
 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 8.9	Effective Date 04/30/2021	Page 1 of 9
	Supersedes Health Services Review, dated 7/24/12		
Approved by:  Commissioner Angel Quiros	Title Health Services Administrative Remedies		

1. Policy. The Department of Correction shall establish a Health Services Administrative Remedy procedure to enable an inmate to seek formal review of any health care provision, practice, diagnosis or treatment. Review of Health Care Services enables the Department to identify individual and systemic problems, to resolve health care issues in a timely manner, and to facilitate the accomplishment of its mission.
2. Authority and Reference.
 - a. Connecticut General Statutes Section 18-8; and Section 52-146, et seq.
 - b. Administrative Directives 4.7, Records Retention; 8.1, Scope of Health Services; 8.10, Performance Monitoring or Healthcare and Healthcare Services; and 9.6, Inmate Administrative Remedies.
 - c. National Commission on Correctional Health Care; Standards for Health Services in Prisons, 2018 P-A-11
 - d. Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), Public Act 104-191.
 - e. United States Code, 42 USC 12101 et sq. (Americans with Disabilities Act).
3. Definitions. For the purposes stated herein, the following definitions apply:
 - a. ADA: Americans with Disabilities Act.
 - b. Continuous Quality Improvement (CQI). A program model that supports the continuous review and improvement of services and corrective actions related to health care.
 - c. Health Services Administrative Remedy. The resolution of an inmate's legitimate medical or health services-related complaint. The types of Health Services Administrative Remedies are as follows:
 - i. Informal Resolution;
 - ii. Grievance
 1. Medical,
 2. Dental,
 3. Mental Health, and
 4. Addiction Services,
 - iii. Health Services Appeal.
 - d. Denied. The request for Health Services Administrative Remedy is without merit.
 - e. Health Services Grievance. A written request for formal reconsideration of the outcome of an informal resolution attempt.
 - i. Such request shall only relate to the following issues:
 1. Diagnosis or Treatment,
 2. Review of an Administrative Issue.
 - f. Health Services Appeal. A request for reconsideration of a Health Services Administrative Remedy decision.
 - g. Health Services Review Appointment. A consultation with a physician, psychiatrist, psychologist, advanced practice registered nurse (APRN), physician assistant (PA), physician assistance-certified (PA-C), or dentist requested by an inmate to review the existing diagnosis and/or treatment regarding the subject of the written concern.
 - h. Health Services Administrative Remedy Coordinator (HSAR Coordinator). An employee of the Health Services Unit designated to coordinate the process of the Health Services Administrative Remedies.
 - i. Health Services Unit. An organizational component of the health services system, not including a housing unit.
 - j. Informal Resolution. An Informal Resolution is an inmate's initial attempt at resolving any legitimate healthcare-related issue.
 - k. Rejected. The application for Health Services Administrative Remedy does not meet the procedural requirements of the particular remedy.

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1. Upheld. The request for a Health Services Administrative Remedy is granted.
 - m. Upheld in part. The request for a Health Services Administrative Remedy has sufficient merit that some modification of the identified condition is warranted.
 - i. When this disposition is utilized, the portion which was not upheld may be subject to a Level 2 appeal.
 - n. Withdrawn. The inmate voluntarily discontinues the pursuit of the Health Services Administrative Remedy.
4. General Provisions. The following provisions shall apply to all Health Services Administrative Remedies:
- a. Notice.
 - i. Administrative Directive 8.9, Health Services Administrative Remedies, shall be published in both English and Spanish. English and Spanish copies of Administrative Directive 8.9, Health Services Administrative Remedies, shall be available at each facility and available to inmates upon request.
 - ii. Each inmate shall be issued a written summary of Administrative Directive 8.9, Health Services Administrative Remedies, during orientation.
 1. An inmate whose primary language is Spanish shall receive a copy translated into Spanish.
 2. Appropriate provisions shall be made for those who do not read, speak or understand English or Spanish, or are disabled.
 - iii. Each direct contact employee and direct contact contractor shall be issued a written summary of Administrative Directive 8.9, Health Services Administrative Remedies, upon initial hire or contact with the Department.
 - b. Filing. A request for a Health Services Administrative Remedy must be filed in accordance with the following provisions:
 - i. Each request for a Health Services Administrative Remedy must be filed on a separate CN 8901, Health Services Administrative Remedy Form- Level 1, and must include an original signature.
 1. Any photocopied CN 8901, Health Services Administrative Remedy Form- Level 1, shall be rejected.
 - ii. The length of the request for a Health Services Administrative Remedy shall be restricted to the space available on the face of the CN 8901, Health Services Administrative Remedy Form- Level 1, and one (1) additional 8 1/2 x 11-inch page.
 - iii. The request for a Health Services Administrative Remedy and the action sought should be stated simply and coherently.
 - iv. The request for a Health Services Administrative Remedy must be free of obscene or vulgar language or content.
 - v. The request for a Health Services Administrative Remedy must be filed by an inmate who is personally affected by the subject of the request and shall not be filed by an inmate on behalf of another.
 - vi. Any repetitive request for a Health Services Administrative Remedy filed by the same inmate when a final response has been provided and there has been no change in any circumstances that would affect the response shall be rejected.
 - vii. Any request for a Health Services Administrative Remedy filed by the same inmate when the inmate's initial request for an administrative remedy is pending shall be rejected.
 - viii. Any request for a review of a diagnosis or treatment decision must include the diagnosis and or treatment decision being challenged. Failure to include this information shall result in a rejection of the request for a Health Services Administrative Remedy.
 - c. Access. Each inmate in the Department's custody shall have access to Administrative Directive 8.9, Health Services Administrative Remedies. Special provisions shall be made to ensure access for the impaired or disabled, illiterate, or those with language barriers.
 - i. Any inmate who needs assistance in using the Health Services Administrative Remedies Procedure shall receive assistance upon request.
 - ii. Access to the Health Services Administrative Remedies Procedure shall only be limited as a result of abuse of the Health Services Administrative Remedies Procedure in accordance with Section 4 (k) of this Directive or

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failure to comply with the Health Services Administrative Remedies Procedure.

- d. Depositories and Collection. All requests for Health Services Administrative Remedies shall be submitted by depositing them in a locked collection box clearly marked as Health Services Administrative Remedies. The Unit Administrator shall ensure that an adequate number of collection boxes are accessible throughout the facility.
- e. Procedural Integrity. No employee who is the subject of an investigation shall investigate or participate in the resolution of a request for a Health Services Administrative Remedy.
- f. Reprisal against Staff. No staff member who participates in the processing of a request for a Health Services Administrative Remedy shall be affected negatively for such participation.
- g. Reprisal against Inmates. No inmate shall suffer negative consequences such as denial or limitation of access to any privilege, service, or program offered by the facility, either formally or informally, for good faith participation in the Health Services Administrative Remedies Procedure.
- h. Time limitations. All inmates shall be subject to the time limitations established within this Directive. Any request for a Health Services Administrative Remedy that does not adhere to the time limitations set forth shall be rejected.
- i. Time Limit Extensions.
 - i. With notice to the inmate filing a request for a Health Services Administrative Remedy, a reviewer may extend the time limit for a response for up to 15 business days using CN 8905, Health Services Administrative Remedies Procedure - Notice of Time Extension.
- j. Withdrawal. An inmate may withdraw a request for an administrative remedy by filing CN 8906, Inmate Administrative Remedies Withdrawal Form.
- k. Abuse.
 - i. An inmate may be deemed to be abusing the Health Services Administrative Remedies Process if any of the following conditions are met:
 - 1. an inmate files more than eight (8) requests for a Health Services Administrative Remedy in any 60-day calendar period;
 - 2. an inmate files a repetitive request for a Health Services Administrative Remedy addressing the same issue before the established time for response has elapsed;
 - 3. an inmate files a repetitive request for a Health Services Administrative Remedy when a valid response has been provided and there has been no change in any circumstances that would affect the response; or
 - 4. an inmate files harassing requests for a Health Services Administrative Remedy.
 - ii. A determination of abuse shall be made by the Regional Chief Operating Officer in writing and shall identify the restriction(s) imposed and its duration. Restrictions may include:
 - 1. denial of access to the Health Services Administrative Remedy Process, for a specified period of time;
 - 2. a limitation on the number of requests for a Health Services Administrative Remedy that may be filed; and/or,
 - 3. a restriction as to the subject matter that may be grieved or appealed.
 - iii. A determination of abuse may be appealed to the Chief Operating Officer by completing and depositing CN 8903, Appeal of Health Services Administrative Remedies Form- Level 3, in the Health Services Administrative Remedies box.
 - 1. The decision of the Chief Operating Officer or designee shall not be subject to further appeal.
- l. Appropriate Review.
 - i. A request for a Health Services Administrative Remedy about a matter that is outside the scope of the reviewer's authority shall be sent to the appropriate reviewer.
 - ii. In such case, the inmate shall be notified of the review process and of the time frame for response.
- m. Departmental Administrative Remedy Disposition.

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i. Dispositions.

1. Each CN 8901, Health Services Administrative Remedy Form- Level 1, shall be reviewed, investigated and decided with the outcome indicated by one of the following dispositions:
 - a. Rejected,
 - b. Denied,
 - c. Upheld in part,
 - d. Upheld, or
 - e. Withdrawn.

ii. Remedies.

1. An inmate's request for a Health Services Administrative Remedy that is upheld shall be given an appropriate and meaningful remedy that may include but not be limited to:
 - a. Corrective action to rectify the matter;
 - b. Changes in written policies and procedures or the interpretation or application of written policies and procedures;
 - c. Enforcement of existing policies and procedures; or,
 - d. Development of policies and procedures.

n. Record Maintenance.

i. General Requirements.

1. The Health Services Administrative Remedies files shall be maintained pursuant to applicable privacy laws.
2. A Health Services Administrative Remedy file shall be maintained and include the following:
 - a. The copy of the Health Services Administrative Remedy at each level of review,
 - b. Each response, and
 - c. Any document(s) submitted in support of the inmate's request for the Health Services Administrative Remedy.
3. A CN 8907, Health Services Administrative Remedies Log, shall be maintained at each level of review and shall include:
 - a. The name and number of the inmate requesting the Health Services Administrative Remedy;
 - b. The dates of initial receipt and of the response at that level,
 - c. A brief description of the request; and
 - d. The disposition.
4. A monthly report shall be provided to the Regional Chief Operating Officer to include:
 - a. the number of Level 1, 2 and 3 Health Services Administrative Remedies filed;
 - b. the Level 1 Health Services Administrative Remedies categorized by subject; and
 - c. The number and type(s) of dispositions.

ii. Retention. CN 8907, Health Services Administrative Remedies Log, shall be retained as the official record and each completed Health Services Administrative Remedy shall be maintained at the facility for five (5) years or until all related litigation is resolved, whichever comes later, in accordance with Administrative Directive 4.7, Records Retention, and Administrative Directive 6.9, Collection and Retention of Contraband and Physical Evidence.

iii. Confidentiality.

1. The contents of the Health Services Administrative Remedies file, Health Services Administrative Remedies log (CN 8907), and any record of an inmate's participation in any Health Services Administrative Remedies proceeding shall be confidential and access shall be restricted to authorized personnel.
2. No copy of a Health Services Administrative Remedy or adverse reference to any Health Services Administrative Remedy shall be placed in an inmate's master file or in the inmate's Electronic Health Record (EHR).

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3. All files shall be maintained in a locked cabinet inaccessible to any person other than the Health Services Administrative Remedies Coordinator(s) and Level 1 reviewer.
 4. The Health Services Administrative Remedies Coordinator(s) involved in the disposition of a Health Services Administrative Remedy shall have access to records and information essential to the resolution of the Health Services Administrative Remedy.
 5. Confidentiality of Health Services Administrative Remedies records shall not preclude any disciplinary action(s) that may be deemed necessary as a result of the information provided within such records.
- o. Monitoring and Evaluation.
- i. The Regional Chief Operating Officer shall evaluate the Health Services Administrative Remedies Procedure in May of each year. Inmates and employees shall be afforded an advisory role in the evaluation, which shall include:
 1. A review of both the effectiveness and integrity of the Health Services Administrative Remedies Procedure, and
 2. Recommendations for revision.
 - ii. An annual report for each fiscal year shall be presented to the Commissioner and Health Services Chief Operating Officer by September 1st of each year. The report shall include:
 1. The findings and recommendations of the evaluation;
 2. Statistical data regarding the number and type of remedies and dispositions;
 3. The level of disposition(s);
 4. Sample responses from each level;
 5. Remedies granted; and
 6. Evidence of compliance with time limits at each level of decision.
 - iii. Health Services Administrative Remedies shall be tracked through the Continuous Quality Improvement (CQI) program in accordance with Administrative Directive 8.10, Performance Monitoring of Healthcare and Healthcare Services.
- p. Petitions. Petitions are not an authorized method of accessing the Health Services Administrative Remedies Procedure and shall not receive a written response. Inmates must use the Health Services Administrative Remedies Procedure outlined in this directive in order to seek formal review of a medical or health-related issue.
- q. Inmate Transfers.
- i. If an inmate transfers during any Health Services Administrative Remedy response period, the finalized documentation shall be sent to the Health Services Administrative Remedies Coordinators at both the inmate's current facility and the inmate's previous facility for documentation purposes.
 - ii. If a transferred inmate seeks to request a higher level of Health Services Administrative Remedy, the inmate may file an appeal at the new facility.
- r. Connecticut Inmates Housed in Other States/Jurisdictions. Connecticut inmates housed in other states/jurisdictions must utilize and exhaust the Health Services Administrative Remedies Procedure of the receiving state/jurisdiction for an issue relating to any healthcare-related aspect of an inmate's confinement that is subject to the receiving state/jurisdiction's authority.
5. Health Services Administrative Remedy Coordinator (HSAR Coordinator). Duties and responsibilities of the assigned HSAR coordinators shall include but are not limited to:
- a. Ensuring that instruction about the Health Services Administrative Remedies process is included in the inmate orientation curriculum;
 - b. Ensuring that CN 8901, Health Services Grievance Form - Level 1, is available in all housing units;
 - c. Ensuring that CN 8902, Appeal of Health Services Grievance Form - Level 2, is available in all housing units;
 - d. Ensuring that CN 8903, Appeal of Health Services Grievance - Level 3, is available in all housing units;
 - e. Ensuring that the collection of requests from Health Services Administrative Remedy boxes is conducted each business day;

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- f. Ensuring that all inmates receive a CN 8904, Health Services Administrative Remedy Receipt, for all filed requests for Health Services Administrative Remedies, and that a copy of such receipt is in the appropriate file;
 - g. Ensuring that requests for Health Services Administrative Remedies, are properly logged and routed for evaluation and response; and
 - h. Providing monthly and annual reports to the appropriate reviewers.
6. Health Services Administrative Remedies.
- a. Types of Health Services Remedies. The two types of Health Services Administrative Remedies include:
 - i. Diagnosis/ Treatment. A review of a diagnosis or treatment, including, a decision to provide no treatment, relating to an individual inmate.
 - ii. Administrative Issue. A review of a practice, procedure, administrative provision or policy, or an allegation of improper conduct by a health services provider.
 - b. Health Services Administrative Remedies Procedure.
 - i. Compliance
 - 1. The request shall be reviewed for compliance with the provisions set forth in the Directive.
 - a. If the request is found to be in compliance within the provisions of this directive, then the request shall be processed.
 - b. If the request is found not to be in compliance, then the request shall be rejected and the inmate shall be so notified.
 - ii. Informal Resolution.
 - 1. An inmate must attempt to seek informal resolution prior to filing a request for a Health Services Administrative Remedy.
 - 2. Informal resolution may include the inmates attempt to resolve the issue verbally with the appropriate staff member.
 - 3. If the verbal communication does not resolve the issue, the inmate shall submit a written request via CN 9601, Inmate Request Form. Within the CN 9601, Inmate Request Form, the inmate must complete the following requirements:
 - i. clearly state the problem and the action requested to remedy the issue;
 - ii. include the date and time that any verbal attempt at informal resolution occurred; and
 - iii. be free of obscene or vulgar language or content.
 - 4. The completed CN 9601, Inmate Request Form, shall be addressed to the appropriate staff member and deposited in the appropriate Health Services Administrative Remedies collection box.
 - 5. The Regional Chief Operating Officer or designee shall ensure that Inmate Request Forms are collected and delivered in a timely manner.
 - 6. Inmate Request Forms shall be available in all housing units.
 - 7. A response to the inmate shall be made within 15 business days from receipt of the written request.
 - 8. The Unit Administrator or designee shall post in each housing unit a list of Health Services staff members to whom inmate requests should be addressed for each of the remedy subjects.
 - iii. Filing a Request for a Health Services Administrative Remedy.
 - 1. An inmate may file a request for a Health Services Administrative Remedy if the inmate is not satisfied with the informal resolution offered.
 - 2. The inmate shall attach CN 9601, Inmate Request Form, containing the appropriate staff member's response, to the CN 8901, Health Services Administrative Remedy Form- Level 1.
 - a. If the inmate was unable to obtain a blank CN 9601, Inmate Request Form, or did not receive a timely response to the inmate request, or for a similar valid reason, the inmate shall include an explanation indicating why the CN 9601, Inmate Request Form, is not attached.

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3. The completed CN 8901, Health Services Administrative Remedy Form- Level 1, along with any relevant documents, must be submitted in accordance with the General Provisions of this Directive and deposited in the Health Services Administrative Remedies box.
4. Any CN 8901, Health Services Administrative Remedy Form- Level 1 must be filed within 30 calendar days of the occurrence or discovery of the cause of or reason for the request for the Health Services Administrative Remedy.

c. Remedy Review Procedures

i. Level 1 Review: Diagnosis and Treatment.

1. The appropriate Health Services provider conducting the review shall notify the inmate in writing of the review and appropriate course of action. An inmate who is dissatisfied with a diagnosis or treatment that pertains to him/herself, may file a request for a Health Services Administrative Remedy if informal resolution via inmate request was unsuccessful. The inmate shall check the "Diagnosis/Treatment" box on the CN 8901, Health Services Administrative Remedies Form- Level 1, and shall concisely explain the specific diagnosis or treatment decision and specify the date of diagnosis or treatment. The inmate shall explain how he or she is dissatisfied with the diagnosis and treatment, how he or she has been affected, and concisely state the resolution desired.
2. Requests for the review of a diagnosis or treatment shall be handled according to the following procedures:
 - a. Upon receipt of CN 8901, Health Services Administrative Remedy Form- Level 1, the HSAR Coordinator shall consult with the provider who made the decision to determine what action, if any, should be taken. If the provider decides that the existing diagnosis or treatment is appropriate, the remedy shall be denied and not subject to further appeal.
 - b. If the provider determines further evaluation is necessary, the provider may schedule a Health Services Review appointment.
 - i. If no change in diagnosis or treatment results from this review, the inmate may not request a second review for the same issue unless his or her clinical situation has changed significantly since the first review.
 - c. If the original provider is no longer assigned to a specific facility and is re-assigned, an appointment shall be scheduled with the new provider and he or she shall make the decision(s) in regard to the diagnosis or treatment.

ii. Level 1 Review. Administrative Review.

1. The Level 1 decision shall be made by the Health Services Administrative Remedy Coordinator, in consultation with appropriate facility based health care supervisor(s).
2. The Health Services Administrative Remedy shall be reviewed for compliance with the provisions set forth in this directive.
 - a. If the Health Services Administrative Remedy is found to be in compliance with the provisions set forth in this directive, then the request shall be processed.
 - i. If the Health Services Administrative Remedy Coordinator finds the request not to be in compliance, then the Health Services Administrative Remedy shall be rejected and the inmate shall so be notified.
 1. If the failure to meet the procedural requirement (s) can be corrected, the inmate shall have (5) calendar days to correct the defect (s) and resubmit a request for a Health Services Administrative Remedy. If the resubmitted request for a Health Services Administrative Remedy does not correct the defect(s), the request for the

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Health Services Administrative Remedy shall be rejected and not subject to further appeal.

3. The response to the Level 1 review shall be issued in writing by the Health Services Administrative Remedies Coordinator within 30 business days of receipt of the CN 8901, Health Services Administrative Remedy Form- Level 1.
4. The response shall include the disposition, date of the disposition, and reason for the disposition. The Level 1 Reviewer shall notify the inmate of the Level 1 disposition in writing and shall provide a CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2.
 - a. If, within 30 business days the inmate does not receive a response to the CN 8901, Health Services Administrative Remedy Form- Level 1, or the inmate is not issued a CN 8905, Inmate Administrative Remedies Procedure - Notice of Time Extension, then an inmate may file a CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2.

iii. Level 2 Review.

1. An inmate may request an administrative reconsideration of a Level 1 disposition by utilizing a CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2, within five (5) calendar days of receipt of the Level 1 decision.
2. The Regional Chief Operating Officer shall be the Level 2 reviewer for any inmate submitting a CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2.
3. The response to the Level 2 review shall be issued in writing within 30 business days of receipt the 8902, Appeal of Health Services Administrative Remedy Form- Level 2.
4. The response shall include the disposition, date of the disposition, and reason for the disposition.
 - a. If, within 30 business days the inmate does not receive a response to the CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2, or the inmate is not issued a CN 8905, Inmate Administrative Remedies Procedure - Notice of Time Extension, an inmate may file a CN 8903, Appeal of Health Services Administrative Remedy Form- Level 3 within 65 calendar days from the date that the initial CN 8901, Health Services Administrative Remedy Form- Level 1 was documented in the CN 8907, Health Service Administrative Remedies Log.
5. Level 2 reviews shall be the final level of review of all remedies unless the appeal meets the requirements for a Level 3 review as identified in this directive.

iv. Level 3 Review.

1. Level 3 review is restricted to appeals of Level 2 decisions:
 - a. That challenge Department-level policy;
 - b. That challenge the integrity of the Health Services Administrative Remedies procedure; or
 - c. When a Level 2 response is not issued to an inmate within the required timeframe.
2. An inmate shall file a CN 8903, Appeal of Health Services Administrative Remedy Form- Level 3 within five (5) calendar days of receipt of the returned CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2.
 - a. Any CN 8903, Appeal of Health Services Administrative Remedy Form- Level 3 submitted as a result of an inmate not receiving a response to a CN 8902, Appeal of Health Services Administrative Remedy- Level 2 within 30 business days, must be filed within 65 calendar days of filing the CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2.
3. The Level 3 review shall be conducted by the Chief Operating Officer or designee and in consultation with the Chief clinical lead as appropriate.

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4. The response to the CN 8903, Appeal of Health Services Administrative Remedy Form- Level 3, shall be issued in writing within 30 business days of receipt of the CN 8903, Appeal of Health Services Administrative Remedy Form- Level 3.
5. Level 3, review shall be the final level of review of all remedies that meet the requirements of this section.
7. Inmate Administrative Remedy. Any inmate requesting to file an Inmate Administrative Remedy shall only file such remedy in accordance with Administrative Directive 9.6, Inmate Administrative Remedies.
 - a. If an inmate attempts to utilize the inmate Health Services Administrative Remedies process established in this Directive for the purpose of requesting an Administrative Remedy for an issue outside the scope of Health Services, such request shall be rejected and not subject for appeal under Administrative Directive 9.6, Inmate Administrative Remedies.
 - i. Within the disposition, the inmate shall be referred to utilize the processes outlined in Administrative Directive 9.6, Inmate Administrative Remedy.
8. Forms and Attachments. The following forms and attachments are applicable to this Administrative Directive and shall be utilized for their intended function:
 - a. CN 8901, Health Services Administrative Remedy Form- Level 1;
 - b. CN 8902, Appeal of Health Services Administrative Remedy Form- Level 2;
 - c. CN 8903, Appeal of Health Services Administrative Remedy Form- Level 3;
 - d. CN 8904, Health Services Administrative Remedy Receipt;
 - e. CN 8905, Inmate Health Services Administrative Remedies Procedure - Notice of Time Extension;
 - f. CN 8906, Health Services Administrative Remedies Withdrawal Form;
 - g. CN 8907, Health Services Administrative Remedies Log;
 - h. CN 9601, Inmate Request Form.
9. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.