



**BOARD OF CORRECTION
CITY OF NEW YORK**

**RESOLUTION OF THE BOARD OF CORRECTION
FEBRUARY 12, 2019 PUBLIC MEETING**

WHEREAS, at the January 8, 2019 public meeting, the Board voted to approve a five-week renewal of the variance to Health Care Minimum Standard section 3-08(c)(3) that prohibits the disclosure to the Department of Correction (DOC) of specific diagnoses of people in custody.

WHEREAS, on February 8, 2019, the New York City Law Department rendered an opinion concluding that the variance was unnecessary. Based on this opinion, Correctional Health Services (CHS) is not seeking a renewal of the variance.

NOW, THEREFORE, BE IT RESOLVED that the Board strongly disagrees with the Law Department's opinion, because it ignores and misreads the plain meaning of section 3-08(c)(3) — an interpretation that the Board, CHS, DOC, and the public at large have been operating under ever since the rule was enacted 28 years ago — and which the Rule's regulatory history confirms.

IT IS FURTHER RESOLVED that Health Care Minimum Standard section 3-08(c)(3) remains in full force and effect and that CHS must seek a variance to continue sharing with DOC specific diagnoses of injuries to people in custody.

IT IS FURTHER AND FINALLY RESOLVED that the Board has the legal authority to impose conditions on the variance that the Board previously proposed.

At the Board's public meeting on February 12, 2019, the Board voted to approve the Resolution by a vote of seven (7) in favor and none in opposition.