

LEGISLATIVE ACTION COALITION ON PRISON HEALTH

MEMORANDUM IN SUPPORT

February 2004

Adequate correctional health care is an essential component of the public health responsibilities of the state and is good public health policy for all of us. New York State inmates suffer disproportionately from serious illness, including hepatitis C and HIV/AIDS. Of the 65,400 inmates in the custody of the Department of Correctional Services (DOCS), approximately 10,000 are infected with hepatitis C and more than 5,500 are HIV-infected. Incarceration provides an opportunity to test, treat and educate this population that has not had sufficient access to health care prior to incarceration but has experienced high incidences of chronic diseases, mental illness and substance abuse problems. Each year, approximately 28,000 inmates return to the community. Providing essential medical care to these inmates is not only crucial to their well being, but also to their families, communities and the correctional staff with whom they come in contact.

Unfortunately, the health care provided in state prisons is not adequate. Deficiencies in care include: (a) the failure to provide inmates education about, and voluntarily testing for, chronic disease; (b) the failure to have sufficient numbers of adequately trained health professionals who have the expertise to care for the inmates with chronic diseases; (c) the failure to have access to specialists to treat these patients; (d) the failure to prescribe needed therapy for patients with chronic diseases; (e) the failure to have a chronic disease program to monitor and treat state inmates with these illnesses; (f) the failure to have an adequate quality assurance program in DOCS to monitor the care being provided; and (g) the failure to ensure continuity of care as patients are transferred from one prison to another or are released to the community.

These deficiencies in care have persisted in part due to the fact that prison environments are insulated from general public scrutiny and no other state agency or independent authority has consistently reviewed the care being provided DOCS inmates. The NYS Department of Health (DOH) has not performed any systemic review of medical care in DOCS facilities pursuant to its Public Health Law authority to review health services in the state, asserting that DOH lacks legislative authority for such review under Article 28 of the Public Health Law. However, in 1992 DOH performed a limited audit of DOCS health care at twelve prisons and found significant deficiencies in care. No follow-up to that review has occurred despite the assertions in a 1994 Memorandum of Understanding between DOH and DOCS that DOH would perform additional review of DOCS health care at the original twelve facilities and at other state prisons. This pattern of failure to monitor DOCS health care by the state's health department illustrates the crucial need for the bills described below.

We urge the legislature to pass the following legislation to help address these issues:

{ **A.4204 (Gottfried)/S.1840 (Mendez)** - This legislation would require the Department of Health annually to review the policies and practices concerning HIV and Hepatitis C (HCV) care at state prisons and local jails. This would encourage DOCS and local

jail authorities to utilize the expertise of DOH AIDS Institute to develop and implement HIV and HCV care policies and practices that meet community standards of care. The public reviews done by DOH would provide the prisons and jails with clear guidance on what is needed to improve care and avoid disease transmission.

{ **A.3692 (Gottfried) & S.3898 (Duane)** - This legislation would amend the definition of Ahospital@ article 28 of the Public Health Law to include correctional health facilities. The effect of the legislation would be to give the Department of Health (DOH) oversight of local and state correctional health facilities. While prison health facilities provide patient care, they have been exempt from DOH standards and oversight. This legislation would ensure that inmates receive a uniform standard of care consistent with community standards as is required by DOH in all other state health facilities.

{ **Correctional Health Services Corporation** - This legislation, which will be introduced for the first time in 2003, would create a public benefits corporation to provide medical and mental health services in state correctional facilities. This bill would ensure that health care in state prisons was organized and financed so that health care professionals will have the independence to provide care that meets professional and constitutional standards.

{ **A.3940A (Gottfried) & S.2082 (Duane)** - This legislation would require every correctional facility to implement STD/HIV education and prevention programs, including the distribution of prophylactics. By implementing these programs, which have been effective in select New York State prisons and jails and in institutions in other states, New York can help stop the spread of HIV and other STDs to other inmates, their families and others with whom they come in contact.

Co-Sponsoring Organizations

(List in formation – March 2004)

ACT UP/NY
AIDS Center for Queens County
AIDS Treatment Data Network
AIDS Service Center
Alliance for Inmates with AIDS
Bailey House
Breathing Space, Inc. - Ray Rios
Bronx HIV Care Network
Center for Community Alternatives
Center for Comprehensive Care, St. Luke's Roosevelt Hospital
Coalition of Persons Living with Hepatitis C
Correctional Association of New York
East NY/Brownsville HIV Care Network
End AIDS Now!
Gay Men's Health Crisis
Harlem Directors' Group
Harm Reduction Coalition
Housing Works
Incarcerated Mothers Program
Iris House
Latino Health Advocacy Coalition
Latino Commission on AIDS
Legal Action Center
LOLA – Latino Organization for Liver Awareness
Lower East Side Harm Reduction
Lutheran Social Services Free at Last Prison Outreach
Mano a Mano
Momentum AIDS Project
National AIDS Treatment Advocacy Project
New York AIDS Coalition
New York Civil Liberties Union
NYC AIDS Housing Network
Osborne Association
Partnership for Family Health
The Partnership for the Homeless
Prisoners' Rights Project - Legal Aid Society
Southern Tier AIDS Program
Staten Island AIDS Task Force
STEPS to End Family Violence
The Unlock the Block Coalition
Urban Justice Center
VIP Community Services
William F. Ryan Health Center