

 <p style="text-align: center;">KENTUCKY CORRECTIONS Policies and Procedures</p>	Policy Number	Total Pages
	25.15	5
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	**	February 25, 2022
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Authority/References KRS 196.035, 197.020, 439.3405; 18 RS HB 200 ACA 5-ACI-5B-10, 5-ACI-6A-07, 5-ACI-6D-05	Subject EARLY MEDICAL PAROLE	

I. DEFINITIONS

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

“Infirm parole” means release to parole for infirm inmates under statutory authority. Authority for parole for infirm inmates is provided through 18 RS HB 200.

"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.

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

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. It shall be documented in the offender management system 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.
 - b. A memorandum to the Commissioner of the Department of Corrections that lists the appropriate statute or legislative authority under which the inmate is being recommended for early medical parole, details the inmate's home placement plan, and the results of the records clearance check. Attachments shall include the pre-

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parole progress report and medical report from the Primary Care Provider.

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 make a decision 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 pursuant 18 RS HB 200

1. Included in legislation may be statutory authority for additional forms of release for medically frail inmates. Infirm parole is traditionally included in the Department's budget bill. This pilot program will be conducted for the duration of the statutory authority.
2. Under infirm parole, an eligible inmate is determined by the Primary Care Provider to be physically or mentally debilitated, incapacitated, or infirm, and is substantially dependent on others for the activities of daily living. The medical condition may be due to age, disease, or chronic illness.
 - a. Capital offenses and sex offenses as defined in KRS 17.500 are not eligible;
 - b. The inmate must have reached his parole eligibility date, or have served at least half of his sentence; and
 - c. Inmates eligible for infirm parole must have placement in a nursing care facility, as the legislation requires that infirm parole inmates be paroled to a licensed long-term care facility within the Commonwealth.

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3. The Warden or designee shall assemble an infirm parole review packet and shall submit documentation to the Commissioner for any inmate who meets this criteria. Documentation 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 which shall include:
 - (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
 - (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.
 - (1) A placement review conducted by Division of Reentry staff members shall document attempts to locate a placement for the inmate at a nursing care facility.
 - (2) All efforts shall be exhausted in attempting to locate a placement for an inmate.
 - (3) Staff shall document in the offender management system if a placement is not able to be located for the inmate.
 - e. Additional information shall include the results of the records clearance check and a pre-parole progress report. Information on pending charges or detainers shall be included.
4. The Commissioner shall certify that the offender meets the statutory criteria and provide notice to the Parole Board. Documentation of the

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Commissioner's review and certification shall be entered in the offender management system by Commissioner's Office staff.