

STATE OF NEW YORK

877

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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

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

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1 authorized to enter correctional facilities and inspect policy and
2 procedure manuals and medical protocols, interview health services
3 providers and inmate-patients, review medical grievances, and inspect a
4 representative sample of medical records of inmates known to be infected
5 with any such infections or diseases. Prior to initiating a review of a
6 correctional system, the commissioner shall inform the public, including
7 patients, their families and patient advocates, of the scheduled review
8 and invite them to provide the commissioner with relevant information.
9 Upon the completion of such review, the department shall, in writing,
10 approve such policy or practice as instituted in facilities operated by
11 the department of corrections and community supervision, and in any
12 local correctional facility, or, based on specific, written recommenda-
13 tions, direct the department of corrections and community supervision,
14 or the authority responsible for the provision of medical care to
15 inmates in local correctional facilities to prepare and implement a
16 corrective plan to address deficiencies in areas where such policy or
17 practice fails to conform to current, generally accepted medical stand-
18 ards and procedures. The commissioner shall monitor the implementation
19 of such corrective plans and shall conduct such further reviews as the
20 commissioner deems necessary to ensure that identified deficiencies in
21 those policies and practices are corrected. All written reports
22 pertaining to reviews provided for in this subdivision shall be main-
23 tained, under such conditions as the commissioner shall prescribe, as
24 public information available for public inspection. ~~[As used in this~~
25 ~~subdivision, "emerging infectious disease" means an infection that has~~
26 ~~increased recently or is threatening to increase in the near future.]~~
27 § 2. This act shall take effect on the same date and in the same
28 manner as a chapter of the laws of 2020 amending the public health law,
29 relating to review of policies and practices relating to any infectious
30 disease outbreak in correctional facilities, including the treatment and
31 prevention of the disease among inmates and staff, as proposed in legis-
32 lative bills numbers S.8315-A and A.10463-A, takes effect.