

STATE OF NEW YORK

6386

2021-2022 Regular Sessions

IN ASSEMBLY

March 16, 2021

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

AN ACT to amend the public health law, in relation to expanding review of correctional health services and health care staffing at correctional facilities

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 chapter 45 of the laws of 2021, is amended and a new subdivi-
3 sion 26-a is added to read as follows:

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

11 (i) human immunodeficiency virus (HIV)[~~r~~] and acquired immunodeficien-
12 cy syndrome (AIDS)[~~r~~];

13 (ii) hepatitis C (HCV)[~~r~~ and];

14 (iii) COVID-19[~~r including the prevention of the transmission of and~~
15 ~~the treatment of such infections and diseases among inmates~~];

16 (iv) emerging infectious diseases;

17 (v) women's health;

18 (vi) transgender health;

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

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

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

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

4 (x) substance use disorders.

5 (b) Such [~~review~~] reviews shall be performed at least annually, and
6 shall focus on whether such [~~policy or practice is~~] policies or prac-
7 tices are consistent with current, generally accepted medical standards
8 and procedures used to prevent the transmission of and to treat those
9 infections and diseases 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 any such infections
16 or diseases. 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 those policies and practices are corrected. All written reports pertain-
33 ing to reviews provided for in this subdivision shall not contain indi-
34 vidual patient identifying information and shall be [~~maintained, under~~
35 ~~such conditions as the commissioner shall prescribe, as~~] public informa-
36 tion [~~available for public inspection~~] and shall be posted on the
37 department's website.

38 (d) As used in this subdivision, "emerging infectious disease" means
39 an infection that has increased recently or is threatening to increase
40 in the near future.

41 26-a. (a) The department, in consultation with the department of
42 corrections and community supervision, shall biennially study health
43 care staffing in facilities operated by the department of corrections
44 and community supervision and in local correctional facilities as
45 defined in subdivision sixteen of section two of the correction law. The
46 study shall examine:

47 (i) adequacy of staffing, including in specialties such as women's,
48 transgender, and geriatric health care;

49 (ii) potential challenges such as salary adequacy or geographic
50 factors; and

51 (iii) impact of staffing levels on availability of services.

52 (b) The first such study shall be completed and submitted to the
53 governor, the temporary president of the senate, and the speaker of the
54 assembly no later than one year after the effective date of this subdi-
55 vision.

56 § 2. This act shall take effect immediately.