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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To amend title 18, United States Code, to ensure access to obstetrician-gynecologists for female prisoners, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. FOUSHEE introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend title 18, United States Code, to ensure access to obstetrician-gynecologists for female prisoners, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring OB–GYN
5 Care in Prisons Act”.

1 **SEC. 2. EMPLOYMENT OF OBSTETRICIAN-GYNECOLOGISTS**
2 **AT BUREAU OF PRISONS FACILITIES.**

3 Section 4051(h)(3) of title 18, United States Code,
4 is amended to read as follows:

5 “(3) OBSTETRICIAN-GYNECOLOGIST ACCESS.—

6 “(A) IN GENERAL.—The Director shall en-
7 sure that all prisoners have access to an obste-
8 trician-gynecologist in accordance with this
9 paragraph, and shall employ at least one (and
10 may employ more than one) obstetrician-gyne-
11 cologist certified by the American Board of Ob-
12 stetrics and Gynecology on a full-time basis at
13 each facility of the Bureau of Prisons at which
14 female prisoners are incarcerated

15 “(B) INITIAL VISIT.—The Director shall
16 ensure that each female prisoner incarcerated
17 by the Bureau of Prisons has an initial visit
18 with the obstetrician-gynecologist employed at
19 the facility at which the prisoner is incarcerated
20 not later than 14 days after imprisonment.

21 “(C) SERVICES.—An obstetrician-gyne-
22 cologist employed under this paragraph shall
23 provide female prisoners with the following
24 services:

25 “(i) Menstrual health care and pain
26 management.

1 “(ii) Contraceptive counseling and ac-
2 cess.

3 “(iii) Diagnosis and treatment of gyn-
4 ecological conditions.

5 “(iv) Cancer screenings consistent
6 with clinical guidelines.

7 “(v) Prenatal care and pregnancy
8 screenings.

9 “(vi) Postpartum care and recovery.

10 “(vii) Mental health screening for
11 postpartum depression.

12 “(D) PROTECTIONS FOR PRISONERS.—

13 With respect to services provided by obstetri-
14 cian-gynecologists, female prisoners shall be
15 provided the following:

16 “(i) Informed consent for any exam or
17 procedure.

18 “(ii) The right to refuse non-emer-
19 gency care.

20 “(iii) Clear communication in the pre-
21 ferred language of the prisoner.

22 “(E) STANDARDS.—In providing services
23 under this paragraph, the obstetrician-gyne-
24 cologist shall use of trauma-informed care
25 standards for survivors of sexual violence.

1 “(F) REFERRALS.—The Director—

2 “(i) shall establish a process for fe-
3 male prisoners to receive referrals to and
4 care from other medical specialists when
5 medically necessary, as determined by the
6 obstetrician-gynecologist;

7 “(ii) shall ensure that transportation
8 and security arrangements do not delay a
9 prisoner’s access to such care; and

10 “(iii) may not deny providing a pris-
11 oner with such care based on cost or staff-
12 ing constraints.

13 “(G) VACANCIES.—The Director shall fill
14 any vacancy in an obstetrician-gynecologist po-
15 sition required under this paragraph not later
16 than 42 days after such vacancy is created.”.

17 **SEC. 3. REPORT.**

18 Not later than one year after the date of enactment
19 of this Act, and on an annual basis thereafter, the Direc-
20 tor of the Bureau of Prisons shall submit to Congress a
21 report that includes the following:

22 (1) The name of each facility of the Bureau of
23 Prisons at which at least one obstetrician-gyne-
24 cologist is employed on a full-time basis.

1 (2) The name of each facility of the Bureau of
2 Prisons at which the employment of at least one ob-
3 stetrician-gynecologist is required under section
4 4051(h)(3) of title 18, United States Code, which
5 position is vacant, and the duration of such vacancy.

6 (3) During the previous one-year period, for
7 each facility of the Bureau of Prisons at which fe-
8 male prisoners are incarcerated, the number of—

9 (A) visits to an obstetrician-gynecologist
10 employed at the facility in accordance with sec-
11 tion 4051(h)(3) of title 18, United States Code,
12 by—

13 (i) female prisoners; and

14 (ii) pregnant prisoners;

15 (B) the number of hours worked by each
16 such obstetrician-gynecologist at such facility;

17 (C) childbirths by prisoners;

18 (D) pregnancies of prisoners that were
19 classified as high-risk by an obstetrician-gyne-
20 cologist described in subparagraph (C), and any
21 pregnancies that were so classified by any other
22 obstetrician-gynecologist; and

23 (E) deaths of—

24 (i) female prisoners related to preg-
25 nancy; and

1 (ii) newborn children of pregnant pris-
2 oners.