

33-404.108 Discipline of Inmates Diagnosed as Mentally Ill.

(1) Inmates diagnosed as mentally ill shall be subject to the provisions of Rules 33-601.301-.314, F.A.C., Inmate Discipline, except as provided in this rule and Rule 33-404.112, F.A.C.

(2) The Mental Health Program Office ~~is~~ ~~The psychologist or psychiatrist~~ are authorized to provide written or verbal input to the disciplinary team prior to disciplinary action being taken against any inmate who has a diagnosed mental illness. The input shall be limited to whether the patient's mental illness may have contributed to the alleged disciplinary offense and, if so, a recommendation for disposition or sanction options or alternative actions.

(3) Prior to the issuance of a disciplinary report for an incident of maladaptive behavior occurring in a Florida Department of Corrections inpatient mental health unit or in the residential continuum of care units, the correctional officer shift supervisor shall discuss the incident and circumstances with the supervising psychologist or the psychological services director to determine whether a disciplinary report will be issued. The consultation will be documented in the inmate's mental health record.

(4) For inmates receiving any inpatient level of care who have been issued a disciplinary report, written input must be provided by a psychologist, or a psychiatrist in the absence of the psychologist. For inmates in outpatient settings who have been issued a disciplinary report, written input by a fully licensed clinician within the Mental Health Program Office ~~psychologist, or a psychiatrist in the absence of the psychologist~~, must be provided for those inmates that have a current diagnosis associated with documented psychotic features, autism spectrum disorder, dementia, or intellectual disability.

(5) ~~For inpatient,~~ ~~the~~ written input by the psychologist, or a psychiatrist in the absence of the psychologist, will be documented on Form DC6-1008, Disciplinary Team Mental Health Consultation, and will be the result of a record review, a review of a copy of the statement of facts, and a clinical interview with the inmate. For outpatient, the written input by the fully licensed clinician within the Mental Health Program Office will be documented on Form DC6-1008, Disciplinary Team Mental Health Consultation, and will be the result of a record review, a review of a copy of the statement of facts, and a clinical interview with the inmate. Form DC6-1008 will be completed and provided to the disciplinary team prior to the disciplinary hearing. The results of the clinical assessment shall also be documented in the inmate's medical file. The disciplinary team shall incorporate the written input by the Mental Health Program Office ~~psychologist, or a psychiatrist in the absence of the psychologist~~, into their final decision. Form DC6-1008, Disciplinary Team Mental Health Consultation, is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, 501 South Calhoun Street, Tallahassee, Florida 32399-2500, <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX> ~~http://www.flrules.org/Gateway/reference.asp?No=Ref-10014~~. The effective date of the form is XX/XX 11/18.

(6) For inmates receiving any inpatient level of care who have been found guilty of a disciplinary charge, the disciplinary process shall proceed in accordance with Rules 33-601.301-601.314, F.A.C., except these inmates shall not receive a penalty of disciplinary confinement. In lieu of disciplinary confinement, as provided in Rule 33-602.222, F.A.C., the disciplinary team's findings shall be referred to the Multidisciplinary Services Team (MDST) for review and revision to the Individualized Services Plan, Form DC4-643A, as incorporated in Rule 33-601.800, F.A.C., and for consideration of adjustment of privileges in accordance with the Behavioral Management Progress System, Form DC4-664B.

Rulemaking Authority 944.09, 945.49 FS. Law Implemented 944.09, 945.49 FS. History--New 5-27-97, Amended 7-9-98, Formerly 33-40.008, Amended 7-9-12, 11-7-18.