

**CONTRACT TO PROVIDE MEDICAL SERVICES**

BY AND BETWEEN

**POLK COUNTY, TEXAS**

AND

**DR. RAYMOND LUNA, M.D.**

**POLK COUNTY JAIL MEDICAL DIRECTOR AGREEMENT**

**WHEREAS**, the owner or operator of a jail facility under Chapter 273 of the Texas Administrative Code must provide medical services in accordance with the approved health services plan.

**WHEREAS**, Polk County, Texas (hereafter "the County") is authorized under Section 351.045 of the Texas Local Government Code to contract for health care providers to provide health care services to inmate in the custody of the sheriff.

**WHEREAS**, Dr. Raymond Luna, M.D. (hereafter "Dr. Luna" or "Physician"), a licensed physician in the State of Texas, is a qualified health care provider under the Texas Local Government Code.

**WHEREAS**, the County desires to appoint Dr. Luna as the Jail Medical Director to provide health care services as necessary to County inmates in compliance with the Standards set by the Texas Jail Commission and other state and federal laws governing health care services for County inmates.

**WHEREAS**, Dr. Luna has agreed to provide health care services to the County as described herein; and

**WHEREAS**, the Polk County Commissioners Court by **ORDER** has granted an exception from competitive bidding under Texas Local Government Code Section 262.024(4) as a professional service contract on September 23, 2014.

**NOW, THEREFORE**, it is agreed as follows:

**I. Services**

- a. Provide medical care to county inmates to establish continuity of care according to rules and regulations set forth by the Texas Jail Commission and as required by the Texas State Board of Medical Examiners.

- b. Establish, review and implement acceptable medical protocols for the Polk County Jail Medical Staff. (See Attached "Exhibit A" for the medical protocols)
- c. Assist County Sheriff, Jail Administrator and Polk County Jail Staff to ensure continued medical care.
- d. Provide medical evaluation and treatment to inmates for conditions not deemed to require hospital emergency room care between the hours of Monday – Friday 8:00a.m. – 5:00p.m.
- e. Jail Physician shall hold inmate sick clinic once weekly to those needing medical treatment or evaluation to ensure quality of care.
- f. Jail Medical Director will appoint a Physician, Physician's assistant or Nurse practitioner in the his/her absence and notify Jail medical staff and Sherriff's office of his/her absence and who the designated appointee is.
- g. Jail Physician shall update and administer medical protocol (See Attached "Exhibit A") and prescription formulary on a regular basis.
- h. County Jail Medical staff will be under the medical supervision of the Jail Physician.
- i. Jail Physician will review and sign off on medical charts and medical reports by the 15<sup>th</sup> of the following month thru the jail medical software program.
- j. County Jail Physician will be involved in the hiring process of new medical staff to the jail.
- k. County Jail Physician will work with mental health counselors on prescribing medications and treatments for County Jail Inmates who have one or more diagnosed mental health disorders.

## **II. Physician Assistant/Nurse Practitioner**

- a. If the Jail Physician desires to utilize a Physician Assistant or Nurse Practitioner to assist in providing health care service to County Jail inmates the financial cost of utilizing said Physician's Assistant and/or Nurse Practitioner shall be borne solely by the Jail Physician.
- b. If the County desires to provide medical assistance from a Physician Assistant or Nurse Practitioner the financial cost will be that of the County.
- c. Whether a Physician Assistant or Nurse Practitioner is contracted by the Jail Medical Director or County, the related Physician Assistant services must be under the direction of the Jail Medical Director, medically necessary and provided by a PA, or FNP, in accordance with the Texas Jail Commission and Texas State Board of Medical Examiners.

## **III. Additional Services and Payments**

- a. If available laboratory and radiology services shall be provided at the Physician's medical office during open hours.
- b. Additional County payments for office services shall be payable based upon HCFA CPT and Service codes.
- c. Within ninety-five days (95) from the date of service, all charges shall be billed to Polk County by the Medical Director by utilizing the HCFA 1500.

#### **IV. Compensation**

Polk County Commissioners Court shall reimburse the Jail Medical Director at a monthly rate of Six Thousand, Seven Hundred Dollars (\$6,700.00) monthly and to paid the 1<sup>st</sup> of each consecutive months.

#### **V. Relationship and Indemnification of Parties**

- a. In providing the Services under this agreement it is expressly agreed that contractor is acting as an independent contractor and not as an employee. The parties acknowledge and agree that the Contractor's relationship with the Customer is that of an independent contractor. No partnership, joint venture, or other relationship shall be construed as a result of this agreement.
- b. County and Provider, to the extent authorized under the Texas Constitution and Texas laws, without limitation, Chapter 102, Texas Civil Practice and Remedies Code, agree to hold each party, its officers, employees, and agents harmless from and indemnify each of them against any and all claims, actions, damages, suits, proceedings, judgments, and liabilities for personal injury, death or property damage resulting from the acts or omissions of County or Provider or others under County's and Provider's supervision or control, and the acts of God, material or labor restriction by any governmental authority, civil riot, floods, hurricanes, or other natural disasters, and any other cause not reasonably within the control of County or Provider and which by the exercise of due diligence of County and/or Provider is unable, wholly or in part, to prevent or overcome.
- c. Medical Director and staff shall uphold requirements of the Federal Health published by the United States Department of Health and Human Services at 45 CFR 160-164 (Privacy Rule). HIPAA and the Rule regulate the services of protected health information.
- d. Medical Director shall maintain minimum levels of professional liability insurance for the purpose and scope of services rendered: at least five hundred thousand (\$500,000.00) dollars coverage for each individual claim and at least one million (\$1,000,000.00) dollars in aggregate coverage

#### **VI. Term and Termination**

The Polk County Commissioners Court appointment shall supersede all other agreements and this Agreement shall commence on October 1, 2021 and shall remain in full force in effect for a twelve (12) months through September 30, 2022. Thereafter, this agreement shall renew annually for three (3) years, unless either party gives the other party a written notice of its intention not to renew this agreement. The Agreement will terminate after the term of the third annual renewal for an evaluation. Either party may terminate this agreement at any time, with or without cause, by giving the other party not less than sixty (60) nor more than one hundred twenty (120) days written notice of its intention to terminate, and said notice shall include a termination date that

falls within that range. The agreement shall terminate on the future date specified in such notice.

**VII. Notice**

Any notice, demand or communication required, permitted or desired to be given hereunder shall be deemed effectively given when personally delivered or mailed by prepaid certified mail addressed to either party.

- |   |   |
|---|---|
| a. Polk County: Polk County Jail<br>1733 N Washington Ave<br>Livingston, TX 77351<br>Fax: (936) 327-6892<br>Email: <a href="mailto:blyons@polkcountysos.net">blyons@polkcountysos.net</a> | b. Raymond Luna, M.D.<br>219 Eastwood St.<br>Livingston, TX 77351<br>Fax: (936) 327-5216<br>Email: <a href="mailto:rluna54@hotmail.com">rluna54@hotmail.com</a> |
|---|---|

**THEREFORE, BE IT ORDERED** that Polk County Commissioners Court, upon acceptance by the Physician, does hereby appoint Dr. Raymond Luna, M.D., as the Polk County Jail Medical Director. This appointment will remain in effect until further action is set forth by Polk County Commissioners Court.

ADPOTED THIS THE 28 DAY OF September, 2021.

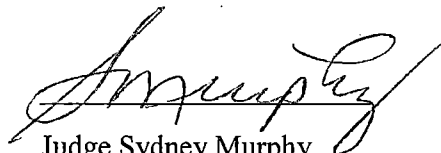
Accepted:



Mandated Medical Jail Director  
Dr. Raymond Luna, M.D.  
219 Eastwood  
Livingston, TX 77351

09/28/21

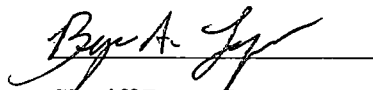
Date



Judge Sydney Murphy  
Polk County Judge  
410 E Church Street, Suite E  
Livingston, TX 77351

9/28/2021

Date



Sheriff Byron Lyons  
Polk County Sheriff  
1733 N. Washington Ave.  
Livingston, TX 77351

9/28/21

Date

**EXHIBIT A**

**POLK COUNTY JAIL MEDICAL DEPARTMENT PROTOCOL****INTAKE:****History:**

- Every inmate on admission will complete a medical form which includes age, allergies, and medications currently on with route, dose, frequency, and date last taken.
- Tobacco History: type, frequency, last used
- Alcohol History: type, frequency, last used
- Illegal Drugs: type, frequency, last used
- Past medical History-Medical Problems
- Past Surgeries
- Medical Condition now and any other pertinent information

**Exam:**

A set of vital signs will be obtained on every inmate on admission and recorded: Height, Weight (in pounds), Temperature, Blood Pressure, Pulse, and Oxygen Saturation.

**Review:**

- Vital signs and medical forms will be reviewed by medical personnel within 24 hours of admission.
- If for any reason jail personnel are concerned that an inmate needs medical evaluation, the medical personnel will be notified and date and time documented.
- If at any time jail personnel feel an inmate is experiencing a life threatening condition, they are to call 911 to get inmate transferred to the emergency room.

If an inmate requires detoxification based off of physical presentation or history:

Alcohol Detoxification: Dilantin 300 mg BID for 10 days AND Librium 25 mg BID for 10 days.

Other Detoxification: Librium 25 mg BID for 5 days.

Closely monitor these inmates, and call 911 if any signs or symptoms of seizure occur.

**BLOOD PRESSURE:**

If systolic blood pressure is  $\geq$  180

-- Or --

If diastolic blood pressure is  $\geq$  100

Without symptoms of chest pain, headache, or other heart or brain abnormalities:

- Give 0.2mg clonidine now – recheck bp in (1) hour.
- Notify on call medical if bp is not below the above parameters **\*\*or\*\*** if signs or symptoms of chest pain or headache develop.

All after-hour & holiday hypertensive readings taken by jail staff will be reported to the 24/7 telemed services available outside of the hours of 8 am– 4:30 pm Monday through Friday and on holidays. As well as documented on the telemed sheets available in the booking department. Follow up for these patients should be done in person at the following jail clinic.

Inmate will follow up with attending nurse or call provider within 24 hours of initial elevated blood pressure reading.

Hold beta blockers for pulse  $<$ 60, SBP  $<$ 90, OR DBP  $<$ 50; Notify medical provider on call if persists x3 readings.

Hold blood pressure medication for pulse  $<$ 60, SBP  $<$ 90, OR DBP  $<$ 50.

**\*Hypertensive patients treated with blood pressure lowering medications, need follow up in jail clinic a minimum of once every 3 months.**

**MEDICATIONS:**

- Tylenol 500mg 2 tabs to equal 1000mg for pain or fever >100.4F – Not to exceed 2000mg (2g) in 24 hour period. – Call on call medical staff if fever persists.
- Ibuprofen 200mg 1 tablet PO BID PRN pain or fever > 100.4F (if allergy to Tylenol).
- Milk of Magnesia 30mL PO Q day PRN constipation.
- Docusate Sodium 100mg capsule x1 PO Q day for constipation not relived by Milk of Magnesia
- Magnesium Citrate x1 bottle for constipation lasting 4+ days & not relieved by above.
- Diarrhea: Imodium/ loperamide 2mg tab x2 PO for 3<sup>rd</sup> episode of diarrhea and 1 tab with each subsequent episode -- not to exceed 8 tabs in 24 hours nor exceed a 3 day period.
- Mylanta/Maalox 30mL PO BID for indigestion.
- Robitussin 5mL PO BID PRN cough/congestion
- OTC "Cold Busters" PO BID x7 days for s/s cold and/or sinus discomfort.
- OTC "AllerChlor" 4mg PO BID x10 days for c/o allergy s/s.
- OTC cough drops PO TID PRN cough/congestion/sore throat.
- OTC nasal spray for c/o or s/s sinus congestion no more than 3 days
- OTC Tucks pads PRN c/o or s/s hemorrhoids.
- OTC hemorrhoid suppository PRN rectally for visible hemorrhoids/hemorrhoid exacerbation for no more than 7 days
- Meclizine/Dramamine 25mg 1 tab PO PRN nausea/vomiting/dizziness for no more than 1 day
- Benadryl 25mg tab/cap x1 PO BID PRN s/s common/non-emergency allergic reactions (whelps/hives/rash/itching) for no more than 7 days
- Zofran 4mg BID PRN nausea/vomiting in 24 hour period.

**TOPICAL:**

- OTC antifungal cream for s/s athlete's feet and /or jock itch.
- OTC Miconazole 3-day/7-day treatment kit for s/s vaginal yeast infection.
- OTC saline eye wash Q day PRN s/s allergies or visible s/s eye irritation.
- OTC arthritis cream/Icy Hot topical cream PRN c/o arthritis/muscle pain.
- OTC ear wax removal drops PRN c/o or presence of excessive wax noted upon inspection.



**WOUND CARE:**

**Skin Tears - cleanse with NS or peroxide, pat dry w/ gauze, apply TAO and cover with dry dressing Q day. Use of steri-strips to the wound when applicable.**

**Wounds with pre-existing packing & dressing: Remove soiled packing, cleanse with NS, pat dry with gauze, and apply plain packing, cover with dry dressing.**

**Wound with obvious s/s infection, to include drainage of yellow/green exudate: Bactrim DS 1 tab PO BID x7 days if no allergies to sulfa medications. Notify medical on call and add to next jail clinic to evaluate status of wound.**

**INCOMING INSULIN DEPENDENT INMATES:**

Blood sugar to be checked before meals three times a day or if signs of hypo or hyper glycemc occur.

If an inmate comes in and is insulin dependent and has no orders on file OR is on Lantus, stop Lantus and follow these instructions until inmate can be seen at next jail clinic.

Blood sugar less than 70 – no insulin

Blood sugar less than 60 – give 1 glucose tablet and PB&J Sandwich and recheck blood sugar within 10 minutes. If blood sugar is still less than 70, administer a second glucose tablet and recheck blood sugar in 10 minutes.

\* If blood sugar is still less than 70 after two glucose tablets and PB&J, notify medical staff. If none are available, send to ER.\*

\*If blood sugar is over 400, notify medical on site or on call medical within 1 hour. If none are available, send to ER.\*

Novolin R (Regular) 100 UNITS/ML per sliding scale TID, not to exceed 36 units in a 24 hour period:

Blood sugar less than 150: no insulin

151 - 200 give 5 units Novolin R

201 - 250 give 7 units Novolin R

251 - 300 give 10 units Novolin R

301 - 400 give 12 units Novolin R

Novolin N 100 UNITS/ML

25 Units BID & HOLD for BS<150

**\*Insulin dependent patients need follow up visit at jail clinic a minimum of once every 3 months.**

**COUMADIN THERAPY:**

Any inmate receiving Coumadin (warfarin), will receive a PT/INR serum test a minimum of once per month. The results of each test will be faxed to the Nurse Practitioner/MD office with the following noted on each results for his/her reference:

- Current Dosage
- Previous date of PT/INR lab test
- Dosage at time of previous date of PT/INR lab test
- Inmate's compliance or noncompliance with therapy
- Reason for patient being on therapy

Under special circumstances, a PT/INR serum test may be done more or less often depending on the special circumstances regarding their blood thinning therapy. However, as a general rule, they will be done once a month.

Should a newly arrived inmate be received that is already on Coumadin/ Warfarin therapy, there will be a PT/INR done within the first 7 days and a follow up made in clinic with the above listed information on the results. Any PT/INR above 4.0, call on call medical with results.

**LAB/IMAGING:**

If a fracture is suspected (injury/extreme swelling/displacement/open fracture/loss of movement/etc.) send for x-ray at CHI Livingston for appropriate body part & notify medical staff on call.

If a urinary tract infection is suspected (dysuria/frequency/abdominal pain/lower back pain/hematuria/etc.) do urine dipstick and if it is abnormal, send to CHI Livingston for urine culture & notify medical on call.

If an inmate is less than 55 years old and taking medications while incarcerated, do a urine pregnancy test. Call medical staff on call with positive results to review inmate's medication list, and immediately refer to OBGYN.

If a female under the age of 60 is taking lithium or depakote, a urine pregnancy test must be done before treatment initiation and every 4 weeks for 36 consecutive weeks.

If flu( fever/body aches/cough/congestion/etc.), strep throat(sore throat/fever/etc.), or COVID(loss of taste or smell/body aches/cough/headache/fever/SOB) are suspected, do appropriate tests in house and report positive results to on call medical.

**\*Inmates treated for diabetes, hypertension, or a seizure disorder must be seen in jail clinic a minimum of once every 3 months.**

Ann Luna Winston, FNP (10/1/2021)

Raymond Luna, MD (10/1/2021)