S T A T E O F N E W Y O R K

8146

2013-2014 Regular Sessions

I N A S S E M B L Y

August 30, 2013

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

AN ACT to amend the correction law, in relation to prenatal and postnatal care and testing and prevention of sexually transmitted diseases and HIV for prisoners

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

Section 1. Section 611 of the correction law is amended by adding eleven new subdivisions 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14 to read as follows:

4. ANY PREGNANT WOMAN CONFINED IN ANY INSTITUTION AS DEFINED IN PARAGRAPH (C) OF SUBDIVISION FOUR OF SECTION TWO OF THE CORRECTION LAW OR LOCAL CORRECTIONAL FACILITY AS DEFINED IN PARAGRAPH (A) OF SUBDIVISION SIXTEEN OF SECTION TWO OF THE CORRECTION LAW SHALL BE PROVIDED WITH APPROPRIATE AND TIMELY PRENATAL AND POSTNATAL CARE INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(A) GYNECOLOGICAL AND OBSTETRICAL CARE;

(B) MEDICAL DIETS FOR PRENATAL NUTRITION;

(C) ALL LABORATORY TESTS AS DEEMED NECESSARY BY MEDICAL PERSONNEL; AND

(D) SPECIAL HOUSING AS DEEMED NECESSARY BY MEDICAL PERSONNEL.

5. UPON REQUEST, AND IN ACCORDANCE WITH ALL APPLICABLE LAWS, FEMALE INMATES SHALL BE ENTITLED TO RECEIVE ABORTIONS IN AN APPROPRIATELY EQUIPPED AND LICENSED MEDICAL FACILITY WITHIN A REASONABLE TIME-FRAME.

6. UPON REQUEST, PREGNANT INMATES SHALL BE PROVIDED ACCESS TO ADOPTION OR FOSTER CARE SERVICES THROUGH THE DEPARTMENT'S SOCIAL SERVICE UNIT. UNDER NO CIRCUMSTANCES WILL CORRECTIONAL OR HEALTH CARE PERSONNEL DELAY OR DENY AN INMATE ACCESS TO SUCH SERVICES OR FORCE AN INMATE TO UTILIZE EITHER SERVICE AGAINST HER WILL.

7. THE DEPARTMENT SHALL REQUIRE EVERY CORRECTIONAL FACILITY WHERE INFANTS ARE HOUSED TO MAINTAIN AN INFANT NURSERY WITH EQUIPMENT AND FURNISHINGS WHICH SHALL INCLUDE, BUT ARE NOT LIMITED TO:

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

LBD11700-01-3

(A) A SEPARATE FORMULA ROOM WHICH SHALL BE USED FOR NO PURPOSE OTHER THAN PREPARATION OF INFANT FEEDINGS;
(B) A BASSINET OR CRIB APPROVED BY THE MEDICAL DIRECTOR FOR EACH INFANT;
(C) A REFRIGERATOR USED FOR NO PURPOSE OTHER THAN THE STORAGE OF INFANT FEEDINGS;
(D) EFFECTIVE SCREENING FOR ALL EXTERIOR DOORS AND WINDOWS USED FOR VENTILATION;
(E) A FOOT-CONTROLLED, COVERED RECEPTACLE FOR THE DISPOSAL OF WET OR SOILED DIAPERS, AND SANITARY EQUIPMENT FOR THE SANITARY DISPOSAL OF LINEN OTHER THAN WET OR SOILED DIAPERS;
(F) SUFFICIENT QUANTITIES OF FRESH, CLEAN COVERS FOR SCALE PANS AND CHANGING TABLES SUCH THAT EACH INFANT IS WEIGHED, DIAPER-CHANGED, EXAMINED OR TREATED ON A FRESHLY COVERED SCALE OR CHANGING TABLE;
(G) A SINK WITH HOT AND COLD RUNNING WATER, SOAP, AND DISPOSABLE TOWEL DISPENSER; AND
(H) A LINEN INVENTORY SUFFICIENT TO MEET THE NEEDS OF THE NURSERY.

8. THE DEPARTMENT SHALL ARRANGE FOR THE REGULAR AND ON-CALL SERVICES OF A PHYSICIAN WHO IS A BOARD-ELIGIBLE PEDIATRICIAN OR FAMILY PHYSICIAN TO BE PROVIDED TO EACH INFANT HOUSED IN A CORRECTIONAL FACILITY.

9. THE DEPARTMENT SHALL REQUIRE EVERY CORRECTIONAL FACILITY WHICH OPERATES A NURSERY TO ESTABLISH PROGRAMS OF PRESCRIPTION AND PROVISION OF THERAPEUTIC NUTRITION AS ORDERED BY THE MEDICAL DIRECTOR IN CONSULTATION WITH THE PEDIATRICIAN FOR ALL INFANTS IN NEED OF SUCH PROGRAMS.

10. EACH INFANT ADMITTED TO A FACILITY NURSERY SHALL HAVE A COMPLETE PHYSICAL EXAMINATION WITHIN THIRTY DAYS OF ADMISSION WHICH SHALL BE CONDUCTED BY A BOARD-ELIGIBLE PEDIATRICIAN OR FAMILY PRACTITIONER.

11. A PERMANENT INDIVIDUAL WRITTEN MEDICAL RECORD AND, IF APPROPRIATE, DENTAL RECORD SHALL BE MAINTAINED FOR EACH INFANT HOUSED IN A CORRECTIONAL FACILITY.

12. THE COMMISSIONER SHALL DEVELOP AND REQUIRE IMPLEMENTATION OF A WRITTEN HOUSEKEEPING PROCEDURE FOR ALL FACILITY NURSERIES.

13. ANY INFANT KNOWN TO BE EXPOSED TO OR DIAGNOSED WITH DIARRHEAL DISEASE OR A COMMUNICABLE CONDITION CAUSING INTRACTABLE EMESIS, SHALL BE HOUSED IN A ROOM PHYSICALLY SEPARATE FROM THE INFANT NURSERY AND SHALL BE OBSERVED PENDING DIFFERENTIAL DIAGNOSIS.

14. NOTHING IN THIS SECTION SHALL BE INTERPRETED TO LIMIT THE AUTHORITY AND RESPONSIBILITY OF THE DEPARTMENT TO TAKE LAWFUL ACTION TO SAFEGUARD THE WELFARE OF ANY INFANT IN ITS CARE AND CUSTODY.

S 2. The correction law is amended by adding a new section 141-a to read as follows:

S 141-A. SEXUALLY TRANSMITTED DISEASES AND HIV; TESTING AND PREVENTION. 1. THE COMMISSIONER SHALL DEVELOP PROTOCOLS FOR THE TREATMENT OF HIV-RELATED ILLNESSES THAT ARE CONSISTENT WITH ACCEPTED PROFESSIONAL STANDARDS AND SOUND PROFESSIONAL JUDGMENT AND PRACTICE. ALL PRACTICES AFFECTING THE TREATMENT OR CARE OF PEOPLE WITH HIV INFECTION SHALL BE IN COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS.

2. ALL SERVICES FOR HIV-RELATED DISEASE SHALL BE PROVIDED IN A MANNER THAT INSURES CONFIDENTIALITY. SEGREGATION BASED SOLELY UPON THIS DIAGNOSIS SHALL BE PROHIBITED.

3. TESTING FOR HIV INFECTION WILL BE VOLUNTARY AND PERFORMED ONLY WITH SPECIFIC INFORMED CONSENT AND APPROPRIATE PRE- AND POST-TEST COUNSELING.

4. THE COMMISSIONER SHALL DEVELOP AND IMPLEMENT PROGRAMS IN EVERY CORRECTIONAL FACILITY TO PREVENT THE SPREAD OF SEXUALLY TRANSMITTED DISEASES AND HIV FOR EMPLOYEES AND INMATES, INCLUDING EDUCATION,

OUTREACH, HARM REDUCTION, OFFERING TESTING, AND AVAILABILITY FOR PROPHYLACTIC DEVICES.

5. IN DEVELOPING PROGRAMS FOR THE PREVENTION OF SEXUALLY TRANSMITTED DISEASES AND HIV, THE COMMISSIONER SHALL CONSULT WITH THE COMMISSIONER OF HEALTH TO IDENTIFY AND SELECT CURRICULA THAT ARE LIKELY TO BE EFFECTIVE IN REDUCING TRANSMISSION OF INFECTIOUS DISEASES WITHIN CORRECTIONAL FACILITIES AND TO CONTACTS OF PRISONERS UPON THEIR RELEASE.

S 3. This act shall take effect on the sixtieth day after it shall have become a law; provided that the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made on or before such date.