

Article 84B.

Medical Release of Inmates.

**§ 15A-1369. Definitions.**

The following definitions apply to this Article:

- (1) Commission. – The Post-Release Supervision and Parole Commission.
- (1a) Department. – The Department of Adult Correction.
- (2) Repealed by Session Laws 2021-180, s. 19C.9(ccc), effective January 1, 2023.
- (3) Geriatric. – An inmate who is 55 years of age or older and suffers from chronic infirmity, illness, or disease that has progressed such that the inmate is medically incapacitated and is also determined to pose either no risk or low risk to public safety.
- (4) Inmate. – Any person sentenced to the custody of the Department.
- (5) Medical release. – A program enabling the Commission to release inmates who are permanently and totally disabled, terminally ill, or geriatric.
- (6) Medical release plan. – A comprehensive written medical and psychosocial care plan that is specific to the inmate and includes, at a minimum, all of the following:
  - a. The proposed course of treatment.
  - b. The proposed site for treatment and post-treatment care.
  - c. Documentation that medical providers qualified to provide the medical services identified in the medical release plan are prepared to provide those services.
  - d. The financial program in place to cover the cost of this plan for the duration of the medical release, which shall include eligibility for enrollment in commercial insurance, Medicare, or Medicaid or access to other adequate financial resources for the duration of the medical release.
- (7) Permanently and totally disabled. – An inmate who, as determined by a licensed physician, suffers from permanent and irreversible physical incapacitation as a result of an existing physical or medical condition that was unknown at the time of sentencing or, since the time of sentencing, has progressed to render the inmate permanently and totally disabled.
- (8) Terminally ill. – An inmate who, as determined by a licensed physician, has an incurable condition caused by illness or disease that was unknown at the time of sentencing or, since the time of sentencing, has progressed to render the inmate terminally ill, and that will likely produce death within nine months, and that is so debilitating that the inmate poses no risk or low risk to public safety. (2008-2, s. 1; 2011-145, s. 19.1(h); 2017-186, s. 2(zzz); 2021-180, s. 19C.9(ccc); 2023-134, s. 19C.6(a).)