

FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HB 2103 - B

Seventy-Sixth Oregon Legislative Assembly – 2011 Regular Session
Legislative Fiscal Office

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Measure Description:

Permits persons who are required to pay for screening interviews, treatment programs or diagnostic assessments under driving under the influence of intoxicants statutes, and who are eligible for the state medical assistance program, to use the state medical assistance program as a third party resource.

Government Unit(s) Affected:

Oregon Judicial Department (OJD), Public Defense Services Commission (PDSC), Oregon Health Authority (OHA)

Local Government Mandate:

This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

Analysis:

Sections 1 and 2 of House Bill 2103 B-Engrossed permits persons who are required to pay for screening interviews, treatment programs or diagnostic assessments under Driving Under the Influence of Intoxicants (DUI) statutes, and who are eligible for the state medical assistance program, to use the state medical assistance program as a third party resource to support medically necessary chemical dependency services that are covered under the state medical assistance program.

In addition, current law requires only that a defendant in a diversion program agree not to use intoxicants in conjunction with the operation of a motor vehicle. Sections 3 and 4 of this bill require that the defendant agree not to use intoxicants during the diversion period with exceptions for religious practices, nonprescription drugs and prescription medication. The bill contains an emergency clause and is effective on passage.

Oregon Judicial Department (OJD)

The administrative cost of this bill on OJD is anticipated to be minimal. If this bill passes, OJD will use existing staff and resources to amend the statewide DUI diversion forms (including Spanish language version forms) to reflect changes in statutes.

Current law requires only that the defendant agree not to use intoxicants in conjunction with the operation of a motor vehicle. This bill requires that the defendant agree not to use intoxicants during the diversion period with exceptions for religious practices, nonprescription drugs and prescription medication. This change could result in an increase in the number of cases where the court terminates the diversion agreement and convicts and sentences a defendant for misdemeanor DUI. At this time, the increase in cases, if any, cannot be predicted.

Public Defense Services Commission (PDSC)

The fiscal impact of this bill on PDSC is indeterminate, but anticipated to be minimal. Current law requires only that the defendant agree not to use intoxicants in conjunction with the operation of a motor vehicle. This bill requires that the defendant agree not to use intoxicants during the diversion period with exceptions for religious practices, nonprescription drugs and prescription medication. This change could result in more defendants violating their diversion agreements, which could increase the number of

hearings at which counsel would be required to provide representation, and could result in additional costs to PDSC for attorneys working at the hourly rate. At this time, the increase in cases, if any, cannot be predicted.

Oregon Health Authority (OHA)

Passage of this bill is anticipated to have a minimal fiscal impact to OHA. The authority reports that in current practice, some OHP managed care plans cover chemical dependency treatment for individuals referred to services as a result of DUII when the services were found to be medically necessary and some do not. This inconsistency in coverage is due to differing interpretation of the current statute. Sections 1 and 2 of this bill would clarify the language and remove the inconsistency in coverage. The number of providers that refuse this service, due to the statutory language, is estimated to be small, and any impact to Medical Assistance Program (MAP) budget is expected to be minimal.