

Texas Prisons Air Conditioning Advocates
Advocating for your Loved One's
MEDICAL ISSUES

TDCJ has the Correctional Managed Health Care Program. CNHCC is a partnership between the Texas Department of Criminal Justice, Texas Tech University Health Sciences Center (TTUHSC), and the [University of Texas Medical Branch \(UTMB\)](#). Each agency has specific functional roles and responsibilities designed to maximize each agency's strengths and contribute to the overall mission of the program.

Texas Department of Criminal Justice

The Texas Department of Criminal Justice (TDCJ) is the agency of the state with overall responsibility for the incarceration of convicted adult felons. The TDCJ Health Services Division provides comprehensive monitoring of the delivery of health care services to TDCJ offenders; coordinates preventive medicine activities; investigates Step 2 offender medical grievances; investigates and responds to third-party complaints relating to health care and provides a number of liaison activities between TDCJ divisions and the university health care providers.

The University of Texas Medical Branch at Galveston

The University of Texas Medical Branch at Galveston (UTMB) External Link is a component institution of higher education of the University of Texas System responsible for the education of health care professionals. UTMB serves as the health care provider for all TDCJ facilities in the eastern and southern areas of the state.

Texas Tech University Health Sciences Center

The Texas Tech University Health Sciences Center (TTUHSC) External Link is an institution of higher education responsible for the education of health care professionals. TTUHSC serves as the health care provider for all TDCJ facilities in the western portion of the state.

UTMB & Texas Tech HIPAA Forms

(Blank copies are available in our "files" section on Facebook or our website www.texasprisonsacadvocates.com)

UTMB and Texas Tech have standard HIPAA forms. However, TDCJ also has a HIPAA form that must be signed as well.

- A HIPAA form is an authorization for use and disclosure of protected health information.
Without this document in your Loved One's TDCJ file, you will not be given any information concerning their care or their medical condition.
- The majority of TDCJ's units will not honor a "free world" HIPAA. So, you or your Loved One will need to request a form from the medical department at the Unit or from the Family Hotline (936) 437-4271.
- TDCJ requires **this form to be updated every six months**. So, we suggest marking your calendar right before the six months is up.

Medical Power of Attorney

- A medical Power of Attorney gives you the power to make decisions for your Loved One's medical care if he/she is unable to speak for themselves.
- TDCJ more than likely will NOT honor your Power of Attorney, but be sure you send them a signed copy anyway for your Loved One's medical file.
- The only way to ensure your Power of Attorney gets enforced is to be sure your Loved One's medical Provider receives a copy. (If it's an offsite medical facility.)
 - By law, UTMB has to honor a Medical POA or the Medical Provider will be taking a chance of losing their license (Hospital Galveston) Example of when to use a Medical POA; If your Loved One becomes unresponsive and can't decide for themselves.
- When mailing copies of your Power of Attorney, always mail certified copies - Send to TDCJ Officials, TDCJ Medical Director Dr. Lannette Linthicum, Medical Liaisons, the Unit Warden, and UTMB's Dr. Owen Murray.

Documentation is the Key

Taking good notes is the key to successfully advocating for your Loved One's medical condition.

- You need to keep a TDCJ journal.
- Your Loved One should keep a daily log or journal as well.
 - We recommend a hardback cover that's bound together, so there are no loose pages.
 - Document **ALL** of your communication with TDCJ and prison medical staff.
 - Be sure to include;
 - **WHO** you spoke to
 - **TIME** and **DATE** you spoke with them
 - **WHAT** the conversation consisted of
 - And of course, your **PURPOSE/WHY** for calling them.
- Encourage and express the importance of keeping a journal to your Loved One.
- *But just beware that sometimes journals are taken during shakedowns, etc.*

Copies

- We suggest making **three** copies of everything;
 - One copy for your Loved One's records
 - One copy to be sent home to you for your records
 - One copy for the courts if you ever decide to go that route
- Your Loved One can purchase CARBON PAPER at the commissary, \$2 for ten sheets.
- Your Loved One can also make copies at the "law library" for 10 cents a copy.
- When needed, you may want to have your Loved One mail the copies to you certified or place in their "property" for you to pick up at your next visit.

Sick Call Request

A Sick Call Request is a form that your Loved One turns in when he/she needs to be seen by the Unit Medical Provider.

- These forms are available at your loved one's housing unit.
- Be sure your Loved One knows the proper way to fill out a sick call request.
- He/she must be detailed in their description of the problem. **EXAMPLE: Don't say, "My stomach hurts, and it won't go away."** Instead say something like, "I am having severe abdominal pain, and my stomach is sensitive to the touch, I am breaking out in a sweat..."
- Your Loved One should **NOT** submit their request through the mailroom. **Their request should be put in the "sick call" box.**
- Sick call requests should be **answered within 48 hours.**
- If your Loved One doesn't have a lay-in or response from medical within 48 hours, they should submit a more detailed and intense "sick call."

I-60's

I-60's are forms that your Loved One turns in at the Unit whenever he/she has a request or a problem. (A copy is available for you to view in our "Files" section on our Facebook page.)

- Your Loved One should request these forms from the Duty Officer at their Unit.
- When turning in the I-60;
 - If possible, have your Loved One place the I-60 in a receiving box that has a camera pointing towards it.
 - Tell them to wave at the camera.
 - Have them let you know **which box** it was placed in and the **time** and **date** that they did it.

UTMB Referral Request

When the Unit Provider sees your loved one, whether it's from a sick call request, an I-60 they submitted, or from a complaint you filed, whatever the case may be, sometimes the Provider will refer them to see a specialist. The referral process is as follows;

- When the Unit Provider submits a referral for your loved one to be seen by a specialist, the Provider has to check which level of care is needed;
 - Urgent – Seen within 10 days and to avoid an ER evaluation.
 - Expedite – Seen within 30 days and cannot wait for a routine evaluation.
 - Routine – Seen within 6 months.
 - Telehealth – Can consult with the Provider over a video screen.
- Once the Unit Provider has submitted the Referral Request, UTMB will either approve or deny the Provider's request.
- If a Referral Request is denied, the PCP has 5 days from the date of the denial to get any requested information and/or paperwork to UTMB.
- If the PCP fails to submit the proper paperwork or goes over the 5 days, the PCP must submit a new referral.

Grievances

(For more detailed information on Grievances and Grievance Forms, please see our Facebook "FILES" section and participate in our training.)

- A grievance is an official way to complain about injustice. Such as a violation of policy or the law. Also, to inform the Administration that certain conditions of confinement or actions by others are unacceptable.

Unless your loved one advocates for themselves, TDCJ is NOT going to let you advocate for them effectively. So, filing a grievance is an important step.

- Your loved one needs to file a Step 1 Grievance. If they do not receive a response from their Step 1 grievance or an adequate response, they need to file a Step 2 Grievance.
- See the Offender Handbook for specifics on the Grievance process.
https://lookaside.fbsbx.com/file/Offender_Orientation_Handbook_English.pdf?token=AWzkSdHAFwd1lczPTYSOiGFCHNAUMNO9tnNtvjegsl0r5hQEopNjMpu2nvPWIkOP_ZIRv6m89DPKjW_Q9i1B1LIotCMsuuEPIgOWOCqhbBZ567alnrWcj_q19j8RebiPF7n-QM1C6Sw4iCFlzVm-emY

Grievance forms and instructions on how to use them are available from staff in each housing area or at the law library.

- Step 1 Grievance – You always need a paper trail to show proof that you filed a grievance and the response you were given.
- Step 2 Grievance – If your Loved One doesn't receive a response from their step 1 grievance or they receive an inadequate response, they need to file a Step 2 grievance.
- **The first thing the TDCJ administration and/or an attorney will ask is, "Did your Loved One file a grievance?" In the long run, getting it done is better than not getting it done.**
- Please refer to the links below for more specifics on the grievance process.
https://www.tdcj.texas.gov/divisions/arm/res_grievance.htm
https://www.tdcj.texas.gov/.../Offender_Grievance_pamphlet_English.tx
https://www.tdcj.texas.gov/divisions/cmhc/complaint_process.html

When turning in the Grievance....

- If possible, have your Loved One place the I-60 in a receiving box that has a camera pointing towards it.
- Tell them to wave at the camera.
- Have them let you know **which box** it was placed in and the **time** and **date** that they did it.

Writing e-mails, making phone calls and in-person meetings

- **Always try to solve issues on a unit-level first.**
- Send an e-mail to the Warden and/or call, or ask to meet in person.
- **Call the Regional Director**
- **If the problem can't be solved on a unit-level, send an e-mail to the Ombudsman "CC" up the chain of command within TDCJ administration and board members. (*We have a list in our Facebook "Files" section.*)**
Standard e-mail format; TDCJ - First Name.Last Name@tdcj.texas.gov
 TDCJ Board - First Name.Last Name@tbcj.texas.gov

(See our Facebook "Files" section-for sample letters written by Michael Arbor)

- Now, remember to be kind and don't play the blame game because that never works. Just explain to the Warden your concerns and tell them you are aware of the _____ policy and right now that is being broken.
 - Explain your concerns and ask how the problem can be fixed.
- If you chose a phone call, always follow it up in writing.
 - Type a recap of your conversation in an e-mail or letter and send it to the person you spoke to verifying your discussion.
 - **Record your phone calls!**
 - Get **names, dates,** and the **subject matter in writing !!**
 - Good terms to use are "deliberately indifferent, reckless disregard for a serious medical condition, negligence, malfeasance, and deficient." Also, if you refer to the penal code and you're looking at statutory violations, look at deadly conduct, abuse of official capacity, and official oppression" (If your Loved One gets a case over medical), then go read sec. 39.04, deprivation of rights under color of law by a person at a correctional facility. Very liberal in who can be held criminally liable even for taking privileges. However, before using these terms, make sure you understand their meanings and definitions. Depending on how each one is used, they can be very serious accusations.
 - **You may also want to "cc" the media, legislators, TDCJ Board members, and other organizations.**
 - **Send certified mail, return receipt requested. Once the recipient signs for it, they have officially been served.**

TDCJ Ombudsman & Patient Liaison Program

All of your letters sent by mail and/or e-mail regarding medical issues can be directed to;

Family Hotline:

Phone: 936-437-4271

Fax: 936-437-3659

Texas Department of Criminal Justice

Health Services Division

2 Financial Plaza, Suite 625

Huntsville, TX 77340

Phone: (936) 437-4271

E-mail: health.services@tdcj.texas.gov

TDCJ Ombudsman

PO. Box 99

Huntsville, Texas 77342-0099

Phone: (936) 437-4927 or toll-free hotline (844) 476-1289

(Toll-free hotline will be open Saturdays and Sundays from 8:00 a.m. to 5:00 p.m.)

Fax: (936) 437-4930

Request Medical records

- All requests should be answered within 15 working days.
- Be sure to call the Unit's medical records department to verify the requirements to obtain copies of your Loved One's medical records.
 - Your request must be in writing.
 - Mail your request to the Unit's medical records department.
 - Your written request must include your name, mailing address, your Loved One's name, Loved One's TDCJ number, and what records you are requesting.
- **If you are having a hard time getting your Loved One's medical records, and the allotted 15-day time frame has passed, send in a second request.**
- **If you are unsuccessful after sending in your second request, you can contact;**

Health Services Archives
262 FM 3478, Suite B
Huntsville, Texas 77320
phone: (936) 439-1345 fax: (936) 439-1350

- **When sending in your request to Health Services Archives;**
 - You need to include a copy of your original request to the Unit, your name, your address, phone number, your Loved One's name, and TDCJ number.

Contacting outside entities

There aren't many outside agencies that will be able to help you when dealing with TDCJ. However, when medical issues are involved we have found the following to be beneficial;

- Karen @ The Wrongful Death Institute <http://www.wrongfuldeathinstitute.com/>
<https://www.facebook.com/The-Wrongful-Death-Injury-Institute-LLC-73960933957/>
- Political Officials (***TPAA will have more information on Political Advocacy coming soon***)
 - Contact your local State Senator and local State Representatives
 - Call, e-mail or set up a Face to Face meeting
 - Clearly state the problem and policy violation
 - Bring your documented evidence Journal, medical records, all correspondence

Medical Board

If your concerns or your Loved One's health concerns do not get resolved and you have exhausted all of your resources, you can file a complaint with the Medical Board for medical malpractice.

Texas Board of Nursing
Guadalupe, Suite 3-460
Austin, TX 78701-3944
Phone (512)305-4700
Fax (512)305-7401
Website www.bon.texas.gov

Texas Medical Board
Guadalupe, Suite 610
Austin, TX 78701-3944
Phone (512)305-7030
Fax (512)305-7009 or (888)550-7516
Website www.tmb.state.tx.us/

TDCJ Heat Restrictions

As you all know, TDCJ has been moving heat-restricted inmates to air-conditioned units. However, that does not mean everyone that has heat restrictions will get moved. TDCJ has a scoring system they follow to identify those that are the most heat restricted. For example; If your Loved One has two or more chronic illnesses and takes heat-sensitive medications for those illnesses, he/she will more than likely be moved to an air-conditioned unit, versus someone with allergies that takes one medication daily.

- Not everyone is classified correctly. There are a lot of people that should be classified as heat-restricted but aren't.
- If your Loved One is heat-restricted and not in air-conditioning, have him/her send in an I-60 asking why.
- You can submit an inquiry to the Ombudsman's office asking why your Loved One isn't housed at a unit with cool beds, but they are classified as heat-restricted.
- Familiarize yourself with both the TDCJ Heat Directive, which TDCJ units have Air Conditioning, and the Pack Lawsuit. (***See Copy available in our TPAA Facebook FILE section and website www.texasprisonsadvocates.com***)

Compassionate Release

Compassionate release is a process by which inmates in the criminal justice system may be eligible for immediate early **release** on the grounds of "particularly extraordinary or compelling circumstances which could not reasonably have been foreseen by the court at the time of sentencing."

General Rules

- The governor may grant a reprieve upon the written recommendation of a majority of the board as authorized by the Texas Constitution, Article IV, 11.
- A reprieve is not recommended as a matter of right, and each request will be judged on the merits of the case and the security risk involved.
- Except at the request of the governor, the board will consider only such requests for reprieves as meet the general and specific criteria set out in these sections.
- The board will not consider a written application for a reprieve from a TDCJ-CID sentence, which involves travel outside the State of Texas.
- The board will not consider a written application for a reprieve from a TDCJ-CID sentence requested for business reasons.
- The board may recommend a reprieve either in the custody of a peace officer or without custody.
- The board will not recommend a reprieve without custody if the offender has a detainer filed against his release.
- Except as otherwise specified in these sections, a board recommendation for a reprieve shall be for a specified time, including a beginning and ending date.
- Upon expiration of the specified time of the reprieve, a person granted a reprieve that remains at large is subject to arrest without further action of the board or the governor.
- The board will consider a written request for an extension of a reprieve only if the request meets the requirements for the original reprieve.
- If at any time the board is made aware that the conditions of a reprieve have been violated, the board may recommend to the governor the revocation of such reprieve.

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Reprieve for Family Emergency

- The board will consider a written application for a reprieve for a family emergency only in cases of critical illness or death of a member of the offender's immediate family.
- The immediate family includes only the parents, spouse, and children of the offender, and a person other than a parent who assumed the responsibilities and acted as the parent of the offender during his/her childhood.
- Prior to consideration of the application for a reprieve for a family emergency, the board may require written: verification of the critical illness by the attending physician; or verification of the death and of the time and place of the funeral, by the mortician; and proof of the parent-child relationship if the request is for the illness or death of a person, not a parent, who acted as the offender's parent during his/her childhood.
- A board recommendation for a reprieve in the continuous custody of a peace officer is contingent upon a verified arrangement by the offender's family to secure and pay the expense of a peace officer to guard the inmate.

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