



Justice Center for the Protection of People with Special Needs

Forensic Unit Quarterly Report

1st Quarter 2017

December, 2017

The Justice Center for the Protection of People with Special Needs (the Justice Center) is required to oversee compliance with the Special Housing Unit (SHU) Exclusion Law (Chapter 1 of the Laws of 2008) and to monitor the quality of corrections-based mental health care provided to patient/inmates by the Office of Mental Health (OMH) programs operated within the Department of Corrections and Community Supervision (DOCCS).

Background

The SHU exclusion law requires compliance with specific timeframes for providing screenings for risk of suicide for any inmate entering the SHU. In addition, the law requires assessments by mental health staff within statutorily designated timeframes. The timeframes are determined by the type of facility where the SHU is located, with shorter timeframes required for the facilities housing those patient/inmates who require a higher level of mental health care. In addition to determining compliance with the statutorily required timeframes described above, the law requires an evaluation of the quality of care provided to patient/inmates.

What happens on a Justice Center site visit? / Scope of the Work

Justice Center staff are provided with a list of the census of the unit upon arrival. Size of the units varies greatly with some units having under 20 individuals in the census and others with more than 1,000. Whatever the census, Justice Center staff tour the unit and speak cell-side with every inmate. Once the cell-side tour is complete, Justice Center staff meet and create a list of inmates to privately interview based on comments made cell-side. Justice Center staff also makes referrals to OMH if any inmate appears in need of an assessment by mental health staff. These referrals can be made at the request of the inmate, or upon Justice Center staff's conclusion that such a referral is needed. These referrals, with the details of each inmate's specific need are provided to the mental health unit chief at the time of the visit and followed up in a formal letter to OMH.

Along with cell-side and private interviews, Justice Center staff designates records for inspection. To determine compliance with the timeframes listed in the SHU exclusion law, Justice Center staff reviews records on site.¹ In addition to reviewing records for compliance with the timeframes, Justice Center staff compiles a list of records to be produced to review the quality of mental health care (QMHC).² Once the records are

¹ Justice Center staff chose a random sample of records to review for compliance with the required timeframes as follows: units with a census 50 or less, all records are reviewed; units with a census of between 51 and 100, 50% of records are reviewed; units with a census of more than 100, 20% of records are reviewed not to exceed 100 records.

² Justice Center staff chose a sample of records to review for the quality of mental health care provided as follows: units with a census of 199 or less, 20 records are reviewed; units with a census of 200 or more, 40 records are reviewed.

produced, Justice Center staff requests copies of the clinical documentation, DOCCS guidance records, and DOCCS Sign-In and Unit Activity Log Books to review and ensure that timely and appropriate quality mental health care has been provided in accordance with OMH Policies and Procedures and DOCCS Directives. Following a thorough review, the Justice Center's details findings and recommendations to OMH and DOCCS. Both agencies are provided an opportunity to respond.

Quarterly Report: First Quarter of 2017The Justice Center Forensic Unit initiated four Compliance/Quality of Mental Health Care Reviews in the first quarter of 2017; completing 201 cell-side interviews, 23 private interviews, 93 compliance reviews, and 59 reviews of the quality of mental health care provided (QMHC).

Quarterly Summary: First Quarter of 2017 Correctional Facility Date of Visit	<i>Inmates interviewed cell-side by JC</i>	<i>Private Interviews Accepted</i>	<i>Inmates referred for immediate action</i>	<i>SHU Compliance Reviews Completed</i>	<i>Quality Reviews Completed</i>
Auburn 1/11/2017	58	10	10-Clinician	30	20
Elmira 1/25-26/2017	110	6	7-Clinician	44	20
Franklin 2/22/2017	28	2	3-Clinician	14	14
Bedford Hills TBU 3/27/2017	5	5	0	5	5
Totals	201	23	20-Clinician	93	59

Inmates interviewed cell-side by JC: Every inmate in the SHU is interviewed cell-side by Justice Center staff. Numbers of cell-side interviews reflect the census of inmates in the SHU at the time of the Justice Center's visit.

Private Interviews Accepted: During cell-side interviews, inmates are offered an opportunity to meet privately with Justice Center staff. Those that agree are interviewed privately.

Inmates referred to OMH due for immediate action: Based on requests from inmates, or observations by Justice Center staff, names of inmates with the issue of immediate concern are provided to the OMH Unit Chief for referrals. Issues related to medication are referred for review by a psychiatrist. Others are referred to OMH for review by a clinician.

SHU compliance reviews: Number of inmate and/or patient records reviewed for compliance with timeframes contained in the SHU exclusion law.

Quality Reviews completed: Number of patient/inmate records reviewed for quality of mental health care provided. Specifically, Justice Center reviews whether care is in accordance with OMH Policies and Procedures and DOCCS Directives.

Auburn

Visit Overview: conducted 1/11/2017; 58 cell-side interviews conducted with 10 private interviews accepted; 10 patients and/or inmates referred to a clinician; 30 records reviewed for compliance with the timeframes required in the SHU exclusion law.

Compliance Findings: Facility determined to be in compliance with the timeframes required by the SHU exclusion law.

Quality of Care Review Findings: 20 records reviewed for quality of mental health care with findings of concern identified.

QMHC Findings/Recommendations and OMH/DOCCS Response:

JC recommended that one inmate/patient's clinical case record be clarified to ensure appropriate continuity of care. OMH acknowledged the discrepancy and OMH staff were retrained in Corrections Based Operations Policy #1.4 Mental Health Screenings.

Elmira

Visit Overview: conducted on 1/25-26/2017; 110 cell-side interviews conducted with 6 private interviews accepted; 7 patients and/or inmates referred to a clinician; 20 records were reviewed for compliance with the timeframes required in the SHU exclusion law.

Compliance Findings: Facility determined to be out of compliance with the timeframes required by the SHU exclusion law based upon untimeliness of OMH assessments.

Quality of Care Review Findings: 20 records reviewed for quality of mental health care provided with findings of concern identified:

JC QMHC Findings/Recommendations and OMH/DOCCS Response:

Record reviewed indicated that inmate/patient was to be followed up on by psychiatric staff members within two weeks however did not meet with psychiatric staff until four months later. OMH acknowledged that the occurrence was due to unforeseen changes in psychiatric coverage and they had since increased the use of Tele-Psychiatry Services.

Inmate/patient's progress notes were contradictory with the clinical course of treatment. OMH assured that ongoing clinical supervision would occur with a focus on improved accuracy in clinical documentation.

Record review revealed Residential Crisis Treatment Program (RCTP) Observation Referral to Clinical Director/Designee Notes were not completed per policy. OMH indicated that they had all been completed however not captured in a progress note. OMH staff were retrained with specific attention to the RCTP Observation Referral to Clinical Director/Designee Note.

Franklin

Visit Overview: conducted 2/22/2017; 28 cell-side interviews conducted with 2 private interviews accepted; 3 patients and/or inmates requested referrals to be seen by a clinician, 14 records reviewed for compliance with the timeframes required in the SHU exclusion law.

Compliance Findings: Facility determined to be in compliance with the timeframes required by the SHU exclusion law.

Quality of Care Review Findings: 14 records reviewed for quality of mental health care provided with no concerns identified.

Bedford Hills Therapeutic Behavioral Unit

Visit Overview: conducted on 3/27/2017; 5 cell-side interviews conducted with 5 private interviews accepted; 5 records were reviewed for compliance with the timeframes required in the SHU exclusion law.

Compliance Findings: Facility determined to be in compliance with the timeframes required by the SHU exclusion law.

Quality of Care Review Findings: 5 records reviewed for quality of mental health care provided with findings of concern identified:

JC QMHC Findings/Recommendations and OMH/DOCCS Response:

Record Review indicated that all treatment plans were identical. OMH acknowledged the need for training and specifically reviewed the individualization of treatment plans.

JC requested that DOCCS review an inmate/patient's confinement sanctions and Superintendent's disposition to ensure that the supporting OMH testimony was considered when confinement time was determined. DOCCS assured that mental health status was taken into consideration and that the inmate/patient did not receive the maximum sanctions.