



**TEXAS BOARD
OF
PARDONS AND PAROLES**

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**Supersedes: BPP-POL. 145.204
Effective July 24, 2008**

BOARD POLICY

SUBJECT: MEDICALLY RECOMMENDED INTENSIVE SUPERVISION

PURPOSE: To establish a policy statement of the Texas Board of Pardons and Paroles and procedures for voting Medically Recommended Intensive Supervision cases.

AUTHORITY: Texas Government Code §§508.0441, 508.045, 508.146 and 508.221
Texas Administrative Code, Title 37, Part V, Chapter 145, §145.3(3)(F)

POLICY: It is the policy of the Texas Board of Pardons and Paroles (Board) to consider Medically Recommended Intensive Supervision cases in accordance with Texas Administrative Code, Title 37, Part 5, Chapter 145 (Board Rules). The Board and parole commissioners, acting in a parole panel, will review and make release decisions on cases referred to the Board by the Texas Correctional Office for Offenders with Medical or Mental Impairments.

DISCUSSION: Medically Recommended Intensive Supervision (MRIS) represents a cooperative effort between the Texas Board of Pardons and Paroles (Board), the Texas Correctional Office for Offenders with Medical or Mental Impairments (TCOOMMI), Correctional Managed Health Care providers, and the Texas Department of Criminal Justice (TDCJ) Parole Division to identify offenders as seriously impaired, and decide whether to release them to a more appropriate environment with supervision, provided such release does not constitute a threat to public safety.

DEFINITIONS: Community Residential Facility - a residential facility intended to provide an offender with housing, supervision, counseling, and personal, social and work adjustment training.

Elderly – an offender sixty-five (65) years of age or older.

Halfway House - a residential facility for suitable low-risk offenders and other offenders who would benefit from a smoother transition from incarceration to supervised release.

Identified Offender - an offender identified by the Texas Correctional Office for Offenders with Medical or Mental Impairments (TCOOMMI) and Correctional Managed Health Care as being (a) elderly, physically disabled, mentally ill, terminally ill, mentally retarded, or having a condition requiring long-term care, or (b) in a persistent vegetative state or being a person with an organic brain syndrome with significant to total mobility impairment.

Long Term Care - a person who is deficient in the area of self-care and where there is a reasonable medical probability that the clinical condition(s) producing that inability will not change over time and requires nursing care.

Mentally Ill – has the meaning assigned by Texas Mental Health Code, Section 4, and is an illness, disease, or condition that either substantially impairs a person's thoughts, perception of reality, emotional process, judgment, or grossly impairs a person's behavior, as manifested by recent disturbed behavior.

Mentally Retarded – has the meaning assigned by Section 3, MRPA of 1977 and means significantly sub-average intellectual functioning existing concurrently with deficits in adaptive behavior and originating in the developmental period (until the age of 18).

MRIS Eligible - an offender other than an offender sentenced to death or serving life without parole except an offender with an instant offense described in Section 3g of Article 42.12, Code of Criminal Procedure, or an offender with a reportable conviction or adjudication under Chapter 62 of the Code of Criminal Procedure, may only be considered if a medical condition of terminal illness or long-term care has been diagnosed by a physician.

MRIS panel - a parole panel of the Board designated by the Presiding Officer (Chair) to determine the discretionary release of identified offenders.

Organic Brain Syndrome – any of a group of acute or chronic syndromes involving temporary or permanent impairment of brain function caused by trauma, infection, toxin, tumor, or tissue sclerosis, and causing mild-to-severe impairment of memory, orientation, judgment, intellectual functions, and emotional adjustment.

Persistent Vegetative State – a condition of profound non-responsiveness in the wakeful state caused by brain damage at any level and characterized

by a nonfunctioning cerebral cortex, absence of response to the external environment, akinesia, mutism, and inability to signal.

Physically Disabled – a severe, chronic disability that is likely to continue indefinitely and results in substantial functional limitations in three or more of the following areas of major life activity: self care, self-direction, learning, receptive and expressive language, mobility, capacity for independent living, or economic self-sufficiency. These limitations are reflected in the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services of extended or lifelong duration that are individually planned and coordinated.

Statutorily Eligible Offender - an offender who is MRIS eligible and an identified offender as defined in this policy.

Terminally Ill – is a condition which is incurable and would inevitably result in death within six (6) months regardless of life sustaining treatment and required skilled nursing care, hospice or home health care.

PROCEDURES:

- I. The MRIS panel shall determine (1) whether to recommend or deny MRIS consideration for statutorily eligible, and (2) to approve or deny their release to MRIS.
 - A. Upon review of the identified offenders’ cases, the MRIS panel shall initially vote either to recommend MRIS consideration or to deny MRIS consideration. The MRIS panel shall base this decision on the identified offender’s medical condition and medical evaluation, and shall determine whether the identified offender constitutes a threat to public safety.
 - B. If the MRIS panel determines that the identified offender does constitute a threat to public safety, no further vote is required.
 - C. If the MRIS panel determines that the identified offender does not constitute a threat to public safety, the panel shall make a subsequent determination whether to approve or deny release to MRIS. The MRIS panel shall base this decision on a thorough review of all factors relative to the interest of both the identified offender and society. The panel shall use one of the following options:
 1. Approve MRIS – The MRIS panel shall provide appropriate reasons for the decision to approve MRIS. The MRIS panel shall vote FI-1 and impose the Special Condition “O” – Offender shall comply with the terms and conditions of the Medically Recommended Intensive Supervision Program and abide by the TCOOMMI approved release plan. At any time this condition is in effect, an

offender shall remain under the care of a physician and in a medically suitable placement.

2. Deny MRIS – The MRIS panel shall provide appropriate reasons for the decision to deny MRIS.

II. Deportation

An offender who is not a citizen of the United States, as defined by federal law, who is MRIS eligible, may be released to immigration authorities pending deportation on a date designated by a parole panel if the parole panel determines that upon release the offender would be deported to another country and that the offender does not constitute a threat to public safety in the other country or this country and is unlikely to reenter this country illegally.

III. Decision to Approve MRIS

- A. The MRIS panel, upon a majority vote, may approve release to MRIS for an identified offender.
- B. Unless otherwise directed, any decision to approve release to MRIS is effective on the date the identified offender is served notice of the decision of the MRIS panel.
- C. The TCOOMMI will report to the Board at least once each quarter on the offender's medical and placement status. On the basis of the report, the MRIS panel may modify conditions of release and impose any condition on the offender that the panel could impose on an offender under Section 508.145, including a condition that offender reside in a halfway house or community residential facility.

IV. Withdrawal of MRIS

The decision to approve release to MRIS for an identified offender remains in effect until specifically withdrawn by a MRIS panel.

- V. The MRIS panels shall endeavor to complete the voting of each terminally ill offender referral within ten business days of receipt from TCOOMMI and all other referrals within 20 business days.

ADOPTED BY MAJORITY VOTE OF THE BOARD ON THE 29th DAY OF JANUARY, 2009.

RISSIE OWENS, PRESIDING OFFICER (CHAIR)

** Signature on file.*