



General Assembly

Amendment

February Session, 2022

LCO No. 5234



Offered by:

SEN. LOONEY, 11th Dist.
SEN. DUFF, 25th Dist.
SEN. ANWAR, 3rd Dist.
SEN. HWANG, 28th Dist.

SEN. SOMERS, 18th Dist.
REP. STEINBERG, 136th Dist.
REP. PETIT, 22nd Dist.

To: Senate Bill No. 448

File No. 452

Cal. No. 316

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective from passage*) (a) As used in this section:

4 (1) "Advanced practice registered nurse" means an advanced practice
5 registered nurse licensed under chapter 373 of the general statutes;

6 (2) "Alcohol and drug counselor" means an alcohol and drug
7 counselor licensed or certified under chapter 376b of the general
8 statutes;

- 9 (3) "Commissioner" means the Commissioner of Correction;
- 10 (4) "Correctional institution" means a prison or jail under the
11 jurisdiction of the commissioner;
- 12 (5) "Dental professional" means a (A) dentist, (B) dental hygienist
13 licensed under chapter 379a of the general statutes, or (C) dental
14 assistant, as defined in section 20-112a of the general statutes;
- 15 (6) "Dentist" means a dentist licensed under chapter 379 of the general
16 statutes;
- 17 (7) "Department" means the Department of Correction;
- 18 (8) "Discharge planner" means a (A) registered nurse licensed under
19 chapter 378 of the general statutes, (B) practical nurse licensed under
20 chapter 378 of the general statutes, (C) clinical social worker or master
21 social worker licensed under chapter 383b of the general statutes, or (D)
22 professional counselor licensed under chapter 383c of the general
23 statutes;
- 24 (9) "HIV test" means a test to determine human immunodeficiency
25 virus infection or antibodies to human immunodeficiency virus;
- 26 (10) "Inmate" means a person in the custody of the commissioner and
27 confined in a correctional institution;
- 28 (11) "Medical professional" means (A) a physician, (B) an advanced
29 practice registered nurse, (C) a physician assistant, (D) a registered
30 nurse licensed under chapter 378 of the general statutes, or (E) a
31 practical nurse licensed under chapter 378 of the general statutes;
- 32 (12) "Mental health care provider" means (A) a physician who
33 specializes in psychiatry, or (B) an advanced practice registered nurse
34 who specializes in mental health;
- 35 (13) "Mental health therapist" means (A) a physician who specializes
36 in psychiatry, (B) a psychologist licensed under chapter 383 of the

37 general statutes, (C) an advanced practice registered nurse who
38 specializes in mental health, (D) a clinical social worker or master social
39 worker licensed under chapter 383b of the general statutes, or (E) a
40 professional counselor licensed under chapter 383c of the general
41 statutes;

42 (14) "Physician" means a physician licensed under chapter 370 of the
43 general statutes;

44 (15) "Physician assistant" means a physician assistant licensed under
45 chapter 370 of the general statutes; and

46 (16) "Psychotropic medication" means a medication that is used to
47 treat a mental health disorder that affects behavior, mood, thoughts or
48 perception.

49 (b) Not later than January 1, 2023, the commissioner shall develop a
50 plan for the provision of health care services, including, but not limited
51 to, mental health care, substance use disorder and dental care services,
52 to inmates of correctional facilities under the jurisdiction of the
53 department. Such plan shall include, but not be limited to, guidelines
54 for implementation of the following requirements:

55 (1) (A) A sufficient number of mental health therapists, as determined
56 by the commissioner, shall be placed at each correctional institution to
57 provide mental health care services to inmates;

58 (B) A mental health therapist placed at a correctional institution shall
59 provide mental health care services to any inmate who requests such
60 services or has been referred for such services by correctional staff only
61 after the therapist makes an assessment of the inmate's need for such
62 services and determines that the inmate requires such services;

63 (C) Each mental health therapist shall deliver such services in concert
64 with the security needs of all inmates and correctional staff and the
65 overall operation of the correctional institution, as determined by the
66 warden of the correctional institution; and

67 (D) No mental health therapist who is providing mental health care
68 services pursuant to this subdivision and licensed to prescribe
69 medication shall prescribe a psychotropic medication to an inmate
70 unless (i) the mental health therapist has reviewed the mental health
71 history and medical history of the inmate, including, but not limited to,
72 the list of all medications the inmate is taking, (ii) the mental health
73 therapist determines, based on a review of such history, that the benefits
74 of prescribing such medication outweigh the risk of prescribing such
75 medication, (iii) the mental health therapist diagnoses the inmate with
76 a mental health disorder, the inmate has received a previous diagnosis
77 of a mental health disorder by a licensed mental health care provider
78 and such medication is used to treat such mental health disorder, or, in
79 an emergency situation, the mental health therapist makes an
80 assessment that the inmate's mental health is substantially impaired and
81 requires psychotropic medication to treat, (iv) the mental health
82 therapist approves the use of such medication by the inmate as part of
83 the inmate's mental health treatment plan, and (v) the mental health
84 therapist keeps a record of each psychotropic medication such provider
85 prescribes to the inmate and all other medications the inmate is taking.

86 (2) Each inmate shall receive an annual physical examination by a
87 physician, physician assistant or advanced practice registered nurse
88 when such examination is clinically indicated. Such examination may
89 include, but not be limited to, a breast and gynecological examination
90 or prostate examination, where appropriate, and the administration of
91 any test the physician, physician assistant or advanced practice
92 registered nurse deems appropriate.

93 (3) Each inmate shall receive an initial health assessment from a
94 medical professional not later than fourteen days after the inmate's
95 initial intake into a correctional institution.

96 (4) If a physician, physician assistant or advanced practice registered
97 nurse recommends, based on the initial health assessment of an inmate
98 or person, that such inmate or person be placed in a medical or mental
99 health housing unit, the department shall ensure that such inmate or

100 person is placed in an appropriate medical or mental health housing
101 unit unless there are significant safety or security reasons for not making
102 such placement.

103 (5) A medical professional shall perform health assessments of
104 inmates in a location at the correctional institution that the warden of
105 the correctional institution designates as appropriate for performing
106 such an examination, provided the analysis of any sample collected
107 from the inmate during a health assessment may be performed at a
108 laboratory that is located outside of the correctional institution.

109 (6) A discharge planner shall conduct an exit interview of each inmate
110 who is being scheduled for discharge from a correctional institution
111 prior to the date of discharge if such exit interview is clinically indicated,
112 provided the lack of such exit interview shall not delay the scheduled
113 discharge of an inmate. Such exit interview shall include a discussion
114 with the inmate regarding a medical discharge plan for any continued
115 medical care or treatment that is recommended by the physician,
116 physician assistant or advanced practice registered nurse for the inmate
117 when the inmate reenters the community.

118 (7) A physician shall be on call on weekends, holidays and outside
119 regular work hours to provide medical care to inmates as necessary.

120 (8) The commissioner shall ensure that each inmate has access to all
121 vaccines licensed or authorized under an emergency use authorization
122 by the federal Food and Drug Administration that are recommended by
123 the National Centers for Disease Control and Prevention Advisory
124 Committee on Immunization Practices, subject to availability of such
125 vaccines, unless there are substantial security concerns with providing
126 access to such vaccines. Subject to availability, a physician, physician
127 assistant or advanced practice registered nurse shall prescribe to an
128 inmate any such vaccine that (A) the inmate requests, and (B) is
129 recommended for such inmate by said committee, as determined by the
130 physician, physician assistant or advanced practice registered nurse,
131 provided the prescribing of such vaccine does not impose significant

132 safety concerns.

133 (9) Except in exigent circumstances, a dental professional shall
134 perform a dental screening of each inmate not later than one year after
135 the inmate initially enters a correctional institution and at least once
136 annually thereafter. At the time the dental professional performs the
137 dental screening of an inmate, the dental professional shall develop a
138 dental care plan for the inmate. A dental professional shall provide
139 dental care in accordance with the inmate's dental care plan throughout
140 the inmate's time at the correctional institution. The commissioner shall
141 ensure, in consultation with a dentist, that each correctional institution
142 has a dental examination room that is fully equipped with all of the
143 dental equipment necessary to perform a dental examination.

144 (10) A medical professional shall administer an HIV test to each
145 inmate who requests an HIV test, subject to the availability of such test.
146 Except in exigent circumstances and subject to availability, a medical
147 professional shall offer an HIV test to each inmate where it is clinically
148 indicated (A) at the time such inmate enters a correctional institution, or
149 (B) during an annual physical assessment.

150 (11) A medical professional shall interview each inmate regarding the
151 inmate's drug and alcohol use history at the time the inmate initially
152 enters a correctional institution. If an inmate is exhibiting symptoms of
153 withdrawal from a drug or alcohol at such time, a medical professional
154 shall perform a physical assessment of the inmate and communicate the
155 results of such assessment to a physician, physician assistant or
156 advanced practice registered nurse. Except in exigent circumstances, a
157 drug and alcohol counselor shall perform an evaluation of the inmate
158 not later than five days after the inmate initially enters the correctional
159 institution. The correctional institution shall immediately transfer each
160 inmate who is determined by a physician, physician assistant or
161 advanced practice registered nurse to be experiencing withdrawal from
162 a drug or alcohol to an appropriate area at such correctional institution
163 for medical treatment of such withdrawal. A physician, a physician
164 assistant or an advanced practice registered nurse shall periodically

165 evaluate each inmate who exhibits signs of or discloses an addiction to
166 a drug or alcohol or who experiences withdrawal from a drug or
167 alcohol, at a frequency deemed appropriate by the physician, physician
168 assistant or advanced practice registered nurse.

169 (12) A physician, a physician assistant or an advanced practice
170 registered nurse with experience in substance use disorder diagnosis
171 and treatment shall oversee the medical treatment of an inmate
172 experiencing withdrawal from a drug or alcohol at each correctional
173 institution. A medical professional shall be present in the medical unit
174 at each correctional facility at all times during the provision of medical
175 treatment to such inmate.

176 (13) A drug and alcohol counselor shall offer appropriate substance
177 use disorder counseling services, including, but not limited to,
178 individual counseling sessions and group counseling sessions, to an
179 inmate who exhibits signs of or discloses an addiction to a drug or
180 alcohol and encourage such inmate to participate in at least one
181 counselling session. At the time of an inmate's discharge from the
182 correctional institution, a discharge planner may refer an inmate who
183 has exhibited signs of or disclosed an addiction to a drug or alcohol
184 while an inmate at such correctional institution to a substance use
185 disorder treatment program in the community that is deemed
186 appropriate for the inmate by such discharge planner.

187 (14) The York Correctional Institution shall provide each inmate who
188 is pregnant and drug or alcohol-dependent, with information regarding
189 the dangers of undergoing withdrawal from the drug or alcohol without
190 medical treatment, the importance of receiving medical treatment
191 during the second trimester of pregnancy for withdrawal from the drug
192 or alcohol and the effects of neonatal abstinence syndrome on a
193 newborn.

194 (15) The York Correctional Institution shall provide each inmate who
195 is pregnant prenatal visits at a frequency determined by an obstetrician
196 to be consistent with community standards for prenatal visits.

197 (16) The department shall issue a request for information to which a
 198 school of medicine may apply for purposes of providing practical
 199 training at correctional institutions as part of a medical residency
 200 program, through which residents participating in such program may
 201 provide health care services to inmates.

202 (c) Not later than February 1, 2023, the commissioner shall report, in
 203 accordance with the provisions of section 11-4a of the general statutes,
 204 to the joint standing committees of the General Assembly having
 205 cognizance of matters relating to public health and the judiciary
 206 regarding the plan developed pursuant to subsection (b) of this section,
 207 recommendations for any legislation necessary to implement such plan
 208 and the department's timeline for implementation of such plan."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section