



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

FEB 12 2016

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

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

FROM: John Tsoukaris *J. Tsoukaris*
Field Office Director

SUBJECT: Waiver for Medical Records

Purpose:

To provide a waiver for the Elizabeth Contract Detention Facility (ECDF), Newark Field Office. This waiver relates to 7.4 Detainee Transfers along with Part 4.3 Medical Care, Sections (W) Continuity of Care, and (Y) Medical Records of the PBNDS 2011 requirement to provide detainee's full medical record when transferring facilities and instead provide a medical summary.

Background:

On October 14-16th 2015, after the Nakamoto Annual Inspection of the ECDF, it was reported the facility did not forward complete medical records as required in the PBNDS 2011.

Discussion:

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

"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, i.e. The Joint Commission and NCCHC standards. TJC (RC.02.01.07) states the clinical record contains a summary list of each patient who receives continuing ambulatory services. This list shall contain: any significant medical diagnoses and conditions, any significant operative and invasive procedures, any adverse or allergic drug reactions, any current medications, OTC or herbal preparations. In addition, NCCHC (J-E-03) 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.

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IHSC meets the community and NCCHC criteria for transfers by documenting on the transfers form (USM) current, relevant medical, dental, and health diagnosis, list of current medications, allergies, procedures and any referrals. The detainee will be provided medical summary information when transferred. 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. It is anticipated that, with the future implementation of the electronic health record, complete and full copies of the medical record will be able to be provided to all detainees at the time of transfer and release within reasonable expense."

Recommendation

I recommend that you approve a waiver relating to 7.4 Detainee Transfers along with Part 4.3 Medical Care, sections (W) Continuity of Care, and (Y) Medical Records of the PBNDS 2011 requirement to provide detainee's full medical record when transferring facilities and instead provide a medical summary.

Approve/date jmb 3/10/16 Disapprove/date _____
Modify/date _____ Needs more discussion _____