



Montana Department of Corrections

Clinical Services Division

Connie Winner, Administrator

Steve Bullock, Governor
Reginald D. Michael, Director

October 1, 2019

Standards of Medical Care in a Correctional Setting:

Although early state court decisions such as *Spicer v. Williamson* (1926) paved the way, it still took 50 years, until 1976, for the U.S. Supreme Court to rule in *Estelle v. Gamble* that health care for inmates was a right embodied in the Eighth Amendment to the U.S. Constitution. Today, however, the constitutional obligation of government officials who incarcerate inmates to provide for their medical, psychiatric, and dental care is well established. The 25 years that have passed since *Estelle v. Gamble* (1976) affirmed that prisoners have a right to be free of “deliberate indifference to their serious health care needs,” have resulted in the development of both case law and national standards regarding correctional health care.

As the courts have sought to protect inmates from unnecessary physical and mental suffering and restore bodily function where this is possible, three basic rights have emerged: the right to access care, the right to the care that is ordered, and the right to professional medical judgement. The failure of correctional officials to honor these rights has resulted in protracted litigation, the awarding of damages and attorneys’ fees, and the issuance of injunctions regarding the delivery of health care services.

To provide constitutionally adequate care and protect themselves from litigation, correctional administrators must adopt procedures to protect inmates’ basic rights, including: maintaining a functioning health care staff; a means of addressing medical emergencies; a priority system so that those who are in greatest need of care receive it first; the development and maintenance of adequate medical records; liaising with outside resources for specialist and hospital care when needed; a system for staff development and training; and an ongoing effort at quality control. Jail and prison administrators and their chief medical officers must develop policies and procedures to meet the special needs of disabled, elderly, and mentally ill inmates as well as those with HIV infection and AIDS and to preserve the confidentiality of medical information.

Because litigation is so expensive, all efforts should be made to achieve voluntary compliance with national standards of care and gain accreditation.¹

The National Commission on Correctional Health Care (NCCHC) is dedicated to improving the quality of correctional health services and helping prisons provide effective and efficient care. NCCHC evolved from a program developed by the American Medical Association in the 1970s. The manual represents a revision of standards first published in 1979 and updated many times since then.

¹The NCCHC Correctional Health Care: Guidelines for the Management of an Adequate Delivery System, Third printing 2009

The standards are NCCHC's recommended requirements for the proper management of a correctional health services delivery system. These standards have helped prisons improve the health of inmates and the communities to which they return, increase the efficiency of their health services delivery, strengthen their organizational effectiveness, and reduce their risk of adverse patient outcomes and legal judgements.

These standards are intended for jails/prisons of any size. Facilities that follow the standards are encouraged to become accredited by NCCHC, which provides an independent, professional assessment of compliance with the standards. NCCHC accreditation has proven to be an effective tool in achieving and maintaining peak organizational performance.

Accreditation by the NCCHC is a process of external peer review in which NCCHC, an independent, not-for-profit organization dedicated to supporting and improving correctional health care, grants public recognition to detention and correctional institutions that meet its nationally recognized *Standards for Health Services*. Through accreditation, NCCHC renders a professional judgement on the effectiveness of a correctional facility's health services delivery system and assists in its continued improvement.

NCCHC accreditation benefits staff, visitors, inmates, and the communities to which they return. The following are among the many benefits of NCCHC accreditation:

- Promotes an efficient and well-managed health care delivery system
- Enhances the facility's prestige
- Improves staff morale and aids recruiting efforts
- Provides pathways for continuous improvement
- Suggests new efficiencies and possible cost savings
- Supports and helps justify budget requests
- Provides an expert, independent assessment of what is working well as well as opportunities for improvement
- Helps protect against adverse events and reduces liability²

Currently, the Montana State Prison and Crossroads Correctional Center are NCCHC accredited. DOC is pursuing accreditation at the Montana Women's Prison as well. Regardless of accreditation, DOC follows NCCHC standards in its facilities.