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**BOARD OF CORRECTION**  
**CITY OF NEW YORK**  
2 LAFAYETTE STREET, SUITE 1221  
NEW YORK, NY 10007  
212 669-7900 (Office)

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Via email

James Conroy  
General Counsel  
New York City Department of Correction  
75-20 Astoria Blvd.  
East Elmhurst, New York 11370  
[James.Conroy@doc.nyc.gov](mailto:James.Conroy@doc.nyc.gov)

James Saunders  
Deputy Commissioner of Health Affairs  
New York City Department of Correction  
75-20 Astoria Blvd.  
East Elmhurst, New York 11370  
[james.saunders@doc.nyc.gov](mailto:james.saunders@doc.nyc.gov)

**Re: Outstanding Issues Concerning Non-Compliance with Sick-call Minimum Standards**

Dear General Counsel Conroy and Deputy Commissioner Saunders,

Pursuant to the Board of Correction's ("BOC" or "Board") authority to establish and monitor compliance with minimum standards<sup>1</sup> and to evaluate the performance of the Department of Correction ("DOC" or "Department"),<sup>2</sup> the Board published a report titled *Utilization of Sick Call in New York City Jails* in August 2024, detailing concerns regarding lack of compliance with sick-call minimum standards. Since then, the Board and the Department have discussed how the Department can address the Board's concerns on multiple occasions, both in conversations among staff and at public Board meetings. This letter outlines the remedial steps necessary for the Department to come into compliance with the Board's sick-call minimum standards.

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<sup>1</sup> New York City Charter § 626(e) authorizes the Board of Correction to establish minimum standards for the care, custody, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of the Department of Correction.

<sup>2</sup> New York City Charter § 626(c)(4) authorizes the Board to evaluate departmental performance.

### **Sick-call Minimum Standards**

Section 3-02(c) of Title 40 of the Rules of the City of New York (“RCNY”) defines “sick-call” as “an encounter between an inmate and health care personnel for the purpose of assessing and/or treating an inmate's medical complaint.”

40 RCNY § 3-02(c)(1) requires sick-call to be available at each facility to all persons in custody a minimum of five days per week within 24 hours of a request or at the next regularly scheduled sick-call. 40 RCNY § 3-02(c)(5) requires the Department to maintain daily adequate records distinguishable by housing area on a form developed by the Department, which must include: (1) the names and number of people in custody requesting sick-call; (2) the names and number of people in custody arriving in the clinic; and (3) the names and number of people in custody seen by health care personnel.

### **Outstanding Issues**

The Department does not independently track, on a form developed by the Department as required by 40 RCNY § 3-02(c)(5), the names and number of people in custody requesting sick-call, arriving at the clinic, or seen by health care personnel. Instead, the Department relies on NYC Health + Hospitals Correctional Health Services’ (“CHS”) Health Triage Line to afford people in custody access to health care.

The Department and CHS has informed the Board that both agencies are collaborating to develop a clinic production dashboard. However, this dashboard tracks visits scheduled by CHS, which are distinct from requests made by people in custody to correctional personnel to access sick-call. CHS electronically provides lists of patients to DOC to be produced for scheduled appointments, which is distinct from requests made by people in custody to correctional personnel to access sick-call.

The Department has failed to comply with 40 RCNY § 3-02(c)(5) by not maintaining adequate daily records on a form developed by the Department reflecting the people in custody who make requests to correctional personnel to access sick-call, arrive in the clinic for sick-call, and are seen by health care personnel once in the clinic. Adequate and accurate tracking of individuals who make requests to correctional personnel to access sick-call services in the clinic is crucial to assessing the effectiveness of these services and identifying areas of improvement to ensure people in custody have timely access to health care.

### **Recommended Remedial Action**

To address these concerns, the following remedial actions are recommended:

- (1) By June 4, 2025, the Department shall submit to the Board, in writing, a corrective action plan detailing how it intends to comply with 40 RCNY § 3-02(c)(5) until it implements an electronic database and dashboard (or any other form developed by the Department) to enable real-time tracking of **requests made by people in custody to correctional personnel to access sick-call** (distinct from visits scheduled by CHS).
- (2) The Department shall provide a written report to the Board commencing June 4, 2025 and

every month thereafter, stating, in detail, what progress has been made toward development and implementation of a dashboard to track sick call requests made to correctional personnel, arrivals in the clinic, and individuals seen by health care personnel including, but not limited to, (a) an updated timeline for implementation, and (b) specific steps taken or to be taken to develop the dashboard which should, at minimum, include the following data for each sick-call request:

- a. Name of the person in custody requesting sick-call, the book and case number associated with the person in custody, and the date and time of the sick-call request;
  - b. Date and time individuals arrive at the clinic; and,
  - c. Date and time individuals are seen by health care personnel.
- (3) Once the electronic database and dashboard are in operation, the Department shall track monthly performance metrics, including the (a) total number of individuals requesting sick-call; (b) the number and percentage of individuals produced to the clinic; (d) the number and percentage of individuals seen by a health care personnel.

#### **Example of Sick-call Form**

To aid the Department in developing a sick-call request form in compliance with 40 RCNY § 3-02(c)(5), Board staff have created an example of an online form correctional staff can utilize to accurately document sick-call requests. A screenshot of the example sick-call form is enclosed on page 4.

Thank you for your attention to these matters. Your cooperation is critical to advancing the Board's work and addressing these important concerns.

Sincerely,

*Melissa Cintrón Hernández*

Melissa Cintrón Hernández  
Deputy Executive Director and General Counsel

cc: **BOC**

Jasmine Georges-Yilla  
Katrina Blackman  
Navena Chaitoo  
Jemarley McFarlane

**DOC**

James Boyd  
Kathleen Zadzora  
Chelsea Chard  
Jenelle Bazil-Charles

## Sick Call Form

This electronic form is used to record the names and numbers of PIC requesting sick call.

Hi, Navena. When you submit this form, the owner will see your name and email address.

1. First Name

2. Last Name

3. Book & Case Number

4. Facility

5. Housing Area

6. Status

- ☐ Sick Call Request
- ☐ Produced to CHA Clinic
- ☐ Seen by CHA Staff