



**Division of Pretrial  
Detention and Services**

*Brenda Shell*

Approved by:  
Commissioner  
Brenda Shell

<b>Title:</b> Medical Autonomy	<b>Directive Number:</b> DPDS.130.0009
<b>Related MD Statute/Regulations:</b> N/A  <b>COMAR:</b> 12.14.05.02 D	<b>Supersedes:</b> CRDET -130-0009, titled Medical Autonomy and issued on October 8, 2013
<b>Related ACA Standards:</b> 4-ALDF-4D-02	<b>Responsible Authority:</b>  <i>John S. Wolfe</i> Authorized by: John Wolfe Assistant Commissioner  <i>Felicia M. Hinton</i> Authorized by: Acting Deputy Commissioner Felicia M. Hinton
<b>Related MCCS Standards:</b> .02N	<b>Effective Date:</b> October 6, 2015  <b>Number of Pages:</b> 4

**Division of Pretrial Detention and Services Directive**

**.01 Purpose.**

- A. This directive establishes that only a qualified health care provider is authorized to make decisions and take actions regarding the provision of health care services to detainees/inmates in accordance with DPSCS Office of Clinical Services Inmate Health Administrative Manual Chapter 10 Medical Autonomy.
- B. This directive assigns responsibility for the different aspects of health care services to the DPSCS Director of Clinical Services with the contractual Regional medical providers for Medical and Mental health for the Division of Pretrial and Detention Services.

**.02 Scope.**

This directive is applicable to the Division of Pretrial and Detention Services Facilities, excluding Chesapeake Detention Facility and Baltimore City Correctional Center.

- A. Baltimore Central Booking and Intake Center (BCBIC);
- B. Baltimore Pretrial Complex (BPC);
  - (1) Annex
  - (2) Jail Industries Pretrial and Pre-Release
  - (3) Women's Detention Center (WDC)
  - (4) Wyatt Building
- C. Maryland Reception Diagnostic and Classification Center (MRDCC); and
- D. Metropolitan Transition Center (MTC)

**.03 Policy.**

It is the policy of DPDS that:

- A. Decisions are made by a qualified health care provider as it pertains to:
  - (1) Medical;
  - (2) Mental Health;
  - (3) Dental matters; and
  - (4) Pharmaceutical Matters
- B. Decisions are not countermanded by non-clinicians.
- C. Medical decisions regarding implements such as durable medical equipment will not be overturned by security.
- D. Correctional staff shall not interfere with or limit access to medical services with the exception of maintaining order and security. Custody staff will coordinate with medical and mental health staff to facilitate access to care for emergent medical situations or urgent life threatening occurrences. However, medical personnel are subject to the same security regulations as other employees.

**.04 Definitions.**

- A. In this directive, the following terms have the meanings indicated.
- B. Terms Defined.

(1) "Durable medical equipment" means equipment to withstand repeated use for a period of time and improves patient care outcomes, mobility and functioning. The following are included but not limited to:

- (a) brace
- (b) cane;
- (c) CPAP machine;
- (d) commode chair:
- (d) crutches;
- (e) egg crate mattress;
- (f) eyeglasses;
- (g) hearing aids;
- (h) splint;
- (i) walkers; and
- (j) wheelchairs

(2) "Qualified medical provider" means a physician, dentist, psychiatrist, psychologist, nurse, physician's assistant, nurse practitioner, pharmacist or other professionals in the medical field who are duly licensed, registered or certified according to State requirements.

**.05 Responsibility.**

It is the responsibility of the contractual health care provider and the correctional personnel to comply with the following procedures related to the delivery of health care services to the facilities' inmate populations:

A. At an initial consultation, a detainee/inmate is afforded the opportunity to discuss:

- (1) Medical;
- (2) Mental Health;
- (3) Dental; or

- (4) Pharmaceutical matters with a qualified health care provider.
- B. Detainees/inmates shall receive an examination at the determination of the health care provider without interference of Division of Pretrial Detention Services Facilities personnel.
- C. The health care provider cannot be inhibited or influenced in any way by correctional personnel while making a medical decision or judgment.
- D. The Division of Pretrial and Detention Services facilities are responsible for maintaining the order and safety of its institutions, personnel and those in the DPDS custody. To that end, security personnel, in compliance with established policy and procedure, shall make the final decisions regarding the need for transport utilizing restraining equipment for detainee/inmates.

**.06 Attachment(s).**

There are no attachments to this directive.

**.07 History.**

- A. This directive rescinds CRDET-130-0009, titled Medical Autonomy and issued on October 8, 2013.
- B. This directive supersedes provisions of existing DPDS communication with which it may conflict.

**.08 Distribution. A**

- (S) Directive shall be placed on each facility post.