

Joe Coleman Medical Release Act – Effective January 1, 2022 FAQ

Eligibility

Individuals are eligible for medical release if they meet the following conditions:

1. The individual is medically incapacitated or has been diagnosed with a condition that will cause medical incapacitation in the next 6 months, or if they have a terminal illness (A terminal illness is defined as a condition that is irreversible and incurable and, based on an individual assessment by a doctor, likely to cause death to the inmate within 18 months).
2. The individual is medically incapacitated if they have been diagnosed with a medical condition that prevents them from completing more than one activity of daily living (like bathing, dressing, or mobility) without assistance or disables them to the point that incarceration in a correctional center does not create any additional restrictions.

Note: The person is only eligible if the medical condition is unlikely to improve noticeably in the future, and if the injury or illness that caused medical incapacitation occurred after sentencing. This definition includes cognitive conditions like dementia.

Application

1. An application for medical release must be filed with the Prisoner Review Board.
2. Applications are currently on the Prisoner Review Board's and the Department of Corrections' website. Copies are also available in the law library and the healthcare units.
3. An initial application can be filed by a correctional center staff, a medical professional who has treated or diagnosed the incarcerated person, or the incarcerated person's spouse, parent, guardian, grandparent, aunt or uncle, sibling, child over the age of eighteen years, or attorney.
4. Please note that if the individual in custody does not file the initial application themselves, they must consent to the process. If the individual is medically unable to consent, the guardian or family member designated to represent their interests must consent to the application.
5. The initial application can be sent by email PRB.MedicalRelease@Illinois.gov or fax to the Prisoner Review Board at (217) 524-0012, Attn: Medical Release Act. It does not need to be notarized. The application must contain:
 - a. the incarcerated person's name and IDOC number
 - b. the diagnosis
 - c. a statement that the individual in custody is either suffering from a terminal illness, has been diagnosed with a condition that will result in medical incapacity within the next 6 months, or has become medically incapacitated subsequent to sentencing due to illness or injury.

Medical Evaluation

1. Once the Prisoner Review Board receives an initial application, it will request the Department of Corrections to have a medical practitioner conduct an evaluation and write a report within ten days.
2. The evaluation must include a short statement of the medical diagnosis, including prognosis, likelihood of recovery, and primary symptoms, to include incapacitation; and a statement

confirming or denying that the individual in custody meets one of the eligibility requirements.

Hearings

The Prisoner Review Board does not have to hold a public hearing to consider a petition, but the incarcerated person can request a hearing, and the Board must grant that request. If a hearing is requested, the incarcerated person may be represented by an attorney and may present witnesses to the Board members.

Review

Petitions will be considered by a three-member panel of the Prisoner Review Board, and decisions shall be made by a simple majority. The Prisoner Review Board may consider the following factors:

1. the diagnosis and likelihood of recovery
2. the approximate cost of health care to the State should the incarcerated person remain in custody
3. the impact that continued incarceration may have on the provision of medical care within the Department
4. the present likelihood of and ability to pose a substantial danger to the physical safety of a specifically identifiable person or persons
5. any statements by the victim regarding release
6. whether the person's condition was explicitly disclosed to the original sentencing judge and taken into account at the time of sentencing.

The Prisoner Review Board must make a decision within 90 days of receiving an application.

Release

Individuals granted medical release shall be released on mandatory supervised release for a period of five years, unless the underlying sentence and original mandatory supervised release term were less than five years.