

STATE OF NEW YORK

8315

IN SENATE

May 11, 2020

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed 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:

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. (a) The commissioner is hereby authorized and directed to review
5 any policy or practice instituted in facilities operated by the depart-
6 ment of corrections and community supervision, and in all local correc-
7 tional facilities, as defined in subdivision sixteen of section two of
8 the correction law, regarding:

9 (i) human immunodeficiency virus (HIV)~~[r]~~ and acquired immunodeficien-
10 cy syndrome (AIDS), ~~[and]~~ including the prevention of the transmission
11 of HIV and treatment of AIDS among inmates;

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

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

18 (b) Such ~~[review]~~ reviews shall be performed annually, and, in the
19 case of an infectious disease outbreak, within forty-eight hours of the
20 outbreak and continually during the outbreak, and shall focus on whether
21 such ~~[HIV, AIDS or HCV policy or practice is]~~ policies and practices are
22 consistent with current, generally accepted medical standards ~~[and~~
23 ~~procedures used to prevent the transmission of HIV and HCV and to treat~~
24 ~~AIDS, HIV and HCV among the general public]~~. In performing such reviews,
25 in order to determine the quality and adequacy of care and treatment
26 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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1 facilities and inspect policy and procedure manuals and medical proto-
2 cols, interview health services providers and inmate-patients, review
3 medical grievances, and inspect a representative sample of medical
4 records of inmates known to be infected [~~with HIV or HCV or have AIDS~~].
5 Prior to initiating a review of a correctional system, the commissioner
6 shall inform the public, including patients, their families and patient
7 advocates, of the scheduled review and invite them to provide the
8 commissioner with relevant information. Upon the completion of such
9 review, the department shall, in writing, approve such [~~policy or prac-~~
10 ~~tice~~] policies and practices as instituted in facilities operated by the
11 department of corrections and community supervision, and in any local
12 correctional facility, or, based on specific, written recommendations,
13 direct the department of corrections and community supervision, or the
14 authority responsible for the provision of medical care to inmates in
15 local correctional facilities to prepare and implement a corrective plan
16 to address deficiencies in areas where such [~~policy or practice fails~~]
17 policies and practices fail to conform to current, generally accepted
18 medical standards [~~and procedures~~]. The commissioner shall monitor the
19 implementation of such corrective plans and shall conduct such further
20 reviews as the commissioner deems necessary to ensure that identified
21 deficiencies [~~in HIV, AIDS and HCV policies and practices~~] are
22 corrected.

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

33 (i) early release of certain inmates;

34 (ii) medical parole for certain inmates; and

35 (iii) transfer of certain inmates to appropriate medical facilities.

36 Recommendations of the commissioner shall be implemented as recommended
37 by the commissioner and the commissioner shall monitor the implementa-
38 tion of the recommendations.

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

43 § 2. This act shall take effect immediately.