



**COMMUNITY CORRECTIONS FACILITIES AND PROGRAMS BUREAU  
FACILITY OPERATIONAL REQUIREMENT**

Requirement:	<b>PFB 6.2.482 LEVEL OF THERAPEUTIC CARE</b>
Effective Date:	12/06/2023 <span style="float: right;">Page 1 of 3</span>
Revision Date(s):	
Reference(s):	DOC 4.5.10; 53-1-203, MCA
Signature / Title:	/s/ Scott Eychner, Community Corrections Facilities and Programs Chief

**This procedure is referenced as ACCD 4.5.1000 Levels of Therapeutic Care in Section 3.J. Offender Management; Healthcare, in the following contracts: Alpha House, Butte Prerelease, Elkhorn, Gallatin County Reentry Program, Helena Prerelease, Nexus, Passages, and START. This procedure is also referenced in Section 2.2.9. Services; Healthcare, in the following contracts: Connections Corrections Program (CCP) East, Connections Corrections Program (CCP) West, and WATCH West.**

**I. PURPOSE:**

All facilities contracted with the Community Corrections Facilities and Programs Bureau (FPB) will follow this facility operational requirement to provide offenders access to the appropriate level of offender health care services and to ensure clinically appropriate procedures are performed by qualified health care providers.

**II. DEFINITIONS:**

**Community Corrections Facility** – Includes assessment/sanction centers, prerelease centers, and residential substance use disorder treatment facilities.

**Department** – The Montana Department of Corrections.

**Health Care Staff** – Includes licensed health care providers and non-licensed health care staff (for example, medical records staff, health care aides) responsible for offender health care administration and treatment.

**Health Care Providers** – Licensed health care providers (for example, physicians, nurses, psychiatrists, dentists, and mental health practitioners), including contracted or fee-for-service providers, responsible for offender health care and treatment.

**HSB-Health Services Bureau** – The Bureau within the Department responsible for the overall health care functions of medical, mental health, dental, and vision for all programs and facilities.

**Medical Director** – The physician designated by the Department Director to oversee the health care of all adult and youth offenders under Department jurisdiction.

**MRP-Medical Review Panel** – A group of health care professionals that includes the medical director, at least two additional health care providers (one of whom must be a physician), and the Department’s managed care RN, all of whom are designated to review complex health care requests and cases, protested denials of care, and general issues relevant to offender health services and managed care.

**Urgent and Emergent** – Medical, mental health, and dental care for an acute illness or an unexpected health need that cannot be deferred until the next scheduled sick call or clinic.

### III. PROCEDURES:

#### A. General Requirements

1. For offenders in treatment or assessment centers, HSB staff must review recommendations for elective medical or surgical procedures or therapies that have been submitted to the HSB for approval. However, if a delay in treatment would cause irreparable harm, significant risk, or fail to comply with sound medical principles, the review may be conducted after treatment has been initiated, and the HSB should be notified as soon as possible.
2. Medical care and treatment are prioritized by levels, each with specific authorizations.
3. The levels of care are general guidelines for providing diagnostic evaluation, therapies, and procedures including levels of authorization.
4. Offender access to care, as well as diagnosis and appropriate treatment by qualified medical personnel, is an essential right not abridged by this facility operational requirement.
5. Any provider or offender may request review of a denial by the Medical Review Panel (MRP).
6. The Medical Director or designee, after consultation with appropriate medical and legal personnel, will be the final authority in all review appeals.

#### B. Medical Care and Treatment Levels

##### 1. Level 1 Medically Mandatory Care:

- a. is routinely provided to all offenders;
- b. includes care essential to life and health without which rapid deterioration may be an expected outcome and where medical/surgical intervention makes a significant difference in outcome;
- c. includes, but is not limited to, acute problems potentially fatal, where treatment prevents death and/or significant morbidity and may allow full recovery (for example, appendectomy for appendicitis, arterial and venous lacerations, myocarditis, myocardial infarction, major head injury, eclampsia, etc.);
- d. may be authorized by any licensed health services practitioner in an emergency; and
- e. is usually urgent or emergent care, initiated by medical personnel at the time of intervention, and is routinely authorized by the Department.

##### 2. Level 2 Presently Medically Necessary Care:

- a. may be provided by any prescribing practitioner;
- b. is subject to periodic utilization review by health care staff;
- c. includes care without which the offender may have significant risk of progression of serious deterioration of the condition, significant reduction in the chance of possible repair after release, or significant pain or discomfort;
- d. examples include, but are not limited to:
  - 1) chronic conditions, usually progressing to death, or where treatment improves life span and/or quality of life (for example, medical management of insulin dependent diabetes mellitus, surgical treatment for treatable cancer, medical management of asthma,

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- treatment of moderate to severe hypertension, surgical treatment of significant degenerative orthopedic disease, or cardiac pacing);
- 2) supportive care such as pain management and hospice-type care for the end stages of diseases such as cancer or AIDS; and
  - 3) acute, non-fatal conditions where treatment may allow a return to a previous state of health including, but not limited to, medical treatment of various infectious disorders, surgical repair of an incarcerated hernia, acute gall bladder disease, relocation of dislocated joints, or repair of a corneal laceration;
- e. involving surgeries and major durable medical equipment must be authorized by the HSB for community corrections contract facilities; and
  - f. involving major durable medical equipment may be authorized at prerelease centers by facility health care staff.

**3. Level 3 Medically Acceptable but Not Medically Necessary Care:**

- a. will be authorized on an individual case-by-case basis;
- b. includes care for non-fatal conditions when treatment may improve the quality of life for the patient including, but not limited to, routine non-incarcerated offender hernia repair and treatment of noncancerous skin lesions;
- c. involves acute/on-site medical and surgical procedures and therapies which can be appropriately completed on premises in a routine clinic setting, are within the skills of the health care provider, and may be authorized by facility health care staff; and
- d. for chronic diseases indicated by health care staff that require off-site procedures, treatments, and/or therapies, may be authorized by the MRP.
- e. The final authority in all Level 3 reviews will be the Medical Director or designee.

**4. Level 4 Limited Medical Value:**

- a. is usually not provided by the Department;
- b. includes care that may be appropriate for certain individuals but may have limited benefit or is not likely to produce substantial long-term gain such as treatment of minor conditions to decrease recovery time that provides little improvement in quality of life, and/or offers minimal palliation of symptoms, and/or is primarily for the convenience of the individual; and
- c. includes, but is not limited to, elective procedures (for example, tattoo removal, nasal septoplasty, circumcision) or minor conditions (for example, common cold, aphthous ulcers, etc.)

**IV. CLOSING:**

Questions concerning this facility operational requirement should be directed to the HSB Chief or the FPB Chief or designees.