

House Bill 2431

Sponsored by Representative OSBORNE (Pre-session filed.)

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**.

Prohibits termination of medical assistance for person who is residing in correctional facility in pretrial detention pending adjudication. Requires Oregon Health Authority to seek federal approval to use Medicaid funds to cover costs.

A BILL FOR AN ACT

1
2 Relating to medical assistance for persons incarcerated pending adjudication; creating new pro-
3 visions; and amending ORS 411.447.

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

5 **SECTION 1.** ORS 411.447 is amended to read:

6 411.447. (1) As used in this section, "correctional facility" means:

7 (a) A local correctional facility as defined in ORS 169.005;

8 (b) A Department of Corrections institution as defined in ORS 421.005; or

9 (c) A youth correction facility as defined in ORS 162.135.

10 (2)(a) The Department of Human Services or the Oregon Health Authority **may not terminate**
11 **the medical assistance of a person residing in a correctional facility who is in pretrial de-**
12 **termination pending adjudication of charges.**

13 **(b) If a person is residing in a correctional facility as a result of a conviction, the de-**
14 **partment or the authority** shall suspend, instead of terminate, the medical assistance of [a] **the**
15 *person [who is residing in a correctional facility].*

16 (3) Upon notification that a person described in subsection (2)(b) of this section is not residing
17 in a correctional facility or that the person is admitted to a medical institution outside of the
18 correctional facility for a period of hospitalization, the department or the authority shall reinstate
19 the person's medical assistance if the person is eligible for medical assistance.

20 (4)(a) A designee of a correctional facility may apply for medical assistance on behalf of a person
21 **described in subsection (2)(b) of this section**, while the person is residing in the correctional fa-
22 cility, for the purpose of establishing eligibility for medical assistance upon the person's release from
23 the correctional facility or during a period of hospitalization that will occur outside of the
24 correctional facility.

25 (b) The designee may obtain information necessary to determine eligibility for medical assist-
26 ance, including the person's Social Security number or information that is not otherwise subject to
27 disclosure under ORS 411.320 or 413.175. The information obtained under this paragraph may be
28 used only for the purpose of assisting the person in applying for medical assistance and may not be
29 redisclosed without the person's authorization.

30 (c) If the person is determined eligible for medical assistance, the effective date of the person's
31 medical assistance shall be the date the person is released from the correctional facility or the date

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 the person begins the period of hospitalization outside of the correctional facility.

2 (5) This section does not extend eligibility to an otherwise ineligible person or extend medical
3 assistance to a person if matching federal funds are not available to pay for the medical assistance.

4 **SECTION 2. (1) The Oregon Health Authority shall seek approval from the Centers for**
5 **Medicare and Medicaid Services to receive federal financial participation in the costs of**
6 **medical assistance provided to persons who are residing in correctional facilities in pretrial**
7 **detention pending adjudication of charges.**

8 (2) No later than September 15, 2024, the authority shall report to the interim commit-
9 tees of the Legislative Assembly related to health on whether the Centers for Medicare and
10 Medicaid Services has approved the request under subsection (1) of this section.

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