in maintaining confidentiality of an inmate's mental health status.

III. DEFINITION(S) AND ACRONYM(S)

Refer to AR 602, Mental Health Definitions and Acronyms, for definitions of the following terms used in this AR:

Intensive Psychiatric Stabilization Unit (SU)

Residential Treatment Unit (RTU)

Specialized Mental Health Training

Treatment Team

IV. RESPONSIBILITIES

- A. The Director of Treatment for the ADOC is responsible for ensuring that confidentiality is maintained and that annual training is provided to those with access to an inmate's health information.
- B. All contracted medical and mental health staff as well as ADOC employees, who are involved in the provision of health care and mental health care services, will ensure that confidentiality is maintained.

V. **PROCEDURES**

- A. Inmates will be advised of the following:
 - 1. Limits of confidentiality as outlined in ADOC Form MH-002, Inmate Orientation to Mental Health Services.
 - 2. Confidentiality will not be maintained when mental health staff determines that an inmate is:
 - a. Suicidal
 - b. Homicidal
 - c. Presenting a clear danger of injury to self or others
 - d. Presenting a reasonably clear risk of escape or creation of institutional disorder.
 - 3. Mental health staff have a legal duty to report to appropriate authorities any unreported suspected abuse or neglect of a child.
 - 4. Mental health information will be shared with security staff when an inmate is:
 - a. Receiving psychotropic medication.
 - b. Requires movement to a special unit or cell for observation and treatment.
 - c. Requires transfer to a psychiatric hospital outside of the institution.
 - d. Requires a new program assignment for mental health reasons.
 - 5. All mental health and medical staff have access to the inmate's mental health records. The following individuals may have access to mental health records on a need to know basis:
 - a. Warden or designee
 - b. Internal investigative staff

- c. ADOC legal counsel
 - d. Departmental and accrediting audit staff
 - e. Persons authorized by court order or judgment
- B. The inmate will be asked to sign ADOC Form MH-002, Inmate Orientation to Mental Health Services, acknowledging that information regarding the confidentiality of mental health services and documentation has been explained. The signed copy will be filed in the inmate's medical record.
- C. Before beginning on-going treatment, mental health staff will review the limits of confidentiality with the inmate and document review on ADOC Form MH-040, Progress Notes.
- D. When the Alabama Department of Pardons and Parole requests a mental health evaluation of an inmate, the inmate must sign ADOC Form MH-001, Authorization for Release of Information. The inmate's authorization will be filed in the medical record.
- E. When mental health staff are assisting in coordinating community mental health treatment and other support services for an inmate after release from the ADOC (refer to AR 628, Inmate Discharge Planning), the inmate will be requested to sign ADOC Form MH-001, Authorization for Release of Information. The inmate's authorization will be filed in the medical record. A copy will be included with the information forwarded to the agency.
- F. Inmates admitted to the Intensive Psychiatric Stabilization Unit (SU) or Residential Treatment Unit (RTU) will be advised that correctional officers of these units will have access to mental health information in the context of treatment team meetings.
- G. Mental health documentation will be filed in the inmate's medical record. When medical records are maintained on an SU or RTU, mental health staff will ensure that these records receive the same security that is provided within a medical unit.
- H. Staff members will not copy or remove documentation from an inmate's medical record without a signed ADOC Form MH-001. Sharing this information with non-authorized individuals is a serious breach of confidentiality standards.
- I. Mental health staff will be trained in mental health confidentiality issues during their orientation and annual training. The training will include the requirement to document the review of confidentiality before initiating on-going treatment with an inmate.
- J. All ADOC staff will receive training in confidentiality issues during initial training. Correctional officers assigned to mental health units and treatment areas will receive additional training in confidentiality during Specialized Mental Health Training. The training will include the legal consequences and the potential impact on an inmate's treatment when confidentiality is breached.

VI. DISPOSITION

Refer to AR 601, Mental Health Forms and Disposition

VII. FORMS

Refer to AR 601, Mental Health Forms and Disposition, for:

- A. ADOC Form MH-001, Authorization for Release Information
- B. ADOC Form MH-002, Inmate Orientation to Mental Health Services
- C. ADOC Form MH-040, Progress Notes

VIII. SUPERCEDES

This regulation supercedes AR 600 dated June 6, 1991, and AR 604 dated December 11, 2003.

IX. PERFORMANCE

This AR is published under the authority of:

- A. The Bradley Agreement of August 8, 2000
- B. National Commission on Correctional Health Care: Standards for Health Care in Prisons, 2003
- C. The Department of Mental Health and Mental Retardation Statutory Authority: Code of Alabama, 1975, Section 22-50-11.



Donal Campbell, Commissioner