

# STATE OF NEW YORK

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984

2021-2022 Regular Sessions

## IN ASSEMBLY

January 6, 2021

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Introduced by M. of A. GOTTFRIED -- 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 COVID-19 outbreaks 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 a chapter of the laws of 2020 amending the public health law,  
3 relating to review of policies and practices relating to any infectious  
4 disease outbreak in correctional facilities, including the treatment and  
5 prevention of the disease among inmates and staff, as proposed in legis-  
6 lative bills numbers S.8315-A and A.10463-A, is amended to read as  
7 follows:

8 26. The commissioner is hereby authorized and directed to review any  
9 policy or practice instituted in facilities operated by the department  
10 of corrections and community supervision, and in all local correctional  
11 facilities, as defined in subdivision sixteen of section two of the  
12 correction law, regarding human immunodeficiency virus (HIV), acquired  
13 immunodeficiency syndrome (AIDS), hepatitis C (HCV), and [~~emerging~~  
14 ~~infectious diseases~~] COVID-19, including the prevention of the trans-  
15 mission of and the treatment of such infections and diseases among  
16 inmates. Such review shall be performed at least annually[~~, and more~~  
17 ~~frequently as determined by the commissioner~~], and shall focus on wheth-  
18 er such policy or practice is consistent with current, generally  
19 accepted medical standards and procedures used to prevent the trans-  
20 mission of and to treat those infections and diseases among the general  
21 public. In performing such reviews, in order to determine the quality  
22 and adequacy of care and treatment provided, department personnel are  
23 authorized to enter correctional facilities and inspect policy and

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

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1 procedure manuals and medical protocols, interview health services  
2 providers and inmate-patients, review medical grievances, and inspect a  
3 representative sample of medical records of inmates known to be infected  
4 with any such infections or diseases. Prior to initiating a review of a  
5 correctional system, the commissioner shall inform the public, including  
6 patients, their families and patient advocates, of the scheduled review  
7 and invite them to provide the commissioner with relevant information.  
8 Upon the completion of such review, the department shall, in writing,  
9 approve such policy or practice as instituted in facilities operated by  
10 the department of corrections and community supervision, and in any  
11 local correctional facility, or, based on specific, written recommenda-  
12 tions, direct the department of corrections and community supervision,  
13 or the authority responsible for the provision of medical care to  
14 inmates in local correctional facilities to prepare and implement a  
15 corrective plan to address deficiencies in areas where such policy or  
16 practice fails to conform to current, generally accepted medical stand-  
17 ards and procedures. The commissioner shall monitor the implementation  
18 of such corrective plans and shall conduct such further reviews as the  
19 commissioner deems necessary to ensure that identified deficiencies in  
20 those policies and practices are corrected. All written reports  
21 pertaining to reviews provided for in this subdivision shall be main-  
22 tained, under such conditions as the commissioner shall prescribe, as  
23 public information available for public inspection. ~~[As used in this~~  
24 ~~subdivision, "emerging infectious disease" means an infection that has~~  
25 ~~increased recently or is threatening to increase in the near future.]~~

26 § 2. This act shall take effect on the same date and in the same  
27 manner as a chapter of the laws of 2020 amending the public health law,  
28 relating to review of policies and practices relating to any infectious  
29 disease outbreak in correctional facilities, including the treatment and  
30 prevention of the disease among inmates and staff, as proposed in legis-  
31 lative bills numbers S.8315-A and A.10463-A, takes effect.