

STATE OF NEW YORK

5468

2023-2024 Regular Sessions

IN SENATE

March 6, 2023

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 infectious disease outbreaks in 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 separately amended by chapters 45 and 322 of the laws of 2021, is
3 amended to read as follows:

4 26. The commissioner is hereby authorized and directed to review any
5 policy or practice instituted in facilities operated by the department
6 of corrections and community supervision, and in all local correctional
7 facilities, as defined in subdivision sixteen of section two of the
8 correction law, regarding human immunodeficiency virus (HIV), acquired
9 immunodeficiency syndrome (AIDS), hepatitis C (HCV), [~~and~~] COVID-19, and
10 emerging infectious diseases, including the prevention of the trans-
11 mission of and the treatment of such infections and diseases among
12 incarcerated individuals. Such review shall be performed at least annu-
13 ally, and shall focus on whether such policy or practice is consistent
14 with current, generally accepted medical standards and procedures used
15 to prevent the transmission of and to treat those infections and
16 diseases among the general public. In performing such reviews, in order
17 to determine the quality and adequacy of care and treatment provided,
18 department personnel are authorized to enter correctional facilities and
19 inspect policy and procedure manuals and medical protocols, interview
20 health services providers and incarcerated individual-patients, review
21 medical grievances, and inspect a representative sample of medical
22 records of incarcerated individuals known to be infected with any such
23 infections or diseases. Prior to initiating a review of a correctional
24 system, the commissioner shall inform the public, including patients,

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

LBD02669-01-3

1 their families and patient advocates, of the scheduled review and invite
2 them to provide the commissioner with relevant information. Upon the
3 completion of such review, the department shall, in writing, approve
4 such policy or practice as instituted in facilities operated by the
5 department of corrections and community supervision, and in any local
6 correctional facility, or, based on specific, written recommendations,
7 direct the department of corrections and community supervision, or the
8 authority responsible for the provision of medical care to incarcerated
9 individuals in local correctional facilities to prepare and implement a
10 corrective plan to address deficiencies in areas where such policy or
11 practice fails to conform to current, generally accepted medical stand-
12 ards and procedures. The commissioner shall monitor the implementation
13 of such corrective plans and shall conduct such further reviews as the
14 commissioner deems necessary to ensure that identified deficiencies in
15 those policies and practices are corrected. All written reports pertain-
16 ing to reviews provided for in this subdivision shall be maintained,
17 under such conditions as the commissioner shall prescribe, as public
18 information available for public inspection. As used in this subdivi-
19 sion, "emerging infectious disease" means an infection that had
20 increased recently or is threatening to increase in the near future.

21 § 2. This act shall take effect immediately.