

DEPARTMENT OF CORRECTION 	INSTITUTIONAL SERVICES DIVISION	DIRECTIVE NUMBER: 108.06.03.061	PAGE NUMBER: 1 of 4
SUBJECT: Medical Records Confidentiality		Adopted: 06-01-95 Revised: 07-01-00 Reformatted: 03-2001	

01.00.00. POLICY OF THE DEPARTMENT

It is the policy of the Idaho Board of Correction that all records maintained by the Department of Correction shall be open to the public for inspection and copying at all reasonable times, unless the information is specifically exempted from disclosure by law.

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03.00.00. REFERENCES

Department Policy 108, Public Access to Records.

Department Policy 401, Hospitalization, Institutional Clinical Services, and Treatment.

Idaho Code, Title 74, Chapter 1, Public Records, 74-101 through 74-126.

IDAPA 06.01.01., Rules of the Board of Correction, Section 108, Idaho Public Records Act.

Standards for Adult Correctional Institutions, Third Edition, Standards 3-4377.

Standards for Health Services in Prisons, P-61.

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04.00.00. DEFINITIONS

Facility Health Authority: The on-site Health Authority or senior health staff assigned.

Inmate: An individual in the physical custody of the Board. (See also Offender)

Medical Authority: Idaho Department of Correction Health Services Chief.

Medical Director: A physician (M.D.) either employed by the Idaho Department of Correction or the physician in charge if medical services are privatized.

Offender: A person under the legal care, custody, supervision or authority of the Board of Correction including a person within or without the state pursuant to agreement with another state or a contractor.

Qualified Health Professional: Physician, physician assistant, nurse practitioner, nurse, dentist, mental health professional and others who by virtue of their education, credentials, and experience are permitted by law within the scope of their professional practice are to evaluate and care for patients.

Regional Health Manager: The individual assigned as the primary manager who is administratively responsible for the delivery of medical services if health services are privatized.

05.00.00. PROCEDURE

05.01.00. Medical records

The active medical record shall be maintained in the medical unit at the facility holding the offender. The medical record will be filed separately from the confinement record except during transit periods.

Access to the medical record shall be controlled by the medical health authority or his designee.

Any information gathered or recorded about alcohol or drug abuse shall be confidential under federal regulations.

05.02.00. Inactive Medical Records

The inactive medical record shall be maintained at the records section of IDOC central office when an offender leaves the custody of the Department of Correction.

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05.03.00. Information Sharing

The facility health authority shall share information which includes access to the medical file with the facility administrator (warden or superintendent) or designee on a need-to-know basis, concerning an offender's medical management and security requirements.

When divulging any information, the confidential relationship between physician and patient extends to offender patients and their physicians or other health providers.

There also may be circumstances which justify advising correctional staff concerning appropriate housing and/or working conditions resulting from an offender's health status, or to protect the health and safety of the offender, other offenders and the correctional staff.

In most instances, unless required by law, it is not necessary to reveal specific diagnosis.

For purposes of unit team management concerns the IDOC psychologists, social workers, and clinicians shall have access to the medical file in the medical units.

05.04.00. Copies of Medical Records

Medical records or information - Under no circumstances shall any prisoner's or probationer's medical records be released to another offender.

Medical records or copies thereof will only be released to the following individuals and only under the following specific circumstances:

By court order;

By written request of the offender's designated attorney, upon the attorney's letterhead, with attached consent of release of information signed by the offender;

By written request of an offender's physician upon that physician's letterhead, with attached consent of release of medical records or information, signed by the offender.

Another state agency upon transfer or IDOC staff on a need to know basis – i.e.: Problem lists to those (social workers) responsible for parole plan preparation.

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05.05.00. Offender Right to Review Medical Records

An offender does not have the right to review his medical file (Idaho Code, Title 9, Chapter 3, Public Records Act 9-342 (31)(e)).

Administrator, Institutional Services Division

Date