



NEW YORK STATE SENATOR

Gustavo Rivera

## State Senator Gustavo Rivera and Assemblymember Michael Blake on Governor Cuomo's Veto of Legislation to Standardize the Distribution of Medical Authorization Forms Among Incarcerated Individuals

GUSTAVO RIVERA November 29, 2016

Yesterday, S6892/A9406, which was co-authored by State Senator Gustavo Rivera and Assemblymember Michael Blake, was vetoed for a second year in a row by Governor Andrew Cuomo. This bill would require the Department of Corrections and Community Supervision (DOCCS) to provide incarcerated individuals with a form authorizing the disclosure of medical and mental health treatment information and to provides a signed original of such form to the appointed person selected by the incarcerated individual.

While the veto message issued by Governor Cuomo directs DOCCS to review the administrative provisions implemented after last year's veto message, it continues to disregard the need for these important provisions to be codified into law. The provisions mandated by Governor Cuomo in the veto message include:

- Ensuring that an incarcerated individual's medical and mental health information is updated on a regular basis and is accessible in times of emergencies;
- Mandating DOCCS to provide the Authorization for Release of Health Information Form upon admission and for the form to be placed in the incarcerated individual's personal

medical record;

- Mandating that the copies of this form are properly maintained in all of its facilities' law libraries

"It is deeply disappointing that this bill was vetoed once again. While last year's administrative directives ordered by Governor Cuomo were a step in the right direction in ensuring that DOCCS maintains updated and accessible medical and mental health authorization forms for every incarcerated individual, they are also subject to changes by future administrations. Ensuring that DOCCS implements a process under the law for maintaining updated medical authorizations forms will not only improve their internal bureaucratic process, but it will also ensure the family or caretaker of an incarcerated individual is able to be a source of information and support for both their loved one and DOCCS in times of medical emergencies," said State Senator Gustavo Rivera. "I vow to continue working alongside Assemblymember Blake and Governor Cuomo's office so that this bill becomes law."

"I'm extremely disappointed that our bill was vetoed. No matter where an individual is, incarcerated or not, a family deserves to know the mental and physical status of its members. It is imperative that incarcerated individuals, especially the 10,000 incarcerated young people under the age of 25 have access to the best care possible. Allowing family members access to incarcerated person's health treatment information will help deliver this high quality of care and ensure that all members of our society get the healthcare they need. Senator Rivera and myself will continue to work together with the Governor's office to implement these changes," said Assemblyman Michael Blake.

In New York State, a significant portion of the incarcerated population suffers from

significant health issues. Approximately, 8,000 men and women in custody receive treatment for mental illness, while approximately 10,000 incarcerated New Yorkers under the age of 25 have significant medical conditions. Unfortunately, the processes by which medical disclosure forms were distributed have often caused family members or caretakers of incarcerated individuals to face significant obstacles in receiving information about the health and medical treatment of their loved ones while in custody. This may be because the disclosure forms signed may have expired, may never have been signed, may have been difficult to obtain, or may not have traveled with the individual.

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#### RELATED LEGISLATION

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### 2015-S6892

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- Introduced
- - In Committee Assembly
  - In Committee Senate
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
- - Passed Assembly
  - Passed Senate
- Vetoed By Governor

- Signed By Governor

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Relates to medical authorization forms to disclose private medical information for people in the custody of the department of corrections and community supervision

March 03, 2016

Senate Floor Calendar

Sponsored by **Gustavo Rivera**

Do you support this bill?