

HB

137

STATE OF ALASKA

DEPARTMENT OF CORRECTIONS

WALTER J. HICKEL, GOVERNOR

REPLY TO:

PO BOX 112000
JUNEAU, ALASKA 99811-2000
PHONE (907) 465-3376

April 21, 1993

The Honorable Eldon Mulder
Alaska State House of Representatives
Capitol, Room 116
Juneau, AK 99811

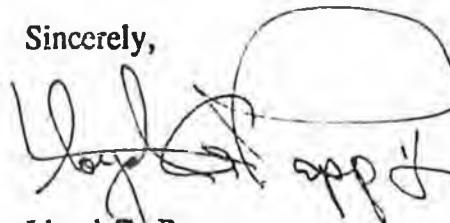
Dear Representative Mulder:

You have asked what plans the Department of Corrections has to insure that, if HB 137 passes, inmates eligible for discretionary medical parole will be informed about their options for continued medical care.

Institutional probation officers currently help inmates in understanding the application process for discretionary parole. It will be their responsibility to assist inmates applying for medical discretionary parole. Part of that application process will be a discussion and counseling regarding medical care options available once the inmate is no longer under supervision by the department. The department envisions working with the Department of Health and Social Services to assure that the eligibility requirements for Medicaid, Medicare and other programs are thoroughly understood by terminally ill inmates.

If you should have any further concerns, please let me know.

Sincerely,



Lloyd G. Rupp
Commissioner

STATE OF ALASKA
POSITION PAPER

DEPARTMENT OF CORRECTIONS

PHONE 465-3376 - FAX 465-2006

HB 137 "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 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 conditions for Medicaid or their age and their resulting qualification for Medicare.

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.

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.

Revised 3-18-93

- YES
 NO



Lloyd G. Rupp, Commissioner

Walter J. Hickel, Governor

Sectional Analysis for CS HB 137(JUD)

Section 1.

Adds the language "special medical" to AS 33.16.010(d). This is a conforming amendment to the addition of "special medical parole" as a type of parole under section 4 of the bill.

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. This is also a conforming amendment to section 4 of the bill.

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. This is also a conforming amendment to section 4 of the bill.

Section 4.

Adds a new section to AS 33.16 pertaining to special medical parole. Allows the Board to grant, upon application by the prisoner or the commissioner, special medical parole to a prisoner who is serving a term of at least 181 days if the board determines: that the prisoner is suffering from a terminal illness and a reasonable probability exists that the prisoner will not violate laws or conditions imposed by the board; the prisoner will not pose a threat of harm to the public; and if the release of the prisoner on parole would not diminish the seriousness of the crime.

This section also allows the board to rescind or revise a previously granted parole release date if it discovers new information or a change in circumstances concerning a prisoner who had already been granted a special medical parole release date.

This section also instructs the board to issue its decision in writing and to provide a basis for its decision.

Finally, Section 4 of the bill also adds new section 33.16.87 pertaining to the rights of victims in connection with special medical parole. If a victim of a crime requests notice of a scheduled hearing to review special medical parole for a prisoner, the board must send notice of the hearing with the application for parole.

Section 5.

Adds the language "special medical" to AS 33.16.140, pertaining to the order for parole. This is also a conforming amendment to section 4 of the bill.

Section 6.

Adds the language "special medical" to AS 33.16.150(a). This is also a conforming amendment to section 4 of the bill.

Section 7.

Adds the language "special medical" to AS 33.16.150(b), relating to the board's conditions of parole. This is also a conforming amendment to section 4 of the bill.

Section 8.

Adds the language "special medical" to AS 33.16.200, relating to custody of a parolee. This is a conforming amendment to section 4 of the bill.

Section 9.

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



ALASKA STATE LEGISLATURE HOUSE OF REPRESENTATIVES

REPRESENTATIVE ELDON MULDER
DISTRICT 23 MULDOON-FT. RICHARDSON

- CHAIR -
LEGISLATIVE COUNCIL

- CO-CHAIR -
HOUSE SPECIAL COMMITTEE ON
MILITARY AND VETERANS AFFAIRS

- CO-CHAIR -
MILITARY AFFAIRS FOR
ANCHORAGE CAUCUS

SPONSOR STATEMENT Representative Eldon Mulder

CS HB137(IUD)

House Bill 137 is a product of one of the Alaska Sentencing Commission's recommendations to the Legislature. It is also a cooperative effort between the Department of Corrections, the Parole Board, and myself. The bill is a cost avoidance measure intended to save the Department of Corrections, and hence the State, a considerable amount of money in the future.

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. Once paroled, their medical costs could be picked up by Medicare or Medicaid, thus easing the financial burden on the Department of Corrections, and hence the State.

This bill would allow the parole board, when appropriate, to grant special medical parole for terminally ill patients. The bill contains certain criteria that the Board must follow before parole can be granted. It must determine that: the prisoner is suffering from a terminal illness, a reasonable probability exists that the prisoner will not violate any laws or conditions imposed by the Board, the prisoner will not pose a threat to society, and that release of the prisoner would not diminish the seriousness of the crime.

Passage of this bill should save the State of Alaska a substantial amount of money in the future. I urge the Committee to support House Bill 137.

FISCAL NOTE

r 3
 Bill Version: CSHB 137 (JUD)
 (H) Publish Date: 4/1/93

STATE OF ALASKA
 1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing special medical parole for terminally ill prisoners . . ." BRU: Public Defender
 Component: Public Defender
 Sponsor: Representative Mulder
 Requestor: (H) Fin COMPONENT SERIAL NO. 1631

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTLA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ none

ANALYSIS: (attach a separate page if necessary.)

Prepared By: John Salemi, Public Defender Phone: 274-1684
 Division: Public Defender Agency Date: _____

Approved by Commissioner: Nancy Bear Usura Date: 3/30/93
 Agency: Department of Administration

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FISCAL NOTE

STATE OF ALASKA
1993 LEGISLATIVE SESSION

Revision Date: _____ Dept. Affected: Administration
 Title: "An Act authorizing special medical parole for terminally ill ..." BRU: Office of Public Advocacy
 Component: Office of Public Advocacy
 Sponsor: Representative Mulder
 Requestor: House Finance COMPONENT SERIAL NO. 43

Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 94	FY 95	FY 96	FY 97	FY 98	FY 99
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING:

1002 Federal Receipts	0	0	0	0	0	0
1003 GF Match	0	0	0	0	0	0
1004 GF	0	0	0	0	0	0
1005 GF/Program Receipts	0	0	0	0	0	0
1006 GF/MHTIA	0	0	0	0	0	0
Other	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year (FY93) impact: \$ None

ANALYSIS: (attach a separate page if necessary.)

Prepared By: Brant McGee, Public Advocate Phone: 274-1684
 Division: Office of Public Advocacy Date: _____

Approved by Commissioner: Nancy Bear Usery Date: 3/20/93
 Agency: Department of Administration

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FISCAL NOTE

No. 1

Bill Version: HB 137

(H) Publish Date: 3/1/93

STATE OF ALASKA
1993 LEGISLATIVE SESSION

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						
REVENUE FUND SOURCE:						

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 Phone: 465-3376
 Division: Office of the Commissioner Date: 2-22-93
 Approved by Commissioner: Lloyd G. Ruop Date: 2-22-93
 Agency: Department of Corrections

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HB 137

NO. 1

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Fiscal Note Analysis

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

Page 2

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.

SENATE COMMITTEE REPORT

DATE: 4/21/93

FURTHER: FINANCE

DATE TURNED INTO OFFICE: 5/6/93

JUDICIARY Committee considered CS FOR HOUSE BILL NO. 137(JUD)

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

and recommends:

- replace with _____ CS _____ (_____)
- or adopt previous _____ CS _____ (_____)
- attaches amendment(s)

- same title
- new title
- technical title change (HB only)

adopts _____ Letter of Intent

further referral to the _____

do pass

do not pass

no recommendation

individual recommendations

NEW FISCAL NOTES

Department	Date	Zero	Fiscal

PREVIOUS FISCAL NOTES

Department	Date	Zero	Fiscal
Corrections	2-22-93	✓	
DCA (OPA)	3-30-93	✓	
DCA (pub def)	3-30-93	✓	

Appropriation No Fiscal Note

DO PASS:

George Tacko

OTHER RECOMMENDATIONS:

Suzanne Little No Rec

Adrian L. Taylor *Do Pass*

Chair: Signature and Recommendation



Alaska Sentencing Commission

1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501 (907) 279-2526 FAX (907) 276-5046

James V. Gould, Chair
Philip R. Volland, Vice Chair

Jayne E. Andreen
Richard L. Burton

Charles E. Cole
Hon. Beverly W. Cutler

Sen. Steve Frank
Lloyd G. Rupp

JoAnn Holmes
Hon. Warren W. Matthews

Gigi Pilcher
John Salemi

Duane S. Udland
Rep. Fran Ulmer

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.

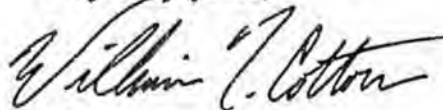
SENTENCING COMMISSION SUPPORT

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