



Substitute Senate Bill No. 448

Public Act No. 22-133

AN ACT REQUIRING THE DEVELOPMENT OF A PLAN 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:

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

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

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

(3) "Commissioner" means the Commissioner of Correction;

(4) "Correctional institution" means a prison or jail under the jurisdiction of the commissioner;

(5) "Dental professional" means a (A) dentist, (B) dental hygienist licensed under chapter 379a of the general statutes, or (C) dental assistant, as defined in section 20-112a of the general statutes;

(6) "Dentist" means a dentist licensed under chapter 379 of the general

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statutes;

(7) "Department" means the Department of Correction;

(8) "Discharge planner" means a (A) registered nurse licensed under chapter 378 of the general statutes, (B) practical nurse licensed under chapter 378 of the general statutes, (C) clinical social worker or master social worker licensed under chapter 383b of the general statutes, or (D) professional counselor licensed under chapter 383c of the general statutes;

(9) "HIV test" means a test to determine human immunodeficiency virus infection or antibodies to human immunodeficiency virus;

(10) "Inmate" means a person in the custody of the commissioner and confined in a correctional institution;

(11) "Medical professional" means (A) a physician, (B) an advanced practice registered nurse, (C) a physician assistant, (D) a registered nurse licensed under chapter 378 of the general statutes, or (E) a practical nurse licensed under chapter 378 of the general statutes;

(12) "Mental health care provider" means (A) a physician who specializes in psychiatry, or (B) an advanced practice registered nurse who specializes in mental health;

(13) "Mental health therapist" means (A) a physician who specializes in psychiatry, (B) a psychologist licensed under chapter 383 of the general statutes, (C) an advanced practice registered nurse who specializes in mental health, (D) a clinical social worker or master social worker licensed under chapter 383b of the general statutes, or (E) a professional counselor licensed under chapter 383c of the general statutes;

(14) "Physician" means a physician licensed under chapter 370 of the

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general statutes;

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

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

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

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

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

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

(D) No mental health therapist who is providing mental health care services pursuant to this subdivision and licensed to prescribe medication shall prescribe a psychotropic medication to an inmate unless (i) the mental health therapist has reviewed the mental health

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history and medical history of the inmate, including, but not limited to, the list of all medications the inmate is taking, (ii) the mental health therapist determines, based on a review of such history, that the benefits of prescribing such medication outweigh the risk of prescribing such medication, (iii) the mental health therapist diagnoses the inmate with a mental health disorder, the inmate has received a previous diagnosis of a mental health disorder by a licensed mental health care provider and such medication is used to treat such mental health disorder, or, in an emergency situation, the mental health therapist makes an assessment that the inmate's mental health is substantially impaired and requires psychotropic medication to treat, (iv) the mental health therapist approves the use of such medication by the inmate as part of the inmate's mental health treatment plan, and (v) the mental health therapist keeps a record of each psychotropic medication such provider prescribes to the inmate and all other medications the inmate is taking.

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

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

(4) If a physician, physician assistant or advanced practice registered nurse recommends, based on the initial health assessment of an inmate or person, that such inmate or person be placed in a medical or mental health housing unit, the department shall ensure that such inmate or person is placed in an appropriate medical or mental health housing unit unless there are significant safety or security reasons for not making

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such placement.

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

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

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

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

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safety concerns.

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

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

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

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for medical treatment of such withdrawal. A physician, a physician assistant or an advanced practice registered nurse shall periodically evaluate each inmate who exhibits signs of or discloses an addiction to a drug or alcohol or who experiences withdrawal from a drug or alcohol, at a frequency deemed appropriate by the physician, physician assistant or advanced practice registered nurse.

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

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

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

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

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

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

Approved May 27, 2022