

# STATE OF NEW YORK

8315--A

## IN SENATE

May 11, 2020

Introduced by Sens. RIVERA, KRUEGER, MONTGOMERY, MYRIE -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

4 26. The commissioner is hereby authorized and directed to review any  
5 policy or practice instituted in facilities operated by the department  
6 of corrections and community supervision, and in all local correctional  
7 facilities, as defined in subdivision sixteen of section two of the  
8 correction law, regarding human immunodeficiency virus (HIV), acquired  
9 immunodeficiency syndrome (AIDS), ~~[and]~~ hepatitis C (HCV), and emerging  
10 infectious diseases, including the prevention of the transmission of  
11 ~~[HIV and HCV]~~ and the treatment of ~~[AIDS, HIV and HCV]~~ such infections  
12 and diseases among inmates. Such review shall be performed annually, and  
13 more frequently as determined by the commissioner, and shall focus on  
14 whether such ~~[HIV, AIDS or HCV]~~ policy or practice is consistent with  
15 current, generally accepted medical standards and procedures used to  
16 prevent the transmission of ~~[HIV and HCV]~~ and to treat ~~[AIDS, HIV and~~  
17 ~~HCV]~~ those infections and diseases among the general public. In perform-  
18 ing such reviews, in order to determine the quality and adequacy of care  
19 and treatment provided, department personnel are authorized to enter  
20 correctional facilities and inspect policy and procedure manuals and  
21 medical protocols, interview health services providers and inmate-pa-  
22 tients, review medical grievances, and inspect a representative sample  
23 of medical records of inmates known to be infected with ~~[HIV or HCV or~~  
24 ~~have AIDS]~~ any such infections or diseases. Prior to initiating a review

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

LBD16343-05-0

1 of a correctional system, the commissioner shall inform the public,  
2 including patients, their families and patient advocates, of the sched-  
3 uled review and invite them to provide the commissioner with relevant  
4 information. Upon the completion of such review, the department shall,  
5 in writing, approve such policy or practice as instituted in facilities  
6 operated by the department of corrections and community supervision, and  
7 in any local correctional facility, or, based on specific, written  
8 recommendations, direct the department of corrections and community  
9 supervision, or the authority responsible for the provision of medical  
10 care to inmates in local correctional facilities to prepare and imple-  
11 ment a corrective plan to address deficiencies in areas where such poli-  
12 cy or practice fails to conform to current, generally accepted medical  
13 standards and procedures. The commissioner shall monitor the implementa-  
14 tion of such corrective plans and shall conduct such further reviews as  
15 the commissioner deems necessary to ensure that identified deficiencies  
16 in [~~HIV, AIDS and HCV~~] those policies and practices are corrected. All  
17 written reports pertaining to reviews provided for in this subdivision  
18 shall be maintained, under such conditions as the commissioner shall  
19 prescribe, as public information available for public inspection. As  
20 used in this subdivision, "emerging infectious disease" means an  
21 infection that has increased recently or is threatening to increase in  
22 the near future.

23 § 2. This act shall take effect immediately.