



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 4.6.7	Subject: MEDICAL PAROLE
Chapter 4: FACILITY/PROGRAM SERVICES	Page 1 of 5 and Attachments
Section 6: Release/Placement	Effective Date: Mar. 11, 1996
Signature: /s/ Reginald D. Michael, Director	Revised: 5/16/2018

I. POLICY

The Department of Corrections will assist the Board of Pardons and Parole in determining an offender's eligibility for medical parole before the Board considers an application for medical parole as provided in *Mont. Code Ann. § 46-23-210*.

II. APPLICABILITY

All Department adult facilities and programs.

III. DEFINITIONS

Administrator – The official, regardless of local title (division or facility administrator, bureau chief, warden, superintendent), ultimately responsible for the division, facility or program operation and management.

BOPP – The Board of Pardons and Parole.

Clinical Services Division (CSD) – The division that oversees all medical, mental health, dental and vision services for all offenders in the custody of the Department in secure and contracted facilities.

Designated Health Authority – Regardless of local title, the individual at the facility or program level who is responsible for health services, as designated by the Responsible Health Authority.

IPPO – The institutional probation and parole officer.

Medical Director – The physician(s) designated by the Clinical Services Division administrator to oversee clinical practice decisions requiring medical judgments for offenders under Department jurisdiction.

Medical Parolee – An offender who has been released on medical parole to community supervision by the Board of Pardons and Parole (BOPP).

Responsible Health Authority – The Clinical Services Division administrator who oversees all levels of health care and assures quality, accessible and timely clinical services for offenders. The individual is appointed by the Department director and reports directly to the Director or designee on matters of health care.

IV. DEPARTMENT DIRECTIVES

A. Eligibility Criteria

Subject: MEDICAL PAROLE

1. An offender is eligible for medical parole if:
 - a. the offender is incarcerated in a state prison or adult community corrections facility or was sentenced to a state prison and is confined in a prerelease center;
 - b. the offender is not under sentence of death or life imprisonment without possibility of parole;
 - c. the offender is unlikely to pose a detriment to the victim or community;
 - d. the offender has a medical condition requiring extensive medical attention or has been determined by a physician to have a medical condition that will likely cause death within 6 months or less; and
 - e. the sentencing court has not restricted parole for the offender pursuant to *Mont. Code Ann. § 46-18-202* or if the sentencing court has restricted the offender's parole, the sentencing court has granted the offender approval for medical parole consideration.
 - 1) if the offender is under a parole restriction, the Institutional Probation and Parole Officer (IPPO) where the offender is incarcerated or confined, in consultation with medical staff, will send the [Court Approval/Denial](#) form to the sentencing judge and include a brief medical statement from Clinical Services Division staff.

B. Medical Parole Application

1. The IPPO or other Department representative, BOPP, the offender, or the offender's spouse, parent, grandparent, child, or sibling may apply for medical parole.
2. A person listed in section IV.B.1 must complete the [Medical Parole Application](#) in writing and submit it to the IPPO office at the facility where the offender is incarcerated or from which he or she was transferred.
3. The written application must include:
 - a. the reasons for the medical parole request;
 - b. the relationship of the offender to the requesting party;
 - c. a report of an examination and written diagnosis as specified in section IV.C of this policy; and
 - d. the medical parole plan, including:
 - 1) a detailed description of the offender's proposed placement and medical care including the name, address and telephone number of the individual or facility official who has agreed to provide medical care to the offender;
 - 2) an explanation of the proposed arrangements for transporting the offender to the caregiver or placement;
 - 3) a detailed explanation of how the offender's medical care will be financed; and
 - 4) a signed [Health Information Request to Release Records](#) form provided by the IPPO.
4. A [Medical Parole Application Routing](#) form will be used to track and ensure the medical parole application is returned to the IPPO at each stage of application process. Applications will be considered invalid if submitted to locations other than the IPPO's office.

C. Medical Documentation

Subject: MEDICAL PAROLE

1. A physician licensed in Montana must complete a thorough medical examination of the offender and sign the written [Medical Examination Report](#). This report must be attached to the Medical Parole Application Routing Form and returned to the IPPO's office.
2. The Department may assist an offender in obtaining the appropriate medical documentation by arranging for a physician employed by the Department to complete the medical examination.
3. In the event that the applicant requests a medical examination by a licensed physician who is not a Department employee, payment will be the responsibility of the offender or the requesting party.
4. The written diagnosis resulting from the examination must include:
 - a. a detailed description of the offender's medical condition and the medical attention required to treat that condition;
 - b. an assessment of the offender's likelihood of recovery;
 - c. a description of the offender's most recent past medical condition and treatment, including medical conditions and treatments that are both related to and incidental to the condition that is the basis for the medical parole request; and
 - d. an assessment of whether, to a reasonable degree of medical certainty, there is a high probability the offender's medical condition will cause death within six months or less.

D. Placement Location

1. The applicant must identify the offender's proposed location for medical parole.
2. Placement may be in a hospital, nursing home, hospice facility, family home, or other location or program.

E. Procedure

1. The IPPO will forward the application and supporting documents to the Responsible Health Authority or Medical Director for CSD review and a recommendation to accept or reject the application.
2. Following the CSD review, if appropriate, the IPPO will forward the application to the administrator for review. The administrator will consult with BOPP concerning past BOPP dispositions and review the application for sufficiency and safety or security concerns.
3. If the IPPO, Responsible Health Authority, Medical Director, or administrator or designee determines at any time during the review process that the medical parole application does not meet the minimum requirements, a [Notice of Deficient Medical Parole Application](#) will be issued providing the reasons for the disapproval in writing to the offender or the individual who requested the medical parole if different from the offender. The person issuing the notice will ensure that the IPPO, Responsible Health Authority, Medical Director, and administrator all receive a copy.
4. If the administrator or designee determines the request meets the minimum requirements,

Subject: MEDICAL PAROLE

- he or she will forward the application, [Medical Parole Application Routing](#) form and required attachments to the IPPO office at the facility where the offender is incarcerated or from which the offender was transferred.
5. The IPPO, in consultation with the appropriate staff, will:
 - a. prepare or request the preparation of all pre-parole documents required by the BOPP; and
 - b. forward all pre-parole documents including the application and attachments and Medical Parole Application Routing Form to the BOPP.
 6. Upon receipt of the application and attachments and Medical Parole Application Routing Form the BOPP will set a hearing date and notify the applicant.

F. Medical Parole Plan Approval or Rejection

1. If the BOPP approves the medical parole, a probation and parole (P&P) officer in the region in which the offender will reside will investigate the medical parole plan and send the findings to the BOPP and the designated health authority.
2. If the BOPP approves the medical parole plan, the offender must sign and accept the standard conditions of parole and any special conditions set by the BOPP including:
 - a. the specific placement ordered by the BOPP; and
 - b. any condition of parole ordered by the BOPP that the offender agree to periodic medical examinations and updated prognoses at the offender's expense.
3. If the BOPP imposes a special condition of parole that the offender to agree to periodic examinations and diagnosis, the examining physician will submit copies of the reports on the examinations and diagnoses to the BOPP and to the designated health authority.
4. The offender and the P&P officer assigned to supervise the offender must follow the parole sign up and supervision procedures.
5. The offender must sign a health information release form for all medical treatment received during the medical parole.
6. If the BOPP rejects the offender's medical parole plan, the IPPO, in conjunction with the designated health authority or designee, will determine if the concerns identified by the investigating P&P officer and the BOPP can be addressed and the plan resubmitted to the BOPP for its approval.

G. Consideration for Non-Medical Parole

1. When a medical parolee is 60 days from his or her non-medical parole eligibility date, the appropriate records department supervisor will inform the BOPP and supervising P&P officer of the non-medical parole eligibility date.
2. Upon notification that the offender is being considered for non-medical parole status, the supervising P&P officer is responsible to provide the BOPP with all pre-parole documents, reports and recommendations.

Subject: MEDICAL PAROLE

3. Within its regular course of business, the BOPP will conduct a hearing to determine whether the offender should remain on medical parole status or be granted a non-medical parole.

H. Violations of Conditions of Medical Parole

1. If it is alleged that the offender has violated the conditions of medical parole, or that the offender's medical condition has improved to the extent that the offender no longer requires extensive medical attention or is likely to pose a detriment to the offender, victim, or community, the supervising P&P officer will submit in writing a report of violation to the BOPP with a copy of the report submitted to the designated health authority.
2. If the P&P officer submits a report of violation, the Department will follow its standard procedures for revocation of parole.

V. CLOSING

Questions concerning this policy should be directed to the appropriate administrator, Board of Pardons and Parole, or Department director.

VI. REFERENCES

- A. *46-18-202, MCA; 46-23-210, MCA; 46-23-1025, MCA*

VII. ATTACHMENTS

[Court Approval/Denial Form](#)

[Health Information Request to Release Records](#)

[Medical Examination Report](#)

[Medical Parole Application](#)

[Medical Parole Application Routing Form](#)

[Notice of Deficient Medical Parole Application Form](#)