

Standards of Care:

Mental Health in our Jails and Prisons...Now What?

Jim Martin, MPSA, CCHP

NCCHC Vice President, Program Development

Lieutenant, Vanderburgh County Sheriff's Office (Ret.)



NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE

Faculty Disclosure

Jim Martin is salaried employee of the National Commission on Correctional Health Care



**NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE**

Educational Objectives

- Identify legal context for care in correctional facilities
- Identify and discuss challenges to providing mental health care in a correctional environment
- Present standards of care that addresses mental health care in correctional facilities
- Describe resources for help



Introduction to NCCHC

- A 501 (c)(3) whose sole mission is to improve the health care delivery system in jails, prisons, mental health programs, and juvenile detention and confinement facilities.
- Today, our board has 37 professional organizations representing the fields of criminal justice, law, and health.



Selected Supporting Organizations

- American Academy of Child & Adolescent Psychiatry
- American Academy of Psychiatry & the Law
- American College of Neuropsychiatrists
- American Psychiatric Association
- American Psychological Association
- International Assoc. for Correctional & Forensic Psych.
- National Association of Social Workers



NCCHC Today

- Accredits many hundreds of correctional facilities across the nation,
- Certify thousands of correctional health professionals
- The largest provider of correctional health care education in the world



NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE

Introduction

- Jails, Prisons, Juvenile Facilities or Other
- Correctional Administrators
- Health or Mental Health Care Professionals
- Social Workers
- Criminal Justice System
- Consumers
- Family Members
- Advocates
- Other



Question: Which major court decision established inmate's right to mental health care?

- a. Estelle v. Gamble (1976)
- b. Bowring v. Godwin (1979)
- c. Terry v. Ohio (1968)
- d. Mapp v. Ohio (1961)
- e. None of the Above

Major Court Decisions

- Supreme Court rule that prisoners have a right to be free of “deliberate indifference to their serious health care needs”
 - US Supreme Court: 1976 *Estelle v. Gamble*
- “We see no underlying distinction between the right to medical care for physical ills and its psychological counterpart.”
 - 4th Circuit Court: 1979 *Bowring v. Godwin*
- It extended the Estelle decision to mental health care



Deliberate Indifference

- Conscious or reckless disregard of the consequences of one's acts or omissions
- Professional knows of and disregards an excessive risk to an inmate's health or safety

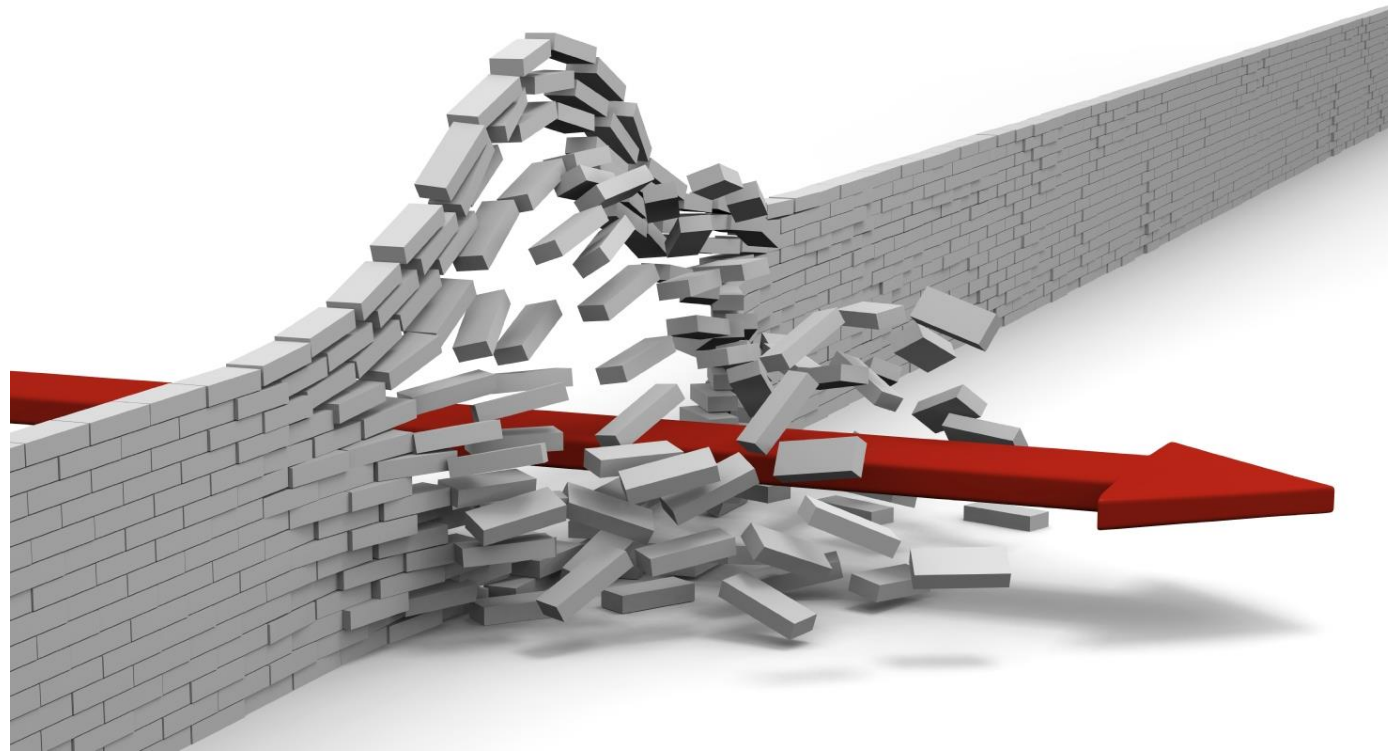


In the hundreds of cases following *Estelle v. Gamble* three basic rights have emerged:

- Right to access to care
- Right to care that is ordered
- Right to a professional medical judgment



Challenges of Providing Effective Mental Health Services in Jails and Prisons



**NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE**

Challenges when planning mental health services

Growing

- Increased number of mentally ill inmates in jails
- Will continue to grow
 - Lack of resources in the community
 - Funding cuts
 - Focus on reducing prison population



Challenges when planning mental health services

Crisis Oriented/Transitory

- Arrested
- Experiencing crisis
- Intoxicated or under influence of drugs
- Lack of coping resources



Challenges when planning mental health services

Sentence Structure - Varying

- Pre-sentenced inmates
- Inmates approaching trial date
- Sentencing



Challenges when planning mental health services

Clinical Challenges

- Crisis identification and management
- Stabilization
- Substance intoxication vs. mental illness



Challenges when planning mental health services

Environmental Considerations

- Authoritarian environment
- No control
- Fear and uncertainty of legal process
- Isolation from family, friends
- Shame of incarceration
- Fear of other inmates and staff
- Harsh attitude of officers



NCCHC wants your opinion...

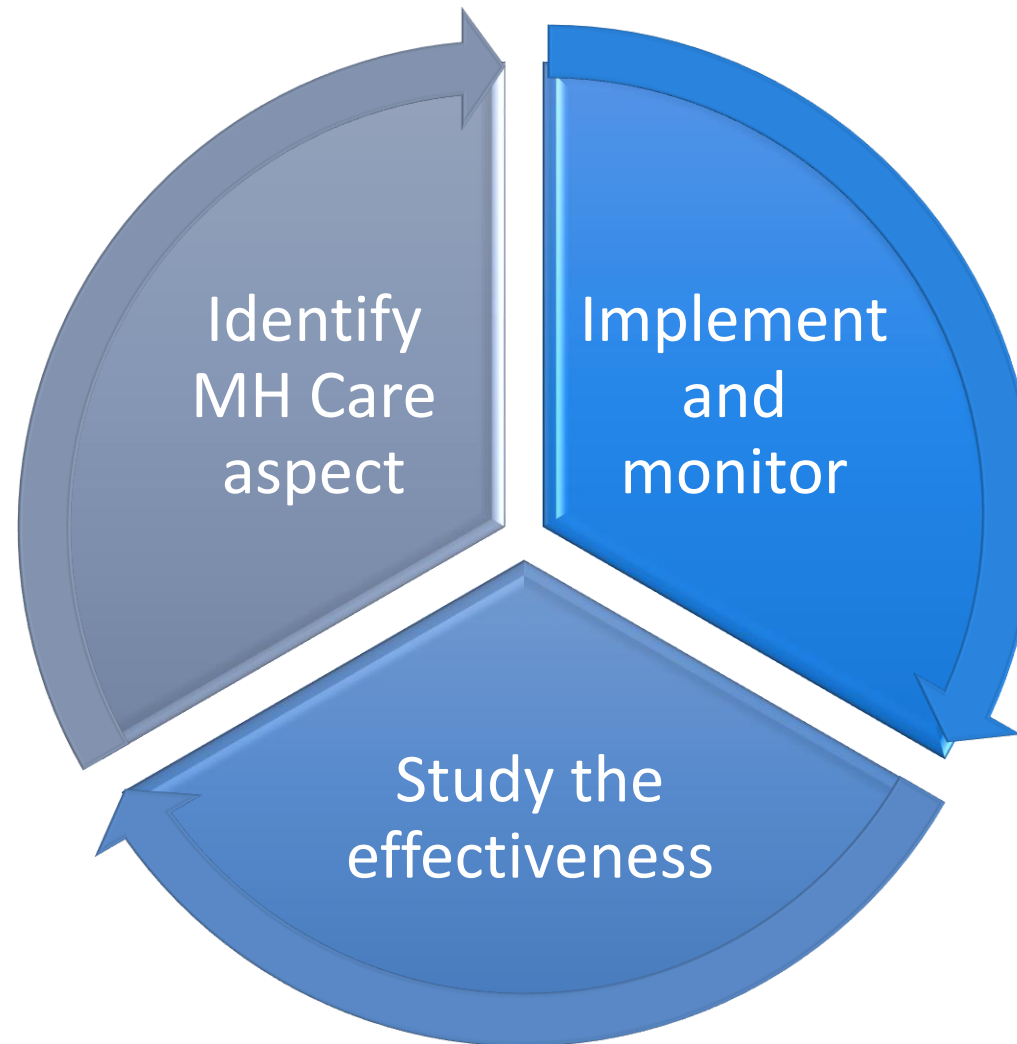
What do you think is the biggest challenge when planning mental health services?

1. Growing number of cases
2. Crisis Oriented/Transitory affects
3. Sentence Structures
4. Clinical Challenges
5. Environmental Considerations



**NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE**

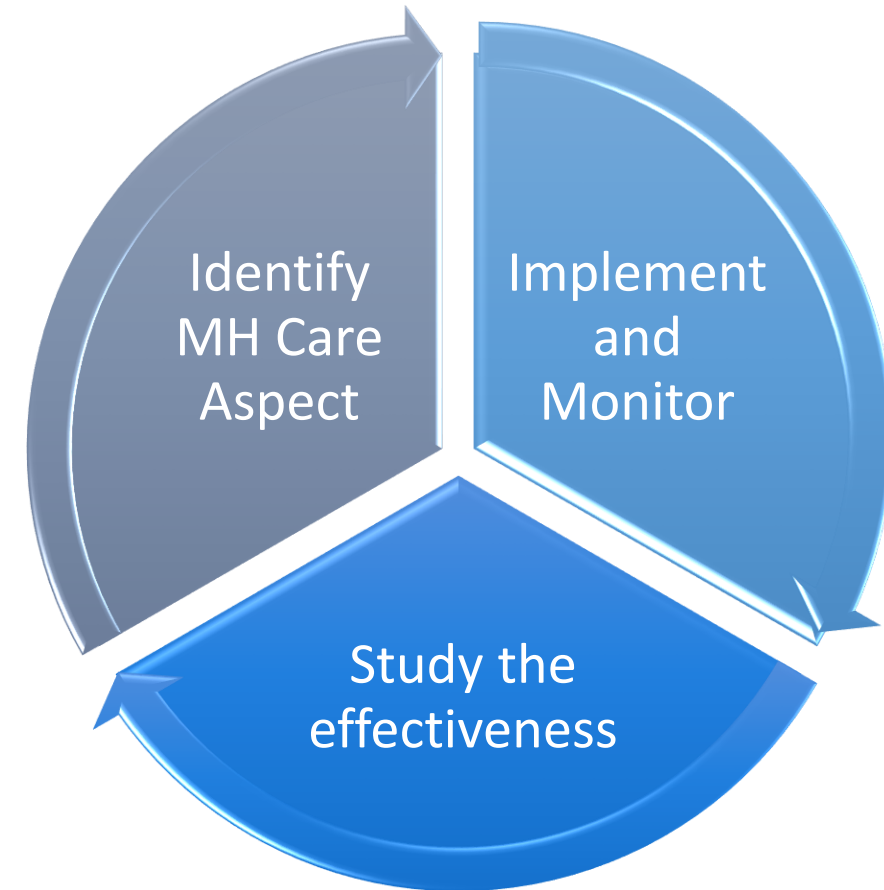
Principles of Incident Risk Management:



Common Risk Incident	NCCHC Standard
Failure to recognize system breakdown	Continuous Quality Improvement Program
Failure to monitor patients	Receiving Screening for Mental Health Needs & Patient Safety
Poor communication between staff	Communication on Patients' Mental Health Needs & Staff Training
Failure to supervise staff	Clinical Performance Enhancement
Failure to adequately treat health problems	Mental Health Assessment and Evaluation & Nonemergency Mental Health Care Requests and Services
Negligent discharge	Suicide Prevention Program & Discharge Planning

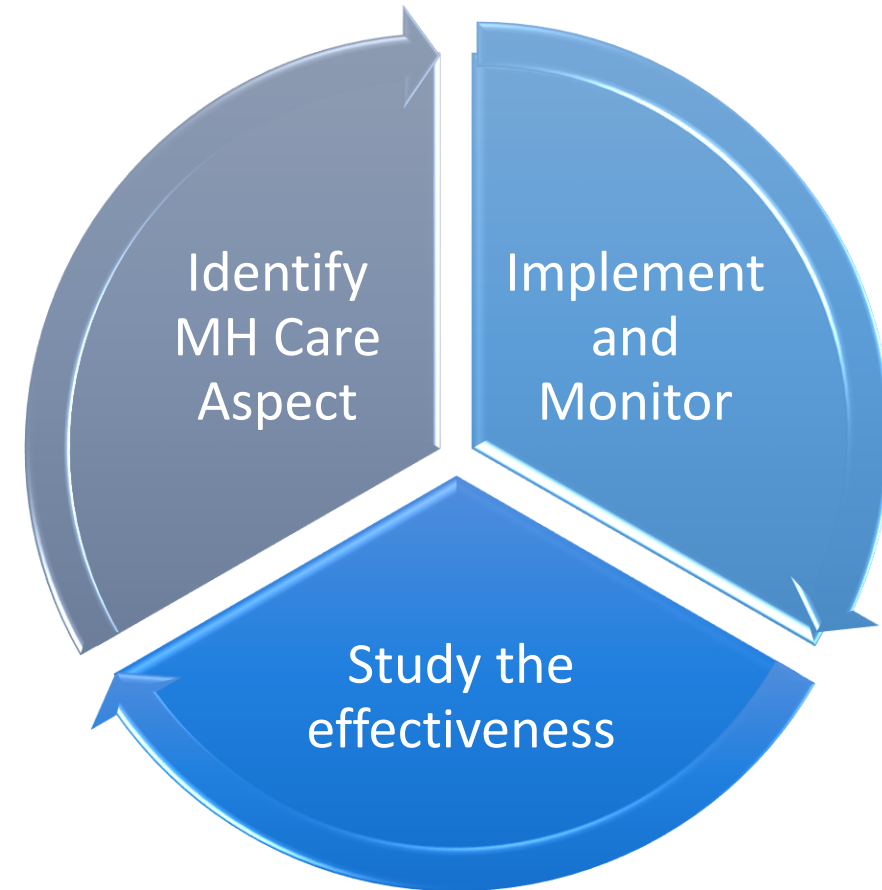
Comprehensive Quality Improvement Plan

- Identify problems
- Study problem
 - Process study
 - Outcome study
- Interpretation of data
- Problem-solving
- Corrective action or plan
- Identification of thresholds
- Monitor results
- Annual review of the effectiveness



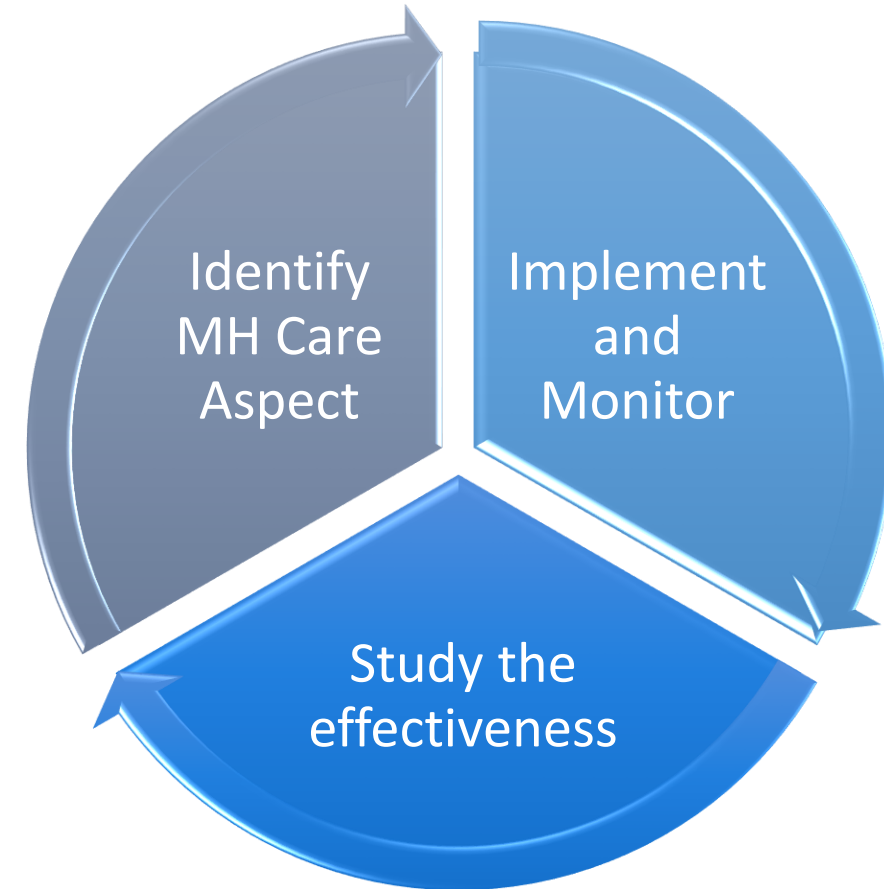
Receiving Screening for Mental Health Needs

- Arrival at intake
- Medical/MH clearance obtained
- Qualification of screener
- Disposition of the inmate
- Inquiry on past and present MH conditions/illness or special MH requirements
- Prescribed medications



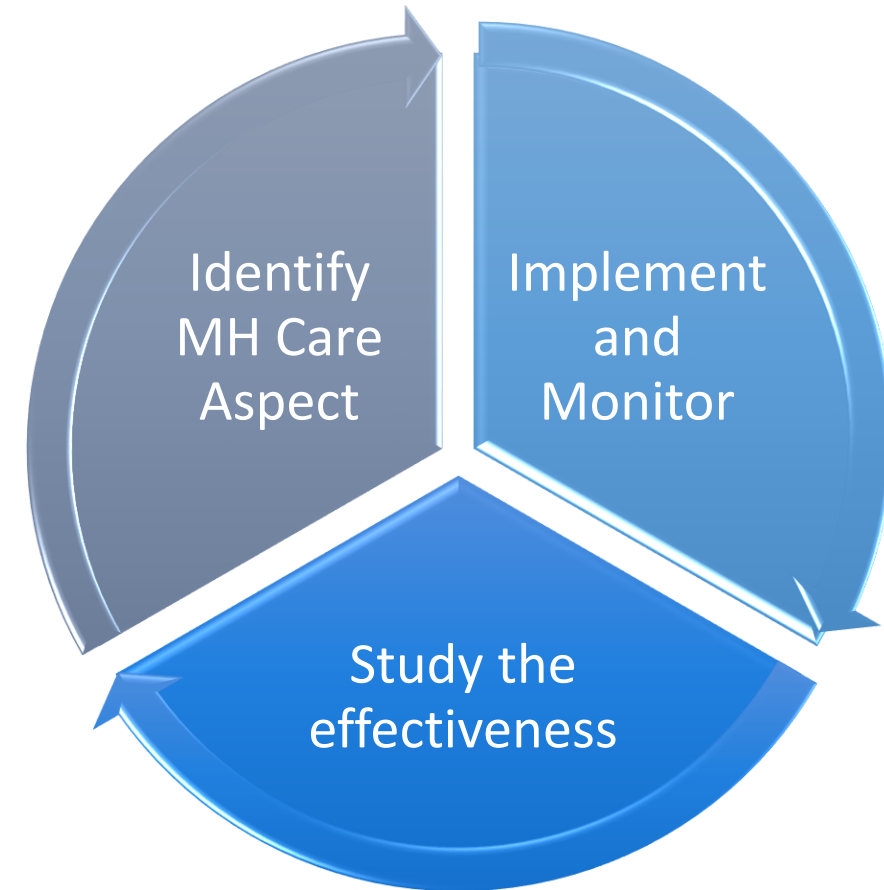
Receiving Screening for Mental Health Needs

- Referral to appropriate health care service
- Outcome study
 - Those who were referred for immediate mental health care
- Process study
 - What was the average delay after admission?
- Threshold an acceptable risk?



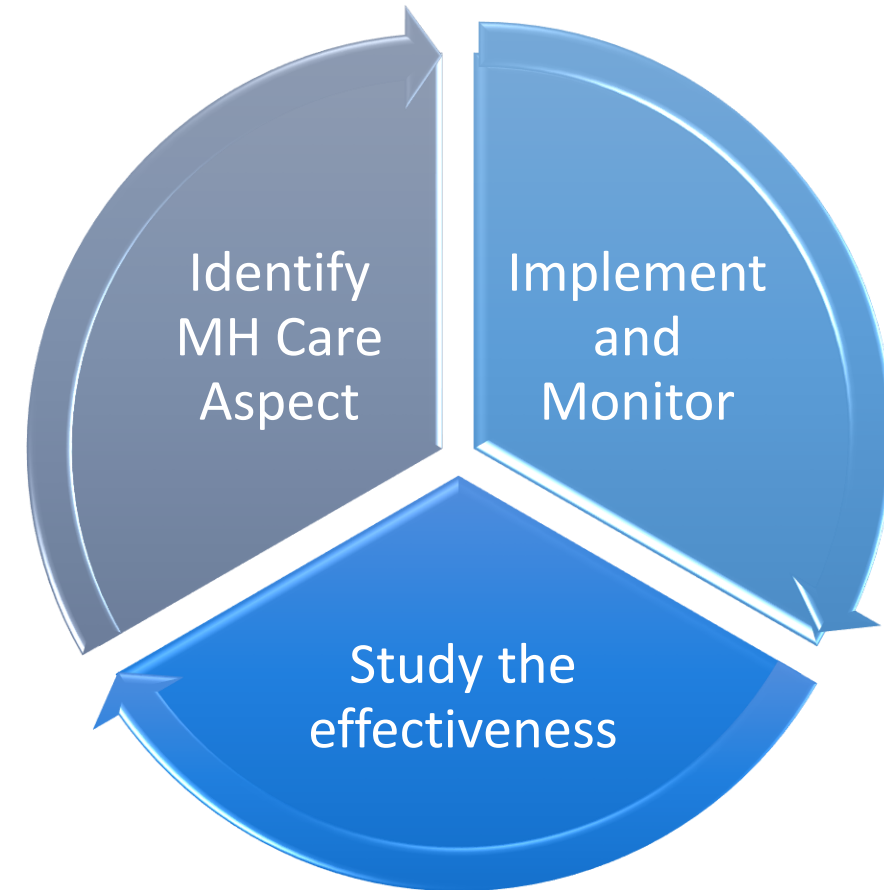
Patient Safety

- System to report errors
- Non-punitive
- CQI study
- Threshold percentage within acceptable range?



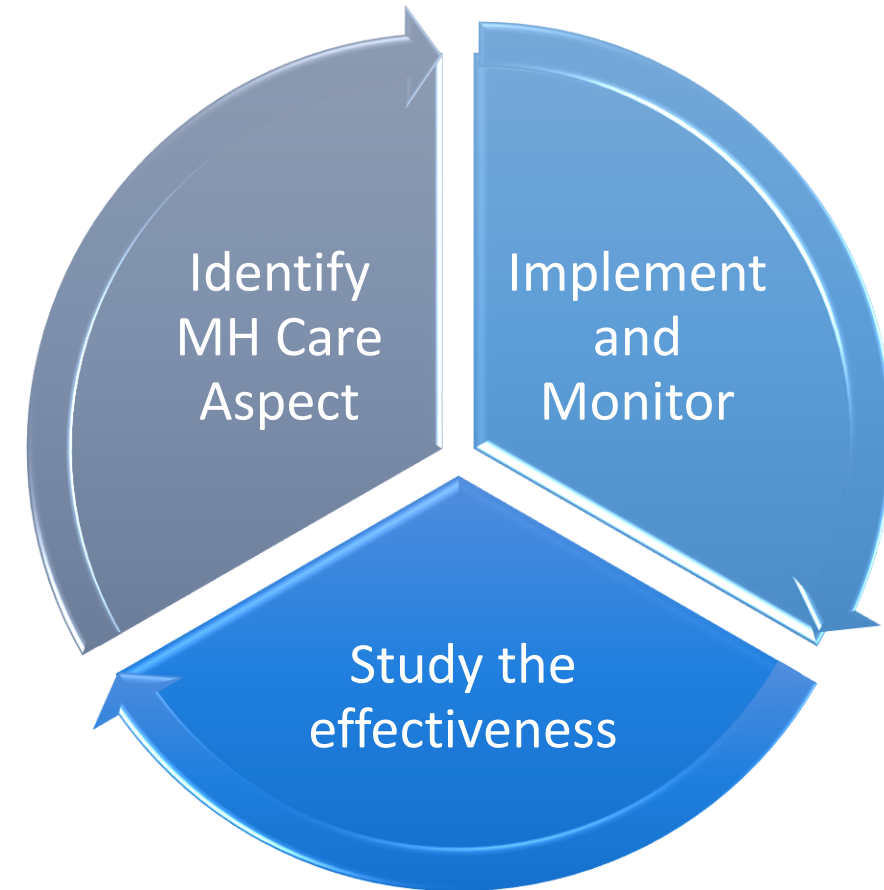
Communication on Patients' Mental Health Needs

- Mental Health Needs
 - Chronic mental illness
 - Suicidal intention or behavior
 - Developmental disability
 - Significant addiction
 - Other serious mental health problems
- *Conduct CQI study*
- Miscommunication threshold at an acceptable level of risk?



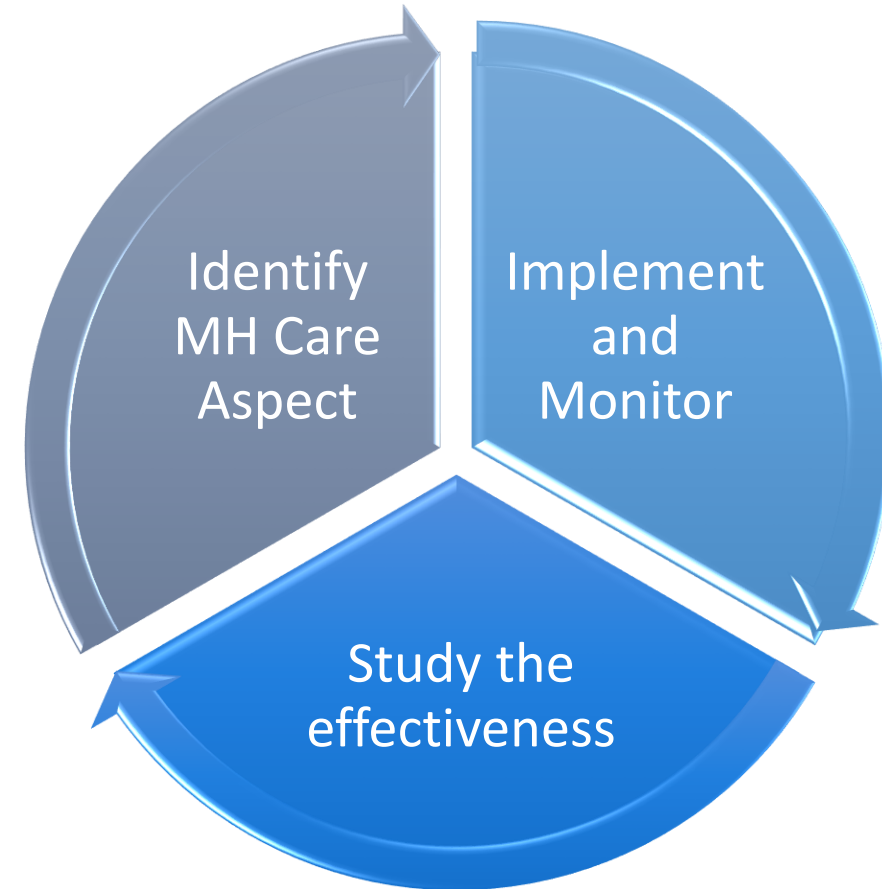
Staff Training

- Correctional officer mental health-related training
- *CQI process study*
 - COs trained in recognizing signs and symptoms of mental illness
 - COs trained on procedures for suicide prevention/intervention
 - COs trained on appropriate referral to mental health staff
- Threshold of not trained within the past year at acceptable level of risk?



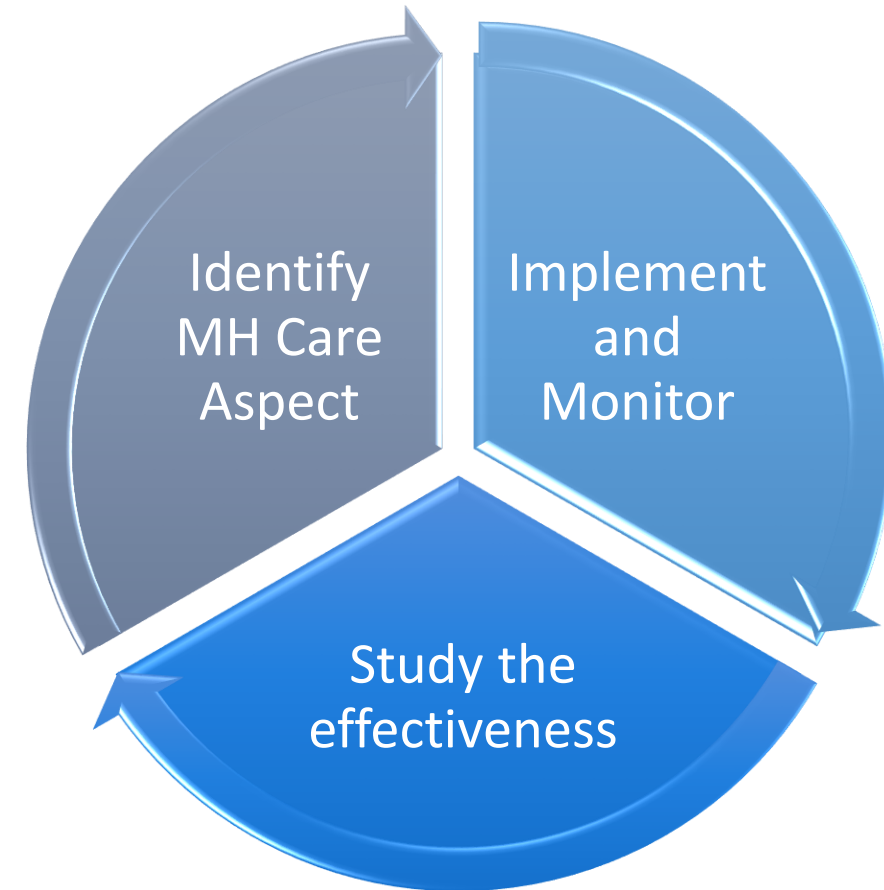
Clinical Performance Enhancement

- Evaluate the appropriateness of mental health professionals' services
- Annually review clinical performance
- External resource to assess clinical management
- Threshold is acceptable risk?



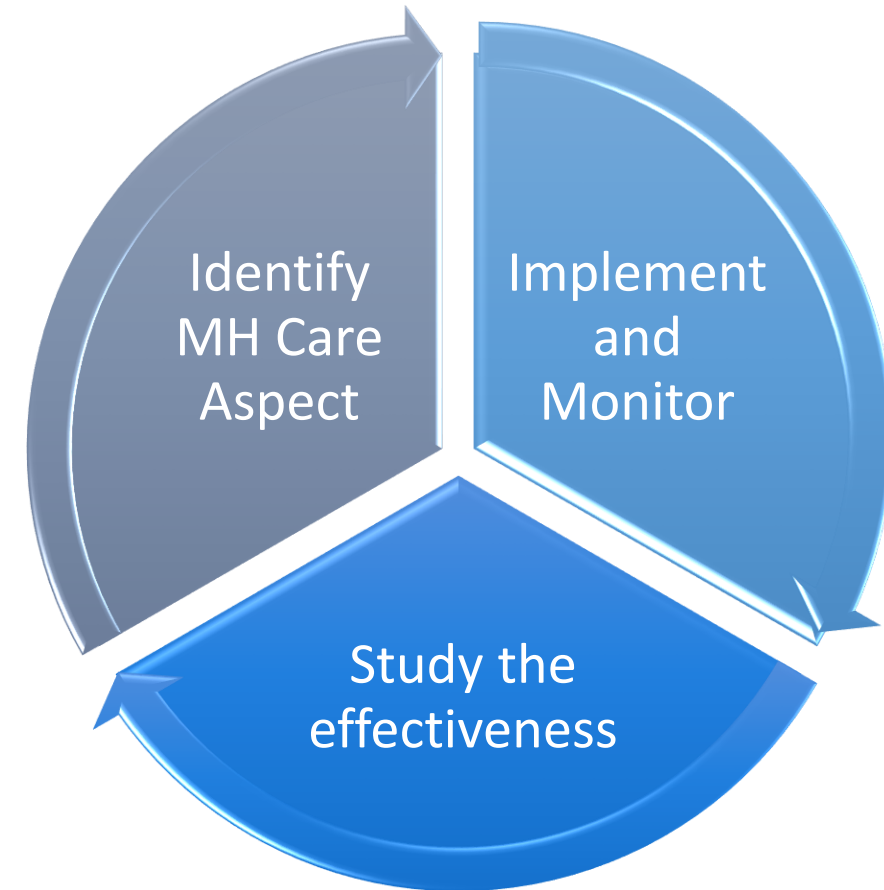
Mental Health Assessment and Evaluation

- Assessment by qualified staff
- Appropriate screening inquiries
- Completed within time limit
- Appropriate referrals
- Threshold of results at an acceptable risk level?



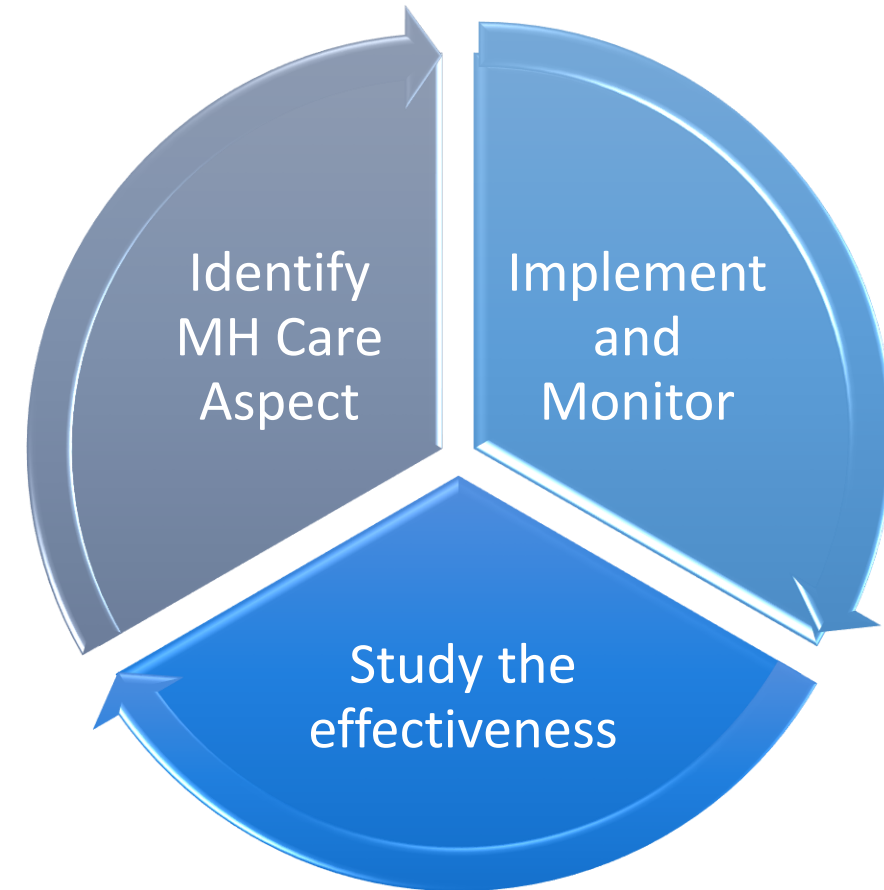
Nonemergency Health Care Requests and Services

- System integrated with health care requests or separate
- Timeliness of triage and follow-up
- Clinical setting
- Threshold of deviation from system requirements an acceptable risk?



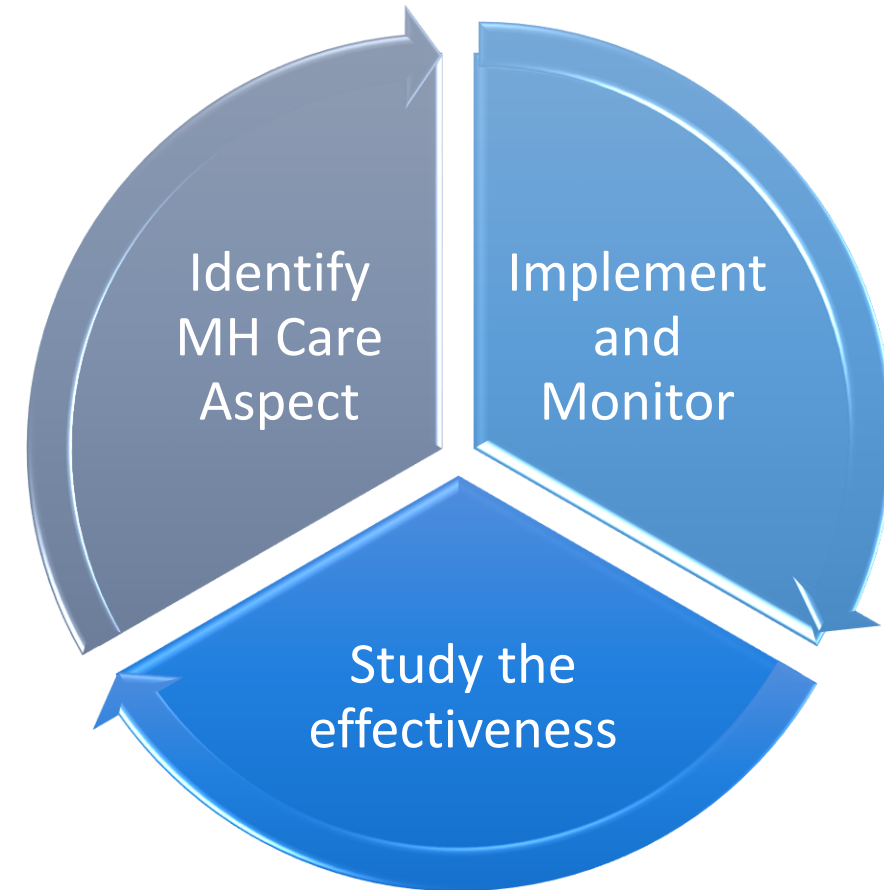
Suicide Prevention Program

- Identify and intervene
- Average time it takes staff to identify suicidal inmates
- Potentially suicidal inmates monitored on an irregular schedule
- Actively suicidal inmates monitored constantly
- Thresholds at an acceptable risk level?



Discharge Planning

- Discharge planning serious mental health needs
- Notification of discharge
- Inmates receive a sufficient supply of medications
- Referrals or appointments with community providers
- Thresholds of discharge planning at acceptable levels?



Standards for Health Services in Jails and Prisons

- Recommended requirements for the proper management of a correctional health services delivery system.
- Help improve health of inmates and the communities to which they return.
- Reduce risk of adverse patient outcomes and legal judgments.



Standards for Health Services in Jails and Prisons

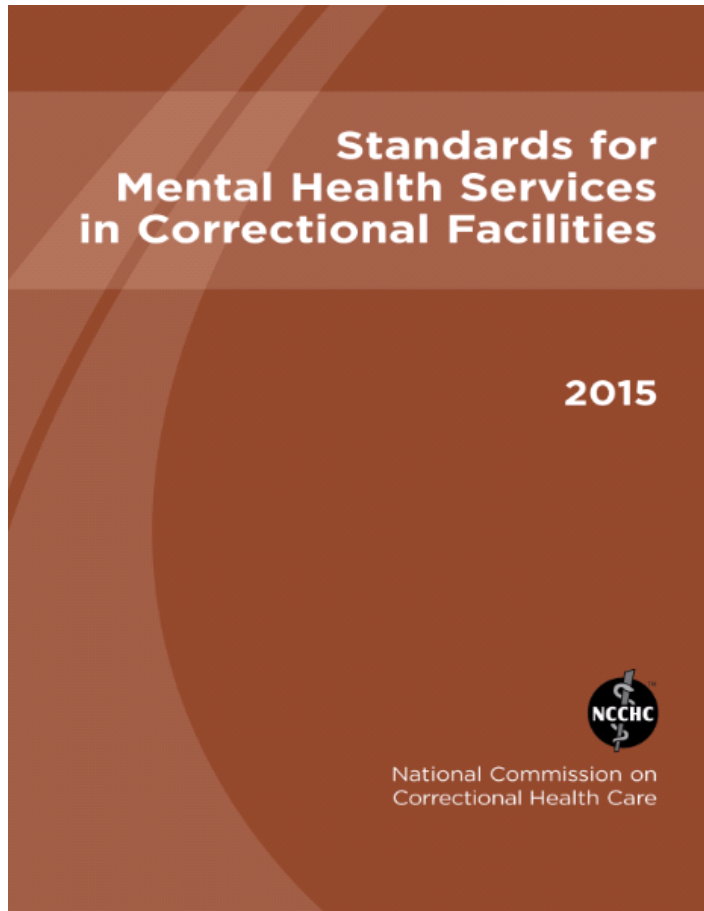
- Proven to be an effective tool in achieving and maintaining peak organizational performance for correctional health care
- Addresses certain aspects of mental health care:
 - Suicide Prevention and Intervention
 - Health Training for Correctional Officers
 - Medication Administration Training
 - Mental Health Screening and Evaluation
 - Mental Health Services
 - Emergency Psychotropic Medication

Mental Health Crisis in the Community and in Jails

- CIT Training is a key component
- Divert away from jail and into a more appropriate assessment or treatment setting is critical
- Consider establishing specialty non-criminal courts (e.g. drug courts, mental health courts, etc.)
- Screen for the presence of suicide risk and need for mental health monitoring or services at the earliest possible opportunity in the intake process
- Requiring some level of care for the mentally ill while in jail
- Comprehensive re-entry planning that begins early in the incarceration



Standards for Mental Health Services in Correctional Facilities



- Recommended requirements for proper management of a correctional mental health services delivery system.
- Intended for prisons and jails of any size.
- Effective tool in achieving and maintaining peak organizational performance.



**NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE**



**NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE**

Putting it All Together

- There are similar, but different challenges
- Barriers to collaboration must be broken down
- Take a T.E.A.M. approach



Putting it All Together



**NATIONAL COMMISSION
ON CORRECTIONAL HEALTH CARE**

For Further Information

Jim Martin, MPSA, CCHP

Vice President, Program Development

Lieutenant, Vanderburgh County Sheriff's Office (Ret.)

National Commission on Correctional Health Care (NCCHC)

773.880.1460 ext. 273

jamesmartin@ncchc.org