

**SB 368 STAFF MEASURE SUMMARY**

**Carrier:** Rep. Lininger

**House Committee On Judiciary**

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**Action Date:** 05/09/17

**Action:** Do Pass.

**Vote:** 10-0-1-0

**Yeas:** 10 - Barker, Greenlick, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

**Exc:** 1 - Gorsek

**Fiscal:** No fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Whitney Perez, Counsel

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**WHAT THE MEASURE DOES:**

Expands prohibition on private insurance companies denying coverage or canceling policy for insured solely because insured is in custody pending disposition of charges, to include youth in detention facility pending adjudication. Defines key terms. Makes conforming amendments. Takes effect on 91st day following adjournment sine die.

**ISSUES DISCUSSED:**

- Impetus for the measure
- Each county is currently responsible for the cost of medical expenses for juveniles pending adjudication in a detention facility
- History of legislation

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

In 2014, the Legislative Assembly enacted House Bill 4110. 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 when the youth have 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. According to the Oregon Youth Authority, in 2016, approximately 3,907 youth were admitted into a detention facility during their pre-adjudication phase. 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.

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.