

U.S. Department of Homeland Security  
126 Northpoint  
Houston, Texas 77060




**U.S. Immigration  
and Customs  
Enforcement**

July 6, 2016

MEMORANDUM FOR: Tae D. Johnson  
Assistant Director, Custody Management

THROUGH: Jay M. Brooks  
Deputy Assistant Director, Detention Management Division

FROM: Patrick Contreras   
Houston Field Office Director

SUBJECT: Wavier for Medical Records Pertaining to PBNDS 2011

**Purpose**

Houston Field Office is requesting a waiver for Contract Detention Facility (HOU CDF). This waiver relates to Part 4.3 Medical Care, Sections W; Continuity of Care, Y; Medical Records and to Part 7.4 Detainee Transfers, Section C; Responsibilities of the Health Care Provider at the Sending Facility of the PBNDS 2011 requirement to provide detainee's full medical record when transferring facilities and instead provide a medical summary.

**Background**

In November 2015, after the Nakamoto Annual Inspection of HOU CDF, it was reported that Immigration Health Services Corps did not forward medical records as required in the PBNDS 2011. On July 6, 2016 IHSC reaffirmed their policy of supplying only a medical summary for each detainee transfer.

**Discussion**

*Due to the cost prohibitive nature of providing complete medical records, IHSC has deemed the cost to be outside the normal practice of other medical facilities. The issue was discussed in detail with IHSC personnel and the following statement was issued:*

"This component of the standard was not approved for implementation by IHSC leadership due to the overwhelming expense associated with full compliance and a conflict with community standards, ie. The Joint Commission and National Commission on Correctional Health Care standards, (RC.02.01.07) states the clinical record contains a summary list of each patient who

**FOR OFFICIAL USE ONLY (LAW ENFORCEMENT SENSITIVE)**

[www.ica.gov](http://www.ica.gov)

receives continuing ambulatory services. This list shall contain: any significant medical diagnoses and conditions, and significant operative and invasive procedures, and adverse or allergic drug reactions, and current medications, OTC or herbal preparations. In addition, NCCHC (J-E-) states relevant health information such as medical, dental, and mental health diagnoses, medications, significant chronic conditions and pending health referrals shall be included in the documents for intra-system transfers.

HOU CDF meets the community and NCCHC criteria for transfers by documenting on the transfer form (USM 552) current, relevant medical, dental, and mental health diagnoses, list of current medications, allergies, procedures and any referrals. This information accompanies the detainee upon transfer. If the receiving facility determines the need for the full detainee medical record, upon request, the medical record information will be released within a reasonable timeframe after receipt of an authorization.

### Recommendation

I recommend that you approve a waiver relates to Part 4.3 Medical Care, Sections W; Continuity of Care, Y; Medical Records and to Part 7.4 Detainee Transfers, Section C; Responsibilities of the Health Care Provider at the Sending Facility of the PBNDS 2011 requirement to provide the detainee's full medical record when transferring facilities and instead provide a medical summary.

Approve / date pmo 7/6/16 Disapprove / date \_\_\_\_\_

Modify / date \_\_\_\_\_ Needs more discussion \_\_\_\_\_