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Testimony of Assistant House Majority Leader Rachel Talbot Ross presenting

LD 1674, An Act To Improve Access to Medical Care for and Expand the Rights of Adult Clients of State Correctional Facilities

Before the Joint Standing Committee on Criminal Justice and Public Safety

Senator Deschambault, Representative Warren and distinguished members of the Joint Standing Committee on Criminal Justice and Public Safety, I am Rachel Talbot Ross. I represent House District 40 in Portland and serve as assistant House majority leader. Thank you for the opportunity to present **LD 1674, An Act To Improve Access to Medical Care for and Expand the Rights of Adult Clients of State Correctional Facilities**.

LD 1674 is the product of a great deal of work with residents of Maine's correctional facilities to address concerns regarding the access they have to medical care. It is based on the basic premise that residents should have the opportunity for input when it comes to appropriate, adequate medical care. It also seeks to codify several protections for residents to that end.

We have had many conversations with residents as well as with the Department of Corrections leading up to today. I want to thank both the department and the residents for their extraordinary efforts to collaborate and find consensus. It has been humbling and inspiring to work alongside them in this process.

This group is working on finalizing a draft amendment for your consideration, and we are confident we will have final language for your review in advance of the work session. The amendment will address several components around which we are still working to reach consensus, but we are very close and agree that we want to make progress this session.

The amendment will do the following:

- First, LD 1674 requires the chief administrative officer, the Warden, to seek input from the residents of their facility on at least a quarterly basis relating to the adequacy of the medical care and mental health services being provided and suggestions for the development, expansion and improvement of those services. This could, for example, be in the form of a subcommittee of the Resident Advisory Council at each respective facility, although the amendment does not

prescribe that. The amendment will also require documentation of these efforts, and it is my hope that the final amendment will require the information gathered to be included in the facility's annual report.

- It requires the department to adopt policies delineating between searches of a client's cell or living space and physical property and searches of a client's person, including strip searches and body cavity searches, and establishing processes for conducting strip searches and body cavity searches in a trauma-informed, gender-responsive manner.
- We are also discussing opportunities to address residents' concerns on several other subjects. The first is the cost barrier that residents face in accessing copies of medical records and test results. At this time, the department can and does charge 25 cents per page for such documentation. The second is the best approach to protect residents' privacy, as much as is feasible and safe, when they are undergoing medical exams or procedures or discussing sensitive health information with providers. These are areas where we are still seeking agreement.

I look forward to continuing our work together so that we can deliver the best policy proposal to you by next Friday's work session. In the meantime, others involved in the process are here to speak today, and residents who could not attend have submitted written remarks.

Thank you for your consideration. I would be happy to take questions.