



## NEW YORK STATE ASSEMBLY NOTICE OF PUBLIC HEARING

### **Committee on Health**

Richard N. Gottfried  
Chair

### **Committee on Correction**

Jeffrion Aubry  
Chair

**Friday, April 30, 2004, 10:30 AM**  
**2nd Floor Art Gallery**  
**New York State Office Building, 163 West 125th Street**  
**New York, NY**

**Subject: Health Care in New York State Prisons**

Adequate health care for prison inmates is an essential component of the constitutional and public health responsibilities of the state and is good public health policy for all New Yorkers. New York State inmates suffer disproportionately from serious illness. Of the 65,800 inmates in the custody of the Department of Correctional Services (DOCS), approximately 9250 are infected with hepatitis C and more than 5,500 are HIV-infected.

Incarceration provides an occasion 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 27,000 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.

Many advocates argue that health care in New York State prisons has major deficiencies, including: (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 inmate patients are transferred from one prison to another or are released to the community.

Prisons are insulated from general public scrutiny. Unlike almost all other health care providers, prison health facilities are not subject to the oversight or authority of any health agency. The NYS Department of Health (DOH) does not systematically review medical care in DOCS facilities, asserting that DOCS facilities are exempt from DOH jurisdiction 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.

Assembly Members Gottfried and Aubry have introduced bills to require DOH to review DOCS policies and practices regarding HIV/AIDS and Hepatitis C care (A. 4204; S. 1840, Mendez); to include health facilities (clinics, infirmaries, hospitals) in DOCS and local correctional facilities under Article 28 of the Public Health Law, which apply to all other hospitals and clinics (A. 3692; S. 3898, Duane); and to require the Corrections Commissioner to develop and implement programs for employees and inmates in each correctional facility to prevent the spread of sexually transmitted diseases and human immunodeficiency virus infection (A. 3940-A; S. 2082, Duane).

Persons wishing to attend or present testimony at this hearing should complete and return the reply form as soon as possible, but no later than Friday, April 23. **Testimony is by invitation only.** It is important that the form be fully completed and returned so that persons may be notified in the event of emergency postponement or cancellation of the hearing.

Oral testimony will be limited to ten minutes in duration. All testimony is under oath. In preparing the order of witness, the Committee will attempt to accommodate individual requests to speak at particular times in view of special circumstances. This request should be made on the attached reply form or communicated to Committee staff as soon as possible. Ten copies of any prepared statement should be submitted at the hearing registration table.

In order to meet the need of those who may have a disability, the New York State Assembly, in accordance with its policy of non-discrimination on the basis of disability, as well as the Americans with Disabilities Act (ADA), has made its facilities and services available to all individuals with disabilities. For individuals with disabilities, accommodations will be provided, upon reasonable request, to afford such individuals access and admission to Assembly facilities and activities.

Questions regarding this hearing may be directed to Michael Rabinowitz of the Assembly Health Committee staff at 518-455-4941.

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**Health Care in New York State Prisons**  
**PUBLIC HEARING REPLY FORM – RESPOND BY FRIDAY, APRIL 23**

**Mail to:** Assembly Member Richard N. Gottfried, 822 LOB, Albany, NY 12248  
**Or fax to:** 518-455-5939

[ ] I plan to testify at the hearing on health care in New York State Prisons. **Testimony is by invitation only.**

[ ] I plan to attend, but not testify at, the hearing.

[ ] I will require assistance and/or handicapped accessibility information. Please specify type of assistance required:

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Name: \_\_\_\_\_

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