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# THE TEXAS TRIBUNE

## Lawmakers Look to Medical Parole to Cut Prison Costs

by Maurice Chammah | January 18, 2013 | [9 Comments](#)

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photo by: Caleb Bryant Miller

Inmates at a medical facility at The Estelle Unit in Huntsville.

In June 2011, Samuel Damico died of cancer while serving a 25-year prison sentence for murder. During the last year of his life, he was terminally ill and bedridden. His widow, Karen Damico, says she still does not know whether he was considered for release so that his treatment would be covered by federal programs rather than the state prison system. She estimated that his treatment had cost the [Texas Department of Criminal Justice](#) more than \$200,000.

Damico said her story is not unique, and while she harbors resentment over her husband's treatment, she also says the inefficiency surrounding it signaled a "lack of accountability" and a waste of state money. "The taxpayer is not getting the bang for the buck here," she said.

As lawmakers deal with rising costs to provide health care for prison inmates around the state, some are looking to cut costs by re-examining a program that releases inmates who are deemed the oldest, sickest and most expensive.

State Rep. [Senfronia Thompson](#), D-Houston, filed [HB 512](#) this week, a bill that would change state laws governing which prison inmates are reviewed by the Board of Pardons and Paroles for release under a program called Medically Recommended Intensive Supervision.

Brete Anderson, Thompson's legislative director, said that the goal is to make the program more efficient and "save the state some money."



The original statute governing medical parole, he said, included a “big net” of inmates who could apply for review, including virtually anyone older than 65. “It’s harder to be as thorough” when there are too many people to look at,” Anderson said. “If you tighten the net, you can get more people out of prison more efficiently.”

Anderson said the bill arose from [analysis by the Legislative Budget Board](#) suggesting that “revising eligibility criteria would increase the efficiency of the screening process by limiting the number of offenders who are referred but do not meet the Texas Board of Pardons and Paroles’ requirements for medical release.”

The proposal aims to save money by expanding access to parole review for inmates who committed violent crimes and were previously ineligible, like Damico, but may be among the most expensive. At the same time, it will restrict the kinds of medical issues for which inmates can be reviewed, including cutting broad categories like “elderly.”

The medical parole program was started in 1991 by the Legislature to allow offenders deemed by the parole board as “no longer a threat to public safety,” to be released. Many of those released in the program save the state money because their hospital bills are paid by federal programs or family members.

Inmates sentenced to death or life without parole are currently not eligible, and sex offenders are only eligible if they are in a “persistent vegetative state.” Thompson’s bill would eliminate the restriction on sex offenders, and eliminate reviews for inmates who are “elderly” but otherwise in good health, a key recommendation by the budget board.

Brian McGiverin, a staff attorney with the [Texas Civil Rights Project](#), said that giving medical parole to more inmates who aren’t deemed a threat to public safety would alleviate the budget. “There are a lot of people who are taking up a ton of money from the state budget with very little risk,” he said. “It would free up a huge amount of money.” His organization has estimated the state spends nearly \$2 million every year on its 10 most medically expensive inmates.

The board’s analysis and Thompson’s bill come amid concerns about how the state will pay for health care for Texas’ roughly 150,000 prisoners. On several occasions in 2011, the [University of Texas Medical Branch](#) — which along with the Texas Tech University Health Sciences Center, administers health care to all TDCJ inmates, — [openly considered](#) terminating its contract because UTMB had lost roughly \$50 million over two years.

Approved last session, a [yearly \\$100 fee](#) charged to inmates who seek medical care did not spur the influx of money some of its supporters had hoped for. Analysts had expected the program to raise \$5.7 million in 2012, but according to TDCJ figures, it only generated about \$2.5 million.



During the last legislative session, lawmakers **considered** similar changes to medical parole, but those proposals failed. Parole board chairwoman Rissie Owens warned about the "miraculous recovery" of terminally ill inmates who had been paroled but recovered and committed new crimes.

Responding to these concerns, Anderson, Thompson's legislative director, said, "If they get better, you can revoke" their parole.

Both Board of Pardons and Paroles spokesman Harold Battson and Marc Levin, the director of the Center for Effective Justice at the [Texas Public Policy Foundation](#), a conservative think tank, noted that the parole board can still deny release if the inmate, despite an illness, represents a continuing "threat to public safety." This section, Battson said, has led to good results. Of the nearly 1,500 offenders released under medical parole, two-thirds have died; 8 percent remain under supervision and less than 1 percent returned to custody.

"This critical provision ensures that the public can be confident that the Board of Pardons and Paroles continues to make public safety its number one priority," Levin said. "Under the bill, it would continue to be the case that no one has a right to medical parole or any type of parole."

Keeping this provision is also meant to address the concerns of victims and their family members.

Phil Trumbly's wife, Sally Hoffecker, was killed in 2008 when Donald Pugh ran into her stopped sedan. Trumbly says that Pugh was in the throes of one of his regular seizures during the accident and should have known he wasn't supposed to be driving in the first place.

Trumbly said that Pugh, who is serving a sentence for manslaughter, is trying to get out on medical parole to game the system, and he worries if Pugh is released he would endanger others. "I'm convinced if he ever gets out he's going to get behind the wheel and hurt somebody else," Trumbly said.

Pugh has applied for medical parole several times since being diagnosed with throat cancer, and his wife, Linda Pugh, who believes the car accident was caused by a heart attack and not a seizure, has a long list of complaints about a system she says is inefficient. "He's had chemo. He's had radiation," she said. "It's not cheap. I would imagine a quarter of a million that has been billed."

"If you put us in charge," Pugh said, referring to herself and her friend Karen Damico, whose husband was denied medical parole before his death. "I bet in 3 months we could cut the budget by a third."

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