

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



ARCHIVES DIVISION

STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

PAR 1-2025

CHAPTER 255

BOARD OF PAROLE AND POST-PRISON SUPERVISION

FILED

01/02/2025 3:25 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: New procedure for emergency medical release from incarceration

EFFECTIVE DATE: 01/02/2025

AGENCY APPROVED DATE: 12/18/2024

CONTACT: Perry Waddell

503-945-0900

perry.r.waddell@paroleboard.oregon.gov

1321 Tandem Ave NE

Salem, OR 97310

Filed By:

perry waddell

Rules Coordinator

RULES:

255-005-0005, 255-040-0028

AMEND: 255-005-0005

NOTICE FILED DATE: 10/28/2024

RULE SUMMARY: Additional definitions needed for amended rule on emergency medical release, "255-040-0028 Advancing Release Dates for Adults in Custody (AIC) with Severe Medical Condition or Permanent Incapacity".

New definitions for: "Activities of Daily Living"; "ADL"; "DOC Treating Provider"; "Elderly"; "EMR"; "Hospice"; "Severe medical condition"; and "Unable to move from place to place".

Additional non-substantive grammatical changes.

CHANGES TO RULE:

255-005-0005

Definitions ¶¶

(1) "Abscond": Unauthorized absence from parole or post-prison supervision.-¶¶

(2) "Active Supervision" or "Active Community Supervision": Supervision requiring a supervising officer's regular contact and monitoring to assure continued compliance with the general and special conditions of parole or post-prison supervision. "Active Supervision" shall not include:-¶¶

(a) a period of confinement in a local, state, or federal correctional facility;-¶¶

(b) a period of time between the suspension of parole or post-prison supervision and the date parole or post-prison supervision is continued;-¶¶

(c) inactive parole or inactive post-prison supervision;-¶¶

(d) involuntary commitment to a state or federal psychiatric facility; or¶¶

(e) a period of leave on Short Term Transitional Leave or other leave from a facility.-¶¶

(3) "Activities of Daily Living (ADL)": The tasks of everyday life. ADL include but are not limited to eating, dressing, getting into or out of a bed or chair, engaging in personal hygiene including taking a bath or shower, using the toilet, and moving from place to place without the assistance of another person.¶¶

(4) "ADL": Activities of Daily Living.

(5) "Administrative Sanction": Local, structured, or intermediate sanctions as those terms used in OAR 291-058 and may include periods of local confinement in jails, restitution centers, treatment facilities, or similar facilities.

(46) "Adult in Custody": Any person aged 18 or older, incarcerated or detained in a correctional facility who is accused of, convicted of, or sentenced for a violation of criminal law or for the violation of the terms and conditions of pretrial release, probation, parole, post-prison supervision or a diversion program. (Historically referred to as "inmate" or "prisoner").

(57) "Aggravation": The factors or elements surrounding the crime that appear to increase the seriousness of the criminal episode or reflect on the character of the offender pursuant to Exhibit E-1 and E-3.

(68) "AIC": Adult in custody.

(79) "Board Action Form": A Board order after a decision.

(810) "Base Range": The range for each crime category reflected in Exhibit C under the "excellent" column.

(911) "Board": Board of Parole and Post-Prison Supervision.

(102) "Board Review Packet": The information the Board shall consider at the adult in custody's hearing. Each of the Administrative Rule Divisions that establish a hearing shall list the contents of the packet.

(143) "Care Facility": A facility that provides rehabilitative, restorative, and ongoing skilled nursing care to patients or residents in need of assistance with the activities of daily living.

(124) "Compensatory Fines": A court-imposed penalty for the commission of a crime resulting in injury for which the person injured has a remedy by civil action (unless the issue of punitive damages has been previously decided on a civil case arising out of the same act and transaction). The court may award compensatory fines in addition to restitution.

(135) "Correctional Facility": Any place used for the confinement of persons charged with or convicted of a crime or otherwise confined under a court order. Correctional Facility includes a juvenile facility, if the juvenile is confined for a felony charge or conviction, and applies to a state hospital only as to persons detained therein after acquittal of a crime by reason of mental disease or defect or after a finding of guilty except for insanity.

(146) "Crime Severity Rating": A classification for crimes committed prior to November 1, 1989, from a low of one (1) to a high of seven (7) assigned to each crime, based on the seriousness of the crime pursuant to Exhibits A-1, A-2, and A-3.

(157) "Crime Spree": A set of criminal activities congruent in time or actually overlapping that are so joined by place and circumstances as to be the product of a continuous disposition or intent.

(168) "Date of Return": The date another in-state or out-of-state jurisdiction physically returns the adult in custody to the Department of Corrections' custody following a hold.

(179) "De Novo Hearing": A new initial prison term hearing, required when a court orders additional consecutive sentences for crimes that occurred prior to the first prison term hearing.

(181)

(20) "DOC Treating Provider": is defined by Oregon Administrative Rule 291-124.

(21) "Elderly": People who are 55 or older.

(22) "EMR": Early Medical Release.

(23) "Escape":

(a) The unlawful or unauthorized departure from custody, a correctional facility, or any form of temporary release or transitional leave;

(b) The unauthorized departure or absence from this state or failure to return to this state by a person who is under the jurisdiction of the Psychiatric Security Review Board;

(c) Does not include failure to comply with provisions of a conditional or security release as in ORS 135.245.

(1924) "Future Disposition Hearing": A hearing the Board may set at its discretion for purposes of deciding whether to deny or grant re-release for a violation of parole or post-prison supervision.

(205) "Gang Member": A person who associates with a group that identifies itself through the use of a name, unique appearance, language (including hand signs), the claiming of geographical territory, or the espousing of a distinctive belief system and one of the purposes of the group is criminal activity.

(246) "Gang-Related Activity": Crime committed by a gang member:

(a) With other known gang members;

(b) Against other known gang members; or

(c) Against a person who is not a gang member; in order to further the purposes of the gang or impress other gang members.

(227) "History/Risk Score": A rating from a high of eleven (11) to a low of zero (0) points, reflecting the prisoner's prior record and other factors that predict the likelihood of success on parole pursuant to Exhibit B, Part 1 and Part 2.

(28) "Hospice": A program that gives special care to people who are near the end of life and have stopped treatment to cure or control their disease. This care provides a full range of services, pursuant to a plan of care

developed for each patient by the patient's physician and an interdisciplinary group.¶¶

(239) "Inactive Parole" and "Inactive Post-Prison Supervision": The offender remains under supervision, however:¶¶

(a) There is no direct supervision by a supervising officer and no requirement of regular reporting;¶¶

(b) There are no supervision fees;¶¶

(c) The offender remains subject to arrest by a supervising officer for violation of conditions of supervision and return to active supervision at any time until expiration of the sentence or post-prison supervision term as outlined in Division 94; and¶¶

(d) Subsections (b) and (c) do not apply to those offenders being supervised in another state via Interstate Compact. Those offenders remain on active parole or post-prison supervision.¶¶

(2430) "In Camera Hearing": The inspection of a document by the Hearings Officer in private before the document may be introduced as evidence.¶¶

(2531) "Incapacitated": A condition in which a person's ability to receive and evaluate information effectively or to communicate decisions is impaired to such an extent that the person presently lacks the capacity to meet the essential requirements for the person's physical health or safety.¶¶

(326) "Initial Parole Release Date": The date assigned to an AIC for parole release based on the AIC's matrix range, aggravation, mitigation, and judicially imposed minimum sentences.¶¶

(2733) "Inmate": Historical term referring to a person under the supervision of the Department of Corrections or a local supervisory authority who is not on parole, post-prison supervision or probation status (also referred to as prisoner). Current term is "Adult in Custody".¶¶

(2834) "Inoperative Time": Time spent on abscond, escape, or unauthorized departure from custody, leave, parole or post-prison supervision, which does not count toward service of the sentence.¶¶

(2935) "Intensive Supervision": Enhanced level of supervision exceeding a county's high risk level supervision standards. Intensive supervision may include, but is not limited to, electronic monitoring, house arrest, curfew, day reporting, supervised housing, multiple supervising officers, adjunct surveillance by law enforcement or other specialists, increased face-to-face offender contacts in the community, increased collateral contacts (such as with family, therapist, and employer), community notification, geographic restrictions, offender mileage logs, medication monitoring, intensive outpatient or residential treatment programming, urinalysis, and polygraph.¶¶

(306) "Intermediate Care Facility": A facility that provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment that a hospital or skilled nursing facility is designed to provide, but who because of their mental or physical condition, require care and services above the level of room and board that can be made available to them only through institutional facilities.¶¶

(317) "Justice Involved Individual (JII)": Person formerly convicted or incarcerated for a crime. Historically referred to as "offender".¶¶

(328) "Less Than the Sum of the Terms": An action by the Board whereby one or more of the consecutive ranges are treated as if they are concurrent.¶¶

(339) "Licensed Health Care Professional": Individuals with current and appropriate licensure, certification, or accreditation in a medical, mental health, or dental profession who provide health services, assessments, and screenings for clients within their scope of practice, licensure, or certification.¶¶

(340) "Mail Date" or "Mailed on Date": The date from which the Board calculates the timelines of receipt of Administrative Review Requests and other time-sensitive responses. The date is computer generated and scheduled to ensure actual mailing occurred on or before the listed date.¶¶

(3541) "Matrix Ranges": Ranges of months within which the Board has the discretion to set a prison term. The ranges are based on crime severity ratings and history/risk scores.¶¶

(3642) "The Matrix": A table that displays the matrix ranges by showing the intersection of the crime severity rating and the history/risk score pursuant to "Exhibit C - Time to be Served".¶¶

(437) "Medical Professional": A person authorized by the state of Oregon to administer health care.¶¶

(3844) "Mitigation": The factors or elements surrounding the crime that appear to decrease the seriousness of the criminal episode or reflect on the character of the prisoner pursuant to Exhibit E-2 and E-3.¶¶

(3945) "Offender": Any person under the supervision of the Department of Corrections or a local supervisory authority who is not presently in the custody of a correctional facility, including persons on probation, parole, or post-prison supervision. Also known as "person under supervision".¶¶

(406) "Parole": A Board-authorized conditional release from a state correctional facility into the community or to a detainer. Applies to offenders whose crimes were committed before November 1, 1989, offenders who were convicted of murder or aggravated murder and whose sentences allow for parole, and offenders sentenced by the court as Dangerous Offenders or Sexually Violent Dangerous Offenders.¶¶

(417) "Particularly Violent or Otherwise Dangerous Criminal Conduct": Conduct that is not merely unpleasant or offensive, but that is indifferent to the value of human safety or property.¶¶

(428) "Parole Board Record": The file the Board maintains for each adult in custody or offender containing the

information listed in ORS 144.185.-¶¶

(439) "Period Under Review": Under Division 40, the time already served on the prison term, normally the 3- or 5-year period prior to the personal review hearing.-¶¶

(4450) "Person in Custody (PIC)": Any person under the supervision of the Department of Corrections or a local supervisory authority who is not on parole, post-prison supervision or probation status, also known as adult in custody (AIC) or juvenile in custody (historically referred to as "inmate" or "prisoner").-¶¶

(451) "Person under supervision": Any person under the supervision of the Department of Corrections or a local supervisory authority who is not presently in the custody of a correctional facility, including persons on probation, parole, or post-prison supervision. ~~Also~~Previously known as "offender".-¶¶

(4652) "Post-Prison Supervision": A term of conditional release, as set by statute or the court under the supervision of the Department of Corrections (DOC) or a correctional agency designated by DOC or a local supervisory authority. Applies to crimes committed on or after November 1, 1989.-¶¶

(4753) "Principal Range": The range of months for the crime holding the highest crime severity rating. When the ranges are the same, the Board shall designate one range as the principal range.-¶¶

(548) "Preponderance": Evidence that is of greater weight or more convincing than the evidence offered in opposition to it.-¶¶

(4955) "Probable Cause": A substantial objective basis for believing that more likely than not an offense or violation has been committed and the person to be arrested has committed it.-¶¶

(506) "Prison Term": The Board established time the adult in custody must serve before the initial parole release date, in accordance with applicable laws and the Board's administrative rules.-¶¶

(517) "Prison Term Hearing": The hearing at which the Board establishes an adult in custody's prison term and initial parole release date.-¶¶

(528) "Reasonable Cause": The quantum of information that would cause a reasonably prudent person to believe that a condition or circumstance exists.-¶¶

(539) "Revocation": An action by a Sanction Authority to terminate an offender's parole or post-prison supervision. Sanction Authority may resume an offender's parole or post-prison supervision following the act of revocation.-¶¶

(5460) "Revocation Hearing": A hearing to determine whether a violation of conditions of parole or post-prison supervision occurred and whether the Hearings Officer should recommend that the parolee or offender return to custody or continue on parole or post-prison supervision with additional conditions. (Sometimes called a "Morrissey Hearing")-¶¶

(5561) "Sanction Authority": For felony offenders sentenced by the court for crimes occurring before November 1, 1989, or sentenced to more than 12 months in the custody of the Department of Corrections or sentenced to 12 months or less and have additional sentences of greater than 12 months, the Board; and the Local Supervisory Authority for felony offenders sentenced by the court to 12 months or less, the Local Supervisory Authority.-¶¶

(562) "Sexually Violent Dangerous Offender": An adult in custody or /offender who has psychopathic personality features, sexually deviant arousal patterns or interests and a history of sexual assault, and who the Board or Local Supervisory Authority finds presents a substantial probability of committing an offense listed in OAR 255-060-0008(6). "History of sexual assault" means that an adult in custody or person under supervision has engaged in unlawful sexual conduct that is not related to the crime for which the adult in custody or offender is currently on parole or post-prison supervision and that seriously endangered the life or safety of another person or involved a victim less than 12 years of age.-¶¶

(5763) "Serious Physical Injury": Any physical injury that creates a substantial risk of death, or that causes serious and protracted disfigurement, or impairment of health or protracted loss or impairment of the function of any bodily organ.-¶¶

(58¶¶

(64) "Severe medical condition": an illness, injury, impairment, or physical condition that would require care in a hospice or residential medical facility setting, including similar care in a home healthcare setting.-¶¶

(65) "Stranger": A person who is either unknown to a victim or with whom the victim has a superficial acquaintance or acquaintance of short duration or infrequent contact.-¶¶

(5966) "Subcategory": The criteria for rating criminal conduct within the crime categories based on the seriousness of the offense (Exhibit A).-¶¶

(607) "Subordinate Range": Any range less than or equal to the principal range.-¶¶

(618) "Subpoena Duces Tecum": A subpoena requiring the party to appear at a hearing with a document or piece of evidence to be examined at the hearing.-¶¶

(629) "Summing the Ranges": Adding ranges of consecutive sentences to produce a unified range pursuant to OAR 255-035-0021 "Consecutive Sentences: Creating a Unified Matrix Range".-¶¶

(6370) "Supervising Officer": Parole and post-prison supervision officer or their designee.-¶¶

(6471) "Supervisory Authority": The state or local corrections agency or official designated in each county by that

county's Board of County Commissioners or County Court to operate correction supervision services, custodial facilities, or both (per ORS 144.087).-¶¶

(6572) "Terminal illness or injury": A progressively deteriorating condition that is life threatening and determined to be incurable with current available technology.-Death is anticipated from this illness or injury or a complication thereof within the foreseeable future, regardless of the administration of life-sustaining treatment.¶¶

(6673) "Unable to move from place to place": Unable to independently move from place to place, even with the use of a mobility device.¶¶

(74) "Unauthorized Absence": Time spent outside a state correctional facility without the authorization of the Department of Corrections or Local Supervisory Authority.-¶¶

(675) "Unified Range": The total range computed under OAR 255-035-0021 for consecutive sentences.-¶¶

(768) "Unsum the Ranges": Will establish a matrix range at less than the unified range. The effect of "unsumming" is to treat one or more ranges as concurrent.-¶¶

(6977) "Variations": The time periods that the Board may use to set a prison term above or below the matrix range pursuant to Exhibit D.-¶¶

(708) "Victim":-¶¶

(a) Any person determined by the prosecuting attorney, the court, or the Board to have suffered direct financial, psychological, or physical harm as a result of a crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision.-¶¶

(b) Any person determined by the Board to have suffered direct financial, social, psychological, or physical harm as a result of some other crime connected to the crime that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision. The term "some other crime connected to the crime that is the subject of the proceeding" includes: other crimes connected through plea negotiations; or admitted at trial to prove an element of the offense. The Board may request information from the District Attorney of the committing jurisdiction to provide substantiation for such a determination.-¶¶

(c) Any person determined by the Board to have suffered direct financial, social, psychological, or physical harm as a result of some other crime connected to the sentence for which the offender seeks release that is the subject of a proceeding conducted by the State Board of Parole and Post-Prison Supervision. The term "connected to the sentence for which the offender seeks release" includes other crimes that were used as a basis for: a departure sentence, a merged conviction, a concurrent or a consecutive sentence, an upper end grid block sentence, a dangerous offender sentence, or a sentence following conviction for murder or aggravated murder. The Board may request information from the District Attorney of the committing jurisdiction to provide substantiation for such a determination.

Statutory/Other Authority: ORS 144.050, 144.140

Statutes/Other Implemented: ORS 144.050, 144.140

NOTICE FILED DATE: 10/28/2024

RULE SUMMARY: Board is revising its policies for adults in custody to apply for early medical release from incarceration in order to make the procedures more transparent and easier to understand. The new rules include a form for making a request and a form for the Department of Corrections to state the medical needs of the adult in custody.

CHANGES TO RULE:

255-040-0028

Reductions for a Severe Medical Condition or Incapacitated Elderly Person Advancing Release Dates for Adults in Custody (AIC) with Severe Medical Condition or Permanent Incapacity

~~(1) Except as provided in subsections (3) and (4) of this rule, Terms in this rule are defined in OAR 255-005-0005.~~

~~(2) In accordance with this rule, the Board may advance the parole date of an AIC as provided in ORS 144.122(1)(b) or ORS 144.122(1)(c) or may advance the release date of an AIC as provided in ORS 144.126.~~

~~(3) Initiating the Process~~

~~(a) The Board will make available an Early Medical Release Request form (Exhibit-EMR-R) that may be submitted to the Board may consider reductions in prison terms when any inmate, regardless of whether they committed their crime before or after November 1, 1989, to request consideration for an advanced release date under this rule.~~

~~(b) An EMR-R form may be submitted by an AIC, or in the event that the AIC lacks the ability to submit the form on their own behalf, by:~~

~~(A) the AIC's legal guardian;~~

~~(B) a person who is not incarcerated and who has the legal authority to act on behalf of the AIC; or~~

~~(C) a spouse, parent, child, or sibling of the AIC, and who is not incarcerated.~~

~~(c) The Board will provide copies of the EMR-R form to the Department of Corrections to make available for AICs.~~

~~(d) Nothing in this rule should be construed as prohibiting an attorney, legal assistant, medical professional, other professional, or family member, from assisting an AIC with filling out or submitting an EMR-R form.~~

~~(e) Nothing in this rule should be construed as limiting the Board's authority to initiate a review on its own initiative. In cases in which the Board has initiated this process on its own initiative, it will complete an EMR-R form to help facilitate the Board's review.~~

~~(4) Submitting an EMR Request Form: Exhibit-EMR-R~~

~~(a) A request may be filed by submitting an EMR-R to the Board by email or mail.~~

~~(b) A request shall include the following information:~~

~~(A) a statement on how the AIC is suffering from a severe medical condition including terminal illness, or is elderly and is permanently incapacitated and is in such a manner that they are unable to move from place to place without the assistance of another. The following information must accompany a request for reduction:~~

~~(a) A medical authority's report, which attests to validity of the condition with reasons why continued incarceration would be cruel and inhumane; and person;~~

~~(B) Any available information regarding the AIC's proposed housing plan, need for housing, or the AIC's proposed plan for medical care if released;~~

~~(C) a release of information in order for DOC medical to share information with the Board; and~~

~~(D) any other relevant information.~~

~~(5) Eligibility and Medical Information~~

~~(a) If the Board determines that the AIC is not eligible under ORS 144.122 or ORS 144.126 due to their conviction or sentence, the Board shall notify the applicant that they are not eligible for early release and cease any further review of the application.~~

~~(b) If the Board determines the AIC is eligible under ORS 144.122 or ORS 144.126, the Board will ask the Department of Corrections to complete and submit a Medical Information Form (Exhibit-EMR-MIF) for the AIC.~~

~~(6) Request Packet~~

~~(a) A complete request packet shall include a:~~

~~(A) completed EMR-R with signed Release of Information submitted by a person under Subsection (3); and~~

~~(B) completed EMR-MIF provided by DOC medical provider.~~

~~(b) The Board shall follow all victim's rights and notification procedures under ORS 144.750.~~

~~(7) Release Decisions~~

~~(a) Upon receipt of a complete Request Packet, the Board may advance the release date of an AIC, if the Board determines that continued incarceration is cruel and inhumane and that resetting the release date to an earlier~~

date is not incompatible with the best interests of the AIC and society and that the AIC: ¶

(A) suffers from a severe medical condition including terminal illness; or ¶

(B) is elderly and is permanently incapacitated in such a manner that the AIC is unable to move from place to place without the assistance of another person. ¶

(b) When making the determination in subsection (7)(a) of this rule, the Board may consider, but is not limited to considering, the following information: ¶

(A) the age of the AIC; ¶

(B) a medical provider's determination of whether the AIC is elderly and unable to move from place to place without the assistance of another person; ¶

(C) whether the AIC has a severe medical condition including a terminal illness; ¶

(D) a medical provider's diagnosis of the nature and severity of AIC's medical condition and the effect on the AIC's Activities of Daily Living (ADL); ¶

(E) the AIC's institutional disciplinary conduct; ¶

(bF) ~~the institution superintendent's recommendation~~ AIC's criminal history and history of prior performance on supervision; ¶

(G) any available information regarding the AIC's proposed housing plan and plan for medical care; ¶

(H) information relevant to there being a reasonable probability that the AIC will remain in the community without violating the law or condition; and ¶

(c) ~~The Department of Corrections Director's recommendation regarding whether resetting the release date to an earlier date is in the best interests of the AIC and society.~~ The Department of Corrections Director's recommendation regarding whether resetting the release date to an earlier date is in the best interests of the AIC and society; ¶

(I) any available information regarding risk of harm to any victim of the AIC's previous criminal conduct; ¶

(J) if available, an assessment of the AIC's current risk of re-offending and risk of harm to the community; ¶

(K) the degree of premeditation or deviancy involved in the commission of the crime and whether the AIC's rehabilitative efforts and severe medical condition mitigates those underlying factors; ¶

(L) whether the AIC is able to participate in educational, employment, and rehabilitative programs, or other institution activities considering the AIC's medical condition; and ¶

(M) any other relevant information. ¶

(c) The Board may order a psychological evaluation under ORS 144.223 and perform a risk assessment prior to making an early medical release determination. An AIC's refusal to participate with the best interests of the inmate and society; and ¶

(d) ~~The Governor's commutation for those sentenced to life in prison or death for aggravated murder.~~ ¶

(2) ~~If a hearing may threaten the health and safety of the inmate or the Board, the Board shall consider the reduction administratively and may grant it upon an affirmative majority vote.~~ a Board ordered risk assessment or psychological evaluation may be grounds for the Board to deny early medical release. ¶

(d) For purposes of this rule, "incapacitated" has an ordinary and common meaning. ¶

(8) Initial Decisions ¶

(a) The Board may, in its discretion, consider the advancement of release administratively and may grant it upon an affirmative vote of a majority of three Board members or, if the chairperson requires all voting members to participate, a majority of all voting members. ¶

(b) The Board may, in its discretion, hold a hearing to consider the information listed in Subsection (7). The hearing shall be conducted in accordance with the Board's procedural rules in Division 30. ¶

(c) The Board shall notify any registered victim, and the district attorney from the committing jurisdiction, of the AIC's request for Early Medical Release, and provide an opportunity to submit information for the Board to consider prior to making a decision under this subsection. In the event that a hearing is scheduled to consider the AIC's request for Early Medical Release, the Board shall notify the district attorney from the committing jurisdiction and any registered victim of the date and time of the hearing and provide an opportunity to provide a statement consistent with the procedural rules in OAR 255-030. If provided, the Board shall consider such information prior to making an initial decision. ¶

(d) After receipt of a completed Request Packet, the Board shall decide and notify the Department of Corrections, the AIC or their representative, and the district attorney from the committing jurisdiction, and any registered victim, of the Board's initial decision under the following timelines: ¶

(A) 45 days if the decision is made administratively; or ¶

(B) 120 days if a hearing is held. ¶

(e) If the Board is unable to issue a decision by the timeline in (8)(d), the Board will issue a written notice explaining the reasons for the delay. ¶

(f) If the Board determines that advancing the release date of an AIC pursuant to this rule is appropriate, the Board will ask DOC to prepare a release plan, including suitability of medical care and suitable housing. ¶

(32) For inmates sentenced under Ballot Measure 11 (ORS 137.700), the Board has no authority to grant an early release due to a medical condition. ¶

(a) Upon receipt of notice from DOC that a release plan has been determined, including suitability of medical care and suitable housing, the Board will review the plan and make a final determination as to whether to advance the release date of the AIC. ¶

(b) If the Board determines the AIC has an appropriate housing placement, and a suitable medical care plan, the Board shall generate a written final order advancing the parole release date or release date and provide the order to DOC and the AIC. ¶

(c) Upon notice from DOC that a release plan cannot be determined, including suitability of medical care and suitable housing, the Board may deny the request. ¶

(d) After the Board makes a final decision concerning the AIC's request for Early Medical Release, the Board shall notify the Department of Corrections, the AIC or their representative, and the district attorney from the committing jurisdiction. ¶

(4) For inmate, and any registered victim of the decision. ¶

(10) The Board has no authority to grant early release to AICs sentenced under Ballot Measure 11 (ORS 137.700, 137.707). For AICs who committed their crime(s) after June 12, 1997, if and the sentencing order states that the inmate AIC is not entitled to any form of early release, the Board has no authority to grant an early release date due to a medical condition. If a sentencing order states that the inmate is eligible for early release, the Board may grant an early release due to a medical condition as provided in this. ¶

(11) If the Board does not advance the release date of an AIC who has requested Early Medical Release under this rule, any subsequent request should include an assessment as to whether there has been a significant change in the AIC's medical condition or prognosis since the prior request. ¶

(12) The Board has the discretion to prioritize the order in which all requests and notifications are considered. ¶

(13) An AIC may seek administrative review of a final decision issued under Subsection (9) of this rule, as provided under Division 80 of the Board's administrative rules.

Statutory/Other Authority: ORS 144.110, 144.122, 144.126, 161.610

Statutes/Other Implemented: ~~ORS~~ 144.122, 144.126

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.



Oregon

Tina Kotek, Governor

Board of Parole and Post-Prison Supervision

1321 Tandem Ave. NE

Salem, OR 97301

(503) 945-0900

<http://egov.oregon.gov/BOPPPS>

Request for Early Medical Release – Exhibit EMR-R

AIC Applicant Name: _____

Date: _____

SID: _____ Facility Applicant is Housed: _____

Name of person filling out this form (if not AIC): _____

Relationship of person filling out this form (if not AIC):

☐ Family member

☐ Guardian

Has the AIC Previously Applied: YES NO

Date of Previous Application: _____

If YES, what is the change in medical circumstances?

Please provide the following information. Attach additional pages if necessary.

State how the AIC:

is suffering from a severe medical condition including terminal illness.

is elderly and permanently incapacitated in such a manner that they are

unable to move from place to place without the assistance of another person.

AIC's proposed housing plan on release:

AIC's proposed plan of care on release:

Other relevant information:

☐ I consent to this request for early medical release.

____ (initial) I authorize DOC to release my medical records, including mental health treatment, to the Board of Parole for the purposes of this request for early medical release. I understand I can cancel permission to use and disclose my information at any time in writing. (Refusal to initial this release of information may result in denial of application.)

____ (initial) I authorize DOC to release HIV/ AIDS related records if related to condition relied upon in requesting early release.

AIC Signature

Date

Applicant Signature
(If not AIC)

Date

Return completed form to ParoleBoardEarlyMedicalRelease@paroleboard.oregon.gov or mail to address above.

----- Board Use Only -----

This application does not apply to adults in custody who are: sentenced to life imprisonment without the possibility of release or parole under ORS 138.052 or 163.150; have not served a minimum term under Measure 11; are not eligible for sentence reduction; or prohibited under other state law. Exhibit EMR-R

Applicable statutes: ORS 144.122, 126 Statutory Eligibility: YES NO Date Determined: _____ PB0061 – 2024
Page 2 of 2



Oregon

Tina Kotek, Governor

Board of Parole and Post-Prison Supervision

1321 Tandem Ave. NE, Salem, OR 97301 (503) 945-0900

<http://egov.oregon.gov/BOPPPS>

ParoleBoardEarlyMedicalRelease@paroleboard.oregon.gov

DOC MEDICAL INFORMATION FORM – Exhibit EMR-MIF

Internal State of Oregon document for use by DOC medical staff only.
Please answer each question and attach additional pages if necessary.

AIC Name: _____ SID: _____ Board Referral Date: _____

Diagnosis:

Prognosis: Please describe if applicant's diagnosis is likely to cause death in 12 months or less; or has an illness, injury, impairment, or physical condition that would require care in a hospice setting or residential medical facility; or is aged 55 or older and permanently incapacitated and is unable to move from place to place without the assistance of another person.

Impacts: How does applicant's illness or incapacitation affect their Activities of Daily Living (ADL)?

Care: What is the applicant's current problem list and plan of care? What is required for continuity of care if AIC is released into the community?

Name & Title

Signature

Date

Board Received Date: _____

Applicable statutes: ORS 144.122, 126

Internal document

Exhibit EMR-MIF

PB0062 – 2024