

SB 368 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Whitney Perez, Counsel

Meeting Dates: 5/9

WHAT THE MEASURE DOES:

Expands prohibition on private insurance companies denying coverage or canceling a policy for insured solely because insured is in custody pending disposition of charges to include youth in detention facility pending juvenile adjudication. Defines key terms. Makes conforming amendments.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2014, the Legislative Assembly enacted House Bill 4110 by. HB 4110 prohibited private insurance companies from denying coverage or canceling a policy solely because the insured was in the custody of a local supervisory authority pending disposition of the insured's charges. Current Oregon law does not require insurers to reimburse counties that provide treatment to pre-adjudicated youth in detention with commercial coverage.

According to the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention, in 2008, 2.11 million people under age 18 were arrested in the U.S. In Oregon, youth in-custody awaiting adjudication are placed in detention facilities. Youth placed in a detention facility receive medically necessary care, often by contracted health care providers (i.e. physicians, dentists, mental health professionals). Medical services provided by Oregon's 11 detention facilities are the financial responsibility of the local jurisdictions.

According to the Oregon Youth Authority, in 2016, approximately 3,907 youth were admitted into a detention facility during their pre-adjudication phase. Among these individuals, 40.1 percent were detained less than three days, 23.7 percent were detained 4-8 days, 27.2 percent were detained for 9-30 days, and the remaining 9.1 percent were detained more than 31 days. An unknown percentage of these individuals were commercially insured.

Senate Bill 368 prohibits private insurance companies from denying coverage or canceling a policy solely because the insured is a detainee. Detainee is defined as including persons pending disposition of charges or adjudication in a local supervisory authority or detention facility.