



Corrections and
Community Supervision

The Department of Corrections and Community Supervision

Medical Parole Overview

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Presented by Sonji Henton
Senior Utilization Review Nurse/ Medical Parole Coordinator

Medical Parole: History

- The statute for medical parole was implemented April 1992
 - Which gave the parole board the authority to grant parole release to certain terminally ill inmates prior to the expiration of the minimum term of their sentence.
 - Previously, only a grant of executive clemency could allow for the release of a terminally ill offender before their parole eligibility date.
 - As a result, inmates suffering from debilitating and terminal disease spent their final days far from family at a significant cost to the state.
 - Medical parole represented a compassionate and practical response to dying inmates who posed little threat to society due to the incapacitation caused by their illnesses.

Medical Parole: History (continued)

- In 2009, the enactment of Chapter 56 of the law, provided the board of parole with the authority to grant certain inmates release to medical parole who are certified as suffering from a non terminal condition, disease or syndrome and are so debilitated that there is a reasonable probability they are either physically or cognitively incapable of presenting any danger to society.
- Prior to this enactment the board only granted a release to inmate who were terminally ill by reason of a physical disease, condition or syndrome
- This enactment allow release to be available to inmates suffering from a non terminal illness, as well as inmate who are cognitively incapable of presenting a danger to society.

Medical Parole: Eligibility (continued)

- An inmate serving an indeterminate or determinate sentence may be eligible for medical parole if:
 - The inmate has:
 - A terminal health condition; or
 - A significant and permanent non-terminal condition, disease, or syndrome;
 - The inmate is so physically or cognitively debilitated or incapacitated that there is a reasonable probability that he or she no longer present any danger to society.

Medical Parole: Eligibility (continued)

- An inmate serving an indeterminate or determinate sentence may be eligible for medical parole if:
 - The inmate has:
 - The inmate is not serving a sentence for Murder in the first degree, or an attempt to or conspiracy to commit murder in the first degree; and
 - The inmate is not serving a sentence for murder in the second degree, manslaughter in the first degree, any offense defined in Article 130 of the Penal Law or an attempt to commit any of these offenses, the inmate shall have served at least one-half of the minimum period of the sentence and in the case of a determinate sentence he or she has served at least one half of his or her sentence.

Medical Parole: Process

- A request for medical parole can be made by the inmate, family, attorney or facility medical doctor.
 - Once the request is received it is then forwarded to the facility medical doctor to assess the patient to determine if the inmate is a medical parole candidate.
 - Once the inmate is identified as a medical parole candidate a medical parole packet is sent to DOCCS Chief Medical Officer and Commissioner for review.
 - When approved the packet is then forwarded to the parole board for their review.
 - If approved the inmate is prepared for release.
 - If denied the inmate will remain incarcerated and monitored for any changes in his medical condition that would warrant another review.
- Since the inception of the compassionate release program 439 individuals have been granted medical parole.