

 <p style="text-align: center;"><b>KENTUCKY CORRECTIONS</b> Policies and Procedures</p>	Policy Number	Total Pages
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Authority/References KRS 196.035, 197.020, 439.3405; 2018 Ky. Acts 169, 2020 Ky. Acts 92, 2022 Ky. Acts 199 ACA 5-ACI-5B-10, 5-ACI-6A-07, 5-ACI-6D-05	Subject <b>EARLY MEDICAL PAROLE REVIEW</b>	

## I. DEFINITIONS

“Dependent on external life support systems” means ventilator dependent.

“Documented terminal medical condition” means medical conditions as defined in KRS 439.3405 where 1) death is likely to result within one (1) year; 2) the inmate has an end-stage or severe chronic condition, such as lung disease, heart disease, or severe neuromuscular disease; 3) the inmate has severely limited mobility; or 4) is dependent on external life support systems.

“Infirm parole” means release to parole for infirm inmates under statutory authority through 2018 Ky. Acts 169, 2020 Ky. Acts 92, 22 RS HB 1, or future enactments of these provisions.

“Medical parole” means the parole of inmates with a terminal medical condition pursuant to KRS 439.3405.

"Primary care provider" means the institutional physician, nurse practitioner, or physician assistant who evaluates the inmate's total health needs, provides personal medical care, and, if medically needed, preserves continuity of care and coordinates other providers of health services.

## II. POLICY AND PROCEDURE

A. Inmates with a documented terminal medical condition may be reviewed for early medical parole eligibility to a medical facility or family home placement under KRS 439.3405.

1. The primary care provider shall initiate the evaluation for consideration of early parole due to terminal illness. A comprehensive medical review shall be completed by the primary care provider and submitted to the Health Services Administrator. The following areas shall be addressed in the medical review:

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- a. Current diagnosis;
  - b. Treatment needs;
  - c. Ability to perform daily living activities;
  - d. Ambulatory or non-ambulatory;
  - e. Mobility aid and walking aid requirements; and
  - f. Approximate life expectancy.
2. The Health Services Administrator shall verify all information in the medical review and forward the report to the Warden or designee.
  3. The Warden or designee shall initiate the following:
    - a. A home placement review conducted by Division of Reentry staff members.
      - (1) Reentry staff shall document in the offender management system all attempts to locate a home placement for the inmate and if the inmate requires a nursing home placement.
      - (2) All efforts shall be exhausted in attempting to locate a placement for an inmate, either a home placement in the community or at a nursing care facility.
      - (3) Staff shall document in the offender management system if a placement is not able to be located for the inmate.
    - b. A clearance check conducted by Offender Information Services. Information on pending charges or detainers shall be included.
  4. The Warden or designee shall assemble a medical parole review packet that includes the following:
    - a. A pre-parole progress report from the offender management system; and
    - b. A memorandum to the Commissioner of the Department of Corrections that:
      - (1) States the appropriate statute or legislative authority under which the inmate is being recommended for early medical

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parole;

- (2) Details the inmate's home placement plan;
  - (3) Provides the results of the records clearance check;
  - (4) Includes the pre-parole progress report from the offender management system as an attachment; and
  - (5) Includes the medical report from the primary care provider as an attachment.
5. The Warden or designee shall forward the early medical parole recommendation packet to the Department of Corrections Medical Director. The Medical Director shall review the packet and make a recommendation for or against review for medical parole and shall submit the packet to the Commissioner of the Department of Corrections.
  6. The Commissioner shall review the information provided and decide for or against medical parole review.
    - a. If approved, the Commissioner shall request consideration by the Parole Board and submit the early medical parole packet to the Parole Board.
    - b. If denied, the Commissioner shall document the denial with notice provided to the Medical Director, the Warden, and the inmate.
    - c. The request for medical parole review and the Commissioner's decision shall be uploaded to the offender management system by Commissioner's Office staff.

## B. Infirm Parole

1. Infirm parole has been included in the Budget Bill in funding for the Justice and Public Safety Cabinet under Corrections. This pilot program shall be conducted for the duration of the statutory authority.
2. For infirm parole, an eligible inmate shall:
  - a. Be determined by the primary care provider to be:
    1. Physically or mentally debilitated, incapacitated, or infirm due to age, disease, or chronic illness, or other significant impairment rendering the inmate incapable of providing their own basic living needs even with assistive devices and

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accommodations; and

2. Substantially dependent on others for the activities of daily living.
  - b. Not be convicted of a capital offense or sex crime as defined in KRS 17.500;
  - c. Have reached his parole eligibility date or have served at least half of his sentence; and
  - d. Have placement in a licensed long-term-care facility, nursing home, or family placement within the Commonwealth.
3. Nursing Care Facility Placement Efforts for Infirm Parole Eligible Inmates
  - a. A placement review shall be conducted by Division of Reentry staff and all attempts to locate a placement for the inmate at a nursing care facility shall be documented in the offender management system.
  - b. All efforts shall be exhausted in attempting to locate a placement for an inmate.
  - c. Staff shall document in the offender management system if a placement cannot be located for the inmate.
4. The Warden or designee shall assemble an infirm parole review packet and submit it to the Commissioner for any inmate who meets the eligibility requirements. The packet shall include the following:
  - a. A memorandum to the Commissioner of the Department of Corrections that lists the appropriate statute or legislative authority under which the inmate is eligible for infirm parole;
  - b. A medical report from the primary care provider that includes:
    - (1) Current diagnosis;
    - (2) Treatment needs;
    - (3) Ability to perform daily living activities;
    - (4) Ambulatory or non-ambulatory;
    - (5) Mobility aid and walking aid requirements; and

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- (6) Approximate life expectancy;’
  - c. Documentation from the offender management system that the inmates meets criteria by offense, parole eligibility, or length of sentence served;
  - d. Documentation of the inmate’s placement at a nursing care facility;
  - e. Results of the records clearance check with information on pending charges or detainers included;
  - f. Pre-parole progress report from the offender management system.
- 4. The Commissioner shall certify that the inmate meets the statutory criteria and provide notice to the Parole Board. Documentation of the Commissioner’s review and certification shall be entered in the offender management system by Commissioner’s Office staff.