House Joint Memorial 7
Sponsored by Representative LEIF, Senator STEINER HAYWARD, Representative DRAZAN

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.

Urges Congress to pass legislation to allow access to specified federal health benefits and programs for pretrial detainees, by redefining term “inmates of a public institution” as used in federal Social Security Act.

JOINT MEMORIAL
To the President of the United States and the Senate and the House of Representatives of the United States of America, in Congress assembled:
We, your memorialists, the Eighty-first Legislative Assembly of the State of Oregon, in legislative session assembled, respectfully represent as follows:
Whereas current federal law does not differentiate a person convicted of a crime from a person incarcerated prior to conviction; and
Whereas a federal law known as the Medicaid Inmate Exclusion Policy, 42 U.S.C. 1396d(a)(30)(A) (the federal Social Security Act, as amended), prohibits the payment of federal Medicaid matching funds for the cost of any services provided to an inmate, unless the inmate is also a patient in a medical institution; and
Whereas the Medicaid Inmate Exclusion Policy limits those yet to be charged with a crime from accessing their federal health benefits, including Medicaid, Children’s Health Insurance Program (CHIP) and certain veterans benefits; and
Whereas the principle of “innocent until proven guilty” applies to all under the federal and state constitutions, including all individuals under the purview of the criminal justice system; and
Whereas individuals within the criminal justice system and not yet convicted are owed their full set of rights, including access to their human and civil rights and, without limits, to their federal health benefits; and
Whereas current regulations restrict the United States Department of Veterans Affairs from providing hospital and outpatient care to an incarcerated veteran who is an inmate in an institution of another government agency when that agency has a duty to give the care or services; and
Whereas many veterans struggle with post-traumatic stress disorder (PTSD) and the Veterans Affairs National Center for PTSD is the world leader in PTSD research, education and treatment; and
Whereas incarcerated veterans should not lose access to the high quality counseling or treatment that helps them manage their symptoms, and their cycle of care should not be broken; and
Whereas people experiencing mental illness are over-represented in jails, and two-thirds of Oregon’s pretrial detainees have mental health or substance use disorders; and
Whereas more than 9,000 youths awaiting trial in detention across the country have been impacted by losing access to CHIP benefits, a large driver in keeping low-income kids safe and healthy;

NOTE: Matter in **boldfaced** type in an amended section is new; matter in *italic and bracketed* is existing law to be omitted.
New sections are in **boldfaced** type.

LC 3266
Whereas stable access to care allows for better coordination of health care services, improved health outcomes, lower short-term costs for local jails and taxpayers, and lower long-term costs for the federal government; and

Whereas access to stable health care should not be a question of access to wealth, determined by those awaiting trial who can or cannot post bail; and

Whereas suspending benefits while a person is in custody in a county jail breaks the continuity of care, thus harming the individual, as well as public health and safety; and

Whereas Medicaid is the largest funding source for behavioral health in the United States, and county jails have become the largest behavioral health facilities in the nation; and

Whereas treating mental illnesses and substance use disorders without disruption helps counties to reduce the cycle of recidivism, improves public safety and allows for continuity of treatment; and

Whereas the collection of data related to those “inmates of a public institution,” as defined under the Social Security Act, will facilitate a deeper understanding of the federal, state and county costs, and health outcomes for those moving through the justice system; now, therefore,

Be It Resolved by the Legislative Assembly of the State of Oregon:

That we, the members of the Eighty-first Legislative Assembly, respectfully urge the Congress of the United States to pass legislation to allow access to Medicaid, veterans, CHIP and other federal health benefits for pretrial detainees, by redefining the term “inmates of a public institution” under the Social Security Act of the United States; and be it further

Resolved, That a copy of this memorial shall be sent to the President of the United States, to the Senate Majority Leader, to the Speaker of the House of Representatives and to each member of the Oregon Congressional Delegation.