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ADMINISTRATIVE REGULATION
NUMBER 708

OPR: HEALTH SERVICES

MEDICAL FURLOUGH PROGRAM

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures for the discretionary medical furlough of certain eligible inmates within ADOC custody.

II. POLICY

It is the policy of the ADOC to allow medical furloughs for certain eligible geriatric, permanently incapacitated, and terminally ill inmates within ADOC custody in accordance with the eligibility criteria established in applicable Alabama law and approved by the Commissioner of the ADOC.

III. DEFINITIONS AND ACRONYMS

- A. **Geriatric Inmate:** A person 55 years of age or older, who is not convicted of either a capital felony offense or a sexual offense and sentenced to the custody of ADOC, who suffers from a chronic life-threatening infirmity, life-threatening illness, or chronic debilitating disease related to aging, who poses a low risk to the community, and who does not constitute a danger to self or society.
- B. **Medical Furlough Program:** An inmate release program administered by the ADOC Commissioner that authorizes the release of certain eligible geriatric, permanently incapacitated, or terminally ill inmates within ADOC custody.
- C. **Medical Furlough Security Administrator:** A designated APOSTC-certified ADOC security staff responsible for the oversight of all inmates assigned to the Medical Furlough Program.
- D. **Permanently Incapacitated Inmate:** A person, who is not convicted of either a capital felony offense or a sexual offense and sentenced to the custody of ADOC, who possesses a permanent, irreversible physical or mental health condition that prevents the person from being able to perpetrate a violent physical action upon another person or self or initiate or participate in a criminal act, which results in

the need of either immediate daily assistance from a caretaker or a long-term skilled medical or rehabilitation center to perform or assist with activities of daily living or medications or treatments to sustain life that requires regular diagnostic tests to monitor therapeutic effectiveness.

- E. **Terminally Ill Inmate**: A person, who is not convicted of either a capital felony offense or a sexual offense and sentenced to the custody of ADOC, who has an incurable condition caused by illness or disease that would, with reasonable medical judgment, produce death within 12 months, and who does not constitute a danger to self or society.
- F. **Vendor Health Service Administrator (HSA)**: Vendor medical staff who, by virtue of education, experience, or certification, can assume responsibility for oversight of all Vendor medical staff and the implementation of all medical services to inmates within ADOC custody at specific facilities.
- G. **Vendor Special Needs Manager**: A designated Vendor medical staff who is responsible for processing medical special needs placement as directed by the ADOC Deputy Commissioner of the Office of Health Services.

IV. **RESPONSIBILITIES**

- A. The ADOC Commissioner (or designee) shall be responsible for:
 - 1. Establishing and adopting the rules and regulations for the implementation of the Medical Furlough Program in accordance with Alabama law, including conditions of release and level of supervision upon release.
 - 2. Reviewing and rendering decisions on completed Medical Furlough Program applications within sixty (60) days of receipt of an initial application form and supporting documentation whether to approve the assignment of an inmate to the Medical Furlough Program and submitting that decision to the ADOC Deputy Commissioner of the Office of Health Services for implementation.
 - 3. Determining whether to revoke an inmate's assignment to the Medical Furlough Program either for the protection of the general public, because it is in the best interest of the medical care for the inmate, or due to a violation of conditions of release.
 - 4. Providing to the Joint Legislative Prison Oversight Committee, the House Judiciary Sentencing Commission Subcommittee, and the Alabama Sentencing Commission an annual report concerning the number of:
 - a. Medical Furlough Program applications received, approved, denied, and revoked, as well as inmate participants, illnesses, diseases, and conditions.

- b. Inmates who have spent more than 30 calendar days within the prior 12-month time period in an infirmary or under direct medical supervision for the medical condition associated with the Medical Furlough Program application or its comorbidities.
- B. The ADOC Deputy Commissioner of the Office of Health Services shall be responsible for:
 1. Developing and implementing the use of a Medical Furlough Program application packet.
 2. Establishing a system for physicians to review an inmate's Medical Furlough Program application.
 3. Designating a Vendor Special Needs Manager for the Medical Furlough Program.
 4. Receiving and reviewing completed Medical Furlough Program application packets from the Vendor Special Needs Manager for required medical assessment and recommendations, providing the initial approval or disapproval of recommendations for assignment to the Medical Furlough Program, and submitting completed Medical Furlough Program application packets to the Commissioner for final approval or disapproval.
 5. Upon receiving notification from the Commissioner that an inmate has been approved for assignment to the Medical Furlough Program, providing a scheduled release date for that inmate to the Deputy Commissioner of Men's Services and/or Deputy Commissioner of Women's Services.
 6. Coordinating the appropriate clinical and security supervision or review of inmates approved for assignment to the Medical Furlough Program in accordance with the level of supervision and conditions of release on ADOC Form 708-I, *Commissioner's Instructions*.
 7. Assigning the inmate to a Medical Furlough Security Administrator in the region in which the inmate being released on medical furlough is to reside.
 8. Notifying the inmate of the Commissioner's final decision regarding the assignment to the Medical Furlough Program.
 9. Compiling and providing to the ADOC Information Technology Division the statistical data for the Commissioner's required annual reports.
 10. Implementing a process to notify the appropriate parties within thirty (30) days of an inmate's assignment to the Medical Furlough Program.

- C. The ADOC Deputy Commissioner of Men's Services and/or ADOC Deputy Commissioner of Women's Services shall be responsible for reviewing and submitting recommendations on ADOC Form 708-H, *Criminal and Institutional Record Review*, regarding an inmate's criminal and institutional suitability for consideration for assignment to the Medical Furlough Program.
- D. The ADOC Medical Furlough Security Administrator shall be responsible for:
 - 1. Monitoring all inmates in the assigned region of the Medical Furlough Program.
 - 2. Coordinating, with the Deputy Commissioner of the Office of Health Services, an inmate's release from the facility into the assigned Medical Furlough Program region.
 - 3. Complying with ADOC Form 708-I, *Commissioner's Instructions*, regarding an inmate's level of supervision and conditions of release.
 - 4. Informing the Deputy Commissioner of the Office of Health Services when an inmate absconds; violates conditions, laws, rules, or regulations; is hospitalized; or expires.
- E. The Vendor Special Needs Manager shall be responsible for:
 - 1. ensuring that the ADOC Form 708-F, *Inmate Family or Sponsor Financial/Medical Care Acceptance*, is completed for an inmate who meets the initial medical eligibility for consideration for assignment to the Medical Furlough Program.
 - 2. Developing ADOC Form 708-G, *Discharge Planning*, for an inmate who the Deputy Commissioner of the Office of Health Services ultimately recommends for assignment to the Medical Furlough Program.
 - 3. Completing, maintaining, and submitting to the Deputy Commissioner of the Office of Health Services on a monthly basis department-wide ADOC Form 708-M, *Medical Furlough Statistical Tracking Log*, to track inmates from all facilities recommended, approved, denied, or revoked for assignment to the Medical Furlough Program.
- F. The ADOC Director of Classification Division (or designee) shall be responsible for reviewing and submitting recommendations on ADOC Form 708-H, *Criminal and Institutional Record Review*, regarding an inmate's criminal and institutional suitability for consideration for assignment to the Medical Furlough Program.

- G. The Vendor Health Services Administrator at each facility shall be responsible for:
1. Reviewing inmate Medical Furlough Program applications for completeness, eligibility, and consulting with the Physician at that facility.
 2. Notifying the Warden at that facility and the Vendor Special Needs Manager if an inmate is medically recommended for consideration for assignment to the Medical Furlough Program.
 - 3.
 3. Completing, maintaining, and submitting to the Vendor Special Needs Manager on a monthly basis facility-specific ADOC Form 708-M, *Medical Furlough Statistical Tracking Log*, to track inmates from that facility recommended, approved, denied, or revoked for assignment to the Medical Furlough Program.
- H. The Physician at each facility shall be responsible for:
1. Reviewing inmate Medical Furlough Program applications for eligibility and consulting with the Vendor Health Services Administrator at that facility.
 2. Rendering a decision on an inmate's medical eligibility for the Medical Furlough Program on ADOC Form 708-C, *Physician's Statement (1)*, and specifically justifying and documenting whether that inmate meets the definition of Geriatric Inmate, Permanently Incapacitated Inmate, and/or Terminally Ill Inmate.
 3. Forwarding ADOC Form 708-C, *Physician's Statement (1)*, to the Vendor Statewide Medical Director (or designee).
 - a. The Vendor Statewide Medical Director (or designee) shall review ADOC Form 708-C, *Physician's Statement (1)*, and supporting medical documentation.
 - b. The Vendor Statewide Medical Director (or designee) shall confirm on ADOC Form 708-D, *Physician's Statement (2)*, whether the inmate meets the definition of Geriatric Inmate, a Permanently Incapacitated Inmate, and/or Terminally Ill Inmate.
 4. Preparing and submitting to the Vendor Special Needs Manager the clinical discharge planning orders for an inmate approved for assignment to the Medical Furlough Program.

- I. The Family or Sponsor of an inmate approved for assignment to the Medical Furlough Program shall be responsible for:
 1. Completing and submitting to the Vendor Special Needs Manager ADOC Form 708-F, *Inmate Family or Sponsor Financial/Medical Care Acceptance*, agreeing to provide shelter, care, and financial support to that inmate.
 2. Providing information to the Vendor Special Needs Manager on that inmate's progressing medical condition.
 3. Providing transportation for that inmate to and from medical appointments, reviews, or assessment, as required by the ADOC.
 4. Assuming all financial obligations and responsibilities related to that inmate's medical care, medications, hospitalizations, nursing home care, and funeral expenses.
 5. Notifying the Medical Furlough Security Administrator of any violations of ADOC Form 708-E, *Inmate Agreement*, and ADOC Form 708-F, *Inmate Family of Sponsor Financial/Medical Care Acceptance*.
 6. Immediately notifying the Medical Furlough Security Administrator of that inmate's death.
 7. Providing the Medical Furlough Security Administrator a copy of that inmate's death certificate.
- J. The Inmate shall be responsible for:
 1. Completing and submitting ADOC Form 708-B, *Inmate Consent to the Collection, Provision, and Release of Information*, and ADOC Form 708-E, *Inmate Agreement*, to the Vendor Health Services Administrator at the facility where that inmate is housed.
 2. Providing information to the Vendor Special Needs Manager on progressing medical conditions, if capable.
 3. Complying with this AR, including returning to ADOC custody and consent to appropriate disciplinary action for violations of this AR.

V. **PROCEDURES**

- A. The following individuals may initiate and submit a notarized, completed ADOC Form 708-A, *Application for Consideration of Inmate Medical Furlough*, to either the Vendor Health Services Administrator at the facility in which the inmate is housed or the ADOC Deputy Commissioner of the Office of Health Services (or designee).

1. The inmate.
 2. The inmate's family members.
 3. The inmate's attorneys.
 4. Other concerned persons.
 5. The attending physicians or other licensed health care professionals at the facility where the inmate is housed.
 6. Other ADOC employees or officials.
- B. The Vendor Health Services Administrator at each facility will:
1. Receive and review the completed ADOC Form 708-A, *Application for Consideration of Inmate Medical Furlough*.
 2. Obtain a notarized, completed ADOC Form 708-B, *Inmate Consent to the Collection, Provision, and Release of Information*, from the inmate.
 3. Review the completed ADOC Form 708-A, *Application for Consideration of Inmate Medical Furlough*, and ADOC Form 708-B, *Inmate Consent to the Collection, Provision, and Release of Information*, with the Physician at that facility and provide the Physician with ADOC Form 708-C, *Physician's Statement (1)*, for completion.
 4. Notify the Warden at that facility if an inmate is medically recommended by the Physician at that facility for consideration for assignment to the Medical Furlough Program.
 5. Coordinate with the Physician at that facility and the Vendor Special Needs Manager to initiate the request to the Vendor Statewide Medical Director (or designee) to complete ADOC Form 708-D, *Physician's Statement (2)*.
 6. Forward to the Vendor Special Needs Manager:
 - a. The original completed copy of the following information for an inmate who is medically recommended for consideration for assignment to the Medical Furlough Program:
 - (1) ADOC Form 708-A, *Application for Consideration of Inmate Medical Furlough*.
 - (2) ADOC Form 708-B, *Consent to the Collection, Provision and Release of Information*.

- (3) ADOC Form 708-C, *Physician's Statement (1)*.
 - (4) ADOC Form 708-D, *Physician's Statement (2)*.
 - (5) Supporting medical records related to the inmate's medical condition, diagnosis, prognosis, and estimated life expectancy (if applicable).
 - (6) Any other relevant documentation to support the recommendation that the inmate meets the initial medical eligibility for consideration for assignment to the Medical Furlough Program.
- b. A copy of the following information for an inmate who is not medically recommended for consideration for assignment to the Medical Furlough Program:
- (1) ADOC Form 708-A, *Application for Consideration of Inmate Medical Furlough*,
 - (2) ADOC Form 708-B, *Consent to the Collection, Provision and Release of Information*,
 - (3) ADOC Form 708-C, *Physician's Statement (1)*,
 - (4) ADOC Form 708-D, *Physician's Statement (2)*, if an inmate does not meet medical eligibility for consideration for assignment to the Medical Furlough Program
7. Files the original completed copy of all information for an inmate who is not medically recommended for consideration for assignment to the Medical Furlough Program into an unapproved file and takes no further action on that application.

C. The Vendor Special Needs Manager will:

1. Obtain a completed copy of the following forms:
 - a. ADOC Form 708-E, *Inmate Agreement*, from the inmate.
 - b. ADOC Form 708-F, *Inmate Family or Sponsor Financial/Medical Care Acceptance*, from the inmate's sponsor.
 - c. ADOC Form 216-A, *Waiver and Authorization to Release Information*, from the inmate's sponsor
2. Forward to the Deputy Commissioner of the Office of Health Services the original completed copy of the following information:

- a. ADOC Form 708-A, *Application for Consideration of Inmate Medical Furlough*.
 - b. ADOC Form 708-B, *Consent to the Collection, Provision and Release of Information*.
 - c. ADOC Form 708-C, *Physician's Statement (1)*.
 - d. ADOC Form 708-D, *Physician's Statement (2)*.
 - e. ADOC Form 708-E, *Inmate Agreement*.
 - f. ADOC Form 708-F, *Inmate Family or Sponsor Financial/Medical Care Acceptance*.
 - g. ADOC Form 216-A, *Waiver and Authorization to Release Information*.
 - h. Supporting medical records related to the inmate's medical condition, diagnosis, prognosis, and estimated life expectancy (if applicable).
 - i. Any other relevant documentation to support an inmate's medical eligibility for the Medical Furlough Program.
- D. The Deputy Commissioner of the Office of Health Services will:
1. Review the information provided by the Vendor Special Needs Manager to confirm that ADOC has received all necessary information.
 2. Forward ADOC Form 708-H, *Criminal Institutional Record Review*, to the Director of Classification Division (or designee).
- E. The Director of Classification Division (or designee) will:
1. Review and submit recommendations on ADOC Form 708-H, *Criminal Institutional Record Review*.
 2. Return ADOC Form 708-H, *Criminal Institutional Record Review*, to the Deputy Commissioner in the Office of Health Services.
- F. The Deputy Commissioner of the Office of Health Services will:
1. Review ADOC Form 708-H, *Criminal Institutional Record Review*.
 2. Forward ADOC Form 708-H, *Criminal Institutional Record Review*, to the Deputy Commissioner of Men's Services and/or the Deputy Commissioner of Women's Services.