

## HOUSE AMENDMENTS TO HOUSE BILL 3536

By COMMITTEE ON HUMAN SERVICES

April 6

1 On page 1 of the printed bill, line 2, after the first semicolon insert “creating new provisions;”.  
2 Delete lines 4 through 30.

3 On page 2, delete lines 1 through 3 and insert:

4 **“SECTION 1. (1) The Department of Human Services or the Oregon Health Authority**  
5 **shall suspend, instead of terminate, the medical assistance of a person who becomes an in-**  
6 **mate of a local correctional facility, as defined in ORS 169.005, and who is expected to remain**  
7 **in the local correctional facility for no more than 12 months.**

8 **“(2) Upon notification that a person described in subsection (1) of this section is no**  
9 **longer an inmate residing in a local correctional facility, the department or the authority**  
10 **shall reinstate the person’s medical assistance if the person is eligible for medical assistance.**

11 **“(3) This section does not extend eligibility to an otherwise ineligible person or extend**  
12 **medical assistance to a person if matching federal funds are not available to pay for the**  
13 **medical assistance.**

14 **“SECTION 2. ORS 411.439 is amended to read:**

15 **“411.439. (1) As used in this section:**

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

20 **“(b) ‘Public institution’ means:**

21 **“(A) A state hospital as defined in ORS 162.135;**

22 **“(B) A local correctional facility as defined in ORS 169.005;**

23 **“(C) A Department of Corrections institution as defined in ORS 421.005; or**

24 **“(D) A youth correction facility as defined in ORS 162.135.**

25 **“(2) Except as provided in subsections (6) and (7) of this section, the Department of Human**  
26 **Services or the Oregon Health Authority shall suspend, instead of terminate, the medical as-**  
27 **sistance of a person with a serious mental illness when:**

28 **“(a) The person receives medical assistance because of a serious mental illness; and**

29 **“(b) The person becomes an inmate residing in a public institution.**

30 **“(3) The department or the authority shall continue to determine the eligibility of the person**  
31 **as categorically needy as defined in ORS 414.025.**

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

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

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 re-  
3 siding in a state hospital as defined in ORS 162.135 who is under 22 years of age or who is 65 years  
4 of age or older.

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

9 **“SECTION 3. The Department of Human Services and the Oregon Health Authority shall**  
10 **jointly report to the Legislative Assembly no later than May 31, 2013, on the feasibility of**  
11 **requiring the suspension, instead of the termination, of medical assistance provided to per-**  
12 **sons who become inmates of local correctional facilities, as defined in ORS 169.005, or De-**  
13 **partment of Corrections institutions, as defined in ORS 421.005, who are expected to be**  
14 **incarcerated for more than 12 months.”.**

15 In line 4, delete “2” and insert “4”.

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