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H.874

Introduced by Representatives Connor of Fairfield, Colburn of Burlington,
LaLonde of South Burlington, O’Sullivan of Burlington, and
Weed of Enosburgh

Referred to Committee on

Date:

Subject: Human services; corrections; inmate medical care; prescription drugs

Statement of purpose of bill as introduced: This bill proposes to increase
inmate access to prescription drugs prescribed prior to incarceration.

An act relating to inmate access to prescription drugs

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 28 V.S.A. § 801 is amended to read:

§ 801. MEDICAL CARE OF INMATES

* * *

(e) Except as otherwise provided in this subsection, an offender who is
admitted to a correctional facility while under the medical care of a licensed
physician, a licensed physician assistant, or a licensed advanced practice
registered nurse, ~~or a licensed nurse practitioner~~ and who is taking medication
at the time of admission pursuant to a valid prescription as verified by the
inmate’s pharmacy of record, primary care provider, other licensed care

1 provider, or as verified by the Vermont Prescription Monitoring System or
2 other prescription monitoring or information system shall be entitled to
3 continue that medication and to be provided that medication by the Department
4 pending an evaluation by a licensed physician, a licensed physician assistant, a
5 ~~licensed nurse practitioner~~, or a licensed advanced practice registered nurse.
6 However, the Department may defer provision of medication in accordance
7 with this subsection if, in the clinical judgment of a licensed physician, a
8 ~~physician assistant, a nurse practitioner, or an advanced practice registered~~
9 ~~nurse, it is not in the inmate's best interest~~ there is a compelling clinical reason
10 not to continue the medication at that time. In determining whether a
11 compelling clinical reason exists to discontinue medication, the physician shall
12 confer with the practitioner who prescribed the medication and give deference
13 to the prescriber's clinical judgment and the preferences of the inmate. The
14 licensed ~~practitioner~~ physician who makes the clinical judgment shall enter the
15 reason for the discontinuance into the inmate's permanent medical record,
16 specifically stating why continuation of the medication would be harmful to
17 the inmate. If the licensed physician's clinical judgment is that a medication
18 must be discontinued immediately on an emergency basis to avoid harm to the
19 inmate, but the prescribing practitioner is not immediately available to confer,
20 the licensed physician shall discontinue the medication, document the reason in
21 the inmate's personal medical record, and follow up with the prescriber in

1 writing. It is not the intent of the General Assembly that this subsection shall
2 create a new or additional private right of action.

3 * * *

4 Sec. 2. EFFECTIVE DATE

5 This act shall take effect on July 1, 2018.