

SB 368 STAFF MEASURE SUMMARY

Carrier: Sen. Hansell

Senate Committee On Health Care

Action Date: 03/23/17
Action: Do pass.
Vote: 4-0-1-0
Yeas: 4 - Beyer, Kruse, Monnes Anderson, Steiner Hayward
Exc: 1 - Knopp
Fiscal: No fiscal impact
Revenue: No revenue impact
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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.

ISSUES DISCUSSED:

- Clarification of pre-adjudicated versus post incarceration
- 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

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 years old 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 a local authority are often placed in short-term detention facilities that provide temporary care for juveniles pending court disposition (i.e. pre-adjudicated), awaiting placement elsewhere or are awaiting transfer to another jurisdiction. Youth placed in detention centers receive medically necessary care provided by the county, 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 county.

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 percent were detained for 9-30 days, and the remaining 10 percent were detained more than 31 days. An unknown percentage of these individuals were commercially insured. Current This Summary has not been adopted or officially endorsed by action of the committee.

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Oregon law does not require insurers to reimburse counties that provide treatment to pre-adjudicated youths with commercial coverage.

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