STATE OF NEW YORK

7576--A

2025-2026 Regular Sessions

IN ASSEMBLY

April 1, 2025

Introduced by M. of A. ALVAREZ, TAYLOR, TAPIA, DE LOS SANTOS, JACKSON, MEEKS -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to enacting the "McDow Watson medical transparency in correctional facilities act"

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

Section 1. Short title. This act shall be known and may be cited as the "McDow Watson medical transparency in correctional facilities act".

§ 2. Section 17 of the correction law, as added by chapter 490 of the laws of 2024, is amended to read as follows:

§ 17. Notice to emergency contacts. **1. For the purposes of this section, the following terms shall have the following meanings:**

(a) "Emergency contact" means an individual designated by an incarcerated individual to receive notifications regarding serious medical events.

(b) "Serious medical event" means any of the following:

(i) inpatient hospitalization;

(ii) any surgery requiring general anesthesia;

(iii) a life-threatening illness or injury;

(iv) any condition that renders the incarcerated individual unable to communicate;

(v) significant, permanent impairment or disfigurement;

(vi) diagnosis of a terminal illness with a prognosis of six months or less to live;

(vii) transfer to a medical intensive care unit (ICU);

(viii) an attempted suicide; and

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

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(ix) any other medical condition that, if left untreated, could reasonably be expected to result in significant pain, disability, or death.

(c) "Medical record" means any record, in any form, electronic or paper, relating to the past, present, or future physical or mental health or condition of an incarcerated individual, including, but not limited to, admission and discharge summaries, progress notes, physician orders, nursing notes, laboratory results, radiology reports, medication administration records, consultation reports, and any other documentation related to the individual's medical care and treatment.

2. Each correctional facility shall maintain a procedure for incarcerated individuals to designate and regularly update emergency contact information, including telephone, text, and secure digital messaging options. Such emergency contact information shall be readily accessible to authorized personnel.

3. Within twenty-four hours of [~~the attempted suicide or hospitalization~~] a serious medical event of an incarcerated individual or any other individual occurring in the custody of the department, the department shall notify the emergency contacts of such incarcerated individual or other such individual.

4. Such notification shall include:

(a) a description of the serious medical event;

(b) the location of the incarcerated individual, such as a hospital or correctional facility infirmary; and

(c) contact information for the correctional facility's medical administration or designated medical liaison.

5. Such notification may be delayed only if there is a documented and specific threat to the safety and security of the correctional facility, staff, other incarcerated individuals or the emergency contact, and such delay is approved in writing by the warden or a designee at the level of deputy warden or higher. The reason for such delay and the approval shall be documented in the incarcerated individual's medical record. Notification shall occur as soon as such security risk is no longer present.

6. If the incarcerated individual is demonstrably competent to make medical decisions and explicitly objects to such notification required pursuant to this section in writing, and the situation is not immediately life-threatening, such notification may be withheld. However, if the situation becomes life-threatening, such notification shall occur. The provisions of this subdivision shall not apply if the serious medical event renders the incarcerated individual unable to communicate.

7. The department shall maintain a record of all notification attempts, including the date and time of the serious medical event, the date and time of each notification attempt, the name or names of the emergency contact or contacts notified or attempted to be notified, the method of notification, the name and title of the department staff member responsible for notification, and the reasons for any delay or failure to notify, including any delay or failure to notify pursuant to the provisions of subdivision five or six of this section.

§ 3. The correction law is amended by adding a new section 17-a to read as follows:

§ 17-a. Medical record access. 1. For the purposes of this section, "medical record" shall have the same meaning as defined in section seventeen of this article.

2. Incarcerated individuals and their designated representatives, including attorneys and individuals with a valid power of attorney or

other legal authorization, shall have the right to access such incarcerated individual's medical records.

3. Correctional facilities shall establish a clear and written procedure for requesting and obtaining medical records. Such procedure shall be made readily available to incarcerated individuals and their representatives.

4. Medical records shall be provided within fifteen business days of a written request. In cases of urgent medical need, as determined by a licensed medical professional, the correctional facility shall make every reasonable effort to provide such records within twenty-four hours.

5. Access to medical records pursuant to the provisions of this section shall be in compliance with applicable state and federal laws.

§ 4. The correction law is amended by adding a new section 17-b to read as follows:

§ 17-b. Correctional facility medical data collection and reporting. The department shall collect and compile data on medical incidents and response times, and shall publish an annual public report detailing such collected data.

§ 5. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

§ 6. This act shall take effect immediately.