



POLICY DIRECTIVE

Policy:	DOC 4.5.35 CHEMICAL TREATMENT OF SEX OFFENDERS
Effective Date:	04/01/1999 Page 1 of 2
Revision Date(s):	04/19/2021; 04/24/2026
Department Director Signature:	/s/ Eric Strauss, Director
Medical Director Signature:	/s/ Dr. Paul Rees, MD
Health Services Bureau Chief Signature:	/s/ Cynthia McGillis-Hiner, RN, MSN

I. POLICY

The Department complies with Montana law that authorizes district courts to order certain offenders to undergo chemical treatment and permits certain offenders to undergo such treatment voluntarily.

II. APPLICABILITY

Adult sex offenders in Department and contracted secure care facilities and under community corrections supervision.

III. DEFINITIONS (see Glossary)

IV. REQUIREMENTS

A. Court Ordered Treatment

1. Each administrator will establish written requirements to:
 - a. identify which offenders are ordered by a district court to undergo chemical treatment pursuant to 45-5-512, MCA; and
 - b. include the treatment order in the offender's main program file.
2. Appropriate staff will implement the necessary procedures during the offender's discharge process as follows:
 - a. arrange for the offender to undergo a complete medical examination prior to discharge and before undergoing chemical treatment;
 - b. fully inform the offender of the medical risks and benefits of chemical treatment prior to undergoing the treatment;
 - c. arrange for the appropriate staff to administer the initial treatment regimen at an appropriate time prior to the offender's discharge;
 - d. ensure that the discharge plan requires the offender to continue chemical treatment in the community;
 - e. make the necessary arrangements for the offender's treatment to continue in the community;
 - f. notify the county attorney of the sentencing county and the Board of Pardons and Parole if:
 - 1) an offender refuses to undergo chemical treatment ordered by the court; or
 - 2) medical staff determine the medication is inappropriate for the offender or a doctor will not prescribe it.

3. The administration of court ordered chemical treatment will be at the expense of the Department until the date of the offender's complete discharge of sentence, including discharge from community supervision.
4. The offender's probation or parole plan must include the name of the medical provider who will provide continued care. The Probation and Parole Officer must monitor compliance and notify the appropriate entities if the offender is noncompliant with treatment.

B. Voluntary Treatment

1. Each administrator must establish written requirements to accommodate sex offenders who want to voluntarily undergo chemical treatment.
2. Offenders who are eligible for voluntary treatment are offenders convicted of a first or subsequent offense under 45-5-502, -503 or -507, MCA.
 - a. Offenders who undergo treatment must be actively participating in a sex offender treatment program or be under the care of mental health services.
 - b. The written requirements will require that an offender must have a medical examination in preparation for the treatment.
 - c. The administrator must ensure that the offender is fully informed of the medical risks and benefits of undergoing the chemical treatment.
 - d. The Department Medical Director must approve the voluntary chemical treatment, the start date, and treatment plan.
 - e. The administration of voluntary chemical treatment will be at the expense of the Department until the date of the offender's complete discharge of sentence, including discharge from community supervision.

C. Qualified Health Care Professionals

1. Qualified Health Care Professionals employed by the Department may not be compelled against their wishes to administer chemical treatment to offenders.

V. CLOSING

Questions about this policy should be directed to the Health Services Bureau Chief.

VI. REFERENCES

- A. §§ 45-5-502; 45-5-503; 45-5-507; 45-5-512; 53-1-203, MCA