 <p>Good Life. Great Mission.</p> <p>DEPT OF CORRECTIONAL SERVICES</p>	POLICY		
	MEDICAL PAROLE		
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EFFECTIVE: January 26, 2023
 REVISED: July 31, 2024
 REVISED: May 31, 2025

SUMMARY OF REVISION/REVIEW

Policy Directive 025-013 incorporated.
 DEFINITIONS – II. KARNOFSKY PERFORMANCE SCORE – New definition.
 PROCESS – I.C. – New section. II.A. - Language updated.
 ATTACHMENTS – Karnofsky Performance Status (Attachment A) – New attachment.

APPROVED:




Jerry Lee Lovelace, MD, PhD
 NDCS Medical Director



Rob Jeffreys (Apr 26, 2025 10:55 CDT)

Rob Jeffreys, Director
 Nebraska Department of Correctional Services

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PURPOSE

To identify a specific process by which the Nebraska Department of Correctional Services (NDCS) will comply with the medical parole statutes. (Neb. Rev. Stat. §83-1,110.02 – §1,110.03).

DEFINITIONS

- I. **MEDICAL PAROLE** – A period of supervised release for an individual who has been determined to be terminally ill or incapacitated, as defined below. The individual is under the jurisdiction of the Nebraska Board of Parole for the remainder of their sentence as reduced by any adjustment for good conduct pursuant to the Nebraska Treatment and Corrections Act or their parole is revoked.
- II. **KARNOFSKY PERFORMANCE SCORE** – Rating scale that determines one's functional status.
- III. **PERMANENTLY INCAPACITATED** – Permanent impairment because of mental illness, mental deficiency, physical illness or disability, chronic use of drugs or alcohol, or other causes. The impairment must be to the extent that the person does not have sufficient understanding or ability to make or communicate responsible decisions concerning themselves. The impairment is irreversible and requires immediate and long-term medical care. (Neb. Rev. Stat. §30-2601(1))
- IV. **SENTENCE OF DEATH** – Court-ordered imposition of the death penalty for crimes committed in accordance with Neb. Rev. Stat. §29-2519 to §29-2521.01.
- V. **SENTENCE OF LIFE IMPRISONMENT** – Court-ordered sentence when the minimum term and the maximum term are LIFE, providing no chance for parole.
- VI. **TERMINALLY ILL** – As defined by Neb. Rev. Stat. §20-403, a terminal condition shall mean an incurable and irreversible condition that, without the administration of life-sustaining treatment, will, in the opinion of the attending physician, result in death within a relatively short time. NDCS defines "relatively short time" as within one year.

*NOTE For all other health services definitions, see Policy 115.50 *Health Services Definitions*.

PROCESS


I. ELIGIBILITY

A. Sentence Structure

Incarcerated individuals who are not serving a sentence of death or life imprisonment may be eligible for medical parole. Eligibility is determined by a thorough review of medical records by a licensed physician.

B. Medical Condition

Eligibility for medical parole is specific to the individual's medical condition. The individual must be determined to be terminally ill or permanently incapacitated.

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C. Karnofsky Score

Incarcerated persons must have a Karnofsky Score of 50 or less to be eligible for medical parole, see *Karnofsky Performance Status* (Attachment A).

II. IDENTIFICATION

A. Referrals

Only an NDCS licensed provider (physician, nurse practitioner, or physician assistant) may make a referral to the medical director for a review of eligibility for medical parole. The licensed medical provider shall complete the *Medical Parole Referral Form* (Attachment B) and submit to the medical director. In addition, other NDCS team members (i.e., nurses, case workers, wardens, etc.), the incarcerated individual, family/friends of the incarcerated individual or representative of the ombudsman's office, to include the inspector general, or a licensed community provider may make a referral for medical parole. All requests must be made to a licensed provider, as outlined above, of the facility where the incarcerated person is housed. If the referral is sent directly to the medical director, it will be forwarded to the facility where the incarcerated person is housed, and that facility's licensed provider shall review it first to determine if it meets the criteria for medical parole. Upon the provider's review of criteria, the provider may make a referral to the medical director via the *Medical Parole Referral Form* (Attachment B). Criteria is based on sentence structure, terminal illness or incapacitation, and Karnofsky's score. The licensed provider should document the rationale for whether criteria is met in the medical record.

B. Review

Upon receipt of a *Medical Parole Referral Form* (Attachment B), or at their own discretion, the medical director will review the patient's medical records and/or complete a physical exam. Said review will occur within 21 days of referral.

C. Reviewing Authority


The medical director is the authority by which terminal illness or permanent incapacitation will be determined.

III. PAROLE BOARD NOTIFICATION

A. Notification

Upon determination by the medical director, and within seven days of completion of the review that the incarcerated individual is eligible for medical parole, the medical director will notify the director and the Nebraska Board of Parole.

1. Notification shall be made in writing, via the *Notification of Medical Parole Eligibility Form* (Attachment C).
2. A copy of the notification shall be placed in the individual's institutional file.
3. The Board of Parole, in consideration of medical parole, may have access to the individual's medical, institutional, and criminal records.

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4. Upon request from the Board of Parole, NDCS social workers will assist in reentry planning.
5. At any time, if the individual is admitted to a community hospital, NDCS team members will notify the Board of Parole of such.

B. Paroling Authority

The Nebraska Board of Parole has the sole authority to grant medical parole.

REFERENCE

I. STATUTORY REFERENCE

- A. Neb. Rev. Stat. §83-1,110.02 – 1,110.03; §20-403; §30-2601(1)

II. NDCS POLICIES

- A. Policy 115.50 *Health Services Definitions*

III. ATTACHMENTS

- A. Karnofsky Performance Status
- B. Medical Parole Referral Form
- C. Notification of Medical Parole Eligibility Form

IV. American Correctional Association (ACA) – None noted