

In The Supreme Court of Ohio

| | | |
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| State <i>ex rel.</i> | : | Case No. 2021-0868 |
| Thomas Reese, | : | |
| | : | |
| Relator, | : | |
| | : | |
| v. | : | |
| | : | |
| Ohio Department of Rehabilitation | : | |
| and Corrections, | : | Original Action in Mandamus |
| | : | |
| Respondent. | : | |

RESPONDENT'S SUBMISSION OF EVIDENCE

THOMAS REESE, #430-787
Southern Ohio Correctional Facility
P.O. Box 45699
Lucasville, Ohio 45699

Relator, Pro Se

DAVE YOST (0056290)
Ohio Attorney General

MARK W. ALTIER (0017882)
Principal Assistant Attorney General
Criminal Justice Section
Corrections Litigation Unit
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
Telephone: (614) 644-0739
FAX: (866) 442-7730
mark.altier@OhioAGO.gov

Counsel for Respondent

STATEMENT OF THE CASE

On July 14, 2021, the Relator in these proceedings filed his Complaint/Petition giving rise to this matter, an Original in Mandamus. On August 6, 2021, the Respondent, through legal counsel filed an Answer to the Relator's Petition. On October 6, 2021, this Court entered its Order granting an alternative writ, and directing the party to submit evidence within twenty (20) days of the entry of said directive. The Respondent hereby submits its evidence.

EVIDENCE SUBMITTED

Exhibit A- Affidavit of Sarah Pierce

Exhibit B- Letter of August 5, 2020, from Sarah Pierce to
Relator as cover for public records provided

Exhibit C- ODRC Conduct Report dated November 29, 2019, at
11:30 A.M.

Exhibit D- ODRC Conduct Report dated November 29, 2019, at
1:06 P.M.

Exhibit E- ODRC Policy effective January 6, 2020; "Access and
Confidentiality of Medical, Mental Health, and Recovery Services
Information.

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/Mark W. Altier

MARK W. ALTIER (0017882)
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Corrections Litigation Unit
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mark.altier@OhioAGO.gov
Counsel for Respondent

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing document together with true copies of Exhibits A, B, C, D, and E thereto, was filed with this Court, electronically, on the 26th day of October, 2021, and that, on the same date, true copies of said document and of said exhibits were directed, via regular United States Mail to Thomas Reese (430-787), Southern Ohio Correctional Facility, P.O. Box 45699, Lucasville, Ohio 45699.

/s/Mark W. Altier

MARK W. ALTIER (0017882)

Principal Assistant Attorney General

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| | : | |
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AFFIDAVIT OF SARAH PIERCE

THOMAS REESE, #430-787
Southern Ohio Correctional Facility
P.O. Box 45699
Lucasville, Ohio 45699

Relator, Pro Se

DAVE YOST (0056290)
Ohio Attorney General

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Counsel for Respondent


Now comes Sarah Pierce, who, after having been duly sworn pursuant to law, deposes and says that:

1. The Affiant is an attorney at law, licensed in the State of Ohio, and currently employed by the Legal Division of the Ohio Department of Rehabilitation and Correction ("ODRC");
2. In her said position, the Affiant has access to and knowledge of the records maintained by ODRC, and knowledge of ODRC policies and procedures;
3. The Affiant is a person who is competent to give sworn testimony in relation to this matter;
4. The Affiant's statements and averments contained herein are made on the basis of her personal knowledge;
5. In response to the requests for production of public records made by the Relator to ODRC and at issue herein, the Affiant caused a search of the records of ODRC to be completed;
6. On August 5, 2021, the Affiant caused to be provided to the Relator all of the records of ODRC which were found as a result of that search, and which are responsive to his said requests;
7. Filed with the Respondent's Submission of Evidence are true copies of all such records which consist of: an ODRC Conduct Report dated August 29, 2019, at 11:30 A.M.; an ODRC Conduct Report dated August 29, 2019, at 1:06 P.M.; and ODRC Policy Effective January 6, 2020, dealing with "Access and Confidentiality of Medical, Mental Health, and Recovery Services Information";
8. On August 5, 2021, in conjunction with her response to the Relator's requests for production of public records, the Affiant wrote a letter to the Relator as cover for such provision of public records, a true copy of which is filed with the Respondent's Submission

of Evidence;

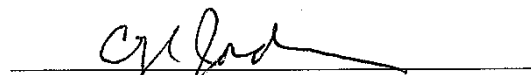
9. The Respondent has fully responded to the Relator's requests for the production of public records; and

FURTHER, the Affiant sayeth naught.

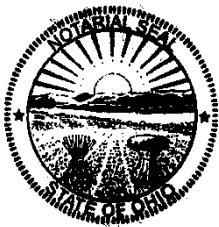

SARAH PIERCE
Affiant

STATE OF OHIO)
)
FRANKLIN COUNTY) ss:

Before me, a Notary Public in and for said county and State, personally appeared Sarah Pierce, a person known to me, on the 26th day of October, 2021, who, after having been duly sworn pursuant to law, executed the foregoing document, and averred that the same was her own free act and deed, and that the averments and statements contained therein are true and correct.


NOTARY PUBLIC

MY COMMISSION EXPIRES: 2/1/2022



CHERYL A. JORDAN
Notary Public, State of Ohio
My Commission Expires 02-01-2022



Department of
Rehabilitation & Correction

Mike DeWine, Governor
Annette Chambers-Smith, Director

August 5, 2020

Thomas Reese (A430787)
Sothorn Ohio Correctional Facility

Re. Your public records request, *State ex rel. Thomas Reese v. ODRC* (Ohio Supreme Court No. 21-0868)

Dear Mr. Reese,

I have received your public records request attached to your complaint in the above-referenced case.

DRC responds to each item of your request as follows:

1. Video footage from NEOCC's milestone camera system in photo clip form on December 18, 2019 at 7:25 pm to 7:55 pm, view showing D-2-4-6

Security camera footage is not maintained in this format and DRC is unable to convert thirty minutes of footage to screen frames. Please narrow the timeframe of your request.

2. Investigative report conducted by the Ohio State Patrolmen dating December 18, 2019 regarding the alleged assault of C/O Townsend and I/M Reese #430-787

DRC does not maintain the records of other agencies like the Ohio Department of Public Safety. Please address this item of your request to that agency. From the Ohio Highway Patrol's website, the mailing address to request public records is:

Ohio State Highway Patrol
Central Records
P.O. Box 182074
Columbus, OH 43218-2074



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Rehabilitation & Correction**

Mike DeWine, Governor
Annette Chambers-Smith, Director

3. RIB records, appeals, conduct reports, witness statements and other corresponded to Columbus legal team and CIIC in RIB case #19-008139, transcribed

RIB records, other than the initial charge and final disposition, are not available for public release. R.C. 5120.21(F).

4. Investigative reports, use of force reports, conducted on December 18, 2019

The DRC Operation Support Center (central office) does not maintain use of force reports. These records are maintained at the institution where the use of force event occurred. I am working with NEOCC to obtain any responsive records to this request and will update this response.

5. Conduct reports written against I/M Reese #430-787 by case manager Madiline at NEOCC on or about November 2019

The two conduct reports issued to you in November 2019 are enclosed with this letter.

6. Body medical index of I/M Reese #430-787 and C/O Townsend conducted on December 18, 2019 at NEOCC

Medical records are not available for public release. R.C. 149.43(A)(1)(a) and 5120.21(C). Please note that you can review your own medical records by requesting an appointment with your institution's HCA. DRC policy 07-ORD-11 is enclosed with this letter and explains that process (see subsection F).

7. Pack up slip from FMC (Franklin Medical Center) dated July 16, 2020

These records are not available for public release per R.C. 5120.21(F).

8. Pack up slips from SOCF (Southern Ohio Correctional Facility) dating October 1, 2020 and November 2020



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These records are not available for public release per R.C. 5120.21(F).

9. Dental records (x-rays) done at FMC between May 2020 and June 2020

Please see response to item number 6.

10.X-rays, med exams regarding I/M right hand (pinky/ring finger) back x-rays
done between March 2020 and July 2020

Please see response to item number 6.

11.X rays to back done on 2-2-21, 1-29-21, and 12-1-20 regarding I/M Reese
#430-787 back

Please see response to item number 6.

12.MRI done on 12-23-20 and EEG done on 1-20-21 reports and findings

Please see response to item number 6.

I hope this information assists you.

Sincerely,

Sarah Pierce

Sarah Pierce
Staff Counsel
Legal Services Division

Enclosures

Conduct Report

| | | |
|---|---------------------------|---------------------------|
| Institution: NEOCC | | NEOCC-19-007771 |
| Name: REESE, THOMAS | Number: A430787 | Lock: D/4/111/L |
| Date/Offense: 11/29/2019 | Time/Offense: 11:30 AM | Location: ODRC Medical |
| Rule(s) Violated: 35,21 Being out of place; Disobedience of a direct order | | |

Supporting Facts (Describe what occurred and how the inmate violated the rule[s]):


On the above date and approximate I CM Madeline and CC Ingram were walking to Zulu for rounds. Upon approaching ODRC medical inmate Reese A430787 was standing at ODRC medical door. I asked the inmate where his pass was to be in the hallway, he stated he had not pass that he wanted to talk to medical staff to inform them he was getting hired Monday. I informed the inmate that he needed to return to his unit and put his ID on. Inmate began to walk down the hallway swinging his ID on his chain and would not place his ID on. I gave another verbal directive for the inmate to place his ID at this time he placed his id on the side of his neck and still would not place his ID on properly. End of report

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? ☐ Yes ☒ No

| | | |
|---------------------------|---|---------------------|
| Printed Name: Madeline | Signature:  | |
| Shift: 1ST | Days Off: SAT / SUN | Date: 11/29/2019 |

A copy of this conduct report was served upon the above-named inmate on: December, 08 20 19, at 11:52 AM.

| |
|--|
| Staff Signature:  |
|--|

I acknowledge receipt of the conduct report on the above stated date and time:

| | |
|---|--------------------|
| Inmate Signature:  | Number: A430787 |
|---|--------------------|

8/5/2021

DRC4018

DRC 4018 (rev 12/05) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate ACA 4214 through 4236, 4269

Conduct Report


| | | |
|--|-------------------------------|---|
| Institution: NEOCC | | NEOCC-19-007770 |
| Name: REESE, THOMAS | | Number: A430787 |
| Lock: D/4/111/L | | |
| Date/Offense: 11/29/2019 | Time/Offense: 01:06 PM | Location: Delta 1/3/5 D 2/4/6 Crash Gate |
| Rule(s) Violated: 21,26,35 Disobedience of a direct order; Disrespect to an officer, staff member, visitor or other inmate; Being out of place | | |

Supporting Facts (Describe what occurred and how the inmate violated the rule[s]):


On the above date and approximate time I CM Madeline was walking from Zulu back towards Charlie Wing. Upon approaching ODRC medical I saw Inmate Reese A430787 standing at the crash gate swinging his id around in the air attached to his chain. I informed the inmate that I have already gave him a verbal directive to place his ID on and to return to his unit. Inmate stated in a very aggressive tone "Don't you talk to me like that, I aint no damn child if your going to yell then I'm going to yell." I informed the inmate I was not yelling I just gave a verbal directive for him to return to his unit and place his id on. Once D 1/3/5 2/4/6 crash gate was open I obtained inmates information and told him again to return to his unit. Inmate continued to swing his ID down the hallway and speaking to the other inmate about myself and CC Ingram. Inmate returned to D4 sallport where he lives, end of report.

(Use Conduct Report Supplement sheet, if needed)

As the Charging Official, do you wish to have input into the disciplinary proceedings? ☐ Yes ☒ No

| | | |
|-------------------------------|---|-------------------------|
| Printed Name: Madeline | Signature:  | |
| Shift: 1ST | Days Off: SAT / SUN | Date: 11/29/2019 |

A copy of this conduct report was served upon the above-named inmate on: December, 02 20 19, at 09:18 AM.

| |
|--|
| Staff Signature:  |
|--|

I acknowledge receipt of the conduct report on the above stated date and time:

| | |
|-------------------|------------------------|
| Inmate Signature: | Number: A430787 |
|-------------------|------------------------|

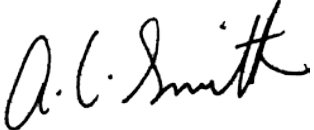
8/5/2021

DRC4018

DRC 4018 (rev 12/05) DISTRIBUTION: WHITE - RIB CANARY - Unit File PINK - RIB Board GOLD - Inmate ACA 4214 through 4236, 4269



Department of
Rehabilitation & Correction

| | |
|--|--|
| SUBJECT: Access and Confidentiality of Medical, Mental Health, and Recovery Services Information | PAGE <u>1</u> OF <u>8</u> |
| | NUMBER: 07-ORD-11 |
| RULE/CODE REFERENCE: ORC 5120.21; 42 C.F.R. part 2; 42 U.S.C. §§ 290 dd-3 and ee-3 | SUPERSEDES: 07-ORD-11 dated 05/23/12 |
| RELATED ACA STANDARDS: 4396M, 4403-1, 4413; 5-ACI-6C-03M, 5-ACI-6C-11, 5-ACI-6D-05 | EFFECTIVE DATE: January 6, 2020 |
| | APPROVED:  |

I. AUTHORITY

Ohio Revised Code 5120.01 authorizes the Director of the Department of Rehabilitation and Correction, as the executive head of the department, to direct the total operations and management of the department by establishing procedures as set forth in this policy.

II. PURPOSE

The purpose of this policy is to establish procedures for maintaining the confidentiality of the medical, mental health and recovery services files, while promoting the exchange of information among Ohio Department of Rehabilitation and Correction (ODRC) health care providers and permitting limited disclosure to other institutional staff in specified circumstances.

III. APPLICABILITY

This policy applies to all persons employed by or under contract with the ODRC and all inmates in institutions operated by the ODRC.

IV. DEFINITIONS

Electronic Health Record (EHR) - A digital version of what was traditionally a patient's paper chart. EHRs contain information from all the appropriate health care staff involved in a patient's care and are real-time, patient-centered records that make information available instantly and securely to authorized users. The ODRC EHR is utilized by staff working within and in conjunction with the Office of Correctional Health Care (OCHC).

Medical or Mental Health or Recovery Services File - An inmate's pre-existing medical, mental health or recovery services paper health record and/or current EHR.

Medical Professionals - Those persons who by virtue of their training and experience are qualified to provide medical care within the provisions of the State's licensure laws, policies, and guidelines. For the purposes of this policy, medical professionals include medical staff, dental staff, medical clerical staff, and medical support staff.

Mental Health Professionals - Those persons who, by virtue of their training and experience, are qualified to provide mental health care within the provisions of the state's licensure laws, policies, guidelines, and position descriptions. This category includes psychology assistants, licensed professional counselors (LPC), licensed social workers (LSW), registered nurses (RN), activity therapists (AT), credentialed mental health professional (CMHP), BOBHS social workers, regional behavior health administrators (RBHA), mental health administrator 3(MHA 3), mental health administrator 4 (MHA 4), and independently licensed mental health professionals (ILMHP).

Recovery Services Professionals - Those persons who, by virtue of their training and experience, are qualified to provide alcohol and other drug counseling services within the provisions of the state's licensure laws, policies, and guidelines. For purposes of this policy, recovery services professionals include recovery services treatment staff and recovery services clerical/support staff.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (ODRC) to ensure the restricted access to, safekeeping, and confidentiality of medical, mental health, and recovery service records.

VI. PROCEDURES

A. Electronic Health Record (EHR)

1. Every inmate entering an ODRC institution shall have an EHR containing all-health care information.
2. The EHR shall be maintained separately from the inmate's master file and other records.
3. Mental health evaluations completed for non-treatment purposes (e.g., parole evaluations) are not to be included in the EHR. These evaluations are to be placed in the Record Office file; a notation that an evaluation has been done shall be made in the EHR.

B. Recovery Services Files

1. Strict confidentiality of information about persons, including inmates, receiving alcohol and drug treatment is mandated by 42 U.S.C. §§290 dd-3 and ee-3 and 42 C.F.R. part 2. Restrictions on disclosure apply to any information that would identify the inmate as an alcohol or drug abuser, either directly or by implication. The rule applies whether the person making an inquiry already has the information, has other ways of getting the information, has some form of official status, is authorized by state law or has a subpoena or search warrant. Pursuant to 42 C.F.R. Part 2 §2.4, violations of these regulations are punishable by a fine of up to \$500 for a first offense and up to \$5000 for each subsequent offense.
2. Pursuant to 42 C.F.R. Part 2 §2.12 (c)(3), restrictions on disclosure in these regulations do not apply to communications of information between or among personnel having a need for information in connection with their duties that arise out of the provision of diagnosis, treatment or referral for treatment if communications are within a program or between a program and an entity that has administrative control over that program.

3. Regulations permit programs to disclose aggregate information or information about an inmate if the program reveals no patient identifying information or information identifying a person as an alcohol or drug abuser.
4. Information protected by federal confidentiality regulations may be disclosed only in the following situations:
 - a. The inmate has signed the OhioMHAS Recovery Services – Disclosure/Release of Client Information;
 - b. During a medical emergency when the inmate is not able to sign a consent to release information;
 - c. Program evaluations and communications among program staff; and
 - d. Upon receipt of an order of a state or federal court to release information. However, a subpoena, search warrant or arrest warrant signed by a judge is not enough to permit disclosure of protected information.
5. Federal laws and regulations do not protect any information about a crime committed by a client either in the program, against any person who works with the program or any threat to commit such a crime. Additionally, federal confidentiality laws and regulations do not protect any information regarding suspected child abuse or neglect from being reported to state or local authorities as required by state law. ODRC staff is required to inform inmates of "Duty to Warn" statutes.
6. The OhioMHAS Recovery Services – Disclosure/Release of Client Information must be used for exchange of alcohol and drug treatment information with other entities. Medical and Mental Health consent forms are not adequate for this purpose. The OhioMHAS Recovery Services Disclosure/Release of Client Information form shall be used for release of information requested by a court, probation department or other criminal justice entity to verify attendance and progress in treatment.

C. Medical, Mental Health, and Recovery Services File Access

1. All Medical, Mental Health and Recovery Services professional staff shall only utilize the Medical, Mental Health and Recovery Services files/EHR in the course of their job duties and in accordance with their position description. Staff shall only utilize the EHR in an approved manner, following specific workflows as designed and trained for each service area. Refer to ODRC Policy 69-OCH-06, EHR Utilization & Responsibilities, for additional details.
2. Other health care personnel who may have more limited access to these files in the course of their assigned duties, but only as their duties require, include:
 - a. Medical records technicians; and

- b. Members of an inmate's mental health treatment team in the context of a treatment team meeting.
- 3. ODRC Legal or other attorneys representing the ODRC may access an inmate's medical, mental health and recovery services files as needed in the course of their duties.
- 4. The following personnel may have access to designated information from medical, mental health and recovery services files on a need to know basis by request to the health care administrator (HCA), mental health administrator/manager (MHA/MHM) or designee and/or recovery services supervisor/designee.
 - a. Managing officer of the institution/designee;
 - b. Adult Parole Authority (APA) regional administrators;
 - c. Adult Parole Authority (APA) special needs coordinator;
 - d. Bureau of Community Sanctions (BCS) staff;
 - e. Internal investigative staff, including the institutional inspector (IIS);
 - f. ODRC and accrediting body auditors;
 - g. Persons authorized by an order or judgment of a court with appropriate jurisdiction; and
 - h. Bureau of Classification and Reception (BOCR) staff for interstate corrections compact transfers.
- 5. Additional personnel may have access to Patient One View, if written authorization from the OCHC Medical Operations director is obtained.
- 6. The following personnel may have access to designated information from medical, mental health and recovery services files with the inmate's consent as verified by a signed Authorization for Release of Confidential Health Care Information (DRC5371) or an OhioMHAS Recovery Services - Disclosure/Release of Client Information for recovery services information.
 - a. Parole Board;
 - b. Select APA field staff (i.e., those responsible for ensuring continuity of care for offenders leaving the ODRC's physical custody and returning to the community);
 - c. Interagency staff including the Ohio Department of Mental Health and Addiction Services (ODMHAS), halfway houses, etc.; and
 - d. Re-entry management teams.

7. Ohio Revised Code 5120.21 and ODRC Policy 07-ORD-05, Cooperation with Court and Interagency Record Requests, govern all other access to medical, mental health and recovery services files.
8. Confidential medical, mental health and recovery services information obtained from agencies outside of ODRC may not be re-released to other agencies outside of the ODRC without written consent by the inmate.
9. Health record information is transmitted to specific and designated physicians or medical facilities in the community upon the written request or authorization of the inmate.

D. Disclosure of Health Care Information to Correctional Staff

1. Medical, Mental Health and Recovery Services personnel shall be required to report to correctional personnel, including the managing officer, when an inmate is identified as:
 - a. Suicidal;
 - b. Homicidal;
 - c. Presenting a reasonably clear danger of injury to self or others;
 - d. Presenting a reasonably clear risk of escape or the creation of internal disorder or riot;
 - e. Requiring movement to a special unit or cell for observation, evaluation or treatment of acute episodes;
 - f. Requiring transfer to a treatment facility outside of the prison; or
 - g. Requiring a new program assignment for mental health, medical, recovery or security reasons.
2. Such information, when disclosed to correctional personnel, shall only be used to further the security of the institution and/or the treatment of the inmate and shall not otherwise be disclosed. There shall be joint consultation between the managing officer and the responsible physician, mental health treatment provider or mental health staff person, and recovery services staff person prior to taking any action regarding identified mentally ill inmates.

F. Inmate Access to Personal Medical, Mental Health and Recovery Services Files

1. Medical Information
 - a. Inmates wishing to review their active EHR may do so once each quarter by sending a request in writing to the institution HCA.
 - b. The HCA will arrange a convenient time for the inmate to review their EHR. A Medical employee will review the EHR with the inmate and must be present during

the entire time. At no time shall the inmate navigate through the EHR independently or have access to the computer.

- c. Inmates may only review material that has been placed into the file by the Medical staff. Collateral information from another source may not be shared except by that source.
- d. No copies of the EHR may be made for the inmate during review.
- e. The inmate is permitted to bring blank paper and a pencil with which to take notes.
- f. In the event of ongoing litigation, the Ohio Attorney General's Office or ODRC Legal may put in place alternate access to the EHR for an inmate on a case-by-case basis.

2. Mental Health Information

- a. Inmates wishing to review their active EHR may do so once each quarter by sending a request in writing to the institution MHA/MHM.
- b. Inmates may only review that material that has been placed into the file by the Mental Health staff. Collateral information from another source may not be shared except by that source.
- c. The MHA/MHM shall review the inmate's request with the mental health treatment team to ascertain if the inmate is able to review the information without incurring undue mental anguish. If the treatment team decides that the mental health information contained within the EHR will cause the inmate significant mental anguish, the treatment team may choose to refuse the request.
- c. If the treatment team decides that the inmate can review the mental health information contained in the EHR, the MHA/MHM will arrange a convenient time for the inmate to review their EHR. A Mental Health employee will review the EHR with the inmate and must be present during the entire time. At no time shall the inmate navigate through the record independently or have access to the computer.
- d. No copies of the EHR may be made for the inmate during review.
- e. The inmate is permitted to bring blank paper and a pencil with which to take notes.

3. Recovery Services Files

- a. Inmates wishing to review their active Recovery Services record may do so by sending a request in writing to the institution Recovery Services supervisor.
- b. The Recovery Services supervisor shall arrange a convenient time for the inmate to review their Recovery Services record. A Recovery Services staff member will review the EHR with the inmate and must be present during the entire time. At no

time shall the inmate navigate through the record independently or have access to the computer.

- c. No copies of the EHR may be made for the inmate during review.
 - d. The inmate is permitted to bring blank paper and a pencil with which to take notes.
4. When literacy or other communication problem exists, a staff member shall assist the inmate in understanding the information.

G. Statutory Duty to Report

- 1. Ohio law requires that health care staff report circumstances of abuse.
 - a. Such circumstances may include, but are not limited to:
 - i. Physical, sexual, or mental abuse of the mentally retarded, children or the elderly;
 - ii. Criminal activity; and
 - iii. Credible threats of imminent personal harm to identifiable persons or structures.
 - b. Any evidence of, or information regarding, such circumstances shall be documented on an Incident Report (DRC1000) and immediately reported to the managing officer/designee.
- 2. Ohio law requires that health care staff report the diagnosis of certain contagious diseases such as tuberculosis and sexually transmitted diseases to designated Department of Health units. Reporting requirements are addressed in ODRC Policy 68-MED-18, Infection Control Activities, and Protocol C-3, Tuberculosis Skin Test Screening Guidelines.
- 3. The Ohio Department of Developmental Disabilities maintains an abuser registry, which contains the names of persons who have been involved in abuse of an individual with a developmental disability person.
 - a. The managing officer/designee shall notify the OCHC Behavioral Health Operations of the results of any investigation that finds an employee guilty of abuse of an inmate with developmental disabilities.
 - b. The OCHC Behavioral Health Operations shall be responsible for notifying the Ohio Department of Developmental Disabilities of any such finding.

H. Inmate Appraisal of the Limits and Extent of Mental Health Information Confidentiality

- 1. Mental Health professionals who have a treatment or counseling relationship with the inmate shall disclose the following information to them before proceeding:
 - a. The professional's position and agency;
 - b. The purpose of the meeting or interaction;

- c. The uses to which the information must or may be put including those situations listed in this policy, which dictate circumstances under which disclosure may be made to other correctional staff.
- 2. The Mental Health professionals shall indicate a willingness to explain the potential risks associated with the inmate’s disclosures.

Related Department Forms:

| | |
|---|---------|
| Incident Report | DRC1000 |
| Authorization for Release of Confidential Health Care Information | DRC5371 |