



CHAIRMAN'S NO. 11-2001

MEMORANDUM APRIL 23, 2001

TO: SHERIFFS, CHIEF ADMINISTRATIVE OFFICERS, COMMISSIONERS OF CORRECTION, NYC WARDENS, JAIL MEDICAL DIRECTORS

RE: GUIDELINES FOR IMPLEMENTING AN OVER THE COUNTER (OTC) SYSTEM IN LOCAL CORRECTIONAL FACILITIES

The availability of over the counter (OTC) medications in many local correctional facilities has become a major delivery problem. These requests continue to consume limited sick call hours, and there is confusion as to whether inmate - specific orders are required to provide them. In facilities where correction officers deliver medications, there is a legitimate concern that officers cannot evaluate the need for such medications.

The NYS Board of Nursing has ruled that facilities cannot have standing medication orders for nurses approved for the entire population as needed. In order for nurses to deliver any medication (including OTC), to inmates/patients, they must have an individualized medication order.

Therefore, standing orders that include medications for the entire facility inmate population are prohibited.

Facility medical departments should limit OTC, based on assessment by an RN, to common minor complaints such as headache, backache and stomach discomfort. The most common OTC's offered are Aspirin, Tylenol and Maalox or Mylanta. It is important to remember that if officers deliver medications, they cannot measure a dose of medication. Therefore, liquid medications must be in a single measure dose or in pill form. In addition, they cannot initiate PRN orders. They can only initiate an order if it is written "per inmate request".

Provisions for a waiver from § 7010.3ca which allow inmates to purchase small quantities of non-abusable OTC medications from Commissary and for indigent inmates to obtain them without charge remain in effect. This does not involve clinical encounters however, and is therefore not affected by nursing practice regulations.

Summary: Facility medical departments must have inmate/patient specific orders (including OTC) for delivery of all medications. The only other option available is to initiate a facility OTC procedure via Commissary that does not require an inmate/patient specific medication order. This procedure requires a waiver approved by the Commission of Correction.

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Alan J. Croce,
Chairman/Commissioner

Frederick C. Lamy, Commissioner
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If there are any questions regarding this policy and procedure, please contact Forensic unit staff, either Bill Gaunay at 518-485-2482 or Peggy Loffredo at 518-485-2475.

Alan J. Croce, Chairman/Commissioner