



ACCP
AMERICAN COLLEGE OF
CORRECTIONAL PHYSICIANS

FEBRUARY 2018

2018 ACCP Spring Educational Conference

The ACCP Spring Educational Conference will be held on March 24, 2018 at the Royal Sonesta Hotel in Houston, Texas. We are pleased to work with the Academic Consortium on Criminal Justice Health again this year and are holding our conference in collaboration with theirs. The educational committee has produced a quality program you're going to want to attend. Essential Topics for Correctional Practitioners will deal heavily with legal and mental health issues, with a focus on the use of Isolation. Based on the feedback from a shorter session on litigation involving the correctional physician, we are expanding that session this year to include more in-depth education related to physician as defendant and expert. The training will include a mock deposition which will be video recorded. The lawyer will then use the recording – as he might in litigation – during parts of a mock trial.

Closely related to this, another speaker will help us navigate another common and litigation-prone situation: differentiating between medical vs. mental health etiologies in a patient with bizarre or agitated behavior. Many of these patients end up in isolation, which will be the focus of the rest of our conference. We will hear perspectives from two different voices: mental health professional and patient. Our mental health professionals will review the evidence for harm from isolation and help us design safer systems.

Arguably most importantly, we will end the day with ACCP's signature "ACCP Talks to its Patients" session. During this session, a panel of 4-5 formerly incarcerated individuals of different genders and races will share their stories of YEARS in isolation and engage in a conversation with the audience. If you are a physician, nurse practitioner, or physician assistant practicing in a jail or prison in the US, this is a conference you cannot afford to miss.

Early registration ends February 24, 2018. Register now for the best prices. Please visit: [ACCP Spring Educational Conference](#)

Expert Witness Guidelines

The American College of Correctional Physicians (ACCP) has recently developed guidelines for Expert Witnesses. These are not to be considered as strict ethical standards, but simply guidelines to inform physicians of what we think should be minimum expectations they should have when deciding to be an expert or consultant in a suit involving correctional practitioners. They may also be of value to attorneys when considering a physician to assist them in prosecuting or defending such cases. As usual with guidelines, exceptions occur depending on the circumstances. We value your opinions and these guidelines will be reviewed annually and your opinions will be considered.

The American College of Correctional Physicians' Guidelines for Physicians Serving as Expert Witnesses in Correctional Litigation

Physicians testifying as experts in correctional healthcare litigation should have guidelines that assist them in properly testifying as to the practice of correctional medicine. Correctional practitioners may be subject to litigation in both federal and state courts. While disease parameters do not change with incarceration, practice parameters may vary to accommodate security concerns and the necessities of a completely managed healthcare system. Attorneys will benefit by using physicians who have correctional experience. As experts in correctional health cases, they are familiar with the operational aspects of health care delivery in correctional settings. It is important that legal consultants in correctional litigation understand correctional medical practice and the adaptations necessary to correctional settings. Correctional practitioners often provide expert testimony so that the court and jury may hear informed opinions and justice be served.

When physicians are asked to serve as an expert, their background, experience, and expertise should be similar to, or exceed, that of the physician(s) about whose conduct they are opining. They either should be active or have been active in the practice of correctional medicine, or be extremely familiar with correctional medicine. The physician should be able to provide expertise on correctional health care issues such as access to care, standards of care, correctional guidelines and care of conditions in correctional settings, as well as safety and security concepts.

Before agreeing to serve as an expert, the physician may have a conversation with the attorney about the basic facts of the case and, if appropriate, review the available evidence (medical records, witness statements and testimony, physical evidence, standards, etc.) and reach their own conclusion about the merits of the allegations in the case. The physician should determine whether or not there is a deviation from applicable standards of care and whether or not that departure caused the patient's loss.

Having agreed to serve, the physician may discover that the facts do not support the attorney's view. The physician should so inform the attorney and may consider being a consultant, rather than a

testifying expert. Despite the attorney's beliefs, physicians should at all times provide and rely upon their own judgement, supporting only positions clearly warranted by the available facts.

Expert witnesses should adhere to the ethical principles of recognized medical organizations, such as the American Medical Association and American Osteopathic Association relating to being an expert witness.

They should avoid conflicts of interest, which may include:¹

- Having recently, within the previous 1-3 years², worked at the involved institution or Department of Correction in question,
- Having examined or treated the patient in the past,
- Having worked for the correctional services vendor involved in the case, and
- Having surveyed or provided technical assistance to the facility or providers in question³

Characteristics that may be of value in determining whether a physician is a suitable expert witness in correctional cases include, but are not limited to:

- Participation in developing or reviewing correctional facility Policies & Procedures
- Supervision of correctional medical staff
- Affiliation with correctional organizations such as:
 - National Commission on Correctional Health Care
 - American College of Correctional Physicians (aka Society of Correctional Physicians)
 - American Correctional Association
 - American Jail Association
 - Academic Consortium on Criminal Justice Health
 - Academy of Correctional Health Professionals
 - National Institute of Corrections
 - National Sheriffs' Association
- Having attended conferences devoted to correctional medicine
- Having given presentations or written articles on correctional medicine

Testifying as an expert witness includes providing qualified opinions on the applicable standards of care. If the opinions favor the plaintiff, they will likely be against medical or correctional staff; if the expert offers an opinion in support of the care given, the opinions will usually oppose allegations of the patient. Opinions should be careful, fair, respectful, and supported by evidence. Departures from the standard of care should be described without demeaning references to colleagues, facilities or their employers. Testimony for the defense should avoid belittling the patient, invoking criminal history, and perceived histrionic or disingenuous behavior. Both defendants and plaintiffs are entitled to respect. If the expert does not know something regarding the case, the issue or the

¹ These are extremely variable and would depend on the circumstances of the case. These are not totally inclusive or exclusive, but may be considered.

² This may depend on the capacity in which the physician worked with the facility.

³ The National Commission on Correctional Health Care (NCCHC) enjoins surveyors to serve as expert witnesses involving NCCHC accredited facilities. Surveyors may be allowed to serve as expert witnesses for the defense of accredited facilities, but variances should be requested case by case.

applicable standard, they should respectfully acknowledge they don't know. Physicians should not voice opinions outside their scope of expertise or unrelated to the case. Guessing or giving an unsubstantiated answer can be counterproductive and contrary to the role of the expert.

Physician expert witnesses provide an invaluable and necessary role in litigation involving the medical staffs of correctional institutions and must be conscientious, diligent, sincere and honest.

ACCP 2018 Spring President's Reception in Houston

We are planning to hold a reception at the ACCP/ACCJH Conference. Please watch our website for more details.

Join our Member Forum

Have you visited the member forum on our new website? To visit the board, go to the member's only area and click on "Message Board/Email List Service". The message board is a forum for conversation among ACCP members. Postings are for the purpose of discussion. The forum is a place for members to post questions and receive answers from colleagues. Please feel free to post a new topic or join in on a discussion.

Welcome our New Members of ACCP

Michelle Borowski – Glen Ridge, New Jersey

Derek Burnett – Oro Valley, Arizona

John Lay - Florida

Casey McVea - Louisiana

Adam Shelton – Lansing, Michigan

Tina Thomas – Houston, Texas

Kenneth Thompson - Mississippi

Bryan Yang - California

CorrDocs News

In an effort to go green CorrDocs is going digital! Please watch your email for a link to the next issue of CorrDocs. You may also sign into your member account on our website to view the latest issue.

Upcoming Events

2018 ACCP Spring Educational Conference – held in collaboration with ACCJH
Saturday, March 24, 2018 – Houston, TX
Register now, visit: [ACCP Spring Educational Conference](#)

NCCHC Spring Conference on Correctional Health Care
April 23 – 24, 2018 – Minneapolis, MN
Registration: [NCCHC Spring Conference](#)

College News

Facebook & Twitter

ACCP posts relevant correctional and medical articles many times per week. We also post pictures from meetings and upcoming event notifications. We are also on Twitter. You are invited to follow us at twitter.com/ACCP_MED or send us a tweet to @ACCP_MED. Please stop in and like our [Facebook](#) page. Feel free to leave comments, post important news, upcoming events, and read the latest posts.

ACCP CorrDocs Articles

The American College of Correctional Physicians is putting together its next newsletter of CorrDocs and is soliciting articles for publication. CorrDocs strives to update its members on advances within the walls of correctional medicine, as well as stories that touch the human element. From my experience, everyone has an interesting story (or two!) and knowledge to share. Our membership would benefit from reading it. Please submit a 500-1000 word literary piece for review.

You may email them to our editor, Rebecca Lubelczyk, at Rebecca@lubelczyk.com. Please visit our website www.ACCPmed.org to review past issues of CorrDocs to help develop your own contribution. We look forward to reading your work!



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