



VOLUME 4: MEDICAL SERVICES	Effective Date: 12/2015
CHAPTER 35.2	Revision Date: 01/2016
OVER-THE-COUNTER PRODUCTS PROCEDURE	Attachments: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

I. PROCEDURE OVERVIEW

California Department of Corrections and Rehabilitation shall provide and distribute Over-the-Counter (OTC) medical consumables as identified in 4.35.3, OTC Products List, through the inmate canteen services system process without cost to inmates or the need for nurse protocol or a health care provider’s prescription.

Nothing in this procedure is intended to limit the patient’s ability to access primary care services by submitting a CDC 7362, Health Care Services Request, or to receive prescribed medication for a condition that may be treated by the OTC products when necessary.

All inmates, regardless of housing, custody level, health care consideration, or other demographic, are intended to have access to OTC products.

II. DEFINITIONS

Over-the-Counter Products: A select list of commonly utilized health care products which are available to the general public without a prescription. These products are intended to provide relief for such issues including, but not limited to, heartburn, headache, seasonal allergies, and dry skin and are subject to change or modification.

Unit: A unit, when referring to OTC products in this procedure, refers to a single manufacturer-packaged quantity of a particular OTC product. Examples include a single tube of cream, a single bottle of lotion, or a single bottle of pills.

III. RESPONSIBILITIES

The Chief Executive Officer and Warden, or their designees, of each institution are responsible for implementation, monitoring, and evaluation of this OTC Procedure. The Director, Corrections Services, California Correctional Health Care Services (CCHCS) will maintain controlling authority over the parameters of the OTC Procedure.

IV. PROCEDURE

A. Canteen managers shall ensure adequate stock of OTC products is pre-ordered and available for distribution.

B. Logistics

1. Inmates shall access OTC products as a function of normal programming.
2. If a program modification or lockdown is in effect, OTC product access and distribution will be limited in the same manner as established for canteen services, per the CDCR 3022-A, B, C, D, and/or E, Daily Progress Status Report, for that facility.
3. Upon nursing staff’s receipt of a CDC 7362 Health Care Services Request requesting health care services, the Registered Nurse shall complete a face-to-face assessment

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- and issue OTC medications and/or supplies as appropriate per approved nurse protocols and/or refer the patient to the Primary Care Provider as indicated. The nurse shall also inform the patient that the OTC medication provided is available without charge through the inmate canteen service system.
4. Upon the institution's receipt of each shipment of OTC products, the institution Pharmacist-in-Charge shall be notified prior to distribution of OTC product bins to individual canteens.
 5. Pharmacy staff shall inspect the contents of the OTC product bins to ensure they do not contain medications which are not approved for distribution to the canteens.

C. Distribution

1. All inmates, including inmates on indigent status, shall access OTC products via normal canteen access, free of charge.
2. Inmates will "shop" for OTC products utilizing the standard canteen pick list which shall include the approved OTC items.
3. Pick lists shall be made readily available to all inmates in all housing areas.
4. Inmates shall be allowed to receive up to three OTC units per 30-day canteen period. Inmates may select these from among any of the products as identified in 4.35.3, OTC Products List. Inmates shall not receive more than two units of any single OTC product per draw. For example, an inmate may receive one unit each of three different products; or two units of the same product and one unit of another product; but not three units of the same product.
5. For inmates in segregated housing units (e.g., Administrative Segregation Unit [ASU], Psychiatric Services Unit [PSU], and Security Housing Unit [SHU]), OTC products shall be available as a function of canteen services in those units and shall be bagged by canteen staff for distribution by custody staff as with other canteen purchases.

D. Custodial security and controls

1. Inmates may accumulate OTC products over time in excess of the monthly draw limitations identified above in section IV(C)(4). However, inmates shall not be permitted to possess more than two units of any single OTC product.
2. Proper enforcement of the above maximum possession limitations shall rely entirely upon custody cell searches and confiscation of any OTC products in excess of the above-stated limitation. OTC products shall be considered a portion of each inmate's personal property and shall not be exempted from the property volume restrictions specified in California Code of Regulations, Title 15, Section 3190.
3. Custody staff shall not confiscate OTC products within the allowable limitations without a legitimate custodial safety and/or security concern and the documentation of that concern on a CDC 115, Rules Violation Report.
4. Custody removal of excess packaging, plastics, and containers from OTC products due to security concerns is not permitted within a segregated housing environment (e.g., ASU, PSU, and SHU).

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E. Inmate-specific restrictions

1. No “blanket” restriction is to be placed on any portion of the inmate population based on these, or other overarching considerations. Restriction of access to OTC products shall be on an individual, inmate-specific basis only.
2. The placement and removal of restrictions for any inmate’s access to OTC products shall be accomplished via written communication with the institution’s Inmate Trust Office. A copy of the appropriate chrono, as indicated below, is to be routed to the Inmate Trust Office, which shall ensure the restriction is entered into the Trust Restitution Accounting and Canteen System (TRACS). Upon request by a custody manager, the Inmate Trust Office shall provide a current list of all inmates with OTC restrictions, including the item(s) restricted for each inmate, for the purposes of conducting custody cell and property searches to enforce any restrictions in place.
3. An inmate may be restricted from access to an OTC product(s) on the basis of a documented health care concern, or a documented custody (i.e., safety and security) concern as follows:
 - a. Health care concern: Should any clinician determine that a specific patient does not possess the ability to utilize an OTC product(s) responsibly and/or safely, that clinician may document that assessment and restrict that specific patient from access to any OTC product(s) deemed unsafe in his/her professional opinion. Should a clinician with prescribing privileges determine that providing a specific patient an OTC product(s) may pose a health risk to that patient, that clinician may document that assessment and restrict that specific patient from access to any OTC product(s) deemed unsafe in his/her professional opinion. In addition to documentation of this restriction in the patient’s health record, this restriction shall also be documented on a CDCR Form 128B, General Chrono, and routed to the Inmate Trust Office. Restoration of access to the restricted OTC product(s) shall be made by a licensed health care clinician, as the result of a documented assessment of the patient. Optimally, this assessment shall include consultation with the clinician originally establishing the restriction(s).
 - b. Safety and security concern: A restriction for safety and security reason(s) must be supported by a guilty finding in a disciplinary hearing for a serious rule violation involving the misuse of an OTC product or its packaging. The disposition of the rule violation shall include a CDCR Form 128B General Chrono identifying the specific product(s) to be restricted. Restoration of access to OTC products restricted in this manner shall be initiated by the written recommendation of a custody supervisor (e.g., correctional sergeant or correctional lieutenant) and will require review and approval by the facility Captain. Restrictions on this basis are considered permanent until restored.

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F. Metrics

Designated staff shall be responsible to report certain data, for the purposes of ongoing analysis of the OTC Procedure. The following data for any given month is to be provided via email to CCHCSFieldOperations@cdcr.ca.gov on or before the 10th calendar day of the following month.

1. Designated staff from Nursing Services, CCHCS, shall provide a report of nurse protocols for each month, broken down by complaint type which may have formerly resulted in a prescription for an OTC product. This information shall be drawn from the Medical Scheduling and Tracking System, or Electronic Health Record System, and shall be reported in the following structure.

[INSTITUTION] Nurse Protocols for [MONTH, YEAR]	
Burns	[#]
Chest Pain	[#]
Earache	[#]
Headache	[#]
Musculoskeletal Complaints	[#]
Skin Conditions / Rashes	[#]
Upper Respiratory Infections / Rhinitis / Pharyngitis	[#]

2. The canteen manager at each facility shall ensure that all OTC product distribution is expediently entered into TRACS. A designee from the Inmate Accounting Branch, Inmate Welfare Fund (IWF), Accounting Services, Office of Fiscal Services, CDCR, shall utilize the data from TRACS and provide a report of OTC product distribution, indicating the total units of each OTC product distributed within the previous 30-day canteen period at each institution.
3. The Department of Finance requires the IWF to associate costs with each program or benefit provided by IWF. The distribution of OTC products through the canteen is to be treated as a separate program/benefit, and will therefore require separate tracking of all associated costs and revenue by canteen managers at each institution. Canteen managers at each institution are required to track all costs associated with implementation of the OTC Procedure. Examples of data to be tracked include, but are not limited to the following:
 - Staff hours
 - Storage area required (sq. ft.)
 - Printing and other consumables expenses

REFERENCES

- California Code of Regulations, Title 15, Section 3190
- California Correctional Health Care Services, Inmate Medical Services Policies and Procedures, Volume 4, Chapter 35.3, Over-The-Counter Products List