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# CHAIRMAN'S MEMORANDUM

## NO. 2-2001 JANUARY 16, 2001

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**TO: SHERIFFS, CHIEF ADMINISTRATIVE OFFICERS, COMMISSIONERS OF CORRECTION, NEW YORK CITY WARDENS, MEDICAL DEPARTMENT ADMINISTRATORS**

**RE: Communication of Health Related Information Required Between Local Correctional Facilities as part of a Substitute Jail Order**

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The Commission of Correction was recently alerted to confusion regarding the regulations/standards that require jail medical and mental health providers to provide treatment information when an inmate is transferred from the custody of one county jail to another via a substitute jail order.

Medical department staff are familiar with Section 601(a) of the Correction Law (copy attached) which requires them to supply medical and mental health information on a specific form (copy attached), when an inmate is transferred to the custody of NYS Department of Correctional Services (DOCS) and that DOCS must supply the same information if an inmate is sent to a local correctional facility for further court activity.

Regarding sharing medical and mental health information between jails there are five sections of Minimum Standards that make reference to provision of this information when an inmate is transferred to the custody of another county jail. Please find copies of these specific sections for details of the summary of standards set forth below:

### **Part 7300 Substitute Jail Orders**

#### **Section 7300.7 Records to accompany inmates.**

This section requires a medical summary that will assist the receiving facility in providing treatment.

### **Part 7033 Transfer of Records**

#### **Section 7033.2 Facility policies and procedures.**

This section requires each correctional facility to develop and implement policies and procedures to share appropriate information when an inmate is transferred to the custody of another correctional facility

#### **Section 7033.3 Definitions**

This section defines the terms that relate to sharing of information. It is important to understand that section 7033.3(c)(2)(iv) requires that the sending facility must provide information regarding history of assaults, other violent acts, attempts at suicide or escape while in custody of the sending facility.

**Section 7033.4—Transfer of inmate records.**

This section requires sufficient information being provided by the sending facility to the receiving facility to be in compliance with Part 7013 (Classification) of the minimum standards. Section 7013.3(6) defines the need of procedures governing the disclosure of information contained in the detailed summary of an inmates medical and psychiatric records by the facility medical director.

**Part 7033.5 Transfer of detailed summaries of inmate medical and psychiatric records.**

A receiving facility may require a **detailed** summary of an inmates medical and psychiatric records.

Since providers are familiar with the 601(a) form, it would be acceptable to utilize this form to provide the needed information.

It is important for medical unit staff of the sending facility to be aware of the medical capabilities of the receiving facility so that there is no interruption of medical or medication treatments. It is advisable that the sending facility speak with the receiving medical department of any inmates who require medications and/or other medical or mental health care and treatment.

**It is the responsibility of a transferring facility to provide sufficient information to the receiving facility regarding assaultive behavior, suicide attempts as well as a summary of the medical and mental health treatment.**

If there are any questions regarding this information, please contact the Commission's Forensic Medical Unit at 518-485-2465.

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Alan J. Croce, Chairman/Commissioner