

2.1.3 Over-the-Counter Products

(a) Policy

California Department of Corrections and Rehabilitation (CDCR) shall maintain a process for the distribution of over-the-counter (OTC) medical products, as identified in the OTC Products List, to the inmate population through the canteen services system.

(b) Purpose

To ensure all inmates have equal access to OTC products without cost to the inmate or the need for nurse protocol or a health care provider's prescription.

(c) Responsibility

- (1) The Chief Executive Officer (health care) and Warden, or their designees, of each institution are responsible for implementation, monitoring, and evaluation of this policy and procedure.
- (2) The Director, Corrections Services, California Correctional Health Care Services (CCHCS) shall maintain controlling authority over the parameters of the OTC policy.
- (3) The Systemwide Pharmacy and Therapeutics (P&T) Committee shall maintain controlling authority over the parameters of the OTC procedure.

(d) Procedure Overview

- (1) CDCR shall provide and distribute approved OTC health care products through the inmate canteen services system process.
- (2) This procedure is not intended to limit the patient's ability to access primary care services by submitting a Health Care Services Request, or to receive prescribed medications for a condition that may be treated by similar OTC products when necessary.
- (3) All patients housed within CDCR institutions shall have access to approved OTC products regardless of custody level or other demographic identifiers. However, certain exceptions exist for patients admitted to the following inpatient health care facilities:
 - (A) Acute or Intermediate Care
 - (B) Correctional Treatment Centers (CTCs)
 - (C) Skilled Nursing Facilities (SNFs)
 - (D) Psychiatric Inpatient Program (PIP)
 - (E) Mental Health Crisis Beds (MHCBs)
- (4) These exceptions are identified in Section (e)(3)(B). In all other patient areas or levels of care, patient access to OTC products shall only be restricted on an individual, case-by-case basis by health care or custody staff and with appropriate documentation in the health record and on the CDCR 128B, General Chrono, and submitted to the institution's Inmate Trust Office (ITO).

(e) Procedure

(1) Product Procurement and Supply

- (A) The list of OTC products shall be maintained by the Systemwide P&T Committee. The current list of approved medicated and non-medicated OTC products is available on the CCHCS Lifeline Pharmacy Services SharePoint site under the Quick Links section at: https://cdcr.sharepoint.com/sites/cchcs_lifeline_pharmacy and on the internet at: <https://cchcs.ca.gov/clinical-resources/> under the Related Resources section.
- (B) Prison Canteen Managers (PCMs) shall ensure adequate stock of OTC products is ordered and available for distribution based on the maximum weekly quantity guidelines. Maximum weekly unit quantities are established by the Statewide Chief, Pharmacy Services, for the OTC products based on the institutions' weekly product demands which is available on the CCHCS Lifeline Pharmacy Services SharePoint site under the Quick Links section at: https://cdcr.sharepoint.com/sites/cchcs_lifeline_pharmacy.
 1. OTC weekly orders shall not exceed the maximum unit quantities established without prior approval from the Statewide Chief, Pharmacy Services, or designee.
 2. The PCM shall submit a canteen OTC product order form to the Pharmacist-in-Charge (PIC), or designee, of quantities needed of each OTC product. OTC product ordering shall be conducted on a weekly basis to ensure supply stability.

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3. If an institution has a need to adjust their weekly maximum unit quantities, a written exemption justification signed by the institution Warden or designee must be submitted to the Statewide Chief, Pharmacy Services, or designee for approval.

(C) The PIC, or designee, shall place the weekly order according to the PCM's request utilizing the institution OTC program account number and pharmacy OTC ordering template established by the pharmaceutical medical supplier and the Statewide Chief, Pharmacy Services, or designee.

(D) The PIC, or designee, shall inform the Statewide Chief, Pharmacy Services, or designee immediately if any discrepancies arise related to the OTC program account numbers, OTC product ordering templates, OTC maximum weekly unit quantities, and/or any other related discrepancies.

(E) If an item needs to be added to the OTC Product List, health care staff shall complete the OTC Request Form, which is available on the CCHCS Lifeline Pharmacy Services SharePoint site under the Quick Links section at: https://cdcr.sharepoint.com/sites/cches_lifeline_pharmacy, for submission and review by the Systemwide P&T Committee.

(2) Logistics

(A) Patients shall access OTC products as a function of normal programming.

(B) Patients in the Reception Center shall have access to OTC products through the canteen within 30 calendar days of arrival

(C) 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 institution.

(3) Distribution and Limitations

(A) All inmates shall access OTC products free of charge via normal canteen access.

(B) Patients admitted to the following inpatient health care facilities: Acute or Intermediate Care, CTC, SNF, PIP, MHCB, shall have access to all non-medicated comfort products only. These specific items are listed within the OTC Product List. All other medicated OTC products shall be provided by Pharmacy Services as ordered by licensed health care providers as appropriate, pursuant to Title 22.

(C) Patients shall obtain OTC products through the normal canteen process utilizing the standard canteen pick list which shall include products from the approved OTC Product List.

(D) Pick lists shall be made readily available to all patients in all housing areas.

(E) Patients shall be allowed to receive up to three OTC products (units) per canteen period, but shall not be permitted to receive more than two units of a single OTC product per draw. For example, a patient 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.

(F) Patients unable to receive their OTC products during their first canteen draw shall be allowed to receive their allowable OTC products during open line of the current month.

(G) Patients in restricted housing units (e.g., Administrative Segregation Unit [ASU], Psychiatric Services Unit [PSU], and Security Housing Unit [SHU]), shall have access to OTC products as a function of canteen programming in those units. OTC orders shall be bagged by canteen staff for distribution by custody staff as with any other canteen purchases.

(4) Custodial Security and Controls and Safety Considerations

(A) Proper enforcement of the maximum possession limitations shall rely entirely upon custody cell searches and confiscation of any OTC products in excess of two full units of the same product.

1. OTC products shall be considered a portion of each patient's personal property and shall not be exempted from the property volume restrictions specified in California Code of Regulations, Title 15, Authorized Personal Property Schedule. OTC products shall be handled/packed as with all other personal property.

2. Custody staff shall not confiscate OTC products within the allowable limitations without a legitimate custodial safety and/or security concern which shall be documented on a CDC 115, Rules Violation Report.

(B) Removal of excess packaging, plastics, and containers from OTC products due to security concerns is not permitted, with the exception of patients within a segregated housing environment (e.g., ASU, PSU, and SHU) who are placed on container restriction.

(C) OTC products issued through this program and confiscated by custody staff for any reason shall be disposed of by depositing the confiscated products in a standard blue-and-white pharmaceutical waste container.

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Pharmaceutical waste containers shall be located in appropriate clinical areas, readily accessible to custody staff for this purpose. All products on the approved OTC Product List shall be disposed of in this manner.

(5) Patient-Specific Restrictions

- (A) No blanket restriction is to be placed on any portion of the patient population based on nationality, ethnicity, Security Threat Group membership or affiliation, or other overarching considerations. Restriction of access to OTC products shall be on an individual, case-by-case basis only. The only exception is for patients admitted to inpatient health care facilities.
- (B) The placement and removal of restrictions for any patient's access to OTC products shall be accomplished via written communication with the institution's ITO.
1. The ITO shall provide a current list of all patients with OTC product restrictions upon request by a custody manager. The list shall include the items restricted for each patient for the purposes of conducting custody cell and property searches to enforce any restrictions in place.
 2. Patients may be restricted from access to OTC products on the basis of a documented health care concern and/or a documented custody concern (i.e., safety and security).
 3. If a clinician determines that a specific patient does not possess the ability to utilize an OTC products responsibly and/or safely, they shall document that assessment and restrict that specific patient from access to any OTC products deemed unsafe in his/her professional opinion.
 4. If a clinician with prescribing privileges determines that providing a specific patient an OTC product may pose a health risk to that patient, that clinician shall document that assessment and restrict that specific patient from access to any OTC products deemed unsafe in his/her professional opinion.
 - a. These restrictions shall be documented in the health record, on a CDCR 128B, and routed to the ITO to enter into the Trust Restitution Accounting and Canteen System (TRACS).
 - b. Restoration of access to restricted OTC products 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 who originally established the restrictions.
 5. If custody staff places a restriction for safety and security reasons, it 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.
 - a. The disposition of the rule violation shall include a CDCR 128B identifying the specific OTC products to be restricted and routed to the institutions ITO to enter into TRACS.
 - b. Restrictions on this basis shall remain in effect until restored.
 - c. 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.

(6) Required Documentation

- (A) Pharmacy Services shall maintain data regarding the cost of the OTC program's procurement of products.
- (B) The PCM at each institution shall ensure that all OTC product distributions are expediently entered into TRACS.
- (C) The Inmate Accounting, Sacramento Accounting Services Branch, Office of Fiscal Services designee, shall utilize the data from TRACS and provide a report of all OTC product distribution indicating the total units of each OTC product distributed within the previous month or 30 calendar day canteen period at each institution.
- (D) The Department of Finance requires the Inmate Accounting, Sacramento Accounting Services Branch monitor the Inmate Welfare Fund (IWF) associated costs with each program or benefit provided by IWF.
- (E) The distribution of OTC products through the canteen services shall be treated as a separate program/benefit, and will therefore require separate tracking of all associated costs and revenue by PCMs at each institution.

References

- California Code of Regulations, Title 15, Division 3, Chapter 1, Subchapter 2, Article 9, Section 3190
- California Code of Regulations, Title 22, Division 5, Chapter 12, Article 3, Section 79651 (j)
- California Department of Corrections and Rehabilitation, Department Operations Manual, Chapter 5, Article 43, Section 54030

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- California Department of Corrections and Rehabilitation, Department Operations Manual, Chapter 5, Article 50, Section 54070

Revision History

Effective: 12/2015

Revision: 04/2019

Reviewed: 04/13/2022