



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

Policy No. DOC 4.5.60	Subject: THERAPEUTIC RELATIONSHIP PROTECTION
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 health staff protect the integrity of the therapeutic relationship with their patients.

II. APPLICABILITY

All Department of Corrections secure care facilities.

III. DEFINITIONS

Forensic Information – Physical or psychological data collected from an offender that may be used against him or her in disciplinary or legal proceedings

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. Health and mental health staff will not be involved in the collection or reporting of forensic information.
2. Health staff may not participate in disciplinary action and cannot be compelled to provide clinical information about offenders solely for the purpose of discipline.
3. Treatments and medications for offenders may never be withheld as a form of punishment.
4. Segregation and restraints may never be clinically implemented as disciplinary action.

B. Mental Health Staff

1. Mental health staff may not release offender mental health information for forensic (i.e., investigative, evidence-gathering) purposes except when:
 - a. conducting offender-specific, court-ordered psychiatric or psychological examinations or evaluations with the informed consent of the offender;

- b. conducting offender-specific evaluations for the parole board or court regarding continuity-of-care needs with the informed consent of the offender;
- c. providing consultation to the disciplinary committees regarding the role of mental illness in a particular event; and
- d. conducting blood or urine testing for alcohol or other drugs as needed for psychiatric evaluations.

V. CLOSING

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

VI. REFERENCES

- A. P-G-04; National Commission on Correctional Health Services in Prisons, 2018*
- B. MH-I-03; National Commission on Mental Health Services in Correctional Facilities, 2015*
- C. Y-I-03; National Commission on Correctional Health Services in Juvenile Detention and Confinement Facilities, 2015*

VII. ATTACHMENTS

None