General Assembly

Raised Bill No. 1543

January Session, 2025

LCO No. **6728**

Referred to Committee on JUDICIARY

Introduced by:
(JUD)

AN ACT CONCERNING THE DEPARTMENT OF CORRECTION.

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

Section 1. Section 18-81pp of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

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

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

(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, or (C) dental assistant, as defined in section 20-112a;

(6) "Dentist" means a dentist licensed under chapter 379;

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

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

(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)**]** (10) "Medical professional" means (A) a physician, (B) an advanced practice registered nurse, (C) a physician assistant, (D) a registered nurse licensed under chapter 378, or (E) a practical nurse licensed under chapter 378;

[(12)**]** (11) "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)**]** (12) "Mental health therapist" means (A) a physician who specializes in psychiatry, (B) a psychologist licensed under chapter 383, (C) an advanced practice registered nurse who specializes in mental health, (D) a clinical social worker or master social worker licensed under chapter 383b, or (E) a professional counselor licensed under chapter 383c;

[(14)**]** (13) "Physician" means a physician licensed under chapter 370;

[(15)**]** (14) "Physician assistant" means a physician assistant licensed under chapter 370; and

[(16)**]** (15) "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**]** October 1, 2025, 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**]** persons who are incarcerated under the jurisdiction of the department. Such plan shall **[**include, but not be limited to, guidelines for implementation of the following requirements**]** ensure, at a minimum, that:

(1) (A) **[**A**]** There is 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**]** persons who are incarcerated;

(B) **[**A**]** There is a mental health therapist placed at a correctional institution **[**shall**]** to provide mental health care services to any **[**inmate**]** person who is incarcerated 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**]** person's need for such services and determines that the **[**inmate**]** person requires such services;

(C) Each mental health therapist shall deliver such services in concert with the security needs of all **[**inmates**]** persons who are incarcerated 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**]** a person who is incarcerated unless (i) the mental health therapist has reviewed the mental health history and medical history of the **[**inmate**]** person, including, but not limited to, the list of all medications the **[**inmate**]** person 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**]** person with a mental health disorder, the **[**inmate**]** person 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**]** person as part of the **[**inmate's**]** person's mental health treatment plan, and (v) the mental health therapist keeps a record of each psychotropic medication such provider prescribes to the **[**inmate**]** person and all other medications the **[**inmate**]** person is taking.

(2) Each **[**inmate**]** person who is incarcerated 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**]** person who is incarcerated shall receive an initial health assessment from a medical professional not later than fourteen days after the **[**inmate's**]** person'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**]** a person who is incarcerated or other person, that such **[**inmate or**]** person who is incarcerated or other person be placed in a medical or mental health housing unit, the department shall ensure that such **[**inmate or**]** person who is incarcerated or other person is placed in an appropriate medical or mental health housing unit unless there are

significant safety or security reasons for not making such placement.

(5) A medical professional shall perform health assessments of **[**inmates**]** persons who are incarcerated 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**]** person who is incarcerated 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**]** person who is incarcerated 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**]** a person who is incarcerated. Such exit interview shall include a discussion with the **[**inmate**]** person 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**]** person when the **[**inmate**]** person reenters the community.

(7) A physician shall be on call on weekends, holidays and outside regular work hours to provide medical care to **[**inmates**]** persons who are incarcerated as necessary.

(8) The commissioner shall ensure that each **[**inmate**]** person who is incarcerated 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**]** a person who is incarcerated any such vaccine that (A) the **[**inmate**]** person requests, and

(B) is recommended for such **[**inmate**]** person 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 safety concerns.

(9) Except in exigent circumstances, a dental professional shall perform a dental screening of each **[**inmate**]** person who is incarcerated not later than one year after the **[**inmate**]** person initially enters a correctional institution and at least once annually thereafter. At the time the dental professional performs the dental screening of **[**an inmate**]** a person who is incarcerated, the dental professional shall develop a dental care plan for the **[**inmate**]** person. A dental professional shall provide dental care in accordance with the **[**inmate's**]** person's dental care plan throughout the **[**inmate's**]** person'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**]** person who is incarcerated 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**]** person who is incarcerated where it is clinically indicated (A) at the time such **[**inmate**]** person enters a correctional institution, or (B) during an annual physical assessment.

(11) A medical professional shall interview each **[**inmate**]** person who is incarcerated regarding **[**the inmate's**]** such person's drug and alcohol use and mental health history at the time the **[**inmate**]** person initially enters a correctional institution. If **[**an inmate**]** the person is exhibiting symptoms of withdrawal from a drug or alcohol or mental distress at such time, a medical professional shall perform a physical and mental health assessment of the **[**inmate**]** person and communicate the results of such assessment to a physician, physician assistant or advanced

practice registered nurse, and a mental health care provider or mental health therapist, if applicable. Except in exigent circumstances, a drug and alcohol counselor shall perform an evaluation of the **[**inmate**]** person not later than five days after the **[**inmate**]** the person initially enters the correctional institution. (A) The correctional institution shall immediately transfer each **[**inmate**]** such person 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 for medical treatment of such withdrawal. A physician, a physician assistant or an advanced practice registered nurse shall periodically evaluate each **[**inmate who**]** person who is incarcerated and 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. (B) In the case of a person who is determined at the time of such person's intake into a correctional institution to be in need of mental health services, such person shall be immediately provided evidence-based mental health interventions delivered by an interdisciplinary team of mental health care providers and mental health therapists. Such person shall be periodically evaluated by a mental health care provider or mental health therapist and provided such services, as needed.

(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**]** a person who is incarcerated 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**]** person.

(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**]** a person who is incarcerated and exhibits signs of or

discloses an addiction to a drug or alcohol and encourage such **[**inmate**]** person to participate in at least one counselling session. At the time of **[**an inmate's**]** discharge of a person who is incarcerated from the correctional institution, a discharge planner may refer **[**an inmate**]** any such person who has exhibited signs of or disclosed an addiction to a drug or alcohol while **[**an inmate**]** incarcerated at such correctional institution to a substance use disorder treatment program in the community that is deemed appropriate for the **[**inmate**]** person by such discharge planner.

(14) The York Correctional Institution shall provide each **[**inmate who is**]** pregnant woman who is incarcerated 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.

(15) The York Correctional Institution shall provide each **[**inmate who is**]** pregnant woman who is incarcerated 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**]** persons who are incarcerated.

(c) Not later than **[**February 1, 2023**]** October 1, 2025, the commissioner shall report, in accordance with the provisions of section 11-4a, 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, provided the commissioner implements the provisions of subparagraph (B) of subdivision (11) of subsection (b) of this section not later than January 1, 2026.

Sec. 2. (NEW) (*Effective October 1, 2025*) (a) The Commissioner of Correction shall provide palatable and nutritious meals to each person in the custody of the commissioner. Under no circumstances shall the commissioner permit such persons to be fed nutraloaf as a form of discipline or any other punitive diet.

(b) For purposes of this section, "nutraloaf" means a mixture of foods blended together and baked into a solid loaf and "punitive diet" means a diet that is used for punishment purposes.

Sec. 3. (NEW) (*Effective October 1, 2025*) The Commissioner of Correction shall ensure that each person in the custody of the commissioner is provided with a form enabling such person to authorize another person to access such person's medical records that are otherwise subject to nondisclosure under the federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, as amended from time to time.

Sec. 4. (*Effective from passage*) (a) Not later than one year after the effective date of this section, the Commissioner of Correction, in consultation with the Correction Ombuds appointed pursuant to section 18-81jj of the general statutes, shall publish on the Internet web site operated by the Department of Correction, the report commissioned by the department in 2017 under contract with an institute concerned with criminal justice, for the purpose of identifying and examining the most extreme cases of medical malpractice and neglect experienced by persons in the custody of the commissioner. Such published report shall include all addenda and have personal identifying information redacted.

(b) The commissioner shall notify any living person, or if deceased,

the next-of-kin of such person whose case is identified in the report described pursuant to subsection (a) of this section of the publication of such report. As part of such notification, the department shall include all documentation concerning such person's case, including, but not limited to, the entire medical file, security division investigation reports, morbidity and mortality reports, documentation from the utilization review committee and electronic mail related to the case.

(c) Not later than one year after the effective date of this section, the Commissioner of Correction, in consultation with the Correction Ombuds, shall report on actions taken to fulfill the requirements of this section to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction, in accordance with the provisions of section 11-4a of the general statutes.

Sec. 5. (*Effective from passage*) (a) Notwithstanding the provisions of section 4-148 of the general statutes concerning time limitations to file a claim against the state and any other provision of the general statutes, a person shall have one year after the date of notification pursuant to subsection (b) of section 4 of this act to pursue a claim based on information contained in the report described in subsection (a) of section 4 of this act. Upon filing of any such claim with the Office of the Claims Commissioner, established pursuant to section 4-142 of the general statutes, permission to sue the state shall be deemed granted for such claim. Any such action shall be limited to medical malpractice or negligence claims only and any such action shall be deemed a suit otherwise authorized by law in accordance with subsection (a) of section 4-142 of the general statutes.

(b) Notwithstanding any provision of the general statutes concerning any statute of limitations to bring an action in negligence or malpractice, a claimant for whom permission to sue is deemed granted under subsection (a) of this section for a particular claim may bring an action on such claim in the Superior Court not later than one year after the date of notification pursuant to subsection (b) of section 4 of this act.

Sec. 6. (*Effective from passage*) Upon publication of the report pursuant to subsection (a) of section 4 of this act, the Commissioner of Correction shall forward all documentation described in subsection (b) of said section for each case in such published report to the Commissioner of Public Health. Notwithstanding the provisions of section 20-13e of the general statutes, not later than one hundred eighty days after receipt of such documentation, the Commissioner of Public Health shall open an investigation into each such case. Such cases shall be investigated by independent medical examiners or peer-to-peer review specialists to investigate such cases. Not later than three hundred sixty-five days after receipt of such documentation, the Commissioner of Public Health shall identify what, if any, disciplinary action is to be taken against medical practitioners determined to have committed a violation subject to disciplinary action under chapter 370 of the general statutes.

Sec. 7. (*Effective from passage*) The Office of the Correction Ombuds, established pursuant to section 18-81qq of the general statutes, in consultation with the Office of the Attorney General, shall publish on said offices' Internet web sites a database that contains all cases filed against the Department of Correction defended by the division of the Office of the Attorney General concerning public safety during the period from January 1, 2000, to the effective date of this section. Said offices shall conduct and publish the results of targeted audits of such cases that were brought as medical neglect cases during the period from January 1, 2019, to the effective date of this section.

Sec. 8. (*Effective from passage*) The Commissioner of Administrative Services, in consultation with the Commissioner of Correction, shall study the feasibility of relocating the New Haven Correctional Center on Whalley Avenue and the Bridgeport Correctional Center, to locations that would create fewer impacts on neighborhoods. Such study shall include (1) an assessment of the practicality and potential impacts of each proposed relocation, and (2) a listing of potential sites for each proposed relocation, including a comparison of any advantages or disadvantages each proposed site may have when compared to the

current site for each such facility. Not later than February 1, 2026, the Commissioner of Administrative Services shall submit such study, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction.

Sec. 9. (NEW) (*Effective October 1, 2025*) (a) The Commissioner of Correction shall ensure that each correctional facility under the commissioner's jurisdiction is staffed at a level to ensure the safety of the staff who work at each such facility, visitors and contractors who enter each such facility and persons who are incarcerated at each such facility.

(b) Not later than January 1, 2026, the commissioner shall develop and actively employ a program for the recruitment and retention of correctional officers.

(c) Not later than January 1, 2027, and annually thereafter, the commissioner shall report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to the Department of Correction on efforts to comply with subsections (a) and (b) of this section, including any shortcomings in such compliance. Such report may include recommendations for additional resources needed to achieve such compliance.

Sec. 10. (NEW) (*Effective October 1, 2025*) The Commissioner of Correction shall ensure that persons who are incarcerated have access to and engage in productive programming, including, but not limited to, employment opportunities, education courses and vocational training. Such programming shall be available for incarcerated persons to access during out-of-cell time. Access to such programming shall be prioritized for those incarcerated persons who are not sentenced to a term of life imprisonment without the possibility of release.

Sec. 11. (NEW) (*Effective from passage*) The Commissioner of

Correction shall develop a protocol for full documentation of any assault by a person who is incarcerated on custodial staff. On and after October 1, 2025, each such assault shall be documented in accordance with such protocol.

Sec. 12. (*Effective from passage*) (a) Not later than December 31, 2025, the Commissioner of Correction shall (1) purchase at least two body scanner machines, and install at least one at the York Correctional Institution and at least one at the John R. Manson Youth Institution, Cheshire, and (2) establish a pilot program and directives that prioritize using such machines to inspect persons who are incarcerated in said institutions in lieu of correctional personnel conducting strip searches or cavity searches when such searches are typically performed, according to the existing directives. As part of such pilot program, the commissioner shall train correctional personnel in the use of such machines and collect data concerning such use.

(b) Not later than February 15, 2027, the Commissioner of Correction shall submit a 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 the judiciary and government oversight. Such report shall include, but need not be limited to, (1) the total number of body scans performed by the body scanning machines during the 2026 calendar year based upon the reason for the scan, by month, (2) the number of strip or cavity searches conducted during the 2026 calendar year, by month, (3) the total number of such body scans that discovered contraband material, by month, (4) the types and material of contraband discovered during such period, differentiated by the type of search or scan performed, (5) the use of any additional screening subsequent to the implementation of the body scanner machines, including a strip search, placement on a dry cell watch, urinalysis or medical assessment to confirm contraband was not present, and (6) any recommendations for legislative changes based upon the results of such pilot program.

Sec. 13. (*Effective from passage*) Not later than February 15, 2026, the Commissioner of Correction shall submit a 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 the judiciary and government oversight. Such report shall include an evaluation of current directives and procedures for strip searches and cavity searches in correctional institutions in the state compared to other states in the northeastern region and federal policies, based on the type of institution, and highlight any differences in such directives and procedures.

Sec. 14. (*Effective July 1, 2025*) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate five hundred thousand dollars.

(b) The proceeds of the sale of such bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the Department of Correction for the purpose of purchasing two body scanning machines, installing such machines and training corrections staff on their use in accordance with the provisions of section 12 of this act.

(c) All provisions of section 3-20 of the general statutes, or the exercise of any right or power granted thereby, that are not inconsistent with the provisions of this section are hereby adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to this section. Temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with section 3-20 of the general statutes and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of such bonds shall be authorized except upon a finding by the State Bond Commission that

there has been filed with it a request for such authorization that is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Such bonds issued pursuant to this section shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on such bonds as the same become due, and accordingly and as part of the contract of the state with the holders of such bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due.

Sec. 15. (NEW) (*Effective from passage*) On or before January 1, 2026, and annually thereafter, the Commissioner of Correction shall submit a 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 the judiciary and government oversight, concerning the conduct of strip and cavity searches in such facilities. Such report shall include, but need not be limited to: (1) The number of strip searches and cavity searches of persons who are incarcerated that have occurred during the prior calendar year, broken out by correctional facility, (2) whether there have been any lawsuits filed concerning such strip searches or cavity searches during the year immediately preceding such report and, if so, the status or outcome of such lawsuits, and (3) a copy of the current policy concerning the conduct of such searches, including any training requirements for correctional officers concerning the conduct of such searches.

This act shall take effect as follows and shall amend the following sections:		
Section 1	*from passage*	18-81pp
Sec. 2	*October 1, 2025*	New section
Sec. 3	*October 1, 2025*	New section
Sec. 4	*from passage*	New section
Sec. 5	*from passage*	New section

Sec. 6	*from passage*	New section
Sec. 7	*from passage*	New section
Sec. 8	*from passage*	New section
Sec. 9	*October 1, 2025*	New section
Sec. 10	*October 1, 2025*	New section
Sec. 11	*from passage*	New section
Sec. 12	*from passage*	New section
Sec. 13	*from passage*	New section
Sec. 14	*July 1, 2025*	New section
Sec. 15	*from passage*	New section

Statement of Purpose:

To (1) require that persons who are incarcerated be immediately provided evidence-based mental health interventions upon initial assessment and intake, (2) require that persons who are incarcerated be fed palatable and nutritious meals and not be served nutraloaf as punishment, (3) ensure that persons who are incarcerated are provided a form to authorize another person to access their medical records, (4) cause the publication of the Criminal Justice Institute's report concerning cases of medical neglect in Connecticut's correctional facilities and provide that claimants in such cases be granted permission to sue the state, (5) adopt measures to increase access to data concerning cases involving medical neglect by the Department of Correction, (6) require a study of relocating the New Haven Correctional Center on Whalley Avenue and the Bridgeport Correctional Center, (7) employ measures to increase staffing at correctional facilities, (8) increase productive time for out-of-cell time for persons who are incarcerated, (9) ensure incidents of violence against correctional officers are fully documented, and (10) establish a pilot program for body scans in lieu of body and cavity searches and bonding for such program.

[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.]