

## Substitute Bill No. 1543

January Session, 2025

General Assembly

## \* S B 0 1 5 4 3 J U D 0 4 0 9 2 5 \*

## 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 Section 18-81pp of the general statutes is repealed and the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*):
- 3 (a) As used in this section:
- 4 (1) "Advanced practice registered nurse" means an advanced practice
  5 registered nurse licensed under chapter 373;
- 6 (2) "Alcohol and drug counselor" means an alcohol and drug 7 counselor licensed or certified under chapter 376b;
- 8 (3) "Commissioner" means the Commissioner of Correction;

9 (4) "Correctional institution" means a prison or jail under the 10 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;

- 14 (6) "Dentist" means a dentist licensed under chapter 379;
- 15 (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;

20 (9) "HIV test" means a test to determine human immunodeficiency
21 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;

37 [(14)] (<u>13)</u> "Physician" means a physician licensed under chapter 370;

[(15)] (<u>14)</u> "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] <u>October 1, 2025</u>, 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] <u>persons who are</u>
<u>incarcerated</u> under the jurisdiction of the department. Such plan shall
[include, but not be limited to, guidelines for implementation of the
following requirements] <u>ensure, at a minimum, that</u>:

(1) (A) [A] <u>There is a sufficient number of mental health therapists, as</u>
determined by the commissioner, [shall be placed] at each correctional
institution to provide mental health care services to [inmates] <u>persons</u>
<u>who are incarcerated;</u>

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

60 (C) Each mental health therapist shall deliver such services in concert 61 with the security needs of all [inmates] <u>persons who are incarcerated</u> 62 and correctional staff and the overall operation of the correctional 63 institution, as determined by the warden of the correctional institution; 64 and

65 (D) No mental health therapist who is providing mental health care services pursuant to this subdivision and licensed to prescribe 66 67 medication shall prescribe a psychotropic medication to [an inmate] <u>a</u> 68 person who is incarcerated unless (i) the mental health therapist has 69 reviewed the mental health history and medical history of the [inmate] 70 person, including, but not limited to, the list of all medications the 71 [inmate] person is taking, (ii) the mental health therapist determines, 72 based on a review of such history, that the benefits of prescribing such 73 medication outweigh the risk of prescribing such medication, (iii) the 74 mental health therapist diagnoses the [inmate] person with a mental 75 health disorder, the [inmate] person has received a previous diagnosis 76 of a mental health disorder by a licensed mental health care provider

77 and such medication is used to treat such mental health disorder, or, in 78 an emergency situation, the mental health therapist makes an 79 assessment that the inmate's mental health is substantially impaired and requires psychotropic medication to treat, (iv) the mental health 80 81 therapist approves the use of such medication by the [inmate] person as 82 part of the [inmate's] person's mental health treatment plan, and (v) the 83 mental health therapist keeps a record of each psychotropic medication 84 such provider prescribes to the [inmate] person and all other 85 medications the [inmate] person is taking.

(2) Each [inmate] <u>person who is incarcerated</u> 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] <u>person who is incarcerated</u> shall receive an initial
health assessment from a medical professional not later than fourteen
days after the [inmate's] <u>person's</u> initial intake into a correctional
institution.

97 (4) If a physician, physician assistant or advanced practice registered 98 nurse recommends, based on the initial health assessment of [an inmate 99 or] a person who is incarcerated or other person, that such [inmate or] 100 person who is incarcerated or other person be placed in a medical or 101 mental health housing unit, the department shall ensure that such 102 [inmate or] person who is incarcerated or other person is placed in an 103 appropriate medical or mental health housing unit unless there are 104 significant safety or security reasons for not making such placement.

(5) A medical professional shall perform health assessments of
[inmates] <u>persons who are incarcerated</u> 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] <u>person who is incarcerated</u>
during a health assessment may be performed at a laboratory that is
located outside of the correctional institution.

112 (6) A discharge planner shall conduct an exit interview of each 113 [inmate] person who is incarcerated who is being scheduled for 114 discharge from a correctional institution prior to the date of discharge if 115 such exit interview is clinically indicated, provided the lack of such exit 116 interview shall not delay the scheduled discharge of [an inmate] a 117 person who is incarcerated. Such exit interview shall include a 118 discussion with the [inmate] person regarding a medical discharge plan for any continued medical care or treatment that is recommended by the 119 120 physician, physician assistant or advanced practice registered nurse for 121 the [inmate] <u>person</u> when the [inmate] <u>person</u> 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
<u>are incarcerated</u> as necessary.

125 (8) The commissioner shall ensure that each [inmate] person who is 126 incarcerated has access to all vaccines licensed or authorized under an 127 emergency use authorization by the federal Food and Drug 128 Administration that are recommended by the National Centers for 129 Disease Control and Prevention Advisory Committee on Immunization 130 Practices, subject to availability of such vaccines, unless there are 131 substantial security concerns with providing access to such vaccines. 132 Subject to availability, a physician, physician assistant or advanced practice registered nurse shall prescribe to [an inmate] a person who is 133 134 incarcerated any such vaccine that (A) the [inmate] person requests, and 135 (B) is recommended for such [inmate] person by said committee, as 136 determined by the physician, physician assistant or advanced practice 137 registered nurse, provided the prescribing of such vaccine does not 138 impose significant safety concerns.

(9) Except in exigent circumstances, a dental professional shallperform a dental screening of each [inmate] person who is incarcerated

not later than one year after the [inmate] person initially enters a 141 142 correctional institution and at least once annually thereafter. At the time 143 the dental professional performs the dental screening of [an inmate] a 144 person who is incarcerated, the dental professional shall develop a 145 dental care plan for the [inmate] person. A dental professional shall provide dental care in accordance with the [inmate's] person's dental 146 147 care plan throughout the [inmate's] person's time at the correctional institution. The commissioner shall ensure, in consultation with a 148 149 dentist, that each correctional institution has a dental examination room 150 that is fully equipped with all of the dental equipment necessary to 151 perform a dental examination.

(10) A medical professional shall administer an HIV test to each
[inmate] <u>person who is incarcerated</u> 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] <u>person who is incarcerated</u> where it is clinically indicated
(A) at the time such [inmate] <u>person</u> enters a correctional institution, or
(B) during an annual physical assessment.

159 (11) A medical professional shall interview each [inmate] person who 160 is incarcerated regarding [the inmate's] such person's drug and alcohol 161 use and mental health history at the time the [inmate] person initially 162 enters a correctional institution. If [an inmate] the person is exhibiting 163 symptoms of withdrawal from a drug or alcohol or mental distress at such time, a medical professional shall perform a physical and mental 164 165 health assessment of the [inmate] person and communicate the results 166 of such assessment to a physician, physician assistant or advanced 167 practice registered nurse, and a mental health care provider or mental health therapist, if applicable. Except in exigent circumstances, a drug 168 169 and alcohol counselor shall perform an evaluation of the [inmate] 170 person not later than five days after the [inmate] the person initially 171 enters the correctional institution. (A) The correctional institution shall 172 immediately transfer each [inmate] such person who is determined by a 173 physician, physician assistant or advanced practice registered nurse to 174 be experiencing withdrawal from a drug or alcohol to an appropriate

area at such correctional institution for medical treatment of such 175 176 withdrawal. A physician, a physician assistant or an advanced practice 177 registered nurse shall periodically evaluate each [inmate who] person 178 who is incarcerated and exhibits signs of or discloses an addiction to a 179 drug or alcohol or who experiences withdrawal from a drug or alcohol, 180 at a frequency deemed appropriate by the physician, physician assistant 181 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 182 183 institution to be in need of mental health services, such person shall be 184 provided evidence-based mental health interventions delivered by an 185 interdisciplinary team of mental health care providers and mental 186 health therapists within a reasonable amount of time after such 187 determination of need, but in no case later than twenty-four hours following such determination. Such person shall be periodically 188 189 evaluated by a mental health care provider or mental health therapist 190 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] <u>a</u> <u>person who is incarcerated</u> 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] <u>person</u>.

198 (13) A drug and alcohol counselor shall offer appropriate substance 199 use disorder counseling services, including, but not limited to, 200 individual counseling sessions and group counseling sessions, to [an 201 inmate who] a person who is incarcerated and exhibits signs of or 202 discloses an addiction to a drug or alcohol and encourage such [inmate] 203 person to participate in at least one counselling session. At the time of 204 [an inmate's] discharge of a person who is incarcerated from the correctional institution, a discharge planner may refer [an inmate] any 205 206 such person who has exhibited signs of or disclosed an addiction to a 207 drug or alcohol while [an inmate] incarcerated at such correctional 208 institution to a substance use disorder treatment program in the

209 community that is deemed appropriate for the [inmate] <u>person</u> by such210 discharge planner.

(14) The York Correctional Institution shall provide each [inmate who is] pregnant woman who is incarcerated and drug or alcoholdependent, 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.

227 (c) Not later than [February 1, 2023] October 1, 2025, the 228 commissioner shall report, in accordance with the provisions of section 229 11-4a, to the joint standing committees of the General Assembly having 230 cognizance of matters relating to public health and the judiciary 231 regarding the plan developed pursuant to subsection (b) of this section, 232 recommendations for any legislation necessary to implement such plan 233 and the department's timeline for implementation of such plan, 234 provided the commissioner implements the provisions of subparagraph 235 (B) of subdivision (11) of subsection (b) of this section not later than 236 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 241 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.

252 Sec. 4. (Effective from passage) (a) Not later than one year after the 253 effective date of this section, the Commissioner of Correction, in 254 consultation with the Correction Ombuds appointed pursuant to section 255 18-81jj of the general statutes, shall publish on the Internet web site 256 operated by the Department of Correction, the report commissioned by 257 the department in 2017 under contract with an institute concerned with 258 criminal justice, for the purpose of identifying and examining the most 259 extreme cases of medical malpractice and neglect experienced by 260 persons in the custody of the commissioner. Such published report shall 261 include all addenda and have personal identifying information 262 redacted.

263 (b) The commissioner shall notify any living person, or if deceased, 264 the next-of-kin of such person whose case is identified in the report 265 described pursuant to subsection (a) of this section of the publication of 266 such report. As part of such notification, the department shall include 267 all documentation concerning such person's case, including, but not 268 limited to, the entire medical file, security division investigation reports, 269 morbidity and mortality reports, documentation from the utilization 270 review committee and electronic mail related to the case.

(c) Not later than one year after the effective date of this section, theCommissioner 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.

277 Sec. 5. (*Effective from passage*) (a) Notwithstanding the provisions of 278 section 4-148 of the general statutes concerning time limitations to file a 279 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 280 281 subsection (b) of section 4 of this act to pursue a claim based on 282 information contained in the report described in subsection (a) of section 283 4 of this act. Upon filing of any such claim with the Office of the Claims 284 Commissioner, established pursuant to section 4-142 of the general 285 statutes, permission to sue the state shall be deemed granted for such 286 claim. Any such action shall be limited to medical malpractice or 287 negligence claims only and any such action shall be deemed a suit 288 otherwise authorized by law in accordance with subsection (a) of section 289 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.

296 Sec. 6. (*Effective from passage*) Upon publication of the report pursuant 297 to subsection (a) of section 4 of this act, the Commissioner of Correction 298 shall forward all documentation described in subsection (b) of said 299 section for each case in such published report to the Commissioner of 300 Public Health. Notwithstanding the provisions of section 20-13e of the 301 general statutes, not later than one hundred eighty days after receipt of 302 such documentation, the Commissioner of Public Health shall open an 303 investigation into each such case. Each such case shall be investigated 304 by an independent medical examiner or a peer-to-peer review specialist. 305 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 a physician determined
to have committed a violation subject to disciplinary action under
chapter 370 of the general statutes.

310 Sec. 7. (Effective from passage) The Commissioner of Administrative 311 Services, in consultation with the Commissioner of Correction, shall 312 study the feasibility of relocating the New Haven Correctional Center 313 on Whalley Avenue and the Bridgeport Correctional Center, to locations 314 that would create fewer impacts on neighborhoods. Such study shall 315 include (1) an assessment of the practicality and potential impacts of 316 each proposed relocation, and (2) a listing of potential sites for each 317 proposed relocation, including a comparison of any advantages or 318 disadvantages each proposed site may have when compared to the 319 current site for each such facility. Not later than February 1, 2026, the 320 Commissioner of Administrative Services shall submit such study, in 321 accordance with the provisions of section 11-4a of the general statutes, 322 to the joint standing committee of the General Assembly having 323 cognizance of matters relating to the Department of Correction.

Sec. 8. (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 developand actively employ a program for the recruitment and retention ofcorrectional 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.

341 Sec. 9. (NEW) (Effective October 1, 2025) The Commissioner of 342 Correction shall ensure that persons who are incarcerated have access 343 to and engage in productive programming, including, but not limited 344 to, employment opportunities, education courses and vocational 345 training. Such programming shall be available for incarcerated persons 346 to access during out-of-cell time. Access to such programming shall be 347 prioritized for those incarcerated persons who are not sentenced to a 348 term of life imprisonment without the possibility of release.

Sec. 10. (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.

354 Sec. 11. (Effective from passage) (a) Not later than December 31, 2025, 355 the Commissioner of Correction shall (1) purchase at least two body 356 scanning machines, and install at least one at the York Correctional 357 Institution and at least one at the John R. Manson Youth Institution, 358 Cheshire, and (2) establish a pilot program and directives that prioritize 359 using such machines to inspect (A) persons who are incarcerated in said 360 institutions in lieu of correctional personnel conducting strip searches 361 or cavity searches when such searches are typically performed, 362 according to the existing directives, and (B) any person entering said 363 institutions. As part of such pilot program, the commissioner shall train 364 correctional personnel in the use of such machines and collect data 365 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

370 government oversight. Such report shall include, but need not be 371 limited to, (1) the total number of body scans performed by the body 372 scanning machines during the 2026 calendar year based upon the reason 373 for the scan, by month, (2) the number of strip or cavity searches 374 conducted during the 2026 calendar year, by month, (3) the total number 375 of such body scans that discovered contraband material, by month, (4) 376 the types and material of contraband discovered during such period, 377 differentiated by the type of search or scan performed, (5) the use of any 378 additional screening subsequent to the implementation of the body 379 scanning machines, including a strip search, placement on a dry cell 380 watch, urinalysis or medical assessment to confirm contraband was not 381 present, and (6) any recommendations for legislative changes based upon the results of such pilot program. 382

383 Sec. 12. (Effective from passage) Not later than February 15, 2026, the 384 Commissioner of Correction shall submit a report, in accordance with 385 the provisions of section 11-4a of the general statutes, to the joint 386 standing committees of the General Assembly having cognizance of 387 matters relating to the judiciary and government oversight. Such report 388 shall include an evaluation of current directives and procedures for strip 389 searches and cavity searches in correctional institutions in the state 390 compared to other states in the northeastern region and federal policies, 391 based on the type of institution, and highlight any differences in such 392 directives and procedures.

Sec. 13. (*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 11 of this act.

403 (c) All provisions of section 3-20 of the general statutes, or the exercise 404 of any right or power granted thereby, that are not inconsistent with the 405 provisions of this section are hereby adopted and shall apply to all 406 bonds authorized by the State Bond Commission pursuant to this 407 section. Temporary notes in anticipation of the money to be derived 408 from the sale of any such bonds so authorized may be issued in 409 accordance with section 3-20 of the general statutes and from time to 410 time renewed. Such bonds shall mature at such time or times not 411 exceeding twenty years from their respective dates as may be provided 412 in or pursuant to the resolution or resolutions of the State Bond 413 Commission authorizing such bonds. None of such bonds shall be 414 authorized except upon a finding by the State Bond Commission that 415 there has been filed with it a request for such authorization that is signed 416 by or on behalf of the Secretary of the Office of Policy and Management 417 and states such terms and conditions as said commission, in its 418 discretion, may require. Such bonds issued pursuant to this section shall 419 be general obligations of the state and the full faith and credit of the state 420 of Connecticut are pledged for the payment of the principal of and 421 interest on such bonds as the same become due, and accordingly and as 422 part of the contract of the state with the holders of such bonds, 423 appropriation of all amounts necessary for punctual payment of such 424 principal and interest is hereby made, and the State Treasurer shall pay such principal and interest as the same become due. 425

426 Sec. 14. (NEW) (Effective from passage) On or before January 1, 2026, 427 and annually thereafter, the Commissioner of Correction shall submit a 428 report, in accordance with the provisions of section 11-4a of the general 429 statutes, to the joint standing committees of the General Assembly 430 having cognizance of matters relating to the judiciary and government 431 oversight, concerning the conduct of strip and cavity searches in such 432 facilities. Such report shall include, but need not be limited to: (1) The 433 number of strip searches and cavity searches of persons who are 434 incarcerated that have occurred during the prior calendar year, broken 435 out by correctional facility, (2) whether there have been any lawsuits 436 filed concerning such strip searches or cavity searches during the year

- 437 immediately preceding such report and, if so, the status or outcome of
- such lawsuits, and (3) a copy of the current policy concerning the 438
- conduct of such searches, including any training requirements for 439
- correctional officers concerning the conduct of such searches. 440

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	October 1, 2025	New section
Sec. 9	October 1, 2025	New section
Sec. 10	from passage	New section
Sec. 11	from passage	New section
Sec. 12	from passage	New section
Sec. 13	July 1, 2025	New section
Sec. 14	from passage	New section

## Statement of Legislative Commissioners:

In Section 6, "medical practitioners" was changed to "a physician" for internal consistency.

JUD Joint Favorable Subst.