

2022 -- S 2612

LC005031

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

Introduced By: Senators Kallman, Miller, DiMario, McCaffrey, DiPalma, Murray,  
Archambault, and Bell

Date Introduced: March 10, 2022

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 42-56 of the General Laws entitled "Corrections Department" is  
2 hereby amended by adding thereto the following section:

3 **42-56-43. Medication assisted treatment.**

4 (a) For purposes of this section, "medication assisted treatment" means treatment of  
5 chemical dependence or abuse and concomitant conditions with medications requiring a  
6 prescription or order from an authorized prescribing professional.

7 (b) The department, in conjunction with the department of health, shall establish a program  
8 to be administered at the adult correctional institutions for the purpose of employing medication  
9 assisted treatment for any persons imprisoned who are undergoing treatment for a substance use  
10 disorder. Such program shall include all forms of medication assisted treatments approved for the  
11 treatment of a substance use disorder by the federal Food and Drug Administration, and shall apply  
12 for the duration of the person's incarceration and provide an individualized treatment plan for each  
13 participant.

14 (c) Within twenty-four (24) hours after admission, each inmate shall be screened for  
15 substance use disorders as part of an ongoing substance use screening and assessment process.

16 (d) After a medical screening, persons who are determined to suffer from a substance use  
17 disorder for which FDA-approved addiction medications exist shall be offered placement in the  
18 medication assisted treatment program. Placement in the program shall be voluntary. Each  
19 participant shall work with an authorized specialist to determine an individualized treatment plan,

1 including an appropriate level of counseling. Decisions regarding type, dosage, or duration of any  
2 medication regimen shall be made by a qualified and licensed health care professional who is  
3 authorized to administer such medication.

4 (e) An inmate may enter into the program at any time during his or her incarceration. An  
5 inmate who is taking medication for a substance use disorder pursuant to a valid prescription shall  
6 be entitled to continue using and receiving that medication pending a medical evaluation.

7 (f) No person shall be denied participation in the program on the basis of a positive drug  
8 screening upon entering custody or upon intake into the program; nor shall any person receive a  
9 disciplinary infraction for such positive drug screening. No person shall be removed from, or denied  
10 participation in, the program on the basis of having received any disciplinary infraction either  
11 before entry into, or during participation in, the program.

12 (g) The program shall include a re-entry strategy for individuals who have participated in  
13 medication assisted treatment. The strategy shall include, but not be limited to:

14 (1) Providing each participant with information on available treatment facilities in their  
15 area, information on available housing and employment resources, and any other information that  
16 will assist the individual in continued recovery once released;

17 (2) Assisting the inmate in Medicaid enrollment prior to release;

18 (3) Providing participants preparing for release with a one-week supply of any necessary  
19 medication, where permissible under federal laws and regulations, to continue their medication  
20 assisted treatment in an effort to prevent relapse; and

21 (4) Sharing with parole officers accurate information regarding the inmate's participation  
22 in medication assisted treatment to ensure that their medication is not deemed illicit or illegal.

23 (h) If a licensed practitioner makes a clinical judgment to discontinue a medication the  
24 inmate had been using prior to incarceration, the practitioner shall cause the reason for the  
25 discontinuance to be entered into the inmate's medical record, specifically stating the reason for  
26 the discontinuance. The inmate shall be provided, both orally and in writing, with a specific  
27 explanation of the decision to discontinue the medication and with notice of the right to have his or  
28 her community-based prescriber notified of the decision. If the inmate provides signed  
29 authorization, the department shall notify the community-based prescriber in writing of the decision  
30 to discontinue the medication.

31 (i) An inmate may seek declaratory and/or injunctive relief for any violation of this section.

32 (j) The department shall submit, within one year of the effective date of this section and  
33 annually thereafter, a report to the governor and the general assembly on the effectiveness of the  
34 program established pursuant to this section. Such reports shall include an analysis of the impact

1 of such program on the participants, including factors such as institutional adjustment, behavior  
2 infractions, reentry rates, HIV and hepatitis C treatment, and program participation, among related  
3 relevant factors. The reports shall also include the impact on institutional safety and performance  
4 and any recommendations for additional legislative enactments that may be needed or required to  
5 improve or enhance the program as determined to be appropriate by the department.

6 SECTION 2. This act shall take effect on January 1, 2023.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO STATE AFFAIRS AND GOVERNMENT -- CORRECTIONS DEPARTMENT

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1           This act would establish a program within the adult correctional institutions to permit  
2 medication assisted treatment approved by the FDA for the treatment of a substance abuse disorder  
3 to any individual incarcerated. Each inmate would be screened for substance use disorder within  
4 twenty-four (24) hours of incarceration and if determined to be suffering from a substance use  
5 disorder shall be offered placement in the medication assisted treatment program.

6           This act would take effect on January 1, 2023.

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