



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 4.5.42	Subject: CARE FOR TERMINALLY ILL ADULT OFFENDERS	
Chapter 4: FACILITY/PROGRAM SERVICES		Page 1 of 2
Section 5: Clinical Services		Effective Date: January 4, 2021
Department Director Signature: /s/ Cynthia Wolken		Revised:
Medical Director Signature: /s/ Dr. Paul Rees		
Clinical Services Division Administrator Signature: /s/ Connie Winner		

I. POLICY

The Department of Corrections will ensure the needs of terminally ill offenders are met, including protecting their rights regarding end-of-life decisions.

II. APPLICABILITY

All secure care facilities Department-owned and contracted.

III. DEFINITIONS

Advance Directives – Expressions of the patient’s wishes as to how future care should be delivered or declined, including decisions that must be made when the patient is not capable of expressing those wishes.

Medical Parole – Release from custody before the end of an offender’s sentence due to significant medical reasons in accordance with *MCA 46-23-210*

Palliative Care – Medical Care and support services aimed at providing comfort, including adequate pain management. Treatment is focused on symptom control and quality-of-life issues instead of attempting to cure conditions.

Qualified Health Professional – Physicians, physician assistants, nurses, nurse practitioners, dentists, mental health professionals and others who by virtue of their education, credentials, and experience are permitted by law to evaluate and care for offenders, including contracted or fee-for service professionals

Responsible Physician – A designated person who holds a physician’s license pursuant to 37-3-102 and 37-3-303, MCA has the final authority at a given facility regarding clinical issues.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. Each facility must have a program to address the needs of terminally ill offenders that includes palliative care.

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2. When the responsible physician determines that care in a community setting is medically preferable, a recommendation is made to the appropriate legal authority regarding the offender's transfer or medical parole.

B. Palliative Care

1. The on-site palliative care program includes the following:
 - a. enrollment is an offender's informed choice;
 - b. qualified health care professionals working in the program have received training in palliative care techniques;
 - c. offender workers or volunteers providing services in the program are properly trained and supervised.

V. CLOSING

Questions concerning this policy should be directed to the Clinical Services Division Administrator.

VI. REFERENCES

A. P-F-07; National Commission on Correctional Health Services in Prisons, 2018

VII. ATTACHMENTS

None