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To: House Health Care Committee

From: John Powell, representing Regence

Subject: HB 2385

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Chair Greenlick and members of the committee:

HB 2385 has been introduced in a previous session of the legislature. The measure did not pass in part due to the provision of the measure that indemnifies driving under the influence of intoxicants (DUII).

Current law specifies an exemption for health insurance to pay the cost of screening and treatment for court ordered DUII. Line 20 on page 2 of HB 2385 eliminates the exemption, requiring health insurance to indemnify the screening and treatment for court ordered DUII.

Attached is a copy of the existing statutes outlining the offense of driving under the influence of intoxicants. Please note that under ORS 813.021 (page 5), the court is clearly instructed as part of the penalty, to require the wrongdoer to pay for the screening and treatment of court ordered DUII treatment:

**ORS 813.021 Requirements for screening interview and treatment program.**

- (1) When a court, in accordance with ORS 813.020, requires a person to complete a screening interview and a treatment program, the court shall require the person to do all of the following:**
- (a) Complete a screening interview for the purpose of determining appropriate placement of the person in a program for treatment for alcoholism, drug dependency or dependency on inhalant.**
  - (b) Pay directly to the agency or organization conducting the screening interview a fee of \$150.**
  - (c) Complete the treatment program to which the person is referred.**
  - (d) Pay for the treatment program to which the person is referred.**

HB 2385 reverses this public policy, requiring the costs to be shifted to ratepayers of health insurance premiums.

Testimony from the Oregon Health Authority in a previous session indicated that the poor are given assistance in paying for court ordered DUII screening and treatment. Medicaid reimbursement is provided those who cannot afford it and scholarships are available for those without financial means.

This issue is not a matter of whether the wrongdoer receives treatment; in these cases a court has ordered treatment and completion of the treatment. The issue presented by HB 2385 is whether the most dangerous driving activity in our society (one out of three traffic deaths) will be indemnified by those struggling to pay health insurance premiums.

We urge the committee to once again reject this change in public policy.

felony that has operation of a motor vehicle as an element, or of a felony that involved death, injury or property damage caused by the use of a motor vehicle, the commission shall:

(a) Consider two prior convictions of misdemeanor driving while under the influence of intoxicants to be equivalent to one conviction of felony driving while under the influence of intoxicants; and

(b) Consider felony driving while under the influence of intoxicants to be a person felony and consider misdemeanor driving while under the influence of intoxicants to be a person Class A misdemeanor. [1999 c.1049 §3; 2011 c.598 §1]

**813.020 Fee to be paid on conviction; screening and treatment; mandatory imprisonment or community service; attendance at victim impact treatment session; session fee.**

When a person is convicted of driving while under the influence of intoxicants in violation of ORS 813.010, a court shall comply with the following in addition to any fine or other penalty imposed upon the person under ORS 813.010:

(1) The court shall require the person to:

(a) Pay to the court the fee described under ORS 813.030 in addition to any fine imposed under ORS 813.010; and

(b) Complete a screening interview and a treatment program as provided in ORS 813.021.

(2) The court must impose and not suspend execution of a sentence requiring the person either to serve at least 48 hours' imprisonment, which shall be served consecutively unless justice requires otherwise, or to perform community service for times specified by the court under ORS 137.129. For purposes of this subsection:

(a) A court may provide for the imprisonment to be served in jail, minimum security facilities or inpatient rehabilitation or treatment centers.

(b) Whenever the judge provides for the mandatory imprisonment to be served other than consecutively, the judgment

must specifically so provide and the judge must state the reasons in writing.

(3) In a county that has a victim impact program a court may require the person to attend a victim impact treatment session. If the court requires attendance under this section, the court may require the defendant to pay a reasonable fee to the victim impact program to offset the cost of the defendant's participation. The fee shall be established for each county by the victim impact panel coordinator and steering committee of that county and shall be not less than \$5 or more than \$50. [1983 c.338 §588; 1985 c.16 §294 and former 487.549; 1989 c.576 §5; 1991 c.557 §3; 1993 c.13 §4; 1993 c.468 §1; 1999 c.126 §1; 2003 c.14 §496]

**813.021 Requirements for screening interview and treatment program.** (1) When a court, in accordance with ORS 813.020, requires a person to complete a screening interview and a treatment program, the court shall require the person to do all of the following:

(a) Complete a screening interview for the purpose of determining appropriate placement of the person in a program for treatment for alcoholism, drug dependency or dependency on inhalants.

(b) Pay directly to the agency or organization conducting the screening interview a fee of \$150.

(c) Complete the treatment program to which the person is referred.

(d) Pay for the treatment program to which the person is referred.

(2) The screening interview required by this section shall be conducted by an agency or organization designated by the court. The designated agency or organization must meet the standards set by the Director of the Oregon Health Authority to conduct the screening interviews. Wherever possible a court shall designate agencies or organizations to perform the screening interview that are separate from those that may be designated to carry out a