

STATE OF NEW YORK

360

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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 expanding review of correctional health services and health care staffing at correctional facilities

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

Section 1. Subdivision 26 of section 206 of the public health law, as separately amended by chapters 45 and 322 of the laws of 2021, is amended and a new subdivision 26-a is added to read as follows:

26. (a) The commissioner [is hereby authorized and directed to], in consultation with the commissioner of addiction services and supports in relation to subparagraph (x) of this paragraph, shall review any policy or practice instituted in facilities operated by the department of corrections and community supervision, and in all local correctional facilities, as defined in subdivision sixteen of section two of the correction law, regarding:

(i) human immunodeficiency virus (HIV)[,] and acquired immunodeficiency syndrome (AIDS)[,];

(ii) hepatitis C (HCV)[, and];

(iii) COVID-19[, including the prevention of the transmission of and the treatment of such infections and diseases among incarcerated individuals];

(iv) emerging infectious diseases;

(v) women's health;

(vi) transgender health;

(vii) chronic health conditions including but not limited to asthma, diabetes, and heart disease;

(viii) health care services for individuals fifty years of age or older;

(ix) discharge planning of health care services including planning for discharges requiring residential placement or long-term care services; and

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

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1 (x) substance use disorders.

2 (b) Such ~~[review]~~ reviews shall be performed at least annually, and
3 shall focus on whether such ~~[policy or practice is]~~ policies or prac-
4 tices are consistent with current, generally accepted medical standards
5 and procedures used to prevent the transmission of and to treat those
6 infections and diseases among the general public. In performing such
7 reviews, in order to determine the quality and adequacy of care and
8 treatment provided, department personnel are authorized to enter correc-
9 tional facilities and inspect policy and procedure manuals and medical
10 protocols, interview health services providers and incarcerated indivi-
11 dual-patients, review medical grievances, and inspect a representative
12 sample of medical records of incarcerated individuals known to be
13 infected with any such infections or diseases. Prior to initiating a
14 review of a correctional system, the commissioner shall inform the
15 public, including patients, their families and patient advocates, of the
16 scheduled review and invite them to provide the commissioner with rele-
17 vant information.

18 (c) Upon the completion of such review, the department shall, in writ-
19 ing, approve such policy or practice as instituted in facilities oper-
20 ated by the department of corrections and community supervision, and in
21 any local correctional facility, or, based on specific, written recom-
22 mendations, direct the department of corrections and community super-
23 vision, or the authority responsible for the provision of medical care
24 to incarcerated individuals in local correctional facilities to prepare
25 and implement a corrective plan to address deficiencies in areas where
26 such policy or practice fails to conform to current, generally accepted
27 medical standards and procedures. The commissioner shall monitor the
28 implementation of such corrective plans and shall conduct such further
29 reviews as the commissioner deems necessary to ensure that identified
30 deficiencies in those policies and practices are corrected. All written
31 reports pertaining to reviews provided for in this subdivision shall not
32 contain individual patient identifying information and shall be ~~[main-~~
33 ~~tained, under such conditions as the commissioner shall prescribe, as]~~
34 public information ~~[available for public inspection]~~ and shall be posted
35 on the department's website.

36 (d) As used in this subdivision, "emerging infectious disease" means
37 an infection that has increased recently or is threatening to increase
38 in the near future.

39 26-a. (a) The department, in consultation with the department of
40 corrections and community supervision, shall biennially study health
41 care staffing in facilities operated by the department of corrections
42 and community supervision and in local correctional facilities as
43 defined in subdivision sixteen of section two of the correction law. The
44 study shall examine:

45 (i) adequacy of staffing, including in specialties such as women's,
46 transgender, and geriatric health care;

47 (ii) potential challenges such as salary adequacy or geographic
48 factors; and

49 (iii) impact of staffing levels on availability of services.

50 (b) The first such study shall be completed and submitted to the
51 governor, the temporary president of the senate, and the speaker of the
52 assembly no later than one year after the effective date of this subdi-
53 vision.

54 § 2. This act shall take effect immediately.