

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:

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

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

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

7 (a) "Emergency contact" means an individual designated by an incarcer-
8 ated individual to receive notifications regarding serious medical
9 events.

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

11 (i) inpatient hospitalization;

12 (ii) any surgery requiring general anesthesia;

13 (iii) a life-threatening illness or injury;

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

16 (v) significant, permanent impairment or disfigurement;

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

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

20 (viii) an attempted suicide; and

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

LBD11320-02-6

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

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

11 2. Each correctional facility shall maintain a procedure for incarcer-
12 ated individuals to designate and regularly update emergency contact
13 information, including telephone, text, and secure digital messaging
14 options. Such emergency contact information shall be readily accessible
15 to authorized personnel.

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

21 4. Such notification shall include:

22 (a) a description of the serious medical event;

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

25 (c) contact information for the correctional facility's medical admin-
26 istration or designated medical liaison.

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

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

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

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

52 § 17-a. Medical record access. 1. For the purposes of this section,
53 "medical record" shall have the same meaning as defined in section
54 seventeen of this article.

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

1 other legal authorization, shall have the right to access such incarcer-
2 ated individual's medical records.

3 3. Correctional facilities shall establish a clear and written proce-
4 dure for requesting and obtaining medical records. Such procedure shall
5 be made readily available to incarcerated individuals and their repre-
6 sentatives.

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

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

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

16 § 17-b. Correctional facility medical data collection and reporting.
17 The department shall collect and compile data on medical incidents and
18 response times, and shall publish an annual public report detailing such
19 collected data.

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

29 § 6. This act shall take effect immediately.