MEMORANDUM OF SUPPORT

May 11, 2015

A.4489 (Gottfried) / S.105 (Hoylman)

AN ACT to amend the public health law, the education law and the labor law, in relation to prohibiting participation in torture and improper treatment of prisoners by health care professionals.

The New York University College of Nursing strongly supports A.4489 (Gottfried) / S.105 (Hoylman), in relation to prohibiting participation in torture and improper treatment of prisoners by health care professionals. This legislation will bar health care professionals from participating in torture or improper treatment of prisoners, and provide a means by which health care professionals responsible for the care of prisoners or detainees can refuse an order to directly or indirectly participate in torture.

Health professionals have faced tremendous pressure to participate in torture and other cruel, inhuman or degrading treatment of prisoners and detainees. Often the involvement by the health care professional is indirect, such as treating the individual in order to prevent a prisoner’s collapse or death. However, some participation is more direct such as advising on how to conduct “interrogation” or setting limits for torture. The problem is systemic, and health care professionals have an ethical obligation to protect prisoners against torture. Widely accepted principles of medical ethics clearly prohibit these practices, and legislation from the State of New York will go a long way in ensuring that health professionals are not being forced to violate these principles.

This bill strengthens ethical and legal responsibilities by explicitly prohibiting doctors and other health professionals licensed in the state from assisting in torture and prisoner abuse, or using their knowledge or skills to adversely affect a prisoner’s health. The legislation also requires health professionals to report information that indicates a prisoner is being subject to improper treatment, and provides strong legal protection to resist and report any participation in acts of torture and abuse. Explicitly stated consequences and protections ensure that health care professionals are given the tools necessary to resist pressure to participate in torture and improper treatment.

The bill has widespread support from medical school deans, CEO’s of leading academic medical centers, professional associations, two Nobel Prize winners, the former director of health services at the New York City jails in Rikers Island, and even the White House physician to former President George H. W. Bush.

For the above reasons, the New York University College of Nursing supports this legislation and urges the Legislature to pass the bill.

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