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HOUSE COMMITTEE REPORT

(9)

Date Referred: February 5, 1993

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 2-25-93

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered:

HB 137

HOUSE BILL NO. 137

PAROLE OF TERMINALLY ILL PRISONERS

"An Act authorizing special medical parole for terminally ill prisoners."

RECOMMENDATIONS:

be replaced with _____ the same title

have attached amendments(s) a new title

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(s): _____ (Dept)

APPROVES PREVIOUS: _____ (Dept/Date)

fiscal impact _____

fiscal note(s) _____

zero fiscal note corrections

zero fiscal note(s) _____

SIGNING <u>DO PASS</u>	DP	<u>OTHER</u> RECOMMENDATIONS	DNP	NR	AM
<i>Al Vegas</i>	<input checked="" type="checkbox"/>	<i>Luene Nechtow</i>		X	
<i>Car Brundage</i>	<input checked="" type="checkbox"/>				
<i>Bob D. ...</i>	<input checked="" type="checkbox"/>				
<i>Harley Olberg</i>	<input checked="" type="checkbox"/>				
<i>Bettye David</i>	<input checked="" type="checkbox"/>				
<i>Tom Bice</i>	<input checked="" type="checkbox"/>				

Car Brundage

CHAIRMAN'S SIGNATURE



Alaska State Legislature
House of Representatives
 COMMITTEE ON HEALTH, EDUCATION
 AND SOCIAL SERVICES

DATE: FEBRUARY 25, 1993

PLACE: Capitol Room 106

SUBJECT OF MEETING:
 *HB 136: DRUNK DRIVING & BREATH TEST OFFENSES
 *HB 137: PAROLE OF TERMINALLY ILL PRISONERS
 HB 67: ELIGIBILITY FOR PUBLIC ASSISTANCE

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Lloyd Rupp, Commissioner	Corrections				465-3376	<input checked="" type="radio"/>	<input type="radio"/>	HB 136, 137
Dennis Gersuch	Naila Brown				463-3531	<input type="radio"/>	<input checked="" type="radio"/>	
Margo Warming	AMHB				4653071	<input checked="" type="radio"/>	<input type="radio"/>	HB 137
NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHICH BILL?
JAN HANSEN	DHSS				465-2680	<input checked="" type="radio"/>	<input type="radio"/>	HB 67
G. Dozier		Rep. Kott's Office			3771	<input checked="" type="radio"/>	<input type="radio"/>	HB 137
						<input type="radio"/>	<input type="radio"/>	
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						<input type="radio"/>	<input type="radio"/>	

FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

BILL NO. HB 137

Revision Date: _____ Dept. Affected: Corrections
 Title: "An Act authorizing special BRU: Statewide Programs
medical parole for terminally ill prisoners " Component: Inmate Health Care
 Sponsor: Rep. Mulder
 Requestor: Rep. Mulder COMPONENT SERIAL NO. 705

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY94	FY95	FY96	FY97	FY98	FY99
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year (FY93) impact: \$ -0-

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis

Prepared by: Dana LaTour, Special Assistant
 Division: Office of the Commissioner
 Approved by Commissioner: Lloyd G. Rudd
 Agency: Department of Corrections

Phone: 465-3376
 Date: 2-22-93
 Date: 2-22-93

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Fiscal Note Analysis

HB 137 "An Act authorizing special medical parole for terminally ill prisoners."

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It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. There are currently 8 - 10 inmates who could be considered terminally ill. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time, there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost aversion. Therefore, the Department cannot reflect an actual budgetary reduction from current budget levels in this fiscal note. As the inmate population ages, the impact of this legislation could be significant.

SPONSOR STATEMENT
Representative Eldon Mulder

House Bill 137

House Bill 137 relates to special medical parole for terminally ill prisoners. The Department of Corrections is responsible for inmates' medical costs as long as they remain in custody. Covering health costs is a serious financial burden, particularly when a terminal illness is involved.

This bill would give the parole board the discretion to grant special medical parole for terminally ill patients that it determines are not a threat to society. Once paroled, their medical costs are picked up by Medicare or Medicaid, thus easing the financial burden on the Department of Corrections.

Passage of this bill would save the State of Alaska a substantial amount of money. I urge you to support House Bill 137.

Sponsor Statement

Sectional Analysis for HB 137

Section 1.

Adds the language "special medical" to AS 33.16.010(d).

Section 2.

Adds a new subsection to AS 33.16.010 to allow someone who is eligible to be released on special medical parole by the Parole Board under new AS 33.16.085.

Section 3.

Amends AS 33.16.060, relating to the duties of the parole board, to include considering the suitability of a prisoner who is eligible for special medical parole and, relating to the board adopting regulations under the Administrative Procedures Act, to establish standards for the suitability of a prisoner for special medical parole.

Section 4.

Adds a new section to AS 33.16 pertaining to special medical parole. Allows the Board to grant special medical parole to a prisoner who is serving a term of at least 181 days and is determined by the board to have a terminal illness.

Section 5.

Adds the language "special medical" to AS 33.16.140, pertaining to the order for parole.

Section 6.

Adds the language "special medical" to AS 33.16.150(a).

Section 7.

Adds the language "special medical" to AS 33.16.150(b), relating to the board's conditions of parole.

Section 8.

Adds the language "special medical" to AS 33.16.200, relating to custody of a parolee.

Section 9.

Amends AS 33.16.900 by adding a new paragraph defining "special medical parole."

DEPARTMENT OF CORRECTIONS

POSITION PAPER

2-22-93

HB137 "An Act authorizing special medical parole for terminally ill prisoners."

The Alaska Sentencing Commission has recommended that parole statutes be amended to allow special medical parole for terminally ill offenders. The Commission's report found that many offenders have serious medical problems that cost the department a significant amount of money each year. The Commission expressed concern that as the inmate population ages and as the number of HIV infected inmates increase the department will face even higher inmate health care costs.

Currently, the Department can furlough a terminally ill person, but it will still be responsible for medical expenses. Medicare or Medicaid will step in only after the person has been released from DOC custody.

This legislation tries to establish a class of inmates who would be eligible for discretionary parole at an earlier date. The intention of this action is to reduce inmate medical costs.

Initially, there appears to be 8 - 10 offenders who might qualify for parole under the provisions of this bill. It should be noted that all inmates paroled under these provisions may not be eligible for government sponsored health care depending on their categorical qualification for Medicaid or their age and their resulting qualification for Medicare.

The Department will draft regulations and develop procedures for assessing inmate medical conditions and certifying parole eligibility.

The Department would like to see the bill expanded to include prisoners who suffer a chronic debilitating condition.

It is assumed that passage of this legislation may result in the parole of some terminally ill inmates who otherwise would not be paroled. However, there is no assurance that any or all of these inmates would be granted parole since that decision remains at the discretion of the Parole Board.

Current legal advice given to the Parole Board has severely restricted their ability to set appropriate parole conditions on terminally ill prisoners. This bill should be extended to address those issues.

Position Paper - Corrections

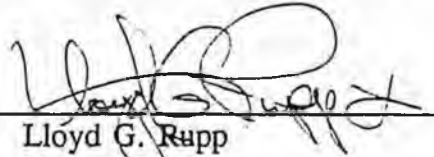
DEPARTMENT OF CORRECTIONS

POSITION PAPER HB137

Page 2

Department of Corrections medical staff have estimated that a terminally ill inmate in the final stages of life can cost up to \$500,000 per year for outside care. At this time, there is one inmate whose cost of care during the last 18 months has exceeded \$500,000.

While this bill could create considerable savings over the long run, most of these savings will come as cost avoidance. The Department cannot reflect an actual budgetary reduction from current budget levels, since its budget is not currently being heavily impacted by terminally ill offenders. However, as the inmate population ages, the impact of this legislation could be significant.

A handwritten signature in black ink, appearing to read "Lloyd G. Rupp", is written over a horizontal line.

Lloyd G. Rupp
Commissioner



Alaska Sentencing Commission

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February 9, 1993

FEB 15 1993

Representative Eldon Mulder
Alaska State Legislature
State Capitol
Juneau AK 99801-1182

FEB 15 1993

RE: HB 137; Special Medical Parole

Dear Representative Mulder:

I am writing about your proposed legislation on special medical parole. This legislation would implement the Sentencing Commission's recommendation that a special medical parole for terminally ill offenders be allowed in appropriate cases, in order to shift the huge medical costs in these cases from the state to the federal government. The Commission recommended:

Parole statutes should be amended to allow special medical parole for terminally ill offenders. Many offenders have serious medical problems that cost the Department of Corrections an extraordinary amount of money. The AIDS epidemic has not yet had a serious impact on Alaska prisons, but prison populations in some East Coast states are reported to be 40% HIV positive. In addition, there are a number of inmates serving long sentences who can be expected to grow old in prison.

DOC currently can furlough a terminally ill person, but it still will be responsible for medical expenses. Medicare or Medicaid will pick up the person's medical costs only upon release from DOC custody. The parole board should be allowed to grant parole to terminally ill offenders. DOC should study the offender population and devise a system to achieve this objective. This recommendation passed unanimously.

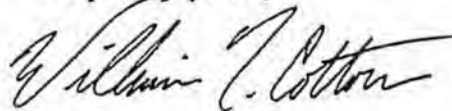
Alaska Sentencing Commission

Your legislation appears to be a measured response to the fiscal problem the Commission addressed. First, it creates a special medical parole for terminally ill prisoners. Second, it allows the parole board to limit use of the provision to offenders who will not pose a danger to society. Clearly, not all terminally ill prisoners would be appropriate candidates.

The need for legislation such as HB 137 is substantial now, and will increase as time goes by. My understanding is that the state has paid well over a half a million dollars for health care for two terminally ill prisoners in the last two years. We can expect these numbers to dramatically increase over the next few years, because of an aging prison population generally and because of AIDS.

On behalf of the Alaska Sentencing Commission, I would urge the Legislature to adopt legislation like HB 137 which allows special medical parole for appropriate terminally ill prisoners. Please feel free to call me if I can be of assistance.

Very truly yours,



William T. Cotton
Executive Director

WTC:erm