

DATE:	AUGUST 21, 2018
NUMBER:	M.11
SUBJECT:	PRIVATE PHYSICIANS
RELATED SECTIONS:	MSD P.6

PURPOSE

To set forth the procedures to be followed when an inmate requests treatment by a private physician, psychiatrist or dentist, pursuant to Penal Code § 4023.

POLICY

Pursuant to Penal Code § 4023, inmates may receive medical treatment from a private physician of their choice, at their own expense. Sheriff's Medical Services Division further defines medical treatment as medical, psychiatric or dental. All such requests for private medical treatment are subject to the approval of the command staff and the availability of resources needed to safely effect such requests.

PROCEDURE

I. GENERAL

- A. An inmate may request treatment from a private physician, psychiatrist or dentist. However, the Sheriff's Department shall take no part in requesting, referring or arranging private treatment (except as specified in subsection II(G)).
- B. Inquiries from physicians, psychiatrists or dentists, regarding inmates, shall be referred directly to the Sheriff's chief medical officer (CMO), or designee. Private medical examinations may not occur within the Sheriff's Detentions medical units without approval by the Sheriff's CMO.
- C. Examinations of inmates with current military status, by military physicians, shall be conducted after prior contact with the Sheriff's CMO or designee.
- D. Orders and treatment recommendations by a private physician, psychiatrist or dentist are subject to the approval of the Sheriff's CMO or designee.
- E. The decision to allow a medical professional into the facility for purpose of providing privately-paid medical care to an inmate must be approved by the facility commander and the DSB Commander with authority over the facility.
- F. The decision to transport an inmate to an outside treatment facility for the purpose of providing privately-paid medical care to an inmate must be approved by the facility commander, the DSB Commander with authority over the facility, and the DSB Area 2 Commander. In addition, if it is determined that transport requires personnel from SED, or any other personnel from the Law Enforcement Services Bureau (LESB) to assist with the transport, then the decision to transport must also be approved by the LESB Assistant Sheriff.

II. OUTSIDE FACILITY TREATMENT

- A. An inmate seeking to be transported to a facility outside the jail for purpose of obtaining private medical, psychiatric or dental treatment must make a request in writing to the facility commander. The request shall include the following information:
1. The nature of the medical, psychiatric or dental problem.
 2. The name and address of the desired physician, psychiatrist or dentist and the treatment facility.
 3. Written evidence that the physician has agreed to privately treat the inmate (this can be in the form of a letter from the physician).
 4. The reason for not wanting to be treated by the detention facility physician, psychiatrist or dentist.
- B. The request shall be forwarded to the facility commander (or designee), who will transmit the request to the Sheriff's CMO.
- C. The Sheriff's CMO or his designee shall review the request and determine that the physician is licensed in the State of California. The Sheriff's CMO or designee shall then inform the inmate, in writing, that the service provided by the private physician, psychiatrist, or dentist is at the inmate's own expense.
1. Medical Services or the Case Manager will confirm that the inmate is a patient of the private physician, psychiatrist or dentist.
 2. Medical Services or the Case Manager will confirm that the physician, psychiatrist or dentist is willing to see the inmate with the understanding that payment for the appointment(s) is the responsibility of the inmate, not the Sheriff's Department.
- D. If the CMO approves the request, the request shall be forwarded to the facility commander for review, and forwarded through the chain of command as described in Sections I(E) and I(F). The request, along with the Command staff's decision, will then be returned to the facility commander to be transmitted to the inmate. If the request is approved, the facility commander shall ensure that the inmate is told that he/she must obtain the approval of a judge of the Superior Court, including approval of the treatment facility.
- E. Once the facility commander is notified that the court has approved the request for transport, the facility commander will notify Financial Services, who will complete a Transportation of Inmates for Outside Services form (J-153) in conjunction with Prisoner Transportation Detail.

The Prisoner Transportation Detail Lieutenant or designee shall determine the number of deputies needed to ensure appropriate safety and security for transportation, as well as the appointment. If necessary, the Special Enforcement Detail (SED) shall be contacted to

handle the detail. If SED is contacted, they will determine the number of staff required to complete the detail.

Financial Services shall forward the completed J-153 form to the inmate or his/her legal counsel, along with a copy of this Policy and Procedures section.

F. Costs shall be paid as follows:

1. Transportation/security costs shall be paid by cash, check or money order in advance. Prepayments shall be made based on the Sheriff's Financial Service's estimate of the costs involved.
2. Funds may be removed from an inmate's account with a properly prepared Authorization for Cash Disbursement form prepared in the detention facility and signed by the inmate. Detention Accounting shall then issue a check payable to the County of San Diego.
3. All prepaid proceeds are to be sent to the Sheriff's Financial Services Division for deposit to the Sheriff's Trust Fund pending the completion of services.
4. After the return of form J-153, any balance or unused portion of a prepayment shall be returned to the individual making the payment via a trust fund requisition drawn on the Sheriff's Trust fund. The earned portion of the prepaid revenue shall be transferred to the general fund as revenue for the Sheriff's Department.

G. The duties of the Prisoner Transportation Detail shall be as follows:

1. The Prisoner Transportation Detail shall schedule the appointment with the private physician only after Financial Services has confirmed that proper financial arrangements have been made.
2. The Prisoner Transportation Detail will obtain, from Legal Affairs, a form to be signed by the medical services provider acknowledging that the inmate, and not the Sheriff or the County, is responsible for payment for services. The Lieutenant over Prisoner Transportation shall consult with Legal Affairs to determine if any additional releases, waivers, or acknowledgements should be obtained before the transport takes place.
3. When scheduling the appointment with the private physician, psychiatrist or dentist, the Prisoner Transportation Detail shall advise the physician, psychiatrist, or dentist or his/her designee of the necessity to keep the date and time of the appointment confidential for security reasons. This allows the transporting deputies to return to the detention facility without being seen if the deputies determine security is at risk.
4. The Prisoner Transportation Detail will inform the sending facility's Medical Services Unit of the scheduled appointment. On being notified of the scheduled appointment, the sending facility's Medical Services Unit will be responsible for mailing the 3 Letter to Private Physician form (J-233) to the private physician, psychiatrist or dentist.

III. INMATE FACILITY RE-ENTRY

- A. When the inmate is returned to the facility, the transporting deputy (if the Sheriff has provided transportation) shall provide a J-153 form to the facility cashier, with a copy to the inmate's booking jacket indicating the following information:
 - 1. The inmate's name and booking number.
 - 2. The name of the deputy or deputies completing the assignment.
 - 3. The date of treatment.
 - 4. The description of the transportation and security services.
 - 5. The name and address of the physician, psychiatrist or dentist.
 - 6. The mileage and total time spent on the assignment.
- B. Financial Services shall provide a copy of the J-153 form, an adjusted receipt, and any refund due to the person making the prepayment for medical transportation.
- C. The transporting deputy will also return any medical paperwork from the private physician, psychiatrist or dentist to the jail medical unit for review by the jail physician.