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.

(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.

(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 ass-

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.

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

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

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