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STATE OF NEW YORK  
COMMISSION ON QUALITY OF CARE AND ADVOCACY  
FOR PERSONS WITH DISABILITIES  
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December 9, 2011

Honorable Jeffrion L. Aubry  
Chair, Assembly Committee on Correction  
New York State Assembly  
526 Legislative Office Building  
Albany, NY 12248

Honorable Félix Ortiz  
Chair, Assembly Committee on Mental Health  
New York State Assembly  
826 Legislative Office Building  
Albany, NY 12248

Dear Assembly Member Aubry and Assembly Member Ortiz:

I am writing to in response to your December 6, 2011, hearing on implementation of the Special Housing Unit (SHU) Exclusion law. The SHU Exclusion Law recognizes the need to provide people who are incarcerated -- and who have been diagnosed with a serious mental illness -- with access to mental health treatment during their incarceration. In addition, it provides for the removal of inmates with serious mental illness from the extreme isolation of the SHUs.

This law also gave CQC the responsibility to monitor the quality of mental health care provided to people who are incarcerated in correctional facilities operated by the New York State Department of Corrections and Community Supervision (DOCCS). This letter describes the actions the Commission has taken to implement this new responsibility.

Once this law was passed, CQC established a forensic unit comprised of four full-time staff. In addition, the Commission meets on a quarterly basis with former inmates, family members of people who are incarcerated, and with other advocacy organizations.

The forensic unit, with support from CQC's Mental Hygiene Medical Review Board when needed, as well as other programmatic staff, has undertaken the following activities:

1. **Systemic Reviews**

CQC is conducting a series of systemic reviews of mental health programs in state operated correctional facilities. The first systemic review was of Residential Crisis Treatment Programs (RCTPs). In response to this review, DOCCS and OMH agreed to implement changes to improve the care provided to inmates in need of immediate mental health evaluation and/or observation and treatment. This review was finalized in July 2010 and is available on the Commission's website at [www.cqc.ny.gov](http://www.cqc.ny.gov).

CQC is presently reviewing the mental health screening process for inmates when they enter correctional facilities. This review is focused on the process itself and the first six months of incarceration for a selected group of inmates. We expect that this systemic review will be available in early 2012.

**2. Mental health service reviews of unusual or suspicious deaths of people who are incarcerated**

CQC receives reports of deaths of people who were on the mental health caseload while incarcerated. When we receive a report of a suicide or other unusual or suspicious death, we conduct a preliminary assessment of the quality of mental health care provided to that individual while they were incarcerated. Where warranted, CQC will open an investigation to more thoroughly review the quality of mental health care and related concerns. CQC also receives referrals from the State Commission of Corrections (SCOC) to complete mental health service reviews for inmates who were not receiving mental health services at the time of their deaths. In general, DOCCS and OMH have acted upon our recommendations.

**3. Annual Report**

DOCCS and OMH will begin sending CQC data about mental health utilization and disciplinary actions in January 2012, once the 2007 Private Settlement Agreement between DOCCS, OMH and DAI expires. CQC will begin reporting annually on the implementation of the SHU Exclusion Law next year.

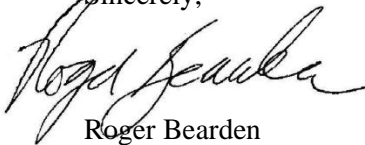
**4. Appointment of the Psychiatric Correctional Care Advisory Committee**

After extensive consultation with state and national experts in prison-based mental health care, CQC has recently appointed members to this new advisory committee. As required by the SHU Exclusion Law, members of this Committee include independent mental health experts and advocates as well as a family member of a former inmate with serious mental illness.

This committee will, among other things, advise CQC about future systemic reviews and efforts to divert inmates with serious mental illness from SHU into residential mental health treatment units. The committee will begin meeting in January 2012. I look forward to informing you of its work and recommendations.

In conclusion, I would like to thank you once again for your attention to the implementation of this important law. Please contact me if you have additional questions about CQC's responsibilities under the SHU Exclusion Law.

Sincerely,



Roger Bearden  
Chair

cc: James Introne  
Honorable Brian Fisher  
Honorable Michael Hogan