STATE OF NEW YORK

10463

IN ASSEMBLY

May 18, 2020

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gottfried, Weprin) -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to review of policies and practices relating to any infectious disease outbreak in correctional facilities, including the treatment and prevention of the disease among inmates and staff

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

Section 1. Subdivision 26 of section 206 of the public health law, as amended by section 127-t of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

26. **(a)** The commissioner is hereby authorized and directed to review any policy or practice instituted in facilities operated by the department of corrections and community supervision, and in all local correctional facilities, as defined in subdivision sixteen of section two of the correction law, regarding**:**

(i) human immunodeficiency virus (HIV)[~~,~~] **and** acquired immunodeficiency syndrome (AIDS), [~~and~~] **including the prevention of the transmission of HIV and treatment of AIDS among inmates;**

(ii) hepatitis C (HCV) including the **treatment and** prevention of the transmission of [~~HIV and HCV and the treatment of AIDS, HIV and~~] HCV among inmates**; and**

(iii) any infectious disease outbreak in a facility or among the general public, including the treatment and prevention of the disease among inmates and staff.

(b) Such [~~review~~] **reviews** shall be performed annually**, and, in the case of an infectious disease outbreak, within forty-eight hours of the outbreak and continually during the outbreak,** and shall focus on whether such [~~HIV, AIDS or HCV policy or practice is~~] **policies and practices are** consistent with current, generally accepted medical standards [~~and procedures used to prevent the transmission of HIV and HCV and to treat AIDS, HIV and HCV among the general public~~]. In performing such reviews, in order to determine the quality and adequacy of care and treatment provided, department personnel are authorized to enter correctional

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

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facilities and inspect policy and procedure manuals and medical protocols, interview health services providers and inmate-patients, review medical grievances, and inspect a representative sample of medical records of inmates known to be infected [~~with HIV or HCV or have AIDS~~]. Prior to initiating a review of a correctional system, the commissioner shall inform the public, including patients, their families and patient advocates, of the scheduled review and invite them to provide the commissioner with relevant information. Upon the completion of such review, the department shall, in writing, approve such [~~policy or practice~~] **policies and practices** as instituted in facilities operated by the department of corrections and community supervision, and in any local correctional facility, or, based on specific, written recommendations, direct the department of corrections and community supervision, or the authority responsible for the provision of medical care to inmates in local correctional facilities to prepare and implement a corrective plan to address deficiencies in areas where such [~~policy or practice fails~~] **policies and practices fail** to conform to current, generally accepted medical standards [~~and procedures~~]. The commissioner shall monitor the implementation of such corrective plans and shall conduct such further reviews as the commissioner deems necessary to ensure that identified deficiencies [~~in HIV, AIDS and HCV policies and practices~~] are corrected.

(c) In the case of a review under subparagraph (iii) of paragraph (a) of this subdivision, the commissioner shall, in consultation with the commissioner of corrections and community supervision and with the county and city of New York official in charge of the county or city's local correctional facilities, monitor the outbreak and ensure that adequate personal protective equipment is available to staff and inmates and that inmates are not inappropriately confined to their cells or placed in segregated confinement. The commissioner shall make and update recommendations on whether any of the following actions should be taken to protect inmates and staff:

(i) early release of certain inmates;

(ii) medical parole for certain inmates; and

(iii) transfer of certain inmates to appropriate medical facilities. Recommendations of the commissioner shall be implemented as recommended by the commissioner and the commissioner shall monitor the implementation of the recommendations.

(d) All written reports pertaining to reviews **and monitoring** provided for in this subdivision shall be maintained, under such conditions as the commissioner shall prescribe, as public information available for public inspection.

§ 2. This act shall take effect immediately.