



**MONTANA STATE PRISON
HEALTH SERVICES OPERATIONAL PROCEDURE**

Procedure No.: MSP HS G-04.0	Subject: FORENSIC INFORMATION, THERAPEUTIC RELATIONSHIP, AND DISCIPLINARY ACTIONS	
Reference: NCCHC Standard P-G-04, 2018; DOC 1.5.13, DNA Testing/Collection of Biological Samples; DOC 1.3.14, Prison Rape Elimination Act of 2003 (PREA) MSP 1.1.17, PREA, MSP 3.1.17a Searches	Page 1 of 1 and no attachments	
Effective Date: November 1, 2010	Revised: December 31, 2019	
Signature / Title: /s/ Cindy Hiner / Medical Bureau Chief		
Signature / Title: /s/ Paul Rees M.D. / Medical Director		

I. PURPOSE

To define the role of the health staff in the collection of certain information for forensic purposes and to protect the integrity of the therapeutic partnership with the inmate/patient.

II. DEFINITIONS

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

III. PROCEDURES

A. Guidelines

1. Health Staff are not involved in the collection of forensic information.
 - a. State law and court ordered laboratory tests may be drawn by MSP health care personnel, so long as there is consent of the inmate and the health services staff is not involved in any punitive action taken as a result of an inmate’s nonparticipation in the collection process.
 - b. The order for laboratory collection must be requested by an attending physician who is not involved in a therapeutic relationship with the inmate.
2. Health staff do not participate in disciplinary action nor are compelled to provide clinical information solely for the purposes of discipline.
 - a. Health staff may advocate for mitigating circumstances in cases of medical and mental health disorders.
3. Treatments and medications are never withheld as a form of punishment.
4. Segregation and restraints are never clinically implemented as disciplinary action.
5. Body Cavity Searches
 - c. MSP health care staff may not, under any circumstances, participate in a body cavity search.
 - d. If the need for body cavity search is required, the Facility Administrator, or designee, may request that health service staff from a community health care facility perform the procedure. See MSP 3.1.17a.

IV. CLOSING

Questions concerning this operational procedure will be directed to the Clinical Services Manager.

V. ATTACHMENTS None