

**SB 368 STAFF MEASURE SUMMARY**

**Senate Committee On Health Care**

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**Prepared By:** Oliver Droppers, LPRO Analyst

**Meeting Dates:** 3/7, 3/23

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**WHAT THE MEASURE DOES:**

Creates a new definition for individuals that are in the custody of a local juvenile justice system. Requires commercial insurance carriers to reimburse a local municipality for the cost of medical services provided to an insured juvenile in a detention facility. Requires insurance carriers to accept credentials of a health care provider who is an employee or contractor of a detention facility unless insurer provides written notice.

*REVENUE: No revenue impact.*

*FISCAL: No fiscal impact.*

**ISSUES DISCUSSED:**

- Current law requires insurers to reimburse counties for services provided to pre-adjudicated adults (ORS 743A.260)
- Denial of medical services by insurers for services provided by counties to pre-adjudicated youth
- Insurers receipt of premiums for youth held in detention facilities
- Clarification of pre-adjudicated versus post incarceration

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

The vast majority of individuals that come into contact with the justice system are not incarcerated. In 2008, 2.11 million people under age 18 were arrested. A census in the same year showed that only 81,000 juvenile offenders were incarcerated. Studies estimate that between 50 and 75 percent of youth detained or incarcerated in the criminal justice system have a mental health or substance use disorder, and a substantial portion have a serious mental health condition.

In Oregon, youth who are in the custody of local authority are often placed in short-term detention facilities that provide temporary care for juveniles in custody, pending court disposition, awaiting placement elsewhere, or are awaiting transfer to another jurisdiction. Youth placed in detention centers receive medically necessary care provided by the state, often by contracted health care providers (i.e. physicians, dentists, mental health professionals). Juveniles that are in the custody of local authority, including pre-adjudicated youth are often eligible for or enrolled in publicly funded health insurance such as Medicaid, or insured by a commercial health plan. Medical services provided by Oregon's 11 detention facilities are the financial responsibility of the local municipality.

According to the Oregon Youth Authority, in 2016, approximately 3,907 individuals were admitted into a detention facility during their pre-adjudication phase. Among these individuals, 40.1 % were detained less than three days, 23.7 % were detained 4-8 days, 27 % were detained for 9-30 days, and the remaining 10 % were detained more than 31 days.

Senate Bill 368 requires commercial health plans to reimburse for services provided to individuals in custody awaiting adjudication by a local juvenile court.