

STATE OF NEW YORK

8083

2023-2024 Regular Sessions

IN ASSEMBLY

September 29, 2023

Introduced by M. of A. CRUZ -- read once and referred to the Committee on Cities

AN ACT to amend the administrative code of the city of New York, in relation to requiring the New York city department of corrections and the New York city health and hospitals corporation to adopt safety policies and training to protect health care workers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 9-164 to read as follows:

3 § 9-164 Health care worker safety policy; reports. a. Definitions. As
4 used in this section, the following terms shall have the following mean-
5 ings:

6 1. "Correctional health services" means the division of the New York
7 city health and hospitals corporation responsible for the delivery of
8 health and mental health services to incarcerated individuals in the
9 custody of the department, and any other health care entity designated
10 by the city of New York as the agency or agencies responsible for health
11 services for incarcerated individuals in the care and custody of the
12 department, including an outside provider sharing such responsibilities.

13 2. "Health care worker" means a health care professional employed by
14 correctional health services or another entity described in paragraph
15 one of this subdivision who regularly provides health and mental health
16 services to incarcerated individuals in the custody of the department.

17 3. "Hospitals corporation" or "corporation" means the New York city
18 health and hospitals corporation.

19 4. "Special officer" means a peace officer appointed pursuant to
20 subdivision forty of section 2.10 of the criminal procedure law and
21 employed by the city of New York or the New York city health and hospi-
22 tals corporation to perform the patrol, investigation, and maintenance

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 of the peace duties of special officer, senior special officer and
2 hospital security officer.

3 b. Health care worker safety policy. The department, in collaboration
4 with correctional health services shall develop and implement a joint
5 health care worker safety policy to protect health care workers from
6 assault and other violent incidents during the provision of services to
7 incarcerated individuals. Such policy shall establish a minimum standard
8 of care for health care worker safety which shall, at minimum:

9 1. Require yearly training for all uniformed staff of the department
10 and all special officers as defined in paragraph four of subdivision a
11 of this section regarding minimum standards necessary to secure an
12 incarcerated individual in the presence of a health care worker.

13 2. Establish protocols for requiring uniformed staff of the department
14 and all special officers to inform all health care workers who will or
15 are likely to come into contact with an incarcerated individual with a
16 history of violent or aggressive behavior whenever such individual is
17 admitted to a hospital or other medical facility.

18 c. Reporting. 1. No later than ninety days after the effective date of
19 this section, and every six months thereafter, the department and
20 correctional health services shall publish a joint report on the health
21 care worker safety policy, which shall include but not be limited to a
22 review of any new rules and regulations promulgated or amended pursuant
23 thereto, and an evaluation of compliance with the policy at each correc-
24 tional facility and any medical facility subject to the provisions of
25 this chapter.

26 2. No later than nine months after the effective date of this section
27 and annually, the department and correctional health services shall
28 prepare and submit a report to the legislature. Such report shall
29 include a copy of every joint report published pursuant to paragraph one
30 of this subdivision during the twelve months preceding the date on which
31 the report required pursuant to this paragraph is due and any related
32 materials, together with any recommendations or proposals relating to
33 health care worker safety. Such report shall include an analysis of
34 whether certain punitive measures, including but not limited to the
35 imposition of a higher maximum sentence of imprisonment for assault on a
36 health care worker by an incarcerated individual, and/or provisions for
37 the extension of such an individual's current sentence should be consid-
38 ered by the legislature as a deterrent to such assaults.

39 d. Private right of action. 1. The department, the corporation, or
40 both such department and corporation shall be liable for damages to any
41 health care worker who suffers injuries as a result of any failure to
42 enforce or comply with minimum standards of care established pursuant to
43 subdivision b of this section.

44 2. A health care worker aggrieved by a violation of paragraph one of
45 this subdivision and subdivision b of this section shall have a cause of
46 action in any court of competent jurisdiction against the department,
47 the corporation or both such department and corporation.

48 § 2. This act shall take effect immediately.