



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

Policy No. DOC 4.5.58	Subject: <b>PRIVACY OF CARE</b>	
Chapter 4: FACILITY/PROGRAM SERVICES		Page 1 of 2
Section 5: Clinical Services		Effective Date: 4/19/2021
Department Director Signature: /s/ Brian Gootkin		Revised:
Medical Director Signature: /s/ Dr. Paul Rees		
Clinical Services Division Administrator Signature: /s/ Connie Winner		

**I. POLICY**

The Department of Corrections will ensure that discussion of offender information and clinical encounters are conducted privately.

**II. APPLICABILITY**

All Department of Corrections secure care facilities.

**III. DEFINITIONS**

**Clinical Encounters** – Interactions between offenders and health staff that involve an assessment, examination, treatment, and/or exchange of protected health information.

**IV. DEPARTMENT DIRECTIVES**

**A. General Requirements**

1. Discussions of protected patient health information and clinical encounters are conducted in private, without being overheard or observed by offenders and non-health staff.
2. Privacy (e.g., privacy screen, curtain, private area) should be afforded during physical exams, with special considerations for pelvic, rectal, breast, and other genital exams.
3. At a minimum, verbal permission is obtained and consideration of gender-appropriate chaperone is made when a breast, rectal, pelvic, or external genitalia examination is indicated.
4. Security personnel are present only if the offender poses a probable risk to the safety of the mental health care professionals or others.
5. Instruction on maintaining confidentiality is given security staff and interpreters who observe or hear health encounters.

**V. CLOSING**

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

**VI. REFERENCES**

- A. P-A-07; National Commission on Correctional Health Services in Prisons, 2018*
- B. MH-A-09; National Commission on Mental Health Services in Correctional Facilities, 2015*
- C. Y-A-09; National Commission on Health Services in Juvenile Detention and Confinement Facilities, 2015*

**VII. ATTACHMENTS**

None