

# Senate Bill 1549

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Health Care)

## 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 **as introduced**.

Requires continuation of medical assistance for specified period following admission to state hospital.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

Relating to health care; amending ORS 411.439; and declaring an emergency.

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

**SECTION 1.** ORS 411.439 is amended to read:

411.439. (1) As used in this section:

(a) "Person with a serious mental illness" means a person who is diagnosed by a psychiatrist, a licensed clinical psychologist or a certified nonmedical examiner as having dementia, schizophrenia, bipolar disorder, major depression or other affective disorder or psychotic mental disorder other than a disorder caused primarily by substance abuse.

**(b) "Recertification date" means the date 12 months after the date an application for medical assistance was last approved or renewed.**

[(b)] (c) "State hospital" has the meaning given that term in ORS 162.135.

[(2) *Except as provided in subsections (6) and (7) of this section, the Department of Human Services or the Oregon Health Authority shall suspend, instead of terminate, the medical assistance of a person with a serious mental illness when:*]

[(a) *The person receives medical assistance because of a serious mental illness; and]*

[(b) *The person is admitted to a state hospital.*]

[(3) *The department or the authority shall continue to determine the eligibility of the person for medical assistance.*]

[(4) *Upon notification that a person described in subsection (2) of this section is no longer residing in a state hospital or that the person is admitted to a medical institution outside of the state hospital for a period of hospitalization, the department or the authority shall reinstate the person's medical assistance if the person is otherwise eligible for medical assistance.*]

**(2) The Department of Human Services and the Oregon Health Authority may not terminate the medical assistance of a person who is admitted to a state hospital until the earlier of:**

**(a) Twelve months after the person is admitted to the state hospital; or**

**(b) The person's recertification date.**

[(5)] **(3)** This section does not extend eligibility to an otherwise ineligible person or extend medical assistance to a person if matching federal funds are not available to pay for medical as-

**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 sistance.

2 [(6)] (4) Subsection (2) of this section does not apply to a person with a serious mental illness  
3 residing in a state hospital who is under 22 years of age or who is 65 years of age or older.

4 [(7)] (5) A person with a serious mental illness **whose medical assistance is terminated while**  
5 **the person is admitted to a state hospital** may apply for medical assistance between 90 and 120  
6 days prior to the expected date of the person's release from a state hospital. If the person is found  
7 to be eligible, the effective date of the person's medical assistance shall be the date of the person's  
8 release from the state hospital.

9 **SECTION 2. This 2018 Act being necessary for the immediate preservation of the public**  
10 **peace, health and safety, an emergency is declared to exist, and this 2018 Act takes effect**  
11 **on its passage.**

12

---