

# HEALTH SERVICES POLICY & PROCEDURE MANUAL

North Carolina Department Of Correction  
Division Of Prisons

SECTION: Assessment of Patient

POLICY # A-6

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SUBJECT: Disciplinary Actions for Mental Health Patients

EFFECTIVE DATE: December 2008

SUPERCEDES DATE: May 2002

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## PURPOSE

The purpose of this policy is to ensure that mental health inpatients are permitted full and uninterrupted access to and participation in a Mental Health Inpatient Program, yet remain accountable and responsible for their actions.

## POLICY

The Treatment Team staff shall be afforded participation in disciplinary actions against inmates receiving mental health services. Unless approved by the Division Director or designee, a Disciplinary Committee shall not impose a sanction that significantly impairs or impedes the inmate's access to required mental health treatment services. If appropriate, the Mental Health Treatment Team will review, modify or change the inmate's individual treatment plan to address the behavior in question, with due regard for security and control concerns, in lieu of charging a patient with a disciplinary infraction. Assaults on staff and other inmates are serious incidents that require documentation through the disciplinary process.

## PROCEDURE

- A. When a mental health inpatient is charged with a disciplinary offense, the Investigating Officer is responsible for promptly notifying the Inpatient Mental Health Program Director or his designee of the charges and the full circumstances surrounding the charges.
- B. When a mental health inpatient is charged with a disciplinary infraction, the Treatment Team shall make a report as to:
  1. Whether the inmate's current mental status precludes participation in the disciplinary process, in which case the disciplinary hearing shall be postponed;
  2. Whether the inmate's mental status contributed significantly to the alleged disciplinary offense;
  3. Whether the inmate's mental status contraindicates any particular form of punishment (e.g., confinement in disciplinary segregation); and
  4. How security and control may be effected by their recommendations.
  5. The report will be signed by the Team Leader and forwarded to the Disciplinary Committee. A copy of report is filed in the inmate's inpatient mental health record.
- C. In urgent cases requiring immediate assessment where it is impractical for the Treatment Team to meet, the Treatment Team Leader or primary therapist shall promptly evaluate the inmate and the inmate's mental health record and make the determinations stated in "B" above and communicate the results to the Disciplinary Committee.
- D. It is the Treatment Team's responsibility to determine whether any punishment imposed by a Disciplinary Committee significantly impairs or impedes the inmate's access to needed mental health services in the event that the inmate is found guilty of committing an infraction. If and when such punishment interferes with needed treatment, the Treatment Team shall advise the unit superintendent or designee who will suspend or modify such punishment as needed to ensure continued access to needed mental health treatment.

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- E. The Disciplinary Committee shall follow the evaluation, findings and recommendations of the inmate's Treatment Team, Treatment Team Coordinator or primary therapist unless there are strong overriding security reasons not to do so. These reasons must be clearly documented by the Disciplinary Committee and approved by the Unit Superintendent or Institution Head in consultation with the appropriate Mental Health Coordinator. Unresolved disagreements will be referred to the Division level for resolution.



12/31/09

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Paula Y. Smith, MD, Director of Health Services    Date

SOR: Chief of Mental Health Services