

A-Engrossed
Senate Bill 275

Ordered by the Senate April 3
Including Senate Amendments dated April 3

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Allows inmate with serious mental illness residing in public institution [*for 12 months or more*] to apply for medical assistance [*up to 90 days prior to date of release*] **between 90 and 120 days prior to expected date of release** and receive medical assistance upon release.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical assistance for inmates with serious mental illnesses who are released from
3 public institutions; amending ORS 414.424; and declaring an emergency.

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

5 **SECTION 1.** ORS 414.424 is amended to read:

6 414.424. (1) As used in this section:

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

11 (b) "Public institution" means:

12 (A) A state hospital as defined in ORS 162.135;

13 (B) A local correctional facility as defined in ORS 169.005;

14 (C) A Department of Corrections institution as defined in ORS 421.005; or

15 (D) A youth correction facility as defined in ORS 162.135.

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

19 (a) The person receives medical assistance because of a serious mental illness; and

20 (b) The person becomes an inmate residing in a public institution.

21 (3) The department shall continue to determine the eligibility of the person as categorically
22 needy as defined in ORS 414.025.

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

26 (5) This section does not extend eligibility to an otherwise ineligible person or extend medical

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 assistance to a person if matching federal funds are not available to pay for medical assistance.

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

5 **(7) A person with a serious mental illness may apply for medical assistance between 90**
6 **and 120 days prior to the expected date of the person's release from a public institution. If**
7 **the person is found to be eligible, the effective date of the person's medical assistance shall**
8 **be the date of the person's release from the institution.**

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

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