

DATE:	FEBRUARY 7, 2023
NUMBER:	M.11
SUBJECT:	PRIVATE PHYSICIANS
RELATED SECTIONS:	MSD A.1.2

PURPOSE

To set forth the procedures to be followed when an incarcerated person requests medical care or treatment by a private licensed health professional, pursuant to Penal Code section 4023.

POLICY

Pursuant to Penal Code section 4023, incarcerated persons may, at their own expense, receive medical care or treatment from a privately owned and operated facility of their choice (located in San Diego County). The Medical Services Division (MSD) further defines medical care and treatment as medical, psychiatric, or dental. All such requests for private medical care and 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. Any incarcerated person may request care and treatment from a private physician, psychiatrist, or dentist at their own expense.
- B. Any pregnant person may request and receive the services of any physician, nurse practitioner, certified nurse midwife or physician assistant of their choice in order to determine whether they are pregnant. If the incarcerated person is found to be pregnant, they are entitled to receive services provided by the physician, nurse practitioner, certified nurse midwife or physician assistant at their own expense.
- C. The Sheriff's Department shall take no part in requesting, referring, or arranging private care and treatment [except as specified in subsection II(G)].
- D. Inquiries received from physicians, nurse practitioners, certified nurse midwives, physician assistants, psychiatrists or dentists regarding incarcerated persons shall be referred directly to the Sheriff's Chief Medical Officer (CMO) or designee. Private medical examinations may not occur within the Sheriff's detention medical units without approval by the Sheriff's CMO.
- E. Examinations of incarcerated persons with current military status, by military physicians, shall be conducted after prior contact with the Sheriff's CMO or designee.
- F. Orders and treatment recommendations by a private licensed health professional are subject to the approval of the Sheriff's CMO or designee.

- G. The decision to allow a medical professional into the facility for purpose of providing privately paid medical care and treatment to an incarcerated person must be approved by the facility commander and the Detention Services Bureau (DSB) Commander with authority over the facility.
- H. The decision to transport an incarcerated person to an outside treatment facility for the purpose of providing privately paid medical care and treatment to an incarcerated person must be approved by the facility commander, and the commander responsible for the Sheriff's Transportation Unit. In addition, transport required by personnel from the Special Enforcement Detail (SED) or any other Law Enforcement Services Bureau (LESB) personnel, must be approved by the DSB Assistant Sheriff and the LESB Assistant Sheriff.

II. OUTSIDE FACILITY TREATMENT

- A. An incarcerated person seeking to be transported to a facility outside the jail for purpose of obtaining private medical, psychiatric, or dental care and 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 concern.
 - 2. The name and address of the desired licensed health professional and the treatment facility.
 - 3. Written evidence that the licensed health professional has agreed to privately treat the incarcerated person (this can be in the form of a letter from the privately owned and operated facility).
 - 4. The reason for declining care and treatment by the detention facility licensed health professional.
- B. The facility commander or designee shall forward the request to the Sheriff's CMO.
- C. The Sheriff's CMO or designee shall review the request and confirm the private health professional is licensed to provide medical care and treatment in the State of California. The Sheriff's CMO or designee shall inform the incarcerated person in writing that the service provided by the private licensed health professional will be at the incarcerated person's own expense.
 - 1. MSD managed care group staff will confirm the incarcerated person is a patient of the licensed health professional.
 - 2. MSD managed care group staff will confirm the licensed health professional is willing to see the incarcerated individual with the understanding the payment for the appointment(s) and any care and treatment is the responsibility of the incarcerated person and not the Sheriff's Department.
- D. If the Sheriff's 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(G) and I(H). The request, along with the command staff's decision, will be

returned to the facility commander to be provided to the incarcerated person. If the request is approved, the facility commander shall ensure the incarcerated person is told they must obtain the approval of a judge of the Superior Court. Such approval shall include approval of the privately owned and operated treatment facility.

- E. Once the facility commander is notified that the court has approved the request for transport, the facility commander will notify the Financial Services Division, who will complete a cost estimate in conjunction with the Sheriff's Transportation Unit (STU).
 - 1. The STU lieutenant or designee shall determine the number of deputies needed to ensure appropriate safety and security during transportation and the medical appointment. If necessary, SED shall be contacted to handle the detail. If SED is contacted, they will determine the number of staff required to complete the detail.
 - 2. The Financial Services Division shall provide a cost estimate to the incarcerated person or their legal counsel, along with a copy of this Policy and Procedures section. The copy of the cost estimate may be provided to the incarcerated person with security-related information redacted (e.g., names, number of staff conducting the transport, date, time, etc.).

- 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 Financial Services Division's estimate of the costs involved.
 - 2. Funds may be removed from an incarcerated person's account with a properly prepared Authorization for Cash Disbursement (J-50) form prepared in the detention facility and signed by the incarcerated person. DSB Accounting staff shall issue a check payable to the County of San Diego.
 - 3. All prepaid proceeds are to be sent to the Financial Services Division for deposit to the Sheriff's Trust Fund pending the completion of services.
 - 4. 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 account. The earned portion of the prepaid revenue shall be transferred to the general fund as revenue for the Sheriff's Department.

- G. MSD and STU duties shall be as follows:
 - 1. MSD shall schedule the appointment with the private licensed health professional only after the Financial Services Division has confirmed proper financial arrangements have been made. MSD will also prepare any necessary discharge summary paperwork for the private licensed health professional to complete.
 - 2. STU will obtain from Legal Affairs a document to be signed by the private licensed health professional acknowledging the, incarcerated person, and not the Sheriff or the County of San Diego, is responsible for payment for services. The STU lieutenant shall consult with Sheriff's Legal Affairs to determine if any

additional releases, waivers, or acknowledgements should be obtained before the transport takes place.

3. Once MSD has scheduled the appointment, STU will determine the appropriate security measures needed for the appointment.
4. When scheduling the appointment with the private licensed health professional, MSD shall advise the private licensed health professional or their designee of the necessity to keep the date and time of the appointment confidential for security reasons.

III. RETURN TO FACILITY

- A. The Financial Services Division shall provide the cost estimate, an adjusted receipt, and any refund due to the person making the prepayment for medical transportation.
- B. The transporting deputy will also return any discharge summary paperwork from the private licensed health professional to detention facility health staff for review by the onsite qualified health provider.