



General Assembly

February Session, 2022

***Raised Bill No. 448***

LCO No. 3377



Referred to Committee on PUBLIC HEALTH

Introduced by:  
(PH)

***AN ACT CONCERNING THE DELIVERY OF HEALTH CARE AND MENTAL HEALTH CARE SERVICES TO INMATES OF CORRECTIONAL INSTITUTIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) The Commissioner of  
2 Correction shall ensure that a sufficient number of licensed mental  
3 health care providers, including, but not limited to, at least four licensed  
4 mental health care providers with experience in substance use disorder  
5 diagnosis and treatment, who are employed by or contract with the  
6 Department of Correction are placed at each correctional institution  
7 under its jurisdiction to provide mental health care services to inmates.  
8 A mental health care provider placed at a correctional institution shall  
9 provide mental health care services to any inmate who requests such  
10 services or has been referred for such services by corrections staff only  
11 after the provider makes an in-person assessment of the inmate's need  
12 for such services and determines that the inmate requires such services.  
13 Each mental health care provider shall deliver such services in concert  
14 with the security needs of all inmates and corrections staff and the  
15 overall operation of the correctional institution, as determined by the

16 warden of the correctional institution, in consultation with the  
17 commissioner.

18 (b) No mental health care provider who is providing mental health  
19 care services pursuant to subsection (a) of this section shall prescribe or  
20 administer a psychotropic medication to an inmate unless (1) the mental  
21 health care provider has reviewed the full mental health history and  
22 medical history of the inmate, including, but not limited to, the list of all  
23 medications the inmate is taking, (2) the inmate has undergone a  
24 physical examination by a licensed health care provider not more than  
25 thirty days prior to the mental health care provider first prescribing or  
26 administering the psychotropic medication and the mental health care  
27 provider determines, based on a review of the record of such  
28 examination, that it is safe to prescribe or administer such medication,  
29 (3) the mental health care provider has performed a mental health  
30 assessment of the inmate not more than seven days prior to first  
31 prescribing or administering such medication, (4) the mental health  
32 provider diagnoses the inmate with a mental health disorder or the  
33 inmate has received a previous diagnosis of a mental health disorder by  
34 a licensed mental health care provider and such medication is used to  
35 treat such mental health disorder, (5) the mental health care provider  
36 approves the use of such medication by the inmate as part of the  
37 inmate's mental health treatment plan, and (6) the mental health care  
38 provider keeps a record of each psychotropic medication such provider  
39 prescribes or administers to the inmate and all other medications the  
40 inmate is taking. As used in this subsection, "psychotropic medication"  
41 means a medication that is used to treat a mental health disorder and  
42 that affects behavior, mood, thoughts or perception.

43 Sec. 2. (NEW) (*Effective October 1, 2022*) (a) As used in this section and  
44 sections 3 and 4 of this act:

45 (1) "Advanced practice registered nurse" means an advanced practice  
46 registered nurse licensed under chapter 373 of the general statutes who  
47 is employed by or contracts with the Department of Correction to  
48 provide health care services at a correctional institution;

49 (2) "Commissioner" means the Commissioner of Correction;

50 (3) "Correctional institution" means a correctional institution under  
51 the jurisdiction of the Department of Correction;

52 (4) "Dentist" means a dentist licensed under chapter 379 of the general  
53 statutes who is employed by or contracts with the Department of  
54 Correction to provide health care services at a correctional institution;

55 (5) "Inmate" means an inmate of a correctional institution;

56 (6) "Physician" means a physician licensed under chapter 370 of the  
57 general statutes who is employed by or contracts with the Department  
58 of Correction to provide health care services at a correctional institution;

59 (7) "Physician assistant" means a physician assistant licensed under  
60 chapter 370 of the general statutes who is employed by or contracts with  
61 the Department of Correction to provide health care services at a  
62 correctional institution; and

63 (8) "Registered nurse" means a registered nurse licensed under  
64 chapter 378 of the general statutes who is employed by or contracts with  
65 the Department of Correction to provide health care services at a  
66 correctional institution.

67 (b) Each inmate shall receive an annual physical examination by a  
68 physician, physician assistant or advanced practice registered nurse.  
69 Such examination may include, but not be limited to, a breast and  
70 gynecological examination and the administration of any test the  
71 physician, physician assistant or advanced practice registered nurse  
72 deems appropriate.

73 (c) Each inmate shall receive a routine physical examination not later  
74 than forty-eight hours after entering a correctional institution to serve a  
75 sentence by a physician, physician assistant or advanced practice  
76 registered nurse. Each person who is detained at a correctional  
77 institution shall receive a routine physical examination not later than  
78 ninety-six hours after entering the correctional institution by a

79 physician, physician assistant or advanced practice registered nurse. No  
80 inmate or person described in this subsection shall be placed in a  
81 housing unit at the correctional institution until the physician, physician  
82 assistant or advanced practice registered nurse completes the physical  
83 examination required under this subsection and approves the  
84 placement of such inmate or person in a housing unit. If the physician,  
85 physician assistant or advanced practice registered nurse recommends,  
86 based on the physical examination of such inmate or person, that such  
87 inmate or person be placed in a medical or mental health housing unit,  
88 the warden of the correctional institution shall ensure that such inmate  
89 or person is placed in a medical or mental health housing unit at the  
90 correctional institution.

91 (d) The physician, physician assistant or advanced practice registered  
92 nurse shall perform the examinations required under subsections (b)  
93 and (c) of this section in a location at the correctional institution that the  
94 physician, physician assistant or advanced practice registered nurse  
95 deems appropriate for performing such an examination, provided the  
96 analysis of any sample collected from the inmate during such  
97 examination may be performed at a laboratory that is located outside of  
98 the correctional institution. Any x-ray of an inmate ordered by a  
99 physician, physician assistant or advanced practice registered nurse  
100 shall be performed at the correctional institution if the correctional  
101 institution has the equipment necessary to perform an x-ray.

102 (e) A physician, physician assistant or advanced practice registered  
103 nurse shall conduct an exit interview of each inmate who is being  
104 discharged from a correctional institution not later than seven days  
105 prior to the date of discharge. Such exit interview shall include a  
106 discussion with the inmate regarding any continued medical care or  
107 treatment that is recommended by the physician, physician assistant or  
108 advanced practice registered nurse for the inmate when the inmate  
109 reenters the community.

110 (f) A physician shall be on call twenty-four hours a day, seven days a  
111 week at each correctional institution to provide medical care to inmates

112 as necessary.

113 (g) Only a physician, physician assistant or advanced practice  
114 registered nurse may administer medication to an inmate. A physician  
115 assistant or advanced practice registered nurse may administer a  
116 medication to an inmate only if a physician has ordered, in writing, the  
117 administration of such medication to the inmate.

118 (h) The commissioner shall ensure that each inmate has access to all  
119 vaccines licensed or authorized under an emergency use authorization  
120 by the federal Food and Drug Administration that are recommended by  
121 the National Centers for Disease Control and Prevention Advisory  
122 Committee on Immunization Practices. A physician, physician assistant  
123 or advanced practice registered nurse shall administer to an inmate any  
124 such vaccine that (1) the inmate requests, and (2) is recommended for  
125 such inmate by said committee, as determined by the physician,  
126 physician assistant or advanced practice registered nurse.

127 (i) A dentist shall perform a dental examination of each inmate not  
128 later than ten weeks after the inmate enters a correctional institution. At  
129 the time the dentist performs the dental examination of an inmate, the  
130 dentist shall develop a dental care plan for the inmate. A dentist shall  
131 provide dental care to an inmate in accordance with the inmate's dental  
132 care plan throughout the inmate's sentence at the correctional  
133 institution. The commissioner shall ensure, in consultation with a  
134 dentist, that each correctional institution has a dental examination room  
135 that is fully equipped with all of the dental equipment necessary to  
136 perform a dental examination.

137 Sec. 3. (NEW) (*Effective October 1, 2022*) A physician, physician  
138 assistant or advanced practice registered nurse shall administer an HIV  
139 test to each inmate who requests an HIV test. A physician, physician  
140 assistant or advanced practice registered nurse shall offer an HIV test to  
141 each inmate identified as having a high risk of being infected with the  
142 human immunodeficiency virus (1) at the time such inmate enters a  
143 correctional institution, or (2) during the annual physical examination

144 of the inmate required under subsection (b) of section 2 of this act. As  
145 used in this subsection, "HIV test" means a test to determine human  
146 immunodeficiency virus infection or antibodies to human  
147 immunodeficiency virus.

148       Sec. 4. (NEW) (*Effective October 1, 2022*) (a) A licensed mental health  
149 care provider at each correctional institution shall interview each inmate  
150 regarding the inmate's drug and alcohol use history at the time the  
151 inmate enters the correctional institution. If an inmate is exhibiting  
152 symptoms of withdrawal from a drug or alcohol at such time, a  
153 physician, physician assistant or advanced practice registered nurse  
154 shall perform a physical examination of the inmate not later than  
155 twenty-four hours after the inmate enters the correctional institution  
156 and a licensed mental health care provider shall perform a mental health  
157 evaluation of the inmate not later than five days after the inmate enters  
158 the correctional institution. The correctional institution shall  
159 immediately transfer each inmate who is determined by a physician,  
160 physician assistant or advanced practice registered nurse to be  
161 experiencing withdrawal from a drug or alcohol and each inmate who  
162 requests medical treatment for withdrawal from a drug or alcohol to a  
163 medical unit at such correctional institution for medical treatment of  
164 such withdrawal, provided (1) if the inmate is pregnant, the inmate  
165 provides informed consent to such medical treatment, and (2) if the  
166 medical treatment to be provided includes the administration of  
167 methadone, the inmate provides informed consent to the use of  
168 methadone. A physician, physician assistant or advanced practice  
169 registered nurse shall periodically evaluate each inmate who exhibits  
170 signs of or discloses an addiction to a drug or alcohol or who  
171 experiences withdrawal from a drug or alcohol, at a frequency deemed  
172 appropriate by the physician, physician assistant or advance practice  
173 registered nurse.

174       (b) A physician with experience in substance use disorder diagnosis  
175 and treatment shall oversee the medical treatment of an inmate  
176 experiencing withdrawal from a drug or alcohol at each correctional  
177 institution. A physician, physician assistant, advanced practice

178 registered nurse or registered with experience in substance use disorder  
179 diagnosis and treatment shall provide such medical treatment in a  
180 medical unit at each correctional institution. An advanced practice  
181 registered nurse or registered nurse with experience in substance use  
182 disorder diagnosis and treatment shall be present in the medical unit at  
183 each correctional facility all times during the provision of medical  
184 treatment to an inmate. If a medical unit does not contain enough beds  
185 to accommodate all inmates who require medical treatment under this  
186 subsection, the correctional institution shall add additional beds to the  
187 unit or to another medical unit at such correctional institution to ensure  
188 that each inmate who requires such medical treatment receives such  
189 medical treatment. A licensed mental health care provider with  
190 experience in substance use disorder diagnosis and treatment shall  
191 monitor each inmate who is experiencing withdrawal from cocaine or  
192 an amphetamine on a daily basis for not less than five days after the  
193 inmate first exhibits withdrawal symptoms to attempt to mitigate the  
194 risk of such inmate attempting suicide. A second physician shall be on  
195 call twenty-four hours a day, seven days a week at each correctional  
196 institution to oversee medical treatment under this section if the  
197 physician assigned to oversee such medical treatment at a correctional  
198 institution becomes unavailable to oversee such medical treatment.

199 (c) A licensed mental health care provider shall (1) offer mental health  
200 counseling services, including, but not limited to, individual counseling  
201 sessions and group counseling sessions, to an inmate who exhibits signs  
202 of or discloses an addiction to a drug or alcohol and encourage such  
203 inmate to participate in at least one counselling session, and (2) at the  
204 time of an inmate's discharge from the correctional institution, refer an  
205 inmate who has exhibited signs of or disclosed an addiction to a drug or  
206 alcohol while an inmate at such correctional institution to a substance  
207 use disorder treatment program in the community that is deemed  
208 appropriate for the inmate by such provider.

209 Sec. 5. Section 18-69c of the general statutes is repealed and the  
210 following is substituted in lieu thereof (*Effective October 1, 2022*):

211 (a) The Commissioner of Correction shall ensure that at least one  
212 [departmental or contracted,] licensed health care provider who is  
213 employed by or contracts with the Department of Correction to provide  
214 health care services at the York Correctional Institution (1) has been  
215 trained in prenatal and postpartum medical care, and (2) has knowledge  
216 of and the ability to educate any inmate who is pregnant concerning  
217 prenatal nutrition, high-risk pregnancy and addiction and substance  
218 abuse during pregnancy and childbirth.

219 (b) Upon admission to the York Correctional Institution, each inmate  
220 shall be assessed for pregnancy by a licensed health care provider. The  
221 licensed health care provider shall inform the inmate of any necessary  
222 medical tests associated with the pregnancy assessment prior to the  
223 administration of such tests.

224 (c) The York Correctional Institution shall provide each inmate who  
225 is pregnant with: (1) Counseling and written material, in a form that  
226 may be reasonably understood, concerning (A) the inmate's options  
227 with regard to her pregnancy, (B) prenatal nutrition, (C) maintaining a  
228 healthy pregnancy, (D) for any inmate who is drug or alcohol-  
229 dependent, the dangers of undergoing withdrawal from the drug or  
230 alcohol without medical treatment, the importance of receiving medical  
231 treatment during the second trimester of pregnancy for withdrawal  
232 from the drug or alcohol and the effects of neonatal abstinence  
233 syndrome on a newborn, (E) labor and delivery, [(E)] (F) the postpartum  
234 period, [(F)] (G) the institution's policies and practices regarding the  
235 care of an inmate during pregnancy, (H) labor and delivery and the  
236 postpartum period, and [(G)] (I) restrictions on the use of restraints on  
237 pregnant inmates, (2) medical care at the correctional institution, which  
238 shall include, but not be limited to: (A) Periodic health monitoring and  
239 evaluation during pregnancy, and (B) prenatal vitamins or  
240 supplements, as deemed necessary by a licensed health care provider,  
241 (3) a diet containing the nutrients necessary to maintain a healthy  
242 pregnancy, as determined by a licensed health care provider trained in  
243 prenatal care, (4) the clothing, undergarments and sanitary materials  
244 deemed appropriate by a licensed health care provider who has been

245 trained in prenatal and postpartum medical care, (5) the opportunity for  
246 a minimum of one hour of ambulatory movement every day, and (6)  
247 access to treatment for postpartum depression by a qualified mental  
248 health professional, provided such treatment is deemed necessary by a  
249 licensed health care provider who has been trained in postpartum  
250 medical care. If a [departmental or contracted] licensed health care  
251 provider trained in prenatal and postnatal medical care, or any other  
252 health care professional who evaluates or treats an inmate who is  
253 pregnant, determines that the inmate's pregnancy is high risk or  
254 involves any other medical complication for either the inmate or the  
255 baby, [such inmate shall be immediately transferred] the York  
256 Correctional Institution shall immediately transfer such inmate to the  
257 medical infirmary setting or any hospital deemed appropriate, as  
258 determined by such health care provider or professional. The York  
259 Correctional Institution shall immediately transfer any inmate who is  
260 pregnant and decides to terminate the pregnancy prior to the viability  
261 of the fetus, in consultation with a physician pursuant to section 19a-  
262 602, to a hospital or outpatient clinic regulated by the Department of  
263 Public Health pursuant to section 19a-116 where the inmate may receive  
264 an abortion. The written material provided to an inmate pursuant to  
265 subdivision (1) of this subsection shall be known as the "Pregnant  
266 Woman's Guide".

267 (d) Except as provided in this subsection, correctional staff of the  
268 York Correctional Institution shall not use any leg or waist restraint on  
269 any inmate of the institution who is known to be pregnant or in the  
270 postpartum period. An inmate known to be pregnant may only be  
271 restrained using handcuffs that are placed on the wrists held in front of  
272 the inmate's body, except an inmate may be placed in wrist, leg or waist  
273 restraints if (1) there are compelling grounds to believe that an inmate  
274 presents (A) an immediate and serious threat of harm to herself, staff  
275 and others, or (B) a substantial flight risk and cannot be reasonably  
276 contained by other means, and (2) use of such restraints is approved by  
277 the unit administrator of the institution, or his or her designee, except  
278 under exigent circumstances. Such restraints shall be the least restrictive

279 kind of restraints considering the circumstances. Correctional staff shall  
280 document, in writing, the reasons for such determination, the kind of  
281 restraints used and the reasons staff considered such restraints to be the  
282 least restrictive kind available and the most reasonable means of  
283 preventing harm or escape. The correctional staff of the York  
284 Correctional Institution shall ensure that any inmate, who is determined  
285 to be in the second or third trimester of a pregnancy by a licensed health  
286 care provider, is transported to and from visits to health care providers  
287 and court proceedings in a vehicle with seatbelts. If an attending  
288 physician or advanced practice registered nurse requests that the  
289 inmate's restraints be removed for medical reasons, correctional staff  
290 shall immediately remove the restraints. Nothing in this subsection shall  
291 prohibit the use of medical restraints by a licensed health care provider  
292 to ensure the medical safety of the inmate. As used in this subsection  
293 and subsection (e) of this section, "restraints" means metal handcuffs,  
294 metal leg restraints and waist and tether chains.

295 (e) Each pregnant inmate of the York Correctional Institution shall  
296 receive labor and delivery services in a hospital deemed appropriate by  
297 a [departmental or contracted,] licensed health care provider who is  
298 employed by or contracts with the Department of Correction to provide  
299 health care services at said institution. Notwithstanding the provisions  
300 of subsection (d) of this section, an inmate who is in any stage of labor  
301 or delivery, as determined by a licensed health care provider, shall not  
302 be placed in restraints at any time, including, but not limited to, during  
303 transportation to the hospital. If a correction officer is present with the  
304 inmate during any stage of labor or delivery, such correction officer  
305 shall be female, if possible. Such correction officer shall be positioned in  
306 a location that ensures the inmate's privacy, to the extent possible.

307 (f) Any inmate in the postpartum period shall be assessed by a  
308 licensed health care provider upon return to the correctional institution.  
309 Each inmate in the postpartum period shall be housed in a medical or  
310 mental health housing unit at the correctional institution until  
311 discharged by a licensed health care provider.

312 (g) The York Correctional Institution shall provide a pregnant inmate,  
313 prior to the inmate's release, with counseling and discharge planning to  
314 ensure, to the extent feasible, the continuity of prenatal and pregnancy-  
315 related care, including substance abuse programs and treatment  
316 referrals when deemed appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	New section
Sec. 3	<i>October 1, 2022</i>	New section
Sec. 4	<i>October 1, 2022</i>	New section
Sec. 5	<i>October 1, 2022</i>	18-69c

***Statement of Purpose:***

To require the Department of Correction to provide necessary and appropriate health care and mental health care services to inmates of correctional institutions.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*