

Amendment to HB 1335-FN

1 Amend the bill by replacing section 3 with the following:

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3 3 Parole of Prisoners; Medical Parole. RSA 651-A:10-a, I-IV are repealed and reenacted to read
4 as follows:

5 I. Only upon the recommendation of the commissioner of the department of corrections and
6 the director of medical and forensic services, and after their review of the information provided by a
7 physician licensed pursuant to RSA 329 or an advanced practice registered nurse pursuant to RSA
8 326, and his or her review of medical needs, resource capabilities, and treatment goals, may the
9 parole board consider medical parole to an inmate, referred to by the department of corrections as a
10 “prisoner,” incarcerated in a state correctional facility, regardless of the time remaining on his or her
11 minimum sentence. The medical parole request shall cite one of the following medical categories:

12 (a)(1) Permanently incapacitated or permanently debilitated. A prisoner who satisfies
13 all of the following as certified by a physician licensed pursuant to RSA 329 or an advanced practice
14 registered nurse licensed pursuant to RSA 326:

15 (A) Has a health care condition that prevents the prisoner from independently
16 performing activities of daily living in a manner that ensures their daily needs are met in a prison
17 environment; and

18 (B) Has such limited physical strength or capacity that the prisoner poses an
19 extremely low threat to others or to the community; and

20 (C) The condition is unlikely to improve or cannot be managed in the prison
21 health care setting due to the prisoner’s serious functional impairment and/or the level of care that
22 is needed to ensure the prisoner’s access to constitutionally appropriate health care in a prison
23 health care setting.

24 (2) Additional consideration shall be given to whether or not there are appropriate
25 services available in the prison health care setting as determined by the director of medical and
26 forensic services.

27 (b) Terminally Ill. As certified by a physician licensed pursuant to RSA 329 or an
28 advanced practice registered nurse licensed pursuant to RSA 326, a prisoner who has an illness that
29 is considered terminal or permanently debilitating, and treatments are not going to cure or stop the
30 progression of the illness. Generally, comfort measures and hospice are offered in place of active
31 treatment interventions.

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1 (c) Serious and complex medical condition. As certified by a physician licensed pursuant
2 to RSA 329 or an advanced practice registered nurse licensed pursuant to RSA 326, a prisoner who
3 has a serious and complex medical condition, which will require extended services or care that
4 cannot be accommodated, managed, or provided by the department of corrections as determined by
5 the director of medical and forensic services.

6 II. The director of medical and forensic services, on behalf of a prisoner, may petition the
7 parole board for a hearing to determine if the person is eligible for medical parole.

8 (a) A representative from the department of corrections' division of medical and forensic
9 services shall attend each medical parole hearing.

10 (b) If the condition, disease, illness, or injury of the prisoner does not allow for
11 participation of the prisoner at a scheduled hearing, the prisoner may have a representative
12 approved by the board or an attorney participate in the hearing on the prisoner's behalf.

13 II-a. The board shall require as a condition of release on medical parole that the parolee
14 agree to placement and that the parolee is able to be placed for a definite or indefinite period of time
15 in a hospital, hospice, or other housing accommodation suitable to his or her condition, disease,
16 illness, or injury, including a family home, as specified by the board.

17 II-b. Any medical parolee shall remain in the assigned residence except to engage in medical
18 treatment. Any change in residence shall require pre-approval of the parole board unless it is a
19 medically-emergent residence change, as determined by a health care provider. If a medically
20 emergent residential change occurs, the adult parole board shall be notified within 48 hours of the
21 probation parole officer being notified of the change in residence.

22 III. Medical parole shall be granted by a majority vote of the members of the hearing panel if
23 the prisoner satisfies the criteria under paragraph I and the adult parole board has determined
24 there is a reasonable probability the prisoner will not violate the law while on medical parole and
25 will conduct himself or herself as a good citizen.

26 IV. The parole board may request, as a condition of medical parole, that such prisoner or his
27 or her representative submit to the director of medical and forensic services the results of periodic
28 medical examinations while on medical parole and comply with any other parole conditions imposed
29 by the parole board. The director of medical and forensic services, after review of any such medical
30 examination shall report the findings to the parole board. After review of such findings, the parole
31 board may require the issuance of a warrant to return the parolee to the prison for a revocation
32 hearing. If the parole board finds that the condition, disease, illness, or injury of the parolee has
33 improved to the extent that the parolee no longer meets the criteria specified in paragraph I, or has
34 violated the conditions of parole, the medical parole shall be revoked and the parolee shall be
35 returned to the custody of the state.