2-05/060.10 Handling of HIV/AIDS Positive Inmates Requiring Medication

HIV/AIDS medication is generally prescribed to be taken at specific times throughout the day by the patient. Should the patient fail to take their medication at the specified time, it could be detrimental to the effectiveness of the treatment.

In the past, inmates taking prescribed medications have been transported to IRC/CRDF instead of being housed at a court lockup facility. Additionally, there were no provisions that would allow the inmate to take prescribed medications at the court lockup prior to transportation or release. This practice can cause a delay in the inmate being medicated. In the case of HIV/AIDS medication, this delay is unacceptable.

Lockup Personnel's Responsibilities

When persons are remanded into our custody at any court facility, lockup personnel shall complete the "Arrestee Receiving Medical Screening Questionnaire." Any affirmative answer to question # 2, (Does the inmate have any medical problems or take any medication requiring immediate attention?), or if the medical problem is HIV/AIDS and the inmate takes HIV/AIDS medication, these conditions shall be construed as requiring "immediate attention". The Branch Supervisor shall be notified of the situation and personnel shall process the inmate as quickly as possible.

When an inmate advises they take HIV/AIDS medication, lockup personnel shall ask the inmate:

- When are they supposed to have their next dose?
- If the inmate has any of the required medication in their possession.
- If not, what is the possibility of having the medication brought to court.

Personnel shall then brief the Branch Supervisor on the status of the inmate and the need for medication.

Once the inmate's HIV/AIDS condition is identified, any medication (and accompanying prescription bottles/containers) that they may possess and claim is prescribed for HIV/AIDS shall be placed into their property and not processed as "bulk" property. The medication shall accompany the inmate to IRC/CRDF if/when they are transported.

Branch Supervisors' Responsibilities

Upon being briefed on the status of the inmate and their medication, the Branch Supervisor shall determine the proper course of action. In determining this course of action, it is imperative to ensure that the inmate receives the required medication at the specified time. Whether the inmate is going to be released (cited, bailed, or bonded out) or transported to IRC/CRDF, the process should be attended to as expeditiously as possible, especially if the inmate is due to take another dose of the medication. In determining the proper course of action, the Branch Supervisor shall consult the Supervising Clinic Nurse at IRC, (213) 893-5468/5470, who will assist the Branch Supervisor and, if necessary, be responsible for ensuring the timely delivery of the inmate to the clinic area upon arrival at IRC/CRDF. If the course of action is to transport the inmate to IRC/CRDF, the Branch Supervisor shall contact CST and ask for immediate transportation.

HIV/AIDS positive inmates will fall under one of the following categories when arrested:

- They will have their medication with them in a properly labeled (standard prescription label) container(s).
- They will have their medication with them in an unlabeled container (jar, baggy, pocket, etc.).
- They will have no medication with them.

If the inmate claims that they are scheduled to have the next dose of medication before it is possible to release or transport them to IRC/CRDF, and are in possession of the medication they shall be allowed to self-medicate. If the inmate is not in possession of the medication, they shall be allowed sufficient telephone access to arrange to have the medication brought to the court so they can self-medicate, provided the medication would arrive before the inmate is taken to IRC/CRDF. If the inmate is transported before the medication arrives, the medication shall not be accepted. Lockup personnel shall not tell the person who brought the medication to take it to IRC/CRDF unless personnel has been instructed to give such information by the IRC/CRDF Medical Staff.

NOTE: The self-medication option is to be used only in those instances in which an inmate is scheduled to have a dose of medication before they can be taken to IRC/CRDF. It shall not be used as a means to delay transporting an inmate under nonemergent circumstances.

Verification of Medication

Regardless of packaging/labeling, all medications must be verified prior to allowing an inmate to self-medicate. In order to ensure proper identification, the following criteria should be met:

- The inmate should be positively identified by reliable picture verification (driver's license, California ID card, etc.) or through fingerprints.
- The medication must be identified as a known HIV/AIDS medication listed on the prescription by comparing the inmate's medication to a photo of the known medication as pictured on the identification chart provided by Medical Services ("Daily Dosing of Available Anti-retro-viral Agents") or the Physician's Desk Reference (PDR).
- Since there are no "generic" versions of HIV/AIDS medication, any medication claimed as such by an inmate shall be pictured on the chart and if not, the medication will not be accepted or given to the inmate.

Lockup Personnel's Responsibilities Regarding Self-Medication

If the determination is made to allow an inmate to self-medicate and the inmate has chosen to do so, lockup personnel shall have the inmate sign the "Self-Medication Waiver" (copy attached) prior to allowing the inmate to self-medicate. Once the waiver is signed, lockup personnel shall allow the inmate access to their medication.

Note: Because it is unlawful for unlicensed persons to "administer" medications, lockup personnel shall not give medication to the inmate. Instead, they should allow the inmate to retrieve the proper dose out of their supply of medication.

After lockup personnel have given the inmate a cup of water, the inmate shall take the medication in lockup personnel's presence. Lockup personnel shall visually examine the inside of the inmate's mouth to verify the inmate actually swallowed the medication.

Lockup personnel shall then complete the portion of the “Self-Medication Waiver” by entering the time the medication was taken, total number of capsules/tablets taken, a description of the capsules/tablets taken, lockup personnel’s name (printed, no initials), and employee number in the designated space(s) labeled “Jailer”.

In some instances, it is required that the medication be taken with food. If this is the case, lockup personnel shall provide the inmate with a snack (sandwich, etc.) as necessary.

Once processing is completed and the inmate is not going to be released from custody forthwith, they shall be immediately transported to IRC/CRDF. A Custody Division order specifies that the IRC/CRDF Watch Commander shall not refuse to accept an HIV/AIDS positive inmate, regardless of the charge(s).