

1 living without help or is bedbound, including but not limited to those in a prolonged coma
2 and on medical ventilation; and

3 WHEREAS, recommendations for compassionate release originate with the unit
4 medical director at the facility who must complete a recommendation form to be submitted
5 to the warden for consideration and reviewed by the medical director of the Department of
6 Public Safety and Corrections, with final decision-making authority with the secretary of the
7 department; and

8 WHEREAS, the Department of Public Safety and Corrections is tasked with
9 identifying those who may be eligible for medical parole or medical treatment furlough and
10 relies on the unit medical director at each facility to determine eligibility and complete a
11 recommendation form to be approved by the warden and reviewed by both the department's
12 medical director and secretary; and

13 WHEREAS, authority to grant medical parole or medical treatment furlough rests
14 solely with the committee on parole; and

15 WHEREAS, Governor John Bel Edwards signed a justice reinvestment package into
16 law effective November 1, 2017, which included a new medical treatment furlough provision
17 intended to save the state millions of dollars on prisoner health care; and

18 WHEREAS, the division of probation and parole is directed to submit an annual
19 report of all medical releases to the medical director of the Department of Public Safety and
20 Corrections by January 10th of each year, which is then submitted to the department's
21 secretary but is not publically available; and

22 WHEREAS, there is a lack of data on how compassionate release, medical parole,
23 and medical treatment furlough were utilized during a declared state of emergency and
24 public health emergency during the COVID-19 pandemic in order to reduce the number of
25 positive cases in the prison population and reduce the risk to those who were medically
26 vulnerable; and

27 WHEREAS, a separate panel review process for medical treatment furlough was
28 established, under which only four percent of the people in the custody of the Department
29 of Public Safety and Corrections were eligible for review and only sixty-three individuals
30 were released when the panel was disbanded in June of 2020; and

1 WHEREAS, over three thousand inmates in the nine Department of Public Safety
2 and Corrections facilities tested positive for COVID-19 and of the thirty-seven fatalities, all
3 were reported to have underlying medical conditions; and

4 WHEREAS, there is no currently available mechanism for treating physicians at
5 private or state medical facilities to recommend or initiate the compassionate release,
6 medical parole, or medical treatment furlough process for their patients, even those
7 diagnosed with terminal illness or whose prognosis was significantly impacted by the
8 cancellation of non-emergency medical appointments during the COVID-19 pandemic.

9 THEREFORE, BE IT RESOLVED that the House of Representatives of the
10 Legislature of Louisiana does hereby urge and request a commission to be convened to study
11 the efficacy of the current eligibility requirements and recommendation and review
12 processes for compassionate release, medical parole, and medical treatment furlough. The
13 committee shall include but is not limited to representatives of the following: the medical
14 and correctional staff of the Department of Public Safety and Corrections, the Louisiana
15 Department of Health, office of public health, Medicaid, physicians at private and state
16 medical facilities who treat incarcerated patients, family members of impacted incarcerated
17 persons, crime survivors, family members of victims, and other stakeholders.

18 BE IT FURTHER RESOLVED that the commission shall be composed of the
19 following members:

20 (1) Two representatives from the medical staff of the Department of Public Safety
21 and Corrections.

22 (2) Two representatives from the Louisiana Department of Health, including the
23 director of the Medicaid program, or his designee, and a representative from the office of
24 public health.

25 (3) Two doctors who treat incarcerated patients at private or state medical facilities.

26 (4) Two family members of people who are incarcerated.

27 (5) Two crime survivors appointed by the Louisiana Survivors for Reform, one
28 primary and one secondary survivor.

29 (6) Two representatives who were formerly incarcerated.

1 (7) Two lawyers with experience in handling medical parole programs, medical
2 furlough programs, and compassionate release cases for a client, including one from the
3 Promise of Justice Initiative.

4 (8) Two representatives from the Louisiana Sheriffs' Association.

5 (9) Two representatives from the governor's office.

6 (10) One representative with expertise in incarceration law and policy from Loyola
7 Law School.

8 BE IT FURTHER RESOLVED that the committee shall report its findings and
9 recommendations to the legislature no later than January 1, 2022.

10 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
11 secretary of the Department of Public Safety and Corrections and the secretary of the
12 Louisiana Department of Health.

13 BE IT FURTHER RESOLVED that the committee shall submit one print copy and
14 one electronic copy of any report produced pursuant to this Resolution to the David R.
15 Poynter Legislative Research Library as required by R.S. 24:772.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Duplessis

Requests the Dept. of Public Safety and Corrections, the La. Dept. of Health, physicians at private and state medical facilities who treat incarcerated patients, other community members, and stakeholders to study the current eligibility, recommendation, and approval processes for the medical parole program and the medical treatment furlough program as well as for compassionate release as provided by the policy of the Dept. of Public Safety and Corrections.