Forensic Patients

Frequently Asked Questions

Q. A forensic patient arrives for a procedure/surgery. The consent form is not signed. The correctional care officer states that he has the authority to sign the consent form for the patient. What do you do?

A forensic patient has the same rights as any other patient to make medical decisions.

If the patient has capacity to make medical decisions then the informed consent discussion must occur with the patient. The patient signs his own consent form.

If the patient does not have capacity to make medical decisions then arrangements must be made between UCSF Medical Center physicians and California Correctional Health Care Services Medical Directors who will confer with surrogate decision-maker if available.

If there is no surrogate decision maker available, then the same process applies as would to an unbefriended patient. There needs to be an investigation into the patient’s values and best interests. This is a case by case analysis.

Q. A forensic patient once he/she arrives to UCSF Medical Center and learns of the risks of a certain procedure/surgery refuses to go forward with same. The correctional officer contacts the warden and tells you that the warden says the patient must have the procedure. What do you do?

A forensic patient who has the capacity to make medical decisions also has the right to refuse treatment. The patient’s decision is considered an informed refusal. The warden or correctional officer may not override the patient’s decision.

Q. A forensic patient who lacks capacity to make medical decisions is admitted to UCSF Medical Center. While hospitalized the patient’s condition worsens and end of life/withdrawal of care discussions become necessary. What do you do?

UCSF physicians with the assistance of social services/case management advise CDCR case management of the patient’s condition.

CDCR Medical Director and Correctional Facility Administration will determine if there are any family members, next of kin, etc.

If such a surrogate decision maker is located, CDCR Correctional Staff and UCSF Security will coordinate to make arrangements for phone contact or visitation following all Security protocols.

To ensure safety, UCSF medical personnel should not make direct contact with the surrogate. You must work with UCSF Security Dept to make sure protocols are followed.
If a surrogate decision maker is not available, a discussion may occur between CDCR Legal, CDCR Utilization Management and UCSF Ethics Committee if necessary. CDCR would support decisions made by the UCSF Medical Center Ethics Committee in these instances.

Q. You are caring for a forensic patient and realize that a UCSF staff member has contacted a family member directly without going through Security. What do you do?

This is a security breach. Immediately notify UCSF Security Dept. They will work with the correctional officer to ensure necessary safety precautions are instituted.

Q. A forensic patient with a terminal illness advises you that he has completed an advanced directive but does not have it with him/her. What do you do?

Many of the CDCR facilities are working on developing programs for the completion of advanced directives. Contact the referring/transferring CDCR facility and request a copy. If the advanced directive is not found or there is none in place, the patient can always complete an advanced directive at UCSF.

Q. A correctional officer asks to review the medical record. What do you do?

The officer should only receive that information which is necessary to guarding the patient.

If the officer must be in the room to maintain security, the officer may hear medical information because of the need to be in close proximity during care. This is unavoidable.

Q. A forensic patient complains about abuse or other complaints about medical care provided in the CDCR facility. What are the reporting requirements?

Advise the patient to follow the CDCR process for filing such complaints. Notify the CDCR case manager if one has been assigned. If the patient is admitted they have a CDCR case manager assigned.

Q. The patient asks to file a complaint about care provided at UCSF Medical Center. Who do you refer the patient to?

This type of complaint is treated like any other complaint about care at UCSF Medical Center. Confer with Patient Relations who will investigate and respond as usual.

Q. A forensic patient’s UCSF physician is contacted by the patient’s attorney asking that a letter be written to the CDCR medical director advocating for certain treatments or medications. What do you do?

Do not write the letter. The CDCR medical director oversees care of the forensic patient.

Advise attorney to contact the CDCR medical director for any such requests. Advise that you are available to the CDCR medical director if further discussion is necessary.

Q. UCSF Health Information Management Dept. receives a request from a forensic patient for a copy of medical records. Or, a clinic/practice is contacted directly for records. What do you do?
Forensic patients have the same rights as any other patient to receive a copy of medical records.

Security measures are in place at CDCR facilities for checking incoming and outgoing mail.

For questions about procedures for the management of forensic patients in order to ensure safety of all patients, visitors and staff please refer to the following policy:

Prisoner (Forensic Patients), Policy # 6.05.09.

http://ucsfpolicies.ucsfmedicalcenter.org/Shared Documents/PrisonerForensicPatients.pdf