

8860

2009-2010 Regular Sessions

I N A S S E M B L Y

June 11, 2009

Introduced by M. of A. JACOBS -- read once and referred to the Committee
on Correction

AN ACT to amend the correction law, in relation to providing necessary
medicine to persons committed to the custody of the department

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The correction law is amended by adding a new section 71-a
2 to read as follows:
3 S 71-A. MEDICATIONS FOR PERSONS RECEIVED INTO THE CUSTODY OF THE
4 DEPARTMENT. 1. THE DEPARTMENT SHALL ENSURE THAT ALL MEDICATIONS
5 PRESCRIBED BY PHYSICIANS TO TREAT CHRONIC CONDITIONS PRIOR TO INCARCERA-
6 TION FOR PERSONS IN ITS CUSTODY ARE CONTINUED DURING ADMITTANCE TO A
7 CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY, AS DEFINED BY
8 SECTION TWO OF THIS CHAPTER, WHILE PLACED IN SUCH FACILITY AND DURING
9 TRANSFERS TO OTHER SUCH FACILITIES.
10 2. SUCH MEDICATIONS SHALL CONTINUE TO BE ADMINISTERED TO THE INCARCER-
11 ATED PERSON FOR A MINIMUM OF THIRTY DAYS FROM THE DATE SUCH PERSON IS
12 COMMITTED TO THE CUSTODY OF THE DEPARTMENT. THE FACILITY RECEIVING SUCH
13 PERSONS SHALL RESUME APPROPRIATE AND COMMENSURATE MANAGEMENT OF THE
14 CHRONIC CONDITION, INCLUDING BUT NOT LIMITED TO, THE USE OF APPROPRIATE
15 THERAPEUTIC TREATMENTS AND MEDICATIONS OR THEIR GENERIC SUBSTITUTION IN
16 ACCORDANCE WITH STATE LAW AND PROTOCOLS ESTABLISHED BY THE COMMISSIONER
17 WITHIN ONE HUNDRED EIGHTY DAYS FROM THE EFFECTIVE DATE OF THIS SECTION.
18 3. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH,
19 IS HEREBY AUTHORIZED AND DIRECTED TO ESTABLISH A SYSTEM TO ENSURE THAT
20 ALL NECESSARY MEDICATIONS ARE GIVEN TO INCARCERATED PERSONS IN A TIMELY
21 MANNER WHILE IN THE CUSTODY OF THE DEPARTMENT, WITHIN ONE HUNDRED EIGHTY
22 DAYS FROM THE EFFECTIVE DATE OF THIS SECTION. NECESSARY MEDICATIONS
23 SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THOSE MEDICATIONS WHICH IF
24 MISSED MAY CAUSE SERIOUS ILLNESS, DEATH OR OTHER HARMFUL EFFECTS. SUCH
25 SYSTEM SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO THE FOLLOWING:

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

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1 A. A SCREENING STAFF FOR EACH FACILITY, WHICH SHALL INCLUDE ANY
2 MEDICAL PROFESSIONAL CURRENTLY EMPLOYED BY SUCH FACILITY AND SHALL BE
3 TRAINED TO DETERMINE WHICH MEDICATIONS TIMELY CONTINUATION IS AN URGENT
4 MATTER;
5 B. A METHOD FOR DETERMINING WHICH MEDICATIONS SHALL BE DEEMED NECES-
6 SARY;
7 C. A METHOD FOR CONTACTING THE PRESCRIBING PHYSICIAN;
8 D. A METHOD FOR VALIDATING THE PRESCRIPTION;
9 E. A METHOD FOR CHECKING THAT ALL MEDICATIONS BROUGHT INTO A FACILITY
10 ARE LABELED TO ENSURE THAT THE CONTAINER CONTAINS THE CORRECT MEDICA-
11 TION;
12 F. A METHOD FOR PROVIDING NECESSARY MEDICATIONS TO AN INCARCERATED
13 PERSON WHO HAS BEEN TAKEN INTO CUSTODY WITHOUT A SUPPLY OF SUCH MEDICA-
14 TION;
15 G. A METHOD FOR NOTIFYING IN ADVANCE A FACILITY RECEIVING A TRANS-
16 FERRED INCARCERATED PERSON, THAT SUCH PERSON HAS BEEN PRESCRIBED A
17 NECESSARY MEDICATION AND THE CONTINUATION OF SUCH MEDICATION IS AN
18 URGENT MATTER; AND
19 H. A METHOD FOR MAINTAINING A SUPPLY OF THE MOST COMMON NECESSARY
20 MEDICATIONS AT EACH FACILITY OR AN ON-CALL PHYSICIAN, OR OTHER MEDICAL
21 PROFESSIONAL CAPABLE OF PRESCRIBING MEDICATIONS, AVAILABLE TO PRESCRIBE
22 SUCH MEDICATIONS AND THE ABILITY TO FILL SUCH PRESCRIPTIONS.
23 4. THE COMMISSIONER, IN CONSULTATION WITH THE COMMISSIONER OF HEALTH,
24 SHALL PROMULGATE RULES AND REGULATIONS TO EFFECTUATE THE PURPOSES OF
25 THIS SECTION.
26 S 2. This act shall take effect on the ninetieth day after it shall
27 have become a law.