

Enrolled Senate Bill 275

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to medical assistance for inmates with serious mental illnesses who are released from public institutions; amending ORS 414.424; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 414.424 is amended to read:

414.424. (1) As used in this section:

(a) "Person with a serious mental illness" means a person who is diagnosed by a psychiatrist, a licensed clinical psychologist or a certified nonmedical examiner as having dementia, schizophrenia, bipolar disorder, major depression or other affective disorder or psychotic mental disorder other than a disorder caused primarily by substance abuse.

(b) "Public institution" means:

- (A) A state hospital as defined in ORS 162.135;
- (B) A local correctional facility as defined in ORS 169.005;
- (C) A Department of Corrections institution as defined in ORS 421.005; or
- (D) A youth correction facility as defined in ORS 162.135.

(2) Except as provided in [subsection] **subsections (6) and (7)** of this section, the Department of Human Services shall suspend the medical assistance of a person with a serious mental illness when:

- (a) The person receives medical assistance because of a serious mental illness; and
 - (b) The person becomes an inmate residing in a public institution.
- (3) The department shall continue to determine the eligibility of the person as categorically needy as defined in ORS 414.025.

(4) Upon notification that a person described in subsection (2) of this section is no longer an inmate residing in a public institution, the department shall reinstate the person's medical assistance if the person is otherwise eligible for medical assistance.

(5) This section does not extend eligibility to an otherwise ineligible person or extend medical assistance to a person if matching federal funds are not available to pay for medical assistance.

(6) Subsection (2) of this section does not apply to a person with a serious mental illness residing in a state hospital as defined in ORS 162.135 who is under 22 years of age or who is 65 years of age or older.

(7) A person with a serious mental illness may apply for medical assistance between 90 and 120 days prior to the expected date of the person's release from a public institution. If

the person is found to be eligible, the effective date of the person's medical assistance shall be the date of the person's release from the institution.

SECTION 2. This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

Passed by Senate April 7, 2009

.....
Secretary of Senate

.....
President of Senate

Passed by House June 2, 2009

.....
Speaker of House

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M,....., 2009

.....
Secretary of State