

# STATE OF NEW YORK

9044

## IN ASSEMBLY

January 10, 2020

Introduced by M. of A. GOTTFRIED, WEPRIN, L. ROSENTHAL, ORTIZ, SIMON, DICKENS, ARROYO, JAFFEE, D'URSO, DE LA ROSA, ABINANTI, LAVINE, PEOPLES-STOKES, MOSLEY, AUBRY, WRIGHT, PICHARDO, STECK, COOK, WALLACE, WILLIAMS, DAVILA, BICHOTTE, TAYLOR, NIOU, SEAWRIGHT, McDONOUGH, MONTESANO, BARRON, FERNANDEZ, SAYEGH, DARLING -- Multi-Sponsored by -- M. of A. CRESPO, CROUCH, DeSTEFANO -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to expanding health department review of correctional health services

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 and a new subdivision 26-a is added to read as  
4 follows:

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

12 (i) human immunodeficiency virus (HIV)[~~7~~] and acquired immunodeficien-  
13 cy syndrome (AIDS), [~~and~~] including the prevention and transmission of  
14 HIV and the treatment of AIDS;

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

17 (iii) women's health;

18 (iv) transgender health;

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

21 (vi) health care services for individuals fifty years of age or older;

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

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1 (vii) discharge planning of health care services including planning  
2 for discharges requiring residential placement or long-term care  
3 services; and

4 (viii) substance use disorders.

5 (b) Such ~~[review]~~ reviews shall be performed annually and shall focus  
6 on whether such ~~[HIV, AIDS or HCV policy]~~ policies or ~~[practice is]~~  
7 practices are consistent with current, generally accepted medical stand-  
8 ards and procedures ~~[used to prevent the transmission of HIV and HCV and~~  
9 ~~to treat AIDS, HIV and HCV among the general public]~~. In performing such  
10 reviews, in order to determine the quality and adequacy of care and  
11 treatment provided, department personnel are authorized to enter correc-  
12 tional facilities and inspect policy and procedure manuals and medical  
13 protocols, interview health services providers and inmate-patients,  
14 review medical grievances, and inspect a representative sample of  
15 medical records of inmates ~~[known to be infected with HIV or HCV or have~~  
16 ~~AIDS]~~. Prior to initiating a review of a correctional system, the  
17 commissioner shall inform the public, including patients, their families  
18 and patient advocates, of the scheduled review and invite them to  
19 provide the commissioner with relevant information.

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

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.