

STATE OF NEW YORK

505

2023-2024 Regular Sessions

IN SENATE

January 4, 2023

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to expanding review of correctional health services and health care staffing at correctional facilities

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

1 Section 1. Subdivision 26 of section 206 of the public health law, as
2 separately amended by chapters 45 and 322 of the laws of 2021, is
3 amended and a new subdivision 26-a is added to read as follows:

4 26. (a) The commissioner [~~is hereby authorized and directed to~~], in
5 consultation with the commissioner of addiction services and supports in
6 relation to subparagraph (x) of this paragraph, shall review any policy
7 or practice instituted in facilities operated by the department of
8 corrections and community supervision, and in all local correctional
9 facilities, as defined in subdivision sixteen of section two of the
10 correction law, regarding:

11 (i) human immunodeficiency virus (HIV)[~~7~~] and acquired immunodeficien-
12 cy syndrome (AIDS)[~~7~~];

13 (ii) hepatitis C (HCV)[~~7~~ and];

14 (iii) COVID-19[~~7~~, ~~including the prevention of the transmission of and~~
15 ~~the treatment of such infections and diseases among incarcerated indi-~~
16 ~~viduals~~];

17 (iv) emerging infectious diseases;

18 (v) women's health;

19 (vi) transgender health;

20 (vii) chronic health conditions including but not limited to asthma,
21 diabetes, and heart disease;

22 (viii) health care services for individuals fifty years of age or
23 older;

24 (ix) discharge planning of health care services including planning for
25 discharges requiring residential placement or long-term care services;
26 and

27 (x) substance use disorders.

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

LBD02405-01-3

1 (b) Such ~~[review]~~ reviews shall be performed at least annually, and
2 shall focus on whether such ~~[policy or practice is]~~ policies or prac-
3 tices are consistent with current, generally accepted medical standards
4 and procedures used to prevent the transmission of and to treat those
5 infections and diseases among the general public. In performing such
6 reviews, in order to determine the quality and adequacy of care and
7 treatment provided, department personnel are authorized to enter correc-
8 tional facilities and inspect policy and procedure manuals and medical
9 protocols, interview health services providers and incarcerated indivi-
10 dual-patients, review medical grievances, and inspect a representative
11 sample of medical records of incarcerated individuals known to be
12 infected with any such infections or diseases. Prior to initiating a
13 review of a correctional system, the commissioner shall inform the
14 public, including patients, their families and patient advocates, of the
15 scheduled review and invite them to provide the commissioner with rele-
16 vant information.

17 (c) Upon the completion of such review, the department shall, in writ-
18 ing, approve such policy or practice as instituted in facilities oper-
19 ated by the department of corrections and community supervision, and in
20 any local correctional facility, or, based on specific, written recom-
21 mendations, direct the department of corrections and community super-
22 vision, or the authority responsible for the provision of medical care
23 to incarcerated individuals in local correctional facilities to prepare
24 and implement a corrective plan to address deficiencies in areas where
25 such policy or practice fails to conform to current, generally accepted
26 medical standards and procedures. The commissioner shall monitor the
27 implementation of such corrective plans and shall conduct such further
28 reviews as the commissioner deems necessary to ensure that identified
29 deficiencies in those policies and practices are corrected. All written
30 reports pertaining to reviews provided for in this subdivision shall not
31 contain individual patient identifying information and shall be ~~[main-~~
32 ~~tained, under such conditions as the commissioner shall prescribe, as]~~
33 public information ~~[available for public inspection]~~ and shall be posted
34 on the department's website.

35 (d) As used in this subdivision, "emerging infectious disease" means
36 an infection that has increased recently or is threatening to increase
37 in the near future.

38 26-a. (a) The department, in consultation with the department of
39 corrections and community supervision, shall biennially study health
40 care staffing in facilities operated by the department of corrections
41 and community supervision and in local correctional facilities as
42 defined in subdivision sixteen of section two of the correction law. The
43 study shall examine:

44 (i) adequacy of staffing, including in specialties such as women's,
45 transgender, and geriatric health care;

46 (ii) potential challenges such as salary adequacy or geographic
47 factors; and

48 (iii) impact of staffing levels on availability of services.

49 (b) The first such study shall be completed and submitted to the
50 governor, the temporary president of the senate, and the speaker of the
51 assembly no later than one year after the effective date of this subdi-
52 vision.

53 § 2. This act shall take effect immediately.