

Medical Furlough Release Criteria

I. POLICY

A. Authority

730 ILCS 5/3-11-1(a)(2) and Illinois Executive Order 2020-21 (COVID-19 Executive Order No. 19).

B. Policy Statement

In an effort to protect medically vulnerable offenders from the risk posed by COVID-19 within a correctional setting, the Illinois Department of Corrections (IDOC) is committed to considering offenders who present a low public safety risk, due to their significant health conditions, for a medical furlough. This policy in no way disrupts the Department's ability to utilize a medical furlough to obtain healthcare services that are not available within a facility.

II. PROCEDURE

A. Purpose

The purpose of this directive is to ensure the Department has procedures to appropriately and efficiently identify limited physical mobility offenders or terminally ill offenders who, due to a medical condition, represent a low public safety risk and consider these offenders for a medical furlough. Medical furloughs shall be approved by the Director, pursuant to the provisions of this policy.

B. Applicability

This directive is applicable to all correctional facilities, program sites and offices within the Department.

C. Facility Reviews

Each Chief Administrative Officer ("CAO") shall be responsible for ensuring that appropriate institutional policies and procedures are in place to comply with the provisions of this directive.

D. Designees

Individuals specified in this Administrative Directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. Definitions:

Medical furlough: A temporary leave of absence from secure custody for limited medical purposes for offenders who, because of a medical condition, are determined to be either of limited physical mobility or terminally ill.

Health Care Facility: For the purpose of this regulation, an acute care hospital, nursing home or other licensed medical facility which complies with all state and federal laws and regulations and is appropriate to meet the medical needs of the furloughed offender.

Health Care Personnel: Individuals whose primary duty is to provide health services to offenders in keeping with their respective levels of health care training or experience.

Health Care Practitioner: Clinicians trained to diagnose and treat patients.

Limited Physical Mobility Offender: For the purposes of this directive, any offender who, due to an underlying medical condition, is either unable to perform activities of daily living without significant assistance or is confined to a bed or chair, including but not limited to prolonged coma and mechanical ventilation. Limited physical mobility offenders shall only be furloughed to a health care facility or a home setting that demonstrates the capacity to meet the medical needs of the offender.

NOTE: This definition of limited physical mobility offender is specific to medical furlough.

Multidisciplinary Team: For the purpose of this directive, a team that includes at a minimum, representatives from the following areas: CAO or Assistant Warden of Operations or Assistant Warden of Programs; Medical Department; Mental Health Department; Programs/Reentry; and Security.

Terminally Ill Offender: For the purpose of this directive, any offender who is diagnosed with a terminal illness and death is expected within six months. In the event that an offender with a terminal illness is expected to live longer than six months, but the medical condition is deteriorating, the Agency Medical Director may review such individuals for medical furlough. Individuals will be reviewed on a case -by-case basis depending on health status. Terminally ill offenders shall only be furloughed to a health care facility or a home-setting that demonstrates the capacity to meet their medical needs.

III. **MEDICAL FURLOUGH ELIGIBILITY**

A. Non-Medical Criteria

Any offender in the custody of the Illinois Department of Corrections, excluding those sentenced to life in prison, may be considered for a medical furlough by the Director. All requests for a medical furlough shall be reviewed by a multidisciplinary team to determine the offender's risk to public safety. Offenders who present a low public safety risk are eligible for a medical furlough.

i. Public safety review considerations for multidisciplinary team:

1. This review may include an examination of any relevant information possessed by the Department to assist in deciding the risk to public safety.
2. The multidisciplinary team shall consider at a minimum, the offender's criminal history, STG affiliation, sentence length, length of time served, disciplinary history, escape risk, warrants, security classification, risk assessment, program participation, and commitment to rehabilitation.

B. Medical Criteria

- i. Any limited physical mobility offender or terminally ill offender may be considered for a medical furlough.
 1. Limited physical mobility offenders shall require rehabilitative and/or ongoing assistance to complete activities of daily living, such as bathing, dressing, transferring, toileting, and eating.
 2. Limited physical mobility offenders shall be furloughed to a health care facility or home placement and shall meet the individual admission requirements for the health care facility, hospice or home health program. If placed in a hospice or home-setting, the Department shall require reasonable assurances that the necessary level of care will be provided.
- ii. Terminally ill offenders shall require end of life care.
 1. If being furloughed to a health care facility, the terminally ill offender shall meet the individual admission requirements for the health care facility.
 2. If being furloughed to a home setting, the terminally ill offender shall meet the admission requirements to be admitted to hospice or a home health program.
- iii. Generally, medical furlough consideration shall not be given if the offender's medical condition was present at the time of sentencing, unless the offender's overall condition has significantly deteriorated during incarceration.

IV. MEDICAL FURLOUGH PROCEDURES:

- A. The CAO at each institution shall appoint the members of the multidisciplinary team to evaluate all medical furlough requests. Team member assignments shall be permanent unless team job positions change.
- B. A treating health care practitioner may initiate the process by completing a Medical Furlough Criteria Screening Form DOC 0583 and submitting it to the facility Medical Director for consideration.
- C. In addition, facility health care personnel, facility administrative staff, and agency medical staff with knowledge of an offender's terminal illness or limited physical mobility may request the facility Medical Director to review the offender for a medical furlough.

D. The facility Medical Director or designee shall:

- i. Evaluate every DOC 0583 received and, based solely on the offender's medical information, advise if the offender:
 1. Meets the medical criteria for medical furlough consideration; or
 2. Does not meet the medical criteria for medical furlough consideration.
- ii. If the facility Medical Director advises that the offender meets the medical criteria, the facility Medical Director shall:
 1. Complete the facility Medical Director's section of the DOC 0583 by providing information on the offender's medical condition and submitting to the CAO.
- iii. If the facility Medical Director advises the offender does not meet the criteria for medical furlough consideration, the facility Medical Director shall:
 1. Send notification to the CAO and the Office of Health Services for data collection and tracking; and
 2. File the DOC 0583 in the offender's medical record.

E. The CAO or designee shall:

- i. Evaluate every DOC 0583 received;
- ii. Ensure the multidisciplinary team provides pertinent information to assess an offender's risk to public safety and suitability for a medical furlough. This information shall be documented on the DOC 0583;
- iii. Complete the CAO's portion of the DOC 0583 by evaluating the non-medical criteria contained in section III.A. Based on the non-medical criteria, the CAO shall:
 1. Recommend the offender for medical furlough consideration and submit DOC 0583 to the Office of Health Services for review; or
 2. Decline to recommend the offender for medical furlough consideration by sending notice of declination to the Office of Health Services for data collection and tracking, and placement of the DOC 0583 in the offender's medical record.

F. The Agency Medical Director shall:

- i. Evaluate every recommendation received on DOC 0583; and
- ii. Complete the IDOC Medical Director evaluation section on the DOC 0583 by:
 - 1. Evaluating the offender for a medical furlough and submitting the DOC 0583 to the Director for review; or
 - 2. If the facility Medical Director advises the offender does not meet the criteria for medical furlough consideration, the Agency Medical Director shall send notification to the facility Medical Director who shall forward to the CAO and the Office of Healthcare Services for data collection and tracking, and placement of the DOC 0583 in the offender's medical records.

Note: The Agency Medical Director may enlist the assistance of additional licensed medical professionals when evaluating medical furlough requests.

G. The Director shall:

- i. Evaluate every analysis received on the DOC 0583; and
- ii. Complete the Director's section by:
 - 1. Granting the offender a medical furlough;
 - 2. Seeking additional information prior to rendering a decision regarding a medical furlough; or
 - 3. Declining to grant the offender a medical furlough and sending notification of declination to the CAO and the Office of Healthcare Services for data collection and tracking, and placement of the DOC 0583 in the offender's medical records.

H. If a medical furlough request is declined at any point, reconsideration may be granted upon re-initiation of the process at the facility level.

V. MEDICAL FURLOUGH PLANNING

A. Residence Plan Based on Medical Condition

- i. Terminally ill and limited physical mobility offenders shall be furloughed to either a health care facility or a home-setting that can accommodate the medical needs of the offender.
- ii. Evaluation of Host Site
 - 1. Parole agents shall evaluate the proposed host site to determine suitability for a medical furlough.

2. The furlough host shall sign the Medical Furlough Host Site Agreement DOC 0584.
 3. Parole shall deny placement if the host site is not suitable for a medical furlough or if the furlough host refuses to sign the agreement.
 - 4.
- B. Clinical Services designee shall:
- i. Ensure that each offender's furlough plan begins prior to the approval of a medical furlough and is completed immediately upon approval, in accordance with the provisions of this directive, Executive Order 2020-21 (COVID-19 Executive Order No. 19), furlough plans, and release procedures.
 - ii. Forward to the Department's Chief Financial Officer a copy of all approved medical furloughs under this policy and the location of the furlough.
 - iii. Ensure that the appropriate residence plan based on the offender's medical condition is secured and that a furlough Agreement (DOC0402) is completed for offenders being furloughed to a home-setting.
 - iv. Ensure copies of the offender's health status transfer summary, DOC 0090 summary form, accompany the offender upon placement on furlough and that a verbal report has been given to the receiving health care facility or furlough host.
 - v. Ensure that an adequate supply of bridging medication accompanies the offender upon placement on furlough in a home-setting. As per policy, the offender will be given two weeks supply of all medication and a prescription for an additional month that may be filled at the local pharmacy.
- C. Ensure victims services and law enforcement notifications are made to:
- i. Any victim or family member of a victim that has previously registered with the Illinois Prisoner Review Board or Automated Victims Notification System/ Vinelink will be notified of the furlough.
 - ii. Notices shall also be provided to the State's Attorney of the county from which the offender was sentenced originally, the State's Attorney of the county where the furlough is to occur, and to the Sheriff of the county where the furlough is to occur.
 - iii. IDOC will make all required notifications for sex offenders who are granted medical furlough pursuant to the Sex Offender Registry Act 730 ILCS 150.
- D. Field Services shall be responsible for notifying the parole division of the offender's medical furlough case.

VI. TERM OF MEDICAL FURLOUGH

The term of any medical furlough under this directive shall not exceed the duration of the Governor's Disaster Proclamation as determined by the Governor and shall end immediately

upon the expiration or revocation of Executive Order 2020-21 (COVID-19 Executive Order No. 19), or any subsequent Executive Order specifically extending the terms of Executive Order 2020-21.

VII. MEDICAL FURLOUGH SUPERVISION AND REVOCATION

- A. Supervision of an offender granted a medical furlough will be in accordance with the department's Electronic Detention (ED) program.
- B. If it is discovered through supervision that the offender's medical condition has improved to the extent that he or she is no longer eligible for medical furlough under the provisions of this policy, the Chief of Parole shall report these findings to the Department's Medical Director.
- C. Any offender who is returned to the facility due to an improvement in his or her medical condition shall resume serving the remainder of his or her sentence, with credit given for the duration of the medical furlough.
- D. Any offender on a medical furlough who is discharged from a healthcare facility shall have the medical furlough immediately terminated and he or she shall be returned to a facility.
- E. Any offender on a medical furlough that is placed in a healthcare facility, may be transferred to a home setting, able to meet the offender's needs, upon approval of the Director
- F. Any offender on a medical furlough who absconds from a healthcare facility or from a home setting shall immediately have the medical furlough terminated and an IDOC Escape Warrant shall be issued.
- G. In the event a medical furlough host revokes consent to the medical furlough placement, the medical furlough shall be immediately terminated and the offender shall be returned to the facility.
- H. In the event an offender violates the conditions of the medical furlough, the medical furlough shall be immediately terminated, and the offender shall be returned to the facility.

VIII. MONITORING REQUIREMENTS/REPORTS:

- A. The Office of Healthcare Services shall submit a monthly report to the Director which includes, but is not limited to:

- i. The number of offenders who meet the medical criteria for medical furlough consideration;
- ii. The number of offenders who were granted a medical furlough; and
- iii. The number of offenders who were declined to be recommended for medical furlough consideration at any point during the process outlined in this regulation.

B. The Chief of Parole shall:

- i. Monitor offenders that have been granted a medical furlough in accordance with offenders on the Electronic Detention (ED) Program until the offender's return to the facility, death or the expiration of sentence; and
- ii. Submit a monthly report of all medical furloughs to the Director and the Agency Medical Director. The report shall include, but is not limited to, the following information on each offender granted a medical furlough:
 - 1. Name, DOC number and location;
 - 2. Date the medical furlough was granted;
 - 3. Date the offender left the facility on a medical furlough;
 - 4. Latest narrative report from the assigned Parole staff;
 - 5. Date and time of death, if indicated; and
 - 6. Any other information deemed appropriate.