

Rhode Island Department of Corrections

Medical Ethics Committee

Minutes of September 21, 2012

Members in attendance: Fred Vohr, MD Medical Program Director-Committee Chairperson; Gordon Bouchard, RN Director of Nursing; Patricia Threats, RN Public Health Education Supervisor; Lauranne Howard, Substance Abuse Coordinator; Martha Paone, Chaplain; Richard Meunier, Dep. Warden; Louis Cerbo, Director Behavioral Health; Elizabeth Earls, AD Rehab Services; Kathy Kelly, Chief Legal Counsel RIDOC; Bradley Brockman, Ctr. For Prisoner Health and Human Rights

Absent: Kenneth Walker, PhD Parole Board; Teresa Foley, Reentry Services

Recorder: Maggie Paquette, Administrative Officer Health Care Services

Public: Amy Audet, MSW Intern

Introduction: The Chair asked that individuals introduce themselves.

Overview: The composition and definition of what a Medical Ethics

Committee was discussed. Dr. Vohr stated the committee is charged to resolve medical ethical issues which may present at RIDOC and to review related policies and make advisory decisions. Medical Ethics Committee meetings are Open Meetings and the public is welcome to attend. This committee is advisory in nature and such its decisions are non binding. Data, information and minutes from this meeting are public record. Cases will be presented anonymously to avoid HIPAA confidentiality issues. He also noted decisions of the Ethic Committee should not be based on economics or criminal charges. The committee does not render moral edicts. It will however discuss a summary of possible issues and substantiate the obvious. The committee's suggestions would be moved forth to administration.

Educational materials on issues and community standards of care, along with any background information would be distributed and discussed. Examples of possible ethical dilemmas that present at the RI Department of Corrections, in the community medical or hospital settings relating to inmates or detainees at RIDOC will be discussed.

Discussion:

Who can refer issues to this committee? Can an inmate request topic presented?-No.

Issues much be presented by a Physician, Medical Director, Director, Legal or Clergy. The Medical Ethics Committee would then present a unified position on the issue or if it cannot reach a position on the issue such would be also noted to Administration.

Case Discussion:

The discussion “Organ transplantation and the incarcerated” This topic was chosen in light of the highly publicized case in RI which an inmate received a transplant and the media and societies negativity surrounding the case.

The United Network for Organ Sharing (UNOS) has policy for each organ and criteria for recipients which is not based on whether or not the recipient is incarcerated or not; it basis criteria on recipients’ medical need, compliance to pre and predicted post transplant care as well as many other factors. The individual agrees to maintain compliance pre transplant and post transplant for his/her medical care and treatment recommendations.

Correctional facilities across the US vary greatly as to if they will allow inmates for transplant whether a donor or recipient, and each differ on who is responsible for the financial liability. Some correctional facilities pay for private medical insurance for all inmates and other facilities do not allow for inmate donor or recipient transplants.

Financial liability: Medicaid eligible individuals cannot receive benefits while incarcerated as they become a “Ward of the State” however there is an exception to the Medicaid eligibility when a person is incarcerated and is hospitalized for 24 hours and 1 minute,

if previously eligible for Medicaid benefits, such benefits can be reactivated. The Federal government pays 60% and the State pays 40% of Medicaid claims. Medical claims for inmates at RIDOC are processed at the through MMIS at the Medicaid rates. The RIDOC pays the full Medicaid rates for all procedures, tests, and hospitalizations. This assures that the Medicaid approved rates are being submitted even when RIDOC is the primary payer. These issues should resolve soon due to the 2014 Health Care reforms on Medicaid.

Dr. Vohr brought up the issue as presented in the media, should government, Federal or State, pay for inmate transplants when a law abiding person could be the recipient of such transplant. Is it ethical to deny one individual a life saving organ because they are incarcerated? It was noted the judicial system hands out the sentence for breaking the law.

Another issue was presented relating to inmates who wish to donate organs (Kidney, Bone Marrow); Should this be allowed and if so should inmates be awarded "good time" for this gesture? In Mississippi two sisters were pardoned on the condition that one sister would donate a kidney to the other. Could a conditional release occur for donors? It was noted the courts would have to rule on that issue.

Dr. Vohr commented Director Wall's interaction with the media was

based on Ethics. He communicated the individual's need and not the crime or punishment.

Dr. Vohr will discuss the need to draft a transplant policy with Administration.

Additional Discussion:

An inmate whom is terminal would like to donate his body to Brown Medical School. Is there any policy regarding this issue and if not can an inmate designate such? The Medical school would assess the deceased remains to determine if they would accept the body. If such is a viable donation for education Brown Medical School would cremate remains following their research and return to the family or next of kin.

Recent topic in the news: Massachusetts Courts ruled that the MA DOC has to pay for a Gender Identity Dysphoric Disorder (GID) inmate's sex change operation. What is the RIDOCs policy on GID? Dr. Vohr noted a policy is currently in development.

Suggested future meeting topics: Aged Population, Mental Health therapies, HCV treatment therapies and pharmaceutical formulary issues.

The next scheduled meeting of this committee will be on Dec 12, 2012 at 1 p.m. Eleanor Slater Hospital Arnold Conference Center

Meeting adjourned 1:50p