

A-Engrossed
House Bill 2087

Ordered by the House April 18
Including House Amendments dated April 18

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber, M.D., for Oregon Health Authority)

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.

[Requires Oregon Health Authority to submit written report on legislative changes that will need to be made during 2015 regular session of Legislative Assembly to align state law with federal laws concerning health care delivery.]

Authorizes designee of local correctional facility, Department of Corrections institution or youth correction facility to apply for medical assistance on behalf of person residing in facility or institution, in order to qualify person for medical assistance coverage of hospitalization occurring outside facility or institution. Authorizes designee to obtain otherwise confidential information, including Social Security number, only for purposes of applying for assistance and prohibits redisclosure of information without authorization from resident of facility or institution.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to health care delivery; amending ORS 414.440 and 419C.550; and declaring an emergency.

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

SECTION 1. ORS 414.440 is amended to read:

414.440. (1) **As used in this section, "correctional facility" means:**

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

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

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

[(1)] **(2)** The Department of Human Services or the Oregon Health Authority shall suspend, instead of terminate, the medical assistance of a person who *[becomes an inmate of a local]* **is residing in a** correctional facility¹*[, as defined in ORS 169.005,]* and who is expected to remain in the *[local]* correctional facility for no more than 12 months.

[(2)] **(3)** Upon notification that a person described in subsection *[(1)]* **(2)** of this section is *[no longer an inmate]* **not** residing in a *[local]* correctional facility, the department or the authority shall reinstate the person's medical assistance if the person is eligible for medical assistance.

(4)(a) A designee of a correctional facility may apply for medical assistance on behalf of a person, while the person is residing in the correctional facility, for the purpose of establishing eligibility for medical assistance during a period of hospitalization that will occur outside of the correctional facility.

(b) The designee may obtain information necessary to determine eligibility for medical assistance, including the person's Social Security number or information that is not otherwise subject to disclosure under ORS 411.320 or 413.175. The information obtained under this

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 **paragraph may be used only for the purpose of assisting the person in applying for medical**
2 **assistance and may not be redisclosed without the person's authorization.**

3 **(c) If the person is determined eligible for medical assistance, the effective date of the**
4 **person's medical assistance shall be the date the person begins the period of hospitalization**
5 **outside of the correctional facility.**

6 [(3)] (5) This section does not extend eligibility to an otherwise ineligible person or extend
7 medical assistance to a person if matching federal funds are not available to pay for the medical
8 assistance.

9 **SECTION 2.** ORS 419C.550 is amended to read:

10 419C.550. A person, agency or institution having legal custody of a youth or youth offender has
11 the following duties and authority:

12 (1) To have physical custody and control of the youth or youth offender.

13 (2) To supply the youth or youth offender with food, clothing, shelter and incidental necessities.

14 (3) To provide the youth or youth offender with care, education and discipline.

15 (4) To authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial
16 care and treatment for the youth or youth offender, and, in an emergency when the youth or youth
17 offender's safety appears urgently to require it, to authorize surgery or other extraordinary care.

18 (5) To make such reports and to supply such information to the court as the court may from time
19 to time require.

20 (6) To apply for any Social Security benefits, [or] public assistance **or medical assistance** to
21 which the youth or youth offender is otherwise entitled and to use the benefits or assistance to
22 [pay] **provide** for the care of the youth or youth offender.

23 **(7) To obtain and disclose information necessary to apply for Social Security benefits,**
24 **public assistance or medical assistance on behalf of the youth or youth offender including the**
25 **youth or youth offender's Social Security number or information that is not otherwise sub-**
26 **ject to disclosure under ORS 411.320 or 413.175. Information obtained under this subsection**
27 **may be used only for the purpose of applying for Social Security benefits, public assistance**
28 **or medical assistance on behalf of the youth or youth offender.**

29 **SECTION 3.** This 2013 Act being necessary for the immediate preservation of the public
30 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
31 on its passage.

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