

Jail Health Care Standards Advisory Council

HB 3229 Report Overview

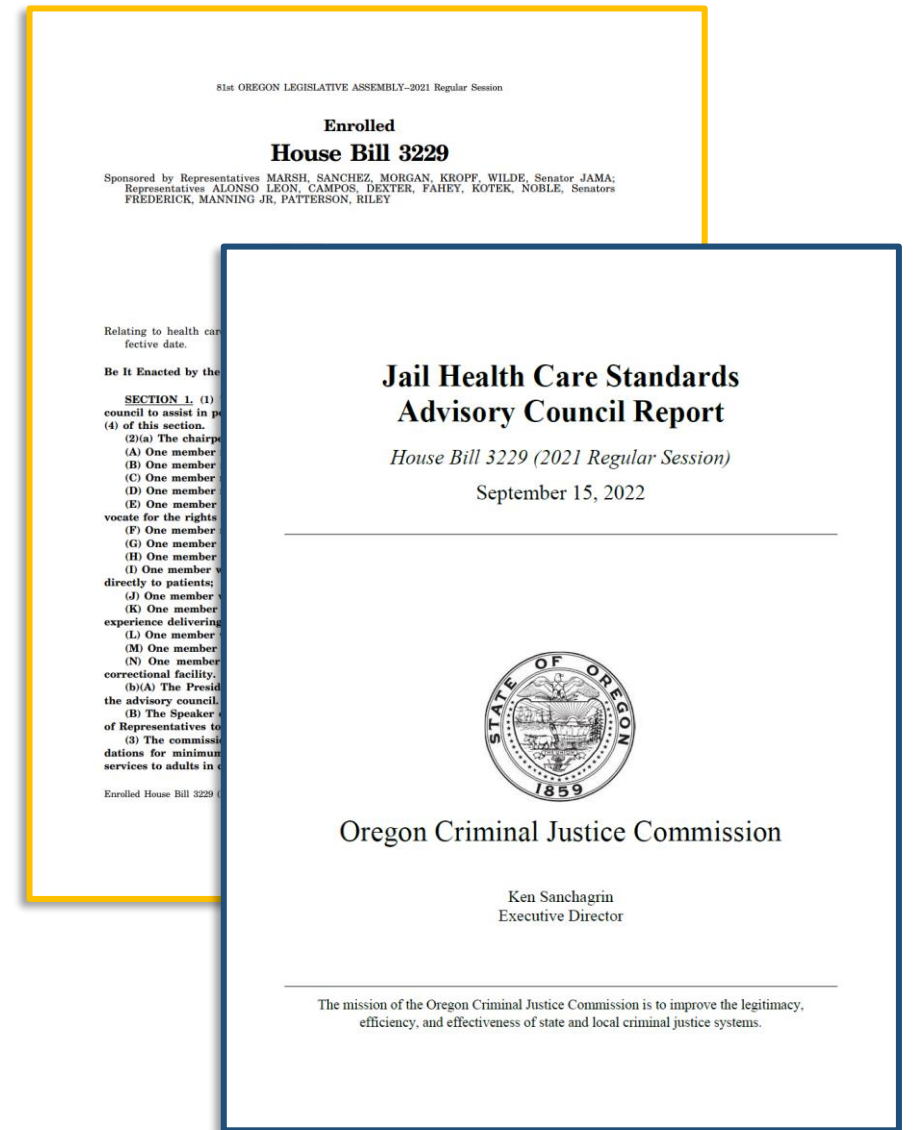
Senate Interim Committee on Judiciary and Ballot Measure 110 Implementation

December 7, 2022



Background: HB 3229 (2021)

- Jail Health Care Standards Advisory Council (JHCSAC)
 - Created in 2021 by HB 3229 and convened by Criminal Justice Commission (CJC)
 - 16-member advisory council
 - Tasked with to making recommendations on:
 1. Independent commission to review jail health care standards on an ongoing basis
 2. Jail health care standards
- Met November 2021 – September 2022
 - Issued report September 15, 2022
- CJC has placeholder concept for recommendations requiring statutory changes in 2023 Regular Session



Existing Oregon Jail Standards Sources

Mandatory Authority

- **Federal laws**
 - Eighth Amendment, U.S. Constitution
 - Prison Rape Elimination Act (2003), Americans with Disabilities Act (1990), etc.
- **Oregon laws (among others)**
 - Article I, section 16, Oregon Constitution
 - ORS Chapter 169, generally
 - ORS 169.076 – Oregon’s 15 statutory jail standards

Advisory Standards/Guidance

- **Oregon State Sheriffs’ Association’s Oregon Jail Standards**
 - 300+ standards widely used by Oregon jails
- **Facility-based internal policies and procedures**
- **National accreditation standards and other best practices**
 - National Commission on Correctional Health Care’s Standards for Health Services in Jails
 - American Bar Association’s Treatment of Prisoners
 - Issue-specific or specialized standards

Recommendations: Independent Jail Health Care Commission

○ Independent commission name and where situated:

- Name:
 - Oregon Jail Health Care Standards Commission, or
 - Oregon Jail Health Care Standards and Resources Commission
- Commission should be independent executive branch agency with rulemaking authority
- Situated within CJC or DOC's Office of Ombudsman

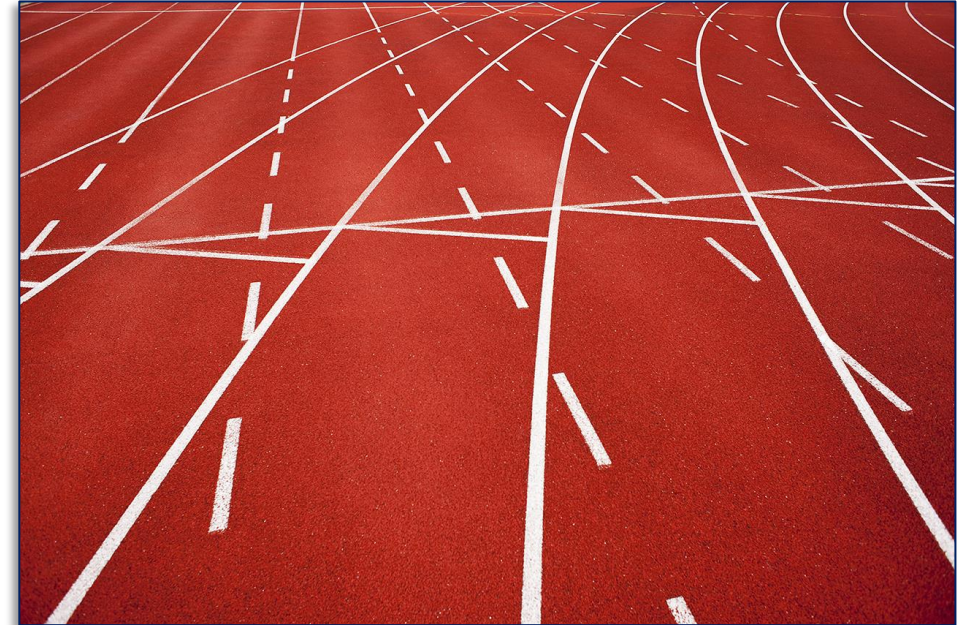
○ Membership and representation:

- About 10 members
- Representation should generally include Oregon's jails, health care professionals, and people with lived experience seeking health care in Oregon jails



Recommendations: Independent Jail Health Care Commission

- **Roles and scope of authority:**
 - Primary authority over health care standards and compliance (not intended to exclude other opportunities for review)
 - Scope specific to jail health care standards, policies, procedures
 - Compliance and technical assistance roles
- **Reporting to Legislature:**
 - Report on a biannual basis in advance of long sessions
 - Include updates on jail health care standards adopted, revised, or repealed, any compliance issues, technical assistance provided to jails, other germane issues
 - Submission of self-evaluation of current reporting every four years (every other biennium)



Recommendations: Improving Jail Health Care

Short(er)-Term (2023 Session + ongoing work)

- Establish independent jail health care commission (requires statutory modifications)
- Place role of reinstating OHP on state rather than on persons releasing from jails (requires statutory modifications)
- Expand access to incentives, info campaigns, opportunities to support jail healthcare workforce
- Set up program allowing jails to purchase frequently needed medication at government rates through DOC

Medium-Term (with Independent Jail Health Care Commission established)

- Expand transition planning resources and clarify roles between institutions from which persons releasing
- Support expansion of telehealth opportunities whenever possible
- Provide guidance on funding opportunities, best practices, administration of medication-assisted treatment programs
- Create consistency in medical screenings, including intake physical, suicide-risk, and behavioral health screenings

Long(er)-Term (with Independent Jail Health Care Commission established)

- Create statewide or regional health care provider teams to support jails when AICs need medical care
- Support expansion of non-jail, non-state hospital, community-based or regional settings for behavioral health treatment, including secure residential, residential, and outpatient services

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