

	DEPARTMENT OF PUBLIC SAFETY ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: 12/29/08	POLICY NO.: COR.10.1A.11
		SUPERSEDES (Policy No. Date): COR. 10A.14 (9/19/96)	
	SUBJECT: GRIEVANCE MECHANISM FOR HEALTH COMPLAINTS		Page 1 of 3

1.0 PURPOSE

To outline the grievance mechanism to address inmates' complaints regarding medical services.

2.0 REFERENCES AND DEFINITIONS

.1 References

- a. Hawaii Revised Statutes; Section 26-14.6; Department of Public Safety; and Section 353C-2, Director of Public Safety, Powers and Duties.
- b. National Commission on Correctional Health Care, Standards for Health Services in Prisons and Jails (2008).
- c. Department policy and procedures 493.12.03, Inmate Grievance and Appeal Process.

3.0 POLICY

Inmates in the custody of the Department of Public Safety (PSD) have a mechanism to address complaints about health services to the health authority.

- .1 Every inmate under the jurisdiction of the PSD shall be provided an opportunity to submit written grievances to a designated official. A prompt resolution of an inmate's grievance, supported by will considered reasons, is essential to ensure the rights of the inmate and ease any sense of frustration and ill-treatment.
- .2 All inmates shall be entitled to invoke the grievance procedure regardless of any disciplinary, classification, or other administrative or legislative decision to which an inmate may be subject. Grievance procedures shall be accessible to those inmates who are impaired or handicapped.
- .3 Inmates shall not be punished, disciplined. Or denied any privileges when they invoke the grievance or appeal process.
- .4 Staff shall not refuse to process a grievance on the grounds of invalidity or triviality.

4.0 PROCEDURE

- .1 Filing out a grievance regarding health care services will follow the procedure outlined in policy 493.12.03 Inmate Grievance and Appeal Process.

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- a. The complaint/grievance must be filed with fourteen (14) days from the date on which the alleged complaint occurred on DOC Form 8215, Inmate Complaint/Grievance unless it is not reasonably feasible to file with such a period and the justification for the late filing is stated in the complaint/grievance.
- b. Each facility shall maintain locked boxes for inmates to deposit completed Complaint/Grievance forms to be forwarded to the facility Inmate Grievance Specialist. The responsibility of this position shall be, but not limited to:
 1. Ensuring that all grievances are recorded and tracked through each step of the process.
 2. Screening shall take place prior to submittal to the first level of resolution, and a decision regarding what action should be taken to expedite the grievance.
- c. The designated health authority has fifteen (15) working days from the date of the receipt of complaint/grievance in which to investigate and respond.

Should fifteen (15) working days elapse without the inmate receiving a written response, an appeal directly to the next level may be initiated.

The period of time for action by the various reviewing officials may be extended up to fifteen (15) working days if the circumstances are such that the initial period is insufficient to make an appropriate decision. The time extension must be communicated in writing to the inmate.

- b. The inmate shall acknowledge the receipt of the responses at all steps of the complaint/grievance process.
- .2 Upon receipt of the step one decision, the inmate has up to five (5) calendar days to initiate further action if the inmate is not satisfied with the disposition of the complaint/grievance.

Appeal of a facility health authority decision is directed to the appropriate Health Care Branch Administrator. .

- a. The Health Care Branch Administrator has fifteen (15) working days from the day of receipt of the appeal in which to submit a written response. Should the 15 days elapse without the inmate receiving a written response an appeal directly to the Health Care Division Administrator.
- c. The decision of the Health Care Division Administrator shall be final.

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5.0 SCOPE

This policy and procedure applies to all correctional facilities and their personnel.

APPROVAL RECOMMENDED:

Ray A. Bauman MD, MPH 12/22/08
 Medical Director Date

[Signature] 12/22/08
 Health Care Division Administrator Date

[Signature] 12/24/08
 Deputy Director for Corrections Date

APPROVED:

[Signature]
 Director
12/28/08
 Date