

# House Bill 3536

Sponsored by Representatives PARRISH, TOMEI; Representatives FREDERICK, GILLIAM, GREENLICK, HARKER, THOMPSON, WEIDNER

## 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 **as introduced**.

Requires Oregon Health Authority to suspend medical assistance of recipient of medical assistance who becomes inmate of public institution.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to medical assistance; amending ORS 411.439; and declaring an emergency.

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

4 **SECTION 1.** ORS 411.439 is amended to read:

5 411.439. (1) As used in this section[.],

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

10 [(b)] "public institution" means:

11 [(A)] (a) A state hospital as defined in ORS 162.135;

12 [(B)] (b) A local correctional facility as defined in ORS 169.005;

13 [(C)] (c) A Department of Corrections institution as defined in ORS 421.005; or

14 [(D)] (d) A youth correction facility as defined in ORS 162.135.

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

18 [(a) The person receives medical assistance because of a serious mental illness; and]

19 [(b) The person] **who** becomes an inmate [residing] in a public institution.

20 (3) The [department] **authority** shall continue to determine the eligibility of the person as  
21 categorically needy as defined in ORS 414.025.

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

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

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

30 [(7)] (6) A person [with a serious mental illness] **whose medical assistance is suspended under**

**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 **this section** may apply for medical assistance between 90 and 120 days prior to the expected date  
2 of the person's release from a public institution. If the person is found to be eligible, the effective  
3 date of the person's medical assistance shall be the date of the person's release from the institution.

4 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**  
5 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
6 **on its passage.**

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