

HB 2337-1
(LC 2743)
3/27/23 (VSR/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Marsh)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2337**

Delete lines 4 through 9 and insert:

“SECTION 1. Establishment of commission; membership; terms; meetings; staff. (1) The Oregon Jail Health Care Standards Commission is established within the Oregon Criminal Justice Commission.

“(2) The Oregon Jail Health Care Standards Commission consists of at least 10 members appointed by the Governor, subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565, as follows:

“(a) One member who has medical training and experience delivering health care services directly to patients;

“(b) One member who has training and experience as a pharmacist;

“(c) One member who has training in counseling, psychiatry or a similar field with experience delivering mental health services to clients;

“(d) One member who is the chief administrator at a large, county-based local correctional facility;

“(e) One member who is the chief administrator at a small, county-based local correctional facility;

“(f) One member representing a federally qualified health center;

“(g) One member who provides health care services to adults in custody at a local correctional facility;

1 “(h) One member who is the chief administrator at a municipal-
2 based local correctional facility; and

3 “(i) At least two members who have lived experience seeking or
4 receiving health care services while incarcerated at a local
5 correctional facility in Oregon.

6 “(3) In selecting candidates for appointment to the commission, the
7 Governor shall:

8 “(a) Seek to establish a commission membership consisting of a
9 diversity of backgrounds and experiences; and

10 “(b) Ensure that the appointment process is publicly noticed and
11 that a self-nomination form is publicly available.

12 “(4) The term of office of each member of the commission is four
13 years. Before the expiration of the term of a member, the Governor
14 shall appoint a successor whose term begins immediately upon the
15 expiration of the term of the current member. A member is eligible
16 for reappointment, but may serve no more than two consecutive
17 terms. If there is a vacancy for any cause, the Governor shall make
18 an appointment to become immediately effective for the unexpired
19 term, which shall not count toward the limitation of two consecutive
20 terms under this subsection.

21 “(5) Members of the commission are not entitled to compensation,
22 but may be reimbursed from funds available to the commission for
23 actual and necessary travel and other expenses incurred by the mem-
24 ber in the performance of the member’s official duties in the manner
25 and amount provided in ORS 292.495. Claims for compensation and
26 expenses incurred in performing the functions of the commission shall
27 be paid out of funds appropriated to the commission for that purpose.

28 “(6) The members of the commission shall select one or more of the
29 members to serve as chair, cochairs or trichairs.

30 “(7) The members of the commission shall select one of the mem-

bers as a vice chairperson.

“(8) A majority of the members of the commission constitutes a quorum for the transaction of business.

“(9) Official action by the commission requires the approval of a majority of the commission.

“(10) The commission shall meet at least four times per year at a time and place determined by the commission. The commission also may meet at other times and places specified by the call of the chairperson, cochairs or trichairs, as the case may be, or of a majority of the members of the commission.

“(11) The Oregon Criminal Justice Commission shall provide staff support to the Oregon Jail Health Care Standards Commission.

“(12) The commission may hire an executive director and staff, and may enter into an interagency or intergovernmental agreement for another state agency or governmental agency to provide staff to support the commission.

“SECTION 2. Initial terms. Notwithstanding the term of office specified by section 1 of this 2023 Act, of the members first appointed to the Oregon Jail Health Care Standards Commission:

“(1) Two shall serve for a term ending January 1, 2025.

“(2) Two shall serve for a term ending January 1, 2026.

“(3) Three shall serve for a term ending January 1, 2027.

“(4) Three shall serve for a term ending January 1, 2028.

“SECTION 3. Purpose and duties of commission; rules. (1) The purpose of the Oregon Jail Health Care Standards Commission is to improve the effectiveness and efficiency of health care services for adults in custody at local corrections facilities in this state by:

“(a) Supporting local correctional facilities in providing adequate and continually improving health care services to adults in custody at local correctional facilities;

1 **“(b) Providing a public forum for policymaking, discussion,**
2 **problem-solving and innovation related to the provision of health care**
3 **services to adults in custody at local correctional facilities;**

4 **“(c) Developing, maintaining, evaluating and revising minimum**
5 **standards, policies and procedures for the provision of health care**
6 **services to adults in custody at local correctional facilities;**

7 **“(d) Conducting inspections to determine whether the provision of**
8 **health care services to adults in custody at local correctional facilities**
9 **meets the minimum standards, policies and procedures established by**
10 **the commission; and**

11 **“(e) Providing technical assistance to employees and contractors**
12 **of local correctional facilities related to the provision of health care**
13 **services to adults in custody at local correctional facilities.**

14 **“(2) The commission shall have primary authority to inspect local**
15 **correctional facilities to ensure compliance with the minimum stan-**
16 **dards, policies and procedures established by the commission for the**
17 **provision of health care services to adults in custody at local**
18 **correctional facilities, including the authority to conduct unan-**
19 **nounced inspections as the commission deems appropriate.**

20 **“(3) The commission shall make publicly available the commission’s**
21 **contact information, including a phone number, a mailing address, an**
22 **electronic mail address and an online form for persons to anonymously**
23 **submit questions, comments or other information to commission staff.**

24 **“(4) All agencies of state government, as defined in ORS 174.111, and**
25 **local government, as defined in ORS 174.116, are directed to cooperate**
26 **with the commission in achieving the purposes described in this sec-**
27 **tion.**

28 **“(5) The Oregon Jail Health Care Standards Commission shall adopt**
29 **rules necessary to carry out this section, including rules establishing:**

30 **“(a) A process for the commission to elect cochairs or trichairs, as**

1 **determined by the commission;**

2 **“(b) Minimum standards, policies and procedures to govern the**
3 **provision of health care services to adults in custody by local**
4 **correctional facilities;**

5 **“(c) A protocol for the commission to conduct inspections of local**
6 **correctional facilities, including unannounced inspections;**

7 **“(d) A process for the commission to convey findings of inspections**
8 **to local correctional facilities and for administrators of local**
9 **correctional facilities to respond to the findings of an inspection;**

10 **“(e) A process for the commission to work with local correctional**
11 **facilities to resolve instances of noncompliance with the minimum**
12 **standards, policies and procedures prescribed by the commission under**
13 **this section; and**

14 **“(f) A procedure for the commission to convey information about**
15 **technical assistance opportunities to local correctional facilities.**

16 **“(6) The commission shall provide a report to the Legislative As-**
17 **sembly, in the manner provided in ORS 192.245, no later than October**
18 **15 of each even-numbered year. The report must describe the per-**
19 **formance of the Oregon Jail Health Care Standards Commission es-**
20 **tablished under section 1 of this 2023 Act. The report must include, but**
21 **need not be limited to:**

22 **“(a) Any minimum standards, policies and procedures adopted,**
23 **amended or repealed by the commission, and an explanation of the**
24 **reason for the action;**

25 **“(b) The results of inspections at local correctional facilities, in-**
26 **cluding mitigation plans to remedy any instances of noncompliance;**

27 **“(c) Any technical assistance provided to local correctional facili-**
28 **ties; and**

29 **“(d) For every other report submitted under this subsection, an**
30 **evaluation of current reporting requirements and recommendations,**

1 if any, to update the reporting requirements to improve the quality
2 of information conveyed to the Legislative Assembly.

3 **“SECTION 4. Recommendations to reinstate Oregon Health Plan**
4 **benefits.** (1) The Oregon Health Authority, in consultation with the
5 Oregon Jail Health Care Standards Commission, commission staff and
6 representatives from local correctional facilities, shall study and pre-
7 pare recommendations to reinstate Oregon Health Plan benefits for
8 eligible adults in custody upon release from a local correctional facil-
9 ity.

10 **“(2) The authority shall provide the results of the study, including**
11 **any recommended legislative changes, in a report to the appropriate**
12 **interim committees of the Legislative Assembly in the manner pro-**
13 **vided under ORS 192.245 no later than December 1, 2024. The report**
14 **must describe, but need not be limited to:**

15 **“(a) Staffing and enrollment system needs to implement the**
16 **authority’s recommendations for reinstating Oregon Health Plan ben-**
17 **efits;**

18 **“(b) A proposed implementation timeline that includes, but need**
19 **not be limited to, recommendations for local correctional facilities of**
20 **differing sizes, resources and locations to implement the authority’s**
21 **recommendations for reinstating Oregon Health Plan benefits;**

22 **“(c) Suggested roles and responsibilities for the commission to as-**
23 **sist with implementation of the authority’s recommendations; and**

24 **“(d) A cost estimate for implementation of the recommendations.**

25 **“SECTION 5. Initial report with supplemental content due.** The
26 **report described in section 3 (6) of this 2023 Act is first due October**
27 **15, 2026.**

28 **“SECTION 6. Repeals.** (1) Section 2 of this 2023 Act is repealed on
29 **January 2, 2029.**

30 **“(2) Section 4 of this 2023 Act is repealed on January 2, 2025.**

1 “(3) Section 5 of this 2023 Act is repealed on January 2, 2027.

2 “SECTION 7. Captions. The section captions used in this 2023 Act
3 are provided only for the convenience of the reader and do not become
4 part of the statutory law of this state or express any legislative intent
5 in the enactment of this 2023 Act.”.

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