

ARKANSAS REGISTER

RECEIVED

Transmittal Sheet

AUG 30 1991



W. J. "BILL" McCUEN
SECRETARY OF STATE

W. J. "Bill" McCuen

Secretary of State

State Capitol Rm. 010

Little Rock, Arkansas 72201-1094

For Office

Use Only:

Effective Date

09/18/91

Code Number

007.00 91-- 018

Name of Agency Arkansas Department of Correction

Department of Correction

Contact Person A. L. Lockhart, Director

Statutory Authority for Promulgating Rules Act 50 of 1968, First Extraordinary Session,
as amended

Administrative Regulation 850 - Inmates With A Terminal Illness
Date

Intended Effective Date

☐ Emergency

Legal Notice Published 6/23-29/91

☐ 20 Days After Filing

Final Date for Public Comment 7/11/91

☒ Other

Filed With Legislative Council 6/21/91

Please use September 18, 1991
as the effective date

Reviewed by Legislative Council 8/1/91

Adopted by State Agency 8/28/91

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 As Amended.

A handwritten signature in dark ink, appearing to read "A. L. Lockhart", written over a horizontal line.

Signature

DIRECTOR

Title

8/28/91

Date



ADMINISTRATIVE REGULATIONS

STATE OF ARKANSAS

DEPARTMENT OF CORRECTIONS

RECEIVED
AUG 30 1991
W. J. "BILL" MCQUEEN
SECRETARY OF STATE
By _____

Section Number

Page Number

1 of 3

Board of Correction Approval Date:

8/28/91

Supersedes:

Dated:

Attorney General

Review Date:

8/28/91

Date Filed
Secy. of State:

8/29/91

SUBJECT: Inmates With A Terminal Illness

I. AUTHORITY:

The Board of Correction is vested with the authority to promulgate administrative regulations by Act 50 of 1968, First Extraordinary Session, as amended; authority to release terminally ill inmates is granted through Act 771 of 1991, Regular Session.

II. PURPOSE:

Establishes the criteria for determination of terminal illness, and the procedures for considering the release of terminally ill inmates.

III. APPLICABILITY:

To those convicted felons not under sentence of death who have been identified by the medical authority as having terminal illness; medical staff and staff filling positions listed as being on the screening committee; the Director and such staff as are involved with the release of inmates.

IV. DEFINITIONS:

- A. Terminal illness - An illness which, in the independent opinion of two physicians, can be expected, on the average, to result in death within 12 months of the date of the medical examination.
- B. Reasonable risk - An assessment made by the screening committee, with the assistance of any professional advice sought by the committee, that the risk to the community of releasing a particular individual is minimal based on the incapacitation of that individual due to ongoing physical debility and/or based on the rehabilitated status of the individual.



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

850

Page Number

2 of 3

Board of Correction Approval Date:

8/28/91

Supersedes:

Dated:

Attorney General
Review Date:

8/28/91

Date Filed
Secy. of State:

8/29/91

SUBJECT: Inmates With A Terminal Illness

C. Screening Committee - A committee, the specific composition of which may vary at the discretion of the Director, which would typically include:

1. the Deputy Director, as Committee Chair
2. a representative of Mental Health Services
3. the Administrator of Medical Services
4. a Unit Warden
5. a representative of Parole Services.

D. Emergency - A condition which may be declared, by the Director, to exist when the death of an inmate is imminent, so that certain procedural aspects of staffing and due process can be accelerated or waived.

V. POLICY:

It shall be the policy of the Department of Correction to establish a screening committee to collect and evaluate information on any inmate identified as having a terminal illness and to recommend to the Director the release of terminally ill inmates who can be returned to the community with minimal risk.

VI. PROCEDURE:

- A. The medical director will furnish to the Administrator of Medical Services, on a quarterly basis, a list of inmates suffering chronic debilitation and/or acute irreversible illness or injury. A prognosis will be given for each inmate, and if that prognosis is terminal, an expected life span will be stated. This list may also be issued on an emergency basis.
- B. The Administrator of Medical Services will notify the other members of the screening committee established



ADMINISTRATIVE REGULATIONS
STATE OF ARKANSAS
DEPARTMENT OF CORRECTION

Section Number

850

Page Number

3 of 3

Board of Correction Approval Date:

8/28/91

Supersedes:

Dated:

Attorney General
Review Date:

8/28/91

Date Filed
Secy. of State:

8/29/91

SUBJECT: Inmates With A Terminal Illness

by the Director. Those members will request reports, as needed, and assemble available information pertinent to the condition and risk of release of the inmate.

- C. The screening committee will meet, and staff the inmate to complete and to check the accuracy of the information. The inmate will be given notification of the staffing, at least 10 working days prior, unless emergency conditions prevail, and will be allowed to testify and to present the documentary testimony of others during the course of the staffing.
- D. The staffing report, signed by members of the screening committee, will be submitted to the Director. The staffing report will state the recommendation of the screening committee and the evidence on which that recommendation is based. All documents collected for the screening process will be appended to the report. Any member of the screening committee voting against the majority recommendation may include, along with those documents, a dissent to the recommendation.
- E. The Director will provide the staffing report and attached documentation to the Board of Correction for any individual recommended for release under Act 771. Should an emergency situation exist, the Director may ask the Chairman of the Board to poll the members by phone.
- F. The Board will recommend continued incarceration, or set a release date for the inmate. Should continued incarceration be recommended, the Board will determine the circumstances, if any, under which further consideration may be given.

AR850