

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Corrections and Institutions to which was referred
3 House Bill No. 874 entitled “An act relating to inmate access to prescription
4 drugs” respectfully reports that it has considered the same and recommends
5 that the bill be amended by striking out all after the enacting clause and
6 inserting in lieu thereof the following:

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

8 § 801. MEDICAL CARE OF INMATES

9 * * *

10 (e)(1) Except as otherwise provided in this subsection, an offender who is
11 admitted to a correctional facility while under the medical care of a licensed
12 physician, a licensed physician assistant, or a licensed advanced practice
13 registered nurse, ~~or a licensed nurse practitioner~~ and who is taking medication
14 at the time of admission pursuant to a valid prescription as verified by the
15 inmate’s pharmacy of record, primary care provider, other licensed care
16 provider, or as verified by the Vermont Prescription Monitoring System or
17 other prescription monitoring or information system shall be entitled to
18 continue that medication and to be provided that medication by the Department
19 pending an evaluation by a licensed physician, a licensed physician assistant, a
20 ~~licensed nurse practitioner~~, or a licensed advanced practice registered nurse.

1 (2) ~~However, Notwithstanding~~ subdivision (e)(1) of this section, the
2 Department may defer provision of a validly prescribed medication in
3 accordance with this subsection if, in the clinical judgment of a licensed
4 physician, a physician assistant, ~~a nurse practitioner~~, or an advanced practice
5 registered nurse, it is not in the inmate’s best ~~interest~~ interests to continue the
6 medication at that time.

7 (3) The licensed practitioner who makes the clinical judgment to
8 discontinue a medication shall ~~enter~~ cause the reason for the discontinuance to
9 be entered into the inmate’s permanent medical record, specifically stating the
10 reason for the discontinuance. If the inmate provides a signed release of
11 information, the Department shall follow up in writing with the practitioner
12 who prescribed the medication to notify him or her of the decision. The inmate
13 shall also be provided with a specific explanation of the decision, both orally
14 and in writing.

15 (4) It is not the intent of the General Assembly that this subsection shall
16 create a new or additional private right of action.

17 * * *

18 Sec. 2. DATA COLLECTION

19 (a) The Department of Corrections shall collect information on: how often
20 a medication for which an inmate has a valid prescription is continued or

1 discontinued upon incarceration at each correctional facility, the name of the
2 medication, and the reason for discontinuance.

3 (b) The Department shall collect this information for a period of at least six
4 months and provide a written report of its findings based on the data collected,
5 including a breakdown by correctional facility of record, to the House
6 Committee on Corrections and Institutions and the Senate Committee on
7 Institutions on or before January 31, 2019. Prior to finalizing the report, the
8 Department shall consult with the Prisoners’ Rights Office and Disability
9 Rights Vermont.

10 (c) Nothing in this section shall require the Department to reveal
11 individually identifiable health information in violation of State or federal law.

12 Sec. 3. EFFECTIVE DATES

13 (a) This section and Sec. 2 shall take effect on passage.

14 (b) Sec. 1 shall take effect on July 1, 2018.

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16

17 (Committee vote: _____)

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Representative _____

20

FOR THE COMMITTEE