

STATE OF NEW YORK

9366

IN SENATE

May 20, 2022

Introduced by Sen. SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Cities 1

AN ACT to amend the administrative code of the city of New York, in relation to requiring the New York city department of corrections and the New York city health and hospitals corporation to adopt safety policies and training to protect health care workers

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The administrative code of the city of New York is amended
2 by adding a new section 9-163 to read as follows:

3 § 9-163 Health care worker safety policy; reports. a. Definitions. As
4 used in this section, the following terms shall have the following mean-
5 ings:

6 1. "Correctional health services" means the division of the New York
7 city health and hospitals corporation responsible for the delivery of
8 health and mental health services to incarcerated individuals in the
9 custody of the department, and any other health care entity designated
10 by the city of New York as the agency or agencies responsible for health
11 services for incarcerated individuals in the care and custody of the
12 department, including an outside provider sharing such responsibilities.

13 2. "Health care worker" means a health care professional employed by
14 correctional health services or another entity described in paragraph
15 one of this subdivision who regularly provides health and mental health
16 services to incarcerated individuals in the custody of the department.
17 Such term shall include dentists, physical therapists and subcontractors
18 of any health care entity designated by the city of New York as the
19 agency or agencies responsible for health services for incarcerated
20 individuals in the care and custody of the department, including an
21 outside provider.

22 3. "Hospitals corporation" or "corporation" means the New York city
23 health and hospitals corporation.

24 4. "Special officer" means a peace officer appointed pursuant to
25 subdivision forty of section 2.10 of the criminal procedure law and
26 employed by the city of New York or the New York city health and hospi-

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

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1 tals corporation to perform the patrol, investigation, and maintenance
2 of the peace duties of special officer, senior special officer and
3 hospital security officer.

4 b. Health care worker safety policy. 1. The department, in collab-
5 oration with correctional health services shall develop and implement a
6 joint health care worker safety policy to protect health care workers
7 from assault and other violent incidents during the provision of
8 services to incarcerated individuals. Such policy shall establish a
9 minimum standard of care for health care worker safety which shall, at
10 minimum:

11 2. Require yearly training for all uniformed staff of the department
12 and all special officers as defined in paragraph four of subdivision a
13 of this section regarding minimum standards necessary to secure an
14 incarcerated individual in the presence of a health care worker.

15 3. Establish protocols in consultation with stakeholders such as
16 health care employee unions, advocacy and community groups, for requir-
17 ing uniformed staff of the department and all special officers to inform
18 all health care workers who will or are likely to come into contact with
19 an incarcerated individual with a history of violent or aggressive
20 behavior whenever such individual is admitted to a hospital or other
21 medical facility. Such protocols shall be reviewed, and modified if
22 deemed necessary, by the department and health care providers on an
23 annual basis to ensure such protocols are adequate to protect health
24 care workers.

25 c. Reporting. 1. No later than ninety days after the effective date of
26 this section, and every six months thereafter, the department and
27 correctional health services shall publish a joint report on the health
28 care worker safety policy, which shall include but not be limited to a
29 review of any new rules and regulations promulgated or amended pursuant
30 thereto, and an evaluation of compliance with the policy at each correc-
31 tional facility and any medical facility subject to the provisions of
32 this chapter.

33 2. No later than nine months after the effective date of this section
34 and annually, the department and correctional health services shall
35 prepare and submit a report to the legislature. Such report shall
36 include a copy of every joint report published pursuant to paragraph two
37 of this subdivision during the twelve months preceding the date on which
38 the report required pursuant to this paragraph is due and any related
39 materials, together with any recommendations or proposals relating to
40 health care worker safety. Such report shall include an analysis of
41 whether certain punitive measures, including but not limited to the
42 imposition of a higher maximum sentence of imprisonment for assault on a
43 health care worker by an incarcerated individual, and/or provisions for
44 the extension of such an individual's current sentence should be consid-
45 ered by the legislature as a deterrent to such assaults.

46 d. Private right of action. 1. The department, the corporation, or
47 both such department and corporation shall be liable for damages to any
48 health care worker who suffers injuries as a result of any failure to
49 enforce or comply with minimum standards of care established pursuant to
50 subdivision b of this section.

51 2. A health care worker aggrieved by a violation of paragraph one of
52 this subdivision and subdivision b of this section shall have a cause of
53 action in any court of competent jurisdiction against the department,
54 the corporation or both such department and corporation.

55 § 2. This act shall take effect immediately.