HEALTH SERVICES POLICY & PROCEDURE MANUAL

North Carolina Department Of Public Safety
Prisons

SECTION: Care and Treatment of Patients

POLICY TX I-I3

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SUBJECT: Evaluation and Management of Transgender Offenders

EFFECTIVE DATE: August 2018
SUPERSEDES DATE: October 2014

REFERENCES

Standards of the National Commission on Correctional Health Care (NCCHC), Transgender Health Care in Correctional Settings, adopted October 2009; NCCHC Position Statement: Transgender, Transsexual and Gender Nonconforming Health Care adopted April 2015; North Carolina Department of Public Safety/Prisons policy, Chapter F, Section .0100 Operational Searches; North Carolina Department of Public Safety/Prisons policy, Chapter C, Section .1400 Case Management; North Carolina Department of Public Safety/Prisons policy, Chapter F, Section .3400 Prisons Inmate Sexual Abuse and Harassment; Bureau of Prisons Transgender Offender Manual, January 18, 2017; World Professional Association of Transgender Health, Standards of Care; Prison Rape Elimination Act (PREA), 2003

PURPOSE

To establish policy within adult prison facilities of the North Carolina Department of Public Safety, Division of Adult Correction and Juvenile Justice, regarding the manner in which evaluation and management will be provided for those offenders who self-identify and are referred as a transgender person.

POLICY

Transgender offenders may request behavioral health or medical services if their gender identity is causing dysphoria, or if any other medical or mental health concern is present. Behavioral health and medical evaluations will include thorough review of past records, psychological testing, clinical interviews, physical assessments or laboratory testing and consultations, all contributing to a determination of appropriate avenues for intervention. Those offenders who self-identify as transgender and request accommodation will be referred to behavioral health staff with notification to the facility PREA compliance manager.

DEFINITIONS

Gender – a construct used to classify a person as male, female, both, or neither. Gender encompasses aspects of social identity, psychological identity, and human behavior.

Gender identity – a person’s sense of their own gender communicated to others by their gender expression.

Gender expression – the way in which a person communicates their gender identity, typically through their appearance, dress, and behavior.

Gender nonconforming – a person whose appearance or manner does not conform to traditional societal gender expectations.

Transgender – a person whose gender identity, internal sense of feeling male or female, is different from their assigned sex at birth.

Gender Dysphoria (GD) – a mental health diagnosis currently defined by DSM-5 as, “A strong and persistent cross-gender identification. It is manifested by a stated desire to be the opposite sex and persistent discomfort with his or her biologically assigned sex.” And the condition is associated with, “clinically significant distress or impairment in social, occupational, or other important areas of functioning.” Not all transgender offenders have a diagnosis of GD.
Transition – process of changing one’s gender presentation and/or sex characteristics to bring them into alignment with one’s internal sense of gender identity, i.e., to change one’s gender expression or body to better reflect one’s gender identity.

Facility Transgender Accommodation Review Committee (facility TARC) – A multidisciplinary committee that includes representatives from psychiatry (as needed), behavioral health, primary care provider, nursing, administration (assistant facility heads for custody and operations/programs), unit manager, and the facility PREA Compliance Manager.

Division Transgender Accommodation Review Committee (Division TARC) – A multidisciplinary committee that includes, at a minimum, the Health Services Medical Director, Chief of Psychiatry, Behavioral Health Director, Deputy Director of Health Services, Deputy Director of Auxiliary Services and the PREA Director.

PROCEDURES

1. Each prison will have a facility TARC. The facility head will designate TARC members to include a psychologist or other health services representative as committee chair. The facility TARC will develop a method to assure that staff at the facility are aware of how to contact the chair.

2. The facility TARC will make accommodation determinations based on clinical evaluations, historical documents, and offender interview. These determinations may address issues including, but not limited to, safety planning, allowance or prohibition of items designed for masculinizing or feminizing personal appearance, request for continued hormone therapy or other treatment interventions occurring prior to incarceration, request for gender specific clothing items, private showering, and/or specific housing considerations.

The facility TARC will review all cases for compliance with PREA standards as it relates to the transgender offender defined in North Carolina, Department of Public Safety/Prisons policy, Chapter F, Section 3400 Inmate Sexual Abuse and Sexual Harassment.

3. Transgender offenders may be identified and referred to the facility TARC during processing, upon transfer to a prison, or at any time during their incarceration. A referral can be made by contacting the PREA Compliance Manager, behavioral health staff, the facility TARC chair or any member of the committee, but in all cases, the PREA Compliance Manager should be informed of offenders identifying as transgender to ensure compliance with PREA standards.

4. The following procedures will be followed for all transgender offenders who either self-identify or are referred for review:

Not Requesting Accommodation

a. If a transgender offender is NOT requesting accommodation, the facility TARC may review safety and security considerations only. An immediate decision concerning safety or security may be made by the facility head pending review by the facility TARC. In these circumstances, the transgender offender will not be required to undergo a behavioral health evaluation or be interviewed by the facility TARC.

b. When no accommodation has been requested, the assigned case manager will be notified and will meet with the transgender offender twice per year or more frequently as outlined in the offender’s case management Service Priority Level plan. The case manager will assess for any risks or accommodation needs that warrant referral to the facility TARC.
Requesting Accommodation

A transgender offender who requests accommodation related to their gender identity will receive appropriate evaluations from medical and behavioral health providers. These evaluations will typically take place prior to convening a facility TARC meeting.

a. When the transgender person requests accommodation related to their gender identity, the multi-disciplinary facility TARC will convene. A diagnosis of Gender Dysphoria is not required for an offender to be considered for accommodation.

b. The facility TARC will convene to review both routine and non-routine accommodation requests.

c. Routine accommodations (see below) will be approved by the facility TARC in consultation with the facility head.

d. After review by the facility TARC, each non-routine recommendation (see below) will be referred to the Division TARC for a final determination.

e. A transgender offender will sign an authorization for release of information for all pertinent outside medical and mental health records and allowance for record review by the facility TARC. Otherwise, medical records will remain confidential in accordance with existing health services policies governing personal medical and behavioral health information. If the offender refuses to sign for release of information, the review process will move forward with decisions based on available documentation.

f. The behavioral health evaluation report will summarize the offender’s mental health and medical history, including but not limited to; 1) past or current hormone therapy; 2) surgical procedures; 3) life experiences consistent with the offender’s gender identity; 4) mental health diagnoses, if any, and 5) mental health treatment prior to incarceration. The behavioral health evaluation will also include personality assessment using a standardized assessment instrument. This evaluation may also include other assessment procedures as clinically indicated.

g. The medical examination will include laboratory tests as clinically indicated, and a physical examination by a medical provider with documentation of external genitalia and secondary sexual characteristics.

h. All evaluations and examinations will be documented in the electronic medical record.

i. Minutes of the facility TARC meeting will be maintained by the Committee Chair.

j. Offenders who have been previously reviewed by the facility or Division TARC may be referred for re-evaluation. When re-evaluated by the facility TARC the DC-411U is used to update accommodations.

ROUTINE ACCOMMODATION REVIEW

Routine accommodation decisions will be made at the facility level by the facility TARC and documented on the DC-411F. Exceptions may be made based on local safety or security considerations. Rationale for denying routine accommodations will be documented in committee reports.
 Approved items available in the canteen will be funded from the offender’s account. Routine accommodation items may include but are not limited to:

1. If immediately prior to incarceration, hormone therapy was prescribed in the community by a licensed provider as part of a professionally accepted protocol toward gender confirmation, and unless clinically contraindicated, hormone therapy will be continued. Consultation with endocrinology may be requested by the facility TARC. Interruption in hormone therapy should be avoided unless otherwise clinically indicated.

2. State issued male or female undergarments. Approval of undergarments may be rescinded if worn in a manner that is disruptive or provocative.

3. Male or female hygiene items listed as NCDPS Authorized Canteen Merchandise

4. Male or female hair products listed as NCDPS Authorized Canteen Merchandise

5. Private showering

6. Housing assignment to enhance staff supervision

7. The facility TARC may consult with the Division TARC for consideration of additional items to be approved as routine accommodation.

**NON-ROUTINE ACCOMMODATION REVIEW**

Non-routine accommodation requests will be reviewed by the facility TARC with recommendations forwarded to the Division TARC for determination. Review by the facility TARC will include summary information from the offender’s psychological evaluation, medical examination report, and prior medical and mental health records. Review by the Division TARC will include these same materials along with the facility TARC report.

1. Initiation of hormone therapy:
   a. The Division TARC will review recommendations of the facility TARC concerning initiation of hormone therapy.
   b. For those offenders reporting the use of hormone therapy prior to arrival to prison, but without an active prescription, a decision regarding initiating or continuing hormone therapy will be considered on a case by case basis.
   c. Determinations made by the Division TARC concerning hormone therapy or other non-routine accommodation requests will be summarized on the DC-411D. The DC-411D will be scanned, attached and filed in the electronic medical record with notification to the medical provider to review this document.
   d. All cases being considered for initiation of hormone treatment will be referred through the Division utilization review process for endocrinology consultation.
2. Other non-routine accommodation requests:

When reviewing non-routine accommodations, the Division TARC will consider on a case-by-case basis whether an accommodation will ensure the offender’s health and welfare without compromising facility safety and security.

**DOCUMENTATION**

1. All medical and mental health encounters and evaluations will be documented in accordance with existing procedures for the electronic medical record.

2. The computerized provider order screen in the electronic medical record will be used to enter appropriate Medical Duty Status identifiers related to the transgender offender.

3. The facility and Division TARC reports (DC-411F, DC-411D and DC-411U) will be filed in the electronic medical record in the Document Manager section for each offender by the facility TARC Chair or Health Services designee.

4. Facility and Division TARC meeting minutes will be filed in accordance with existing procedures for the required interdisciplinary meeting minutes and should not be filed in the electronic medical record.

**ADDITIONAL CONSIDERATIONS AND PROVISIONS**

1. Behavioral Health Services: A transgender offender may be offered individual psychotherapy to address individually identified psychotherapy goals.

2. Operations Management:
   a. Pronouns and Names: Staff interacting with transgender offenders can use gender-neutral communication (e.g. by the legal last name or “offender” last name).
   b. Search of offenders shall not be conducted for the purpose of determining the person’s genital status.
   c. Routine searches while clothed, known as “Pat” or “Frisk” and complete (strip) searches will be implemented in accordance with the North Carolina, Department of Public Safety/Prisons policy, Chapter F, Section 0100 Operational Searches.
   d. The visual search shall be completed in a manner designed to limit cross-gender viewing for the offender’s privacy.
   e. Staff should consider the physical layout of the facility and characteristics of a transgender offender to adjust conditions of the visual search for the offender’s privacy.

3. Processing during Intersystem Admissions:
   a. Transgender offenders may be initially identified during admission (i.e. processing) into the prison system. During processing, it is critical that safety and security needs for transgender offenders are addressed immediately.
b. Medical and mental health evaluations related to transgender accommodation and treatment requests should be completed during processing. In situations where the timing of an offender’s request for accommodation does not allow the completion of medical and mental health evaluations without delaying the offender’s processing and movement to a more permanent facility, health services staff at the processing facility should initiate the protocol (i.e. interview offender, request medical and mental health records, etc.) and communicate with respective staff at the receiving facility to facilitate continuation of the evaluation process. At a minimum, the facility TARC should meet to review safety and security concerns for all offenders that identify as transgender during processing.

RE-ENTRY SERVICES

Re-entry services will be provided in accordance with the North Carolina Department of Public Safety/Prisons policy, Chapter C, Section 1400 Case Management to provide a systematic focus on assessment and planning for the purpose of assisting the offender in adjusting to confinement and preparing for a successful transition back to the community.

Kenneth E. Lassiter Director of Prisons

Date

8-7-18

SOR. Director of Behavioral Health Services
NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Facility Transgender Accommodation Review Committee (TARC) Report

Offender Name: ____________________________ OPUS Number: ____________________________
Facility at Time of TARC: ____________________________ Date of TARC: ____________________________
Name and Title of TARC Members Present: ____________________________

__________________________ Offender Present: Yes __ No __

Related medical evaluations completed (specify if not applicable, otherwise list date and provider for each):

__________________________

Related mental health evaluations completed (specify if not applicable, otherwise list date and provider for each):

__________________________

Transgender accommodations requested (specify if none were requested, otherwise list requests):

__________________________

Routine Accommodations (per policy):

Approved: ____________________________

__________________________

Not Approved and Rationale: ____________________________

__________________________

Non-Routine Accommodations for Division TARC Review (per policy):

Recommended: ____________________________

__________________________

Not Recommended and Rationale: ____________________________

__________________________

Scan into HERO as "TARC/Facility Report."
Attach to HERO Scanned Document Type "Facility Transgender Accommodation Committee Report."

DC - 411F (07/18) This form is not to be amended, revised, or altered without approval of the Medical Records Committee.
NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Transgender Accommodation Update

Offender Name: ___________________________  OPUS Number: ___________________________

Facility at Time of TARC: ___________________________  Date of TARC: ___________________________

Name and Titles of TARC Members Present: ____________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

Offender Present: _____ Yes  _____ No

Reason for Update of Accommodations: _______________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

Transgender Accommodations Recommended for Update: _________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

Routine Accommodations (per policy):

Approved: ____________________________________________________

_____________________________________________________________________________________

Not Approved and Rationale: ________________________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

Non-Routine Accommodations for Division TARC Review (per policy):

Recommended: ____________________________________________________

_____________________________________________________________________________________

Not Recommended and Rationale: _____________________________________________________________

_____________________________________________________________________________________

_____________________________________________________________________________________

Scan into HERO as “TARC/Update.”

Attach to HERO Scanned Document Type “Facility Transgender Accommodation Committee Report.”

DC – 411U (07/18)  This form is not to be amended, revised, or altered without approval of the Medical Records Committee.
NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY
Division Transgender Accommodation Review Committee (TARC) Report

Offender Name: ____________________________  OPUS Number: __________________
Facility TARC Date: __________________________  Division TARC Date: ______________
Names and Titles of TARC Members Present:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Transgender Accommodation Requests Under Review:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Approved Accommodations:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Accommodations Not Approved and Rationale:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Other:
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

Scan into HERO as “TARC/Division Report.”
Attach to HERO Scanned Document Type “Division Transgender Accommodation Committee Report.”

DC – 411D (07/18)  This form is not to be amended, revised, or altered without approval of the Medical Records Committee.
Transgender Accommodation Review Committee (TARC) Process

**Facility Level Process**

PREA Compliance Manager is notified of inmate's transgender status and/or related issue/concern, takes necessary safety and security actions per policy, and notifies Facility TARC.

- **No Accommodations Requested**
  - Facility TARC reviews case for safety and security concerns.
  - Committee report (DC-411F or DC-411U if update) completed, filed in Electronic Medical Record, Medical Duty Status Indicator(s) initiated accordingly, and Chair of Division TARC is notified.

- **Accommodations Requested**
  - Medical and Mental Health Evaluations completed and documented in the Electronic Medical Record accordingly.
  - Facility TARC reviews case for requested accommodations and safety/security concerns.
  - Routine Accommodations
    - Approved at Facility Level.
  - Non-Routine Accommodations
    - Recommendations made at Facility Level with referral to Division TARC.

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**Division Level Process**

Committee report (DC-411D) completed, filed in Electronic Medical Record and Chair of Facility TARC is notified. Facility staff ensures documentation is properly scanned, attached, and filed in Electronic Medical Record.

Division Transgender Accommodation Review Committee (TARC) is the approving authority for all non-routine accommodation requests.
Behavioral Health Transgender Documentation Process

Initial notification of transgender issues to behavioral health clinician.

**NOTE:** If referral is not initiated by the PREA Compliance Manager, please ensure that the PREA Compliance Manager is informed of inmate's status.

Is inmate requesting accommodations?

Yes

Is inmate currently on behavioral health caseload?

Yes

Complete MHA Update assessing possible treatment issues as defined by policy.

Complete Transgender Accommodation Summary in HERO.

Continue with appropriate documentation for caseload inmates if needed.

No

Does inmate request initial or additional accommodations?

Yes

**NOTE:** Complete DC-411U whenever changes to initially approved accommodations are made by a Facility TARC and scan/attach in HERO as directed on form.

No

Complete MHA assessing possible treatment issues as defined by policy.

Complete additional appropriate documentation for caseload inmates if needed.

Assemble and chair Facility Transgender Accommodation Request Committee (TARC); see TARC Process flowsheet for additional information.

**NOTE:** Complete Facility TARC Report (DC411-F) and scan/attach in HERO as directed on form. Enter appropriate Medical Duty Status entry in HERO (‘‘Trans. Accom. Requested’’ or ‘‘Trans. Accom. Not Requested’’).