Nebraska provides compassionate release to eligible prisoners who are permanently incapacitated or terminally ill through its Medical Parole program.¹

**MEDICAL PAROLE**

**I. ELIGIBILITY**

*Medical Condition* - To be eligible for Medical Parole, a prisoner must be permanently incapacitated or terminally ill because of existing medical condition.²

*Exclusions* - Prisoners serving a death sentence or life imprisonment are not eligible for Medical Parole.³

**II. APPLICATION/REFERRAL**

The Nebraska Department of Correctional Services (Department) is directed to “identify committed offenders” who might be eligible for Medical Parole based upon their medical records.⁴

**III. DOCUMENTATION AND ASSESSMENT**

There is nothing in state law or Department policy that provides more detail on the documentation or assessment process prior to a prisoner’s case going to the Nebraska Board of Parole (Board).

**IV. DECISION-MAKING PROCESS**

*Decision Maker* - The Board of Parole is solely responsible for Medical Parole decisions.⁵

*Decision Process* - The Board reviews the prisoner’s medical, institutional, and criminal records in addition to any additional medical evidence from Board-ordered examinations or investigations that are necessary.⁶

*Conditions and Pre-Release Planning -*

- *Environment* - As a condition of Medical Parole, the Board requires that the prisoner agree to placement for medical treatment and that he or she live for “a definite or indefinite period of time” in a hospital, hospice, or another housing accommodation “suitable to the medical condition,” which can include his or her family’s home.⁷

- *Other Conditions* - It is within the Board’s discretion to establish any other conditions of release in addition to any medical treatment and/or living arrangements.⁸
V. POST-DECISION

Effect of Medical Parole Request on Nonmedical Parole Eligibility - A prisoner’s eligibility for general parole is not affected by his or her eligibility for Medical Parole.\(^9\)

Denials and Appeal Rights - There are no provisions in the Board’s rules indicating a right to review of Medical Parole decisions.

Revocation/Termination - In general, Medical Parole is for the remainder of a former prisoner’s sentence, as reduced by any adjustment for good conduct.\(^10\)

- If a parolee’s condition improves to the extent that he or she no longer meets the medical eligibility criteria, the Board may order him or her to return to Department custody for a hearing to determine whether Medical Parole should be revoked.\(^11\)

- Medical Parole can also be revoked for violation of any condition of the Medical Parole that the Board established.\(^12\)

VI. REPORTING/STATISTICS

The Board is not required by law to report on its decisions, and they do not publish data regarding the number of prisoners granted Medical Parole.

NOTES

1. Neb. Rev. Stat. § 83-1,110.02; Nebraska Board of Parole (Board) Rules, §§ 4-601 and 4-602.
3. Id. Note that the Board Rules at § 4-601(A) exclude prisoners who are serving sentences of life imprisonment but do not reference prisoners under sentence of death, which is in the statutory language.
5. Neb. Rev. Stat. § 83-1,110.02 (2); Board Rules § 4-601 (B)
7. Neb. Rev. Stat. § 83-1,110.02 (3); Board Rules § 4-601(C).
8. Board Rules § 4-601(B).
10. Neb. Rev. Stat. § 83-1,110.03 (1); Board Rules § 4-602 (A). Note that if Medical Parole is revoked due to medical improvements, prisoners must serve the balance of their sentences, with credit for time served on Medical Parole, and without forfeiting any credits accrued for good conduct prior to Medical Parole. Neb. Rev. Stat. § 83-1,110.03 (2) and Board Rules § (B). If Medical Parole is revoked, but the prisoner is otherwise eligible for parole or any other release program, he or she may be considered for that release program. Id.
12. Neb. Rev. Stat. § 83-1,110.03 (4); Board Rules § 4-602 (D).