

SUBJECT: CONDITIONAL MEDICAL RELEASE

EFFECTIVE DATE: 05/21/2021

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**I. PURPOSE:**

To provide guidelines to the Institutional Medical Director for the identification of inmates who meet certain criteria for conditional medical release and to provide for the timely submission of recommendations for such release.

*These standards and responsibilities apply to both Department staff and Comprehensive Health Care Contractor (CHCC) staff.*

**II. RESPONSIBILITY AND RIGHTS:**

- A. The Health Services Director or Chief Clinical Advisor has the sole responsibility for determining whether an inmate meets the criteria for referral to the Florida Commission on Offender Review (formerly known as the Florida Parole Commission) for consideration for conditional medical release.
- B. The authority to grant or deny conditional medical release, to establish restrictions for conditional medical release, and to revoke conditional medical release rests solely with the Commission on Offender Review.
- C. Inmates do not have a right to conditional medical release nor to a medical evaluation to determine eligibility for such a release. Conditional medical release is not authorized for inmates under a sentence of death.

**III. DEFINITIONS:**

- A. ***Terminally ill:*** An inmate who has a condition caused by injury, disease or illness which, to a reasonable degree of medical certainty, renders the inmate terminally ill to the extent that there can be no recovery and death is imminent (within 12 months) so that the inmate does not constitute a danger to him/herself or others. Example diagnoses of a terminally ill patient include but are not limited to colon, liver, lung, ovarian and cervical stage IV carcinomas, pancreatic cancer, and selected oropharynx or brain cancer, etc...
- B. ***Permanently incapacitated:*** An inmate who has a condition caused by injury, disease, or illness which, to a reasonable degree of medical certainty, renders the inmate permanently and irreversibly physically incapacitated to the extent that s/he does not constitute a danger to herself/himself or others.

**IV. PROCEDURES:**

- A. Whenever it is determined an inmate meets the terminally ill or permanently

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incapacitated criteria, the Institutional Medical Director will:

1. Make an entry on the GHO-8 screen CMR EVAL at the time that the determination is made and an entry CMR Referral at the time the referral is submitted to the Chief Clinical Advisor.
  2. Inform classification staff of the intent to refer an inmate for a conditional medical release. Classification staff will provide the Institutional Medical Director a progress report and a release plan.
    - a. Pertinent facts about the case, a brief narrative of the crime(s), any violence perpetrated toward the victim(s), a synopsis of the inmate's criminal history, history of substance abuse, etc. The progress report is not to be an evaluation of the inmate's suitability for conditional medical release and should not contain any recommendation for or against conditional medical release.
    - b. A detailed release plan that includes proposed residence, source of financial support, source of follow-up care and other information pertinent to inmate postrelease care. The release plan should be developed in concert with institutional medical staff. Although the release plans for medically needy inmates are often difficult to develop, the effectiveness of the conditional release program is contingent upon the availability of a sound, viable plan which will be provided as required. Release planning as currently designed for each facility should be followed.
  4. Upon receipt of the progress report and the release plan from the classification staff, review the documents and attach them to the conditional medical release recommendation and forward it to the Chief Clinical Advisor.
- B. The recommendation will describe the inmate's condition(s) in sufficient detail to be understood by nonmedical professionals. The following areas will be addressed:
1. Clinical report
  2. Current special needs
  3. Physical capabilities. The Commission on Offender Review now requires color photographs of the inmate, depicting his/her current physical status (this may be taken with the inmate lying down in bed or sitting in a wheelchair, if the inmate cannot stand upright). The photographs must be included in the referral package.
  4. Life expectancy, and
  5. Future special needs.

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- C. The Chief Clinical Advisor shall either:
1. Disapprove the recommendation and state the reason for the decision (the Institutional Medical Director can reevaluate the case in the future should the patient's status change).
  2. Defer the decision pending additional information from specialized health professionals; or
  3. Concur with the Institutional Medical Director and approve the recommendation for conditional medical release.

If disapproved or deferred the Chief Clinical Advisor will return the recommendation to the submitting Institutional Medical Director and copy the appropriate warden.

- D. The Commission on Offender Review may defer a decision and request additional information from the department or may disapprove the recommendation and notify the Chief Clinical Advisor. If the Commission approves the conditional medical release, a certificate of release will be sent to the respective warden for completion in accordance with appropriate discharge procedures. The Chief Clinical Advisor and inmate release assistance staff will be notified of the approval.

## V. RELATED FORMS AND DOCUMENTS

- A. Section 947.149, Florida Statutes
- B. Rule 33-401.201, Florida Administrative Code
- C. Rule 23-24.020, Florida Administrative Code
- D. Attachment: Sample Memorandum

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Health Services Director

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Date

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This Health Services Bulletin Supersedes

HCS dated 10/30/87,  
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This Bulletin was reviewed without revisions:

05/21/2021

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