

# HOUSE BILL 1476

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By: **Delegate J. Lewis**

Introduced and read first time: February 7, 2020

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Independent Oversight and Review Board for Health Care of Inmates in State**  
3 **Correctional Facilities – Establishment**

4 FOR the purpose of establishing the Independent Oversight and Review Board for Health  
5 Care of Inmates in State Correctional Facilities; providing for the composition, chair,  
6 and staffing of the Board; specifying the terms of the initial appointed members of  
7 the Board; prohibiting a member of the Board from receiving certain compensation,  
8 but authorizing the reimbursement of certain expenses; requiring the Board to meet  
9 with certain frequency; requiring that the Board be granted access to copies of  
10 certain policies, procedures, and data; requiring the Board to review certain policies,  
11 procedures, practices, and data, make a certain assessment, develop certain  
12 processes and procedures, determine certain expenditures, and make  
13 recommendations regarding certain matters; requiring the Board to report its  
14 findings and recommendations to the Governor, the Department of Public Safety and  
15 Correctional Services, and the General Assembly on or before a certain date each  
16 year; defining a certain term; and generally relating to the Independent Oversight  
17 and Review Board for Health Care of Inmates in State Correctional Facilities.

18 BY adding to

19 Article – Health – General

20 Section 24–1701 to be under the new subtitle “Subtitle 17. Independent Oversight  
21 and Review Board for Health Care of Inmates in State Correctional Facilities”

22 Annotated Code of Maryland

23 (2019 Replacement Volume)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

25 That the Laws of Maryland read as follows:

26 **Article – Health – General**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **SUBTITLE 17. INDEPENDENT OVERSIGHT AND REVIEW BOARD FOR HEALTH CARE**  
2 **OF INMATES IN STATE CORRECTIONAL FACILITIES.**

3 **24-1701.**

4 (A) **IN THIS SECTION, “BOARD” MEANS THE INDEPENDENT OVERSIGHT AND**  
5 **REVIEW BOARD FOR HEALTH CARE OF INMATES IN STATE CORRECTIONAL**  
6 **FACILITIES.**

7 (B) **THERE IS AN INDEPENDENT OVERSIGHT AND REVIEW BOARD FOR**  
8 **HEALTH CARE OF INMATES IN STATE CORRECTIONAL FACILITIES.**

9 (C) **THE BOARD CONSISTS OF THE FOLLOWING MEMBERS:**

10 (1) **THE SECRETARY, OR THE SECRETARY’S DESIGNEE;**

11 (2) **THE PUBLIC DEFENDER OF MARYLAND, OR THE PUBLIC**  
12 **DEFENDER’S DESIGNEE;**

13 (3) **THE EXECUTIVE DIRECTOR OF THE MARYLAND HEALTH CARE**  
14 **COMMISSION, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;**

15 (4) **THE DIRECTOR OF THE MENTAL HEALTH ASSOCIATION OF**  
16 **MARYLAND, OR THE DIRECTOR’S DESIGNEE;**

17 (5) **THE DIRECTOR OF THE NATIONAL ALLIANCE ON MENTAL**  
18 **ILLNESS: MARYLAND, OR THE DIRECTOR’S DESIGNEE;**

19 (6) **THE EXECUTIVE DIRECTOR OF AFSCME MARYLAND, OR THE**  
20 **EXECUTIVE DIRECTOR’S DESIGNEE;**

21 (7) **THE EXECUTIVE DIRECTOR OF DISABILITY RIGHTS MARYLAND,**  
22 **OR THE EXECUTIVE DIRECTOR’S DESIGNEE;**

23 (8) **THE EXECUTIVE DIRECTOR OF THE MARYLAND PRISONERS’**  
24 **RIGHTS COALITION, OR THE EXECUTIVE DIRECTOR’S DESIGNEE;**

25 (9) **TWO REPRESENTATIVES OF INDIVIDUALS RELEASED FROM A**  
26 **STATE CORRECTIONAL FACILITY WITHIN THE LAST 5 YEARS, DESIGNATED BY THE**  
27 **MARYLAND PRISONERS’ RIGHTS COALITION; AND**

28 (10) **THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:**

1                   **(I) THREE LEGAL PROFESSIONALS FROM A STATE SCHOOL OF**  
2 **LAW THAT PRACTICE CIVIL RIGHTS LAW OR SPECIALIZE IN PRISONERS' RIGHTS; AND**

3                   **(II) THE FOLLOWING MEDICAL PROFESSIONALS FROM A STATE**  
4 **UNIVERSITY:**

5                   1.   **ONE PHYSICIAN THAT SPECIALIZES IN INTERNAL**  
6 **MEDICINE;**

7                   2.   **ONE PHARMACIST;**

8                   3.   **ONE DENTIST;**

9                   4.   **ONE OBSTETRICIAN–GYNECOLOGIST; AND**

10                  5.   **ONE PHYSICIAN THAT SPECIALIZES IN INFECTIOUS**  
11 **DISEASES.**

12           **(D) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE BOARD.**

13           **(E) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE BOARD.**

14           **(F) A MEMBER OF THE BOARD:**

15                  **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE BOARD;**  
16 **BUT**

17                  **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**  
18 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

19           **(G) (1) THE TERM OF AN APPOINTED MEMBER OF THE BOARD IS 4 YEARS.**

20                  **(2) THE TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS**  
21 **REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1,**  
22 **2020.**

23                  **(3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL**  
24 **A SUCCESSOR IS APPOINTED AND QUALIFIES.**

25                  **(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES**  
26 **ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND**  
27 **QUALIFIES.**

1           **(H) (1) FROM JUNE 2020 TO DECEMBER 2020, BOTH INCLUSIVE, THE**  
2 **BOARD SHALL MEET AT LEAST MONTHLY AT THE TIMES AND PLACES THE CHAIR**  
3 **DETERMINES.**

4           **(2) BEGINNING JANUARY 1, 2021, THE BOARD SHALL MEET AT LEAST**  
5 **QUARTERLY OR AS DETERMINED BY THE CHAIR, IN CONSULTATION WITH THE**  
6 **BOARD.**

7           **(I) THE BOARD SHALL:**

8           **(1) SUBJECT TO APPLICABLE FEDERAL AND STATE LAWS REGARDING**  
9 **THE CONFIDENTIALITY OF HEALTH RECORDS, BE GRANTED ACCESS TO COPIES OF**  
10 **ALL POLICIES, PROCEDURES, AND DATA OBTAINED BY HEALTH CARE PROVIDERS**  
11 **AND THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES THAT**  
12 **RELATE TO ALL ASPECTS OF HEALTH CARE FOR INMATES IN STATE CORRECTIONAL**  
13 **FACILITIES;**

14           **(2) SUBJECT TO APPLICABLE FEDERAL AND STATE LAWS REGARDING**  
15 **THE CONFIDENTIALITY OF HEALTH RECORDS, REVIEW THE POLICIES, PROCEDURES,**  
16 **PRACTICES, AND ALL RELEVANT DATA OF THE DEPARTMENT OF PUBLIC SAFETY**  
17 **AND CORRECTIONAL SERVICES REGARDING ACCESS TO AND QUALITY OF HEALTH**  
18 **CARE SERVICES FOR INMATES;**

19           **(3) (I) ASSESS THE HEALTH CARE NEEDS OF INMATES IN**  
20 **COMPARISON TO NONINMATES; AND**

21           **(II) REVIEW AND ASSESS WHETHER INMATES' NEEDS ARE BEING**  
22 **MET BY CURRENT PRACTICES;**

23           **(4) REVIEW THE POLICIES, PROCEDURES, AND PRACTICES OF THE**  
24 **DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES REGARDING**  
25 **GRIEVANCES AND COMPLAINTS RELATING TO ACCESS TO AND QUALITY OF HEALTH**  
26 **CARE PROVIDED TO INMATES;**

27           **(5) (I) DEVELOP AN INDEPENDENT AND UNIFORM HEALTH CARE**  
28 **GRIEVANCE AND COMPLAINT PROCESS THAT CAN BE ACCESSED AND USED**  
29 **SYSTEMICALLY BY INMATES AND REVIEWED BY THE BOARD; AND**

30           **(II) DEVELOP AN IMPLEMENTATION PROCESS FOR THE**  
31 **PROCESS AND CONTINUAL REVIEWS OF HEALTH CARE GRIEVANCES AND**  
32 **COMPLAINTS AND REQUESTS BY THE BOARD TO BE ONGOING;**

33           **(6) (I) DEVELOP AN INDEPENDENT AND APPROPRIATE AUDIT**

1 **PROCEDURE FOR AUDITING ACCESS TO HEALTH CARE SERVICES BY INMATES TO BE**  
2 **CONDUCTED BY THE MARYLAND HEALTH CARE COMMISSION AND THE**  
3 **DEPARTMENT; AND**

4 **(II) ON OR BEFORE JANUARY 2021, DEVELOP AN**  
5 **IMPLEMENTATION PROCESS FOR QUARTERLY AUDITS BY THE MARYLAND HEALTH**  
6 **CARE COMMISSION AND THE DEPARTMENT; AND**

7 **(7) DETERMINE THE CAPITAL OR OPERATIONAL EXPENDITURES**  
8 **THAT ARE NECESSARY TO ADDRESS ANY ISSUES REGARDING THE QUALITY OF OR**  
9 **ACCESS TO HEALTH CARE SERVICES RECEIVED BY INMATES IN STATE**  
10 **CORRECTIONAL FACILITIES; AND**

11 **(8) MAKE RECOMMENDATIONS REGARDING CHANGES IN POLICIES,**  
12 **PRACTICES, PROCEDURES, OR CAPITAL OR OPERATIONAL EXPENDITURES THAT ARE**  
13 **NECESSARY TO ADDRESS ANY ISSUES REGARDING THE QUALITY OF AND ACCESS TO**  
14 **HEALTH CARE RECEIVED BY INMATES.**

15 **(J) ON OR BEFORE DECEMBER 31 EACH YEAR, THE BOARD SHALL REPORT**  
16 **ITS FINDINGS AND RECOMMENDATIONS TO THE GOVERNOR, THE DEPARTMENT OF**  
17 **PUBLIC SAFETY AND CORRECTIONAL SERVICES, AND, IN ACCORDANCE WITH §**  
18 **2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.**

19 SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the initial  
20 appointed members of the Independent Oversight and Review Board for Health Care of  
21 Inmates in State Correctional Facilities shall expire as follows:

22 (1) three members in 2021;

23 (2) three members in 2022; and

24 (3) two members in 2023.

25 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2020.