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LAWS OF NEW YORK, 2021

CHAPTER 45

AN ACT to amend the public health law, in relation to review of policies and practices relating to COVID-19 outbreaks in correctional facilities, including the treatment and prevention of the disease among inmates and staff

Became a law February 16, 2021, with the approval of the Governor.

Passed by a majority vote, three-fifths being present.

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 amended by a chapter of the laws of 2020 amending the public health law, relating to review of policies and practices relating to any infectious disease outbreak in correctional facilities, including the treatment and prevention of the disease among inmates and staff, as proposed in legislative bills numbers S.8315-A and A.10463-A, is amended to read as follows:

26. The commissioner is hereby authorized and directed to 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 human immunodeficiency virus (HIV), acquired immunodeficiency syndrome (AIDS), hepatitis C (HCV), and ~~emerging infectious diseases~~ COVID-19, including the prevention of the transmission of and the treatment of such infections and diseases among inmates. Such review shall be performed at least annually~~, and more frequently as determined by the commissioner~~, and shall focus on whether such policy or practice is consistent with current, generally accepted medical standards and procedures used to prevent the transmission of and to treat those infections and diseases among the general public. In performing such reviews, in order to determine the quality and adequacy of care and treatment provided, department personnel are authorized to enter correctional facilities and inspect policy and procedure manuals and medical protocols, interview health services providers and inmate-patients, review medical grievances, and inspect a representative sample of medical records of inmates known to be infected with any such infections or diseases. Prior to initiating a review of a correctional system, the commissioner shall inform the public, including patients, their families and patient advocates, of the scheduled review and invite them to provide the commissioner with relevant information. Upon the completion of such review, the department shall, in writing, approve such policy or practice as instituted in facilities operated by the department of corrections and community supervision, and in any local correctional facility, or, based on specific, written recommendations, direct the department of corrections and community supervision, or the authority responsible for the provision of medical care to inmates in local correctional facilities to prepare and implement a corrective plan to address deficiencies in areas where such policy or practice fails to conform to current, generally accepted medical standards and procedures. The commissioner shall monitor the implementation of such corrective plans and shall conduct such further reviews as the commissioner deems necessary to ensure that identified deficiencies in those policies and practices are corrected. All written reports pertaining to reviews provided for in this subdivision shall be maintained, under such conditions as the commissioner shall prescribe, as public information available for public inspection. ~~As used in this subdivision, "emerging infectious disease" means an infection that has increased recently or is threatening to increase in the near future.~~

Section 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2020 amending the public health law, relating to review of policies and practices relating to any infectious disease outbreak in correctional facilities, including the treatment and prevention of the disease among inmates and staff, as proposed in legislative bills numbers S.8315-A and A.10463-A, takes effect.

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