PROPOSED AMENDMENTS TO
HOUSE BILL 2087

1   In line 2 of the printed bill, after the semicolon insert "amending ORS

2   414.440 and 419C.550;".

3   Delete lines 4 through 8 and insert:

4   "**SECTION 1.** ORS 414.440 is amended to read:

5   414.440. **(1) As used in this section, "correctional facility" means:**

6   **"(a) A local correctional facility as defined in ORS 169.005;**

7   **"(b) A Department of Corrections institution as defined in ORS**

8   **421.005; or**

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

10   "[*(1)*] **(2)** The Department of Human Services or the Oregon Health Au-

11   thority shall suspend, instead of terminate, the medical assistance of a per-

12   son who [*becomes an inmate of a local*] **is residing in a** correctional

13   facility[*, as defined in ORS 169.005,*] and who is expected to remain in the

14   [*local*] correctional facility for no more than 12 months.

15   "[*(2)*] **(3)** Upon notification that a person described in subsection [*(1)*] **(2)**

16   of this section is [*no longer an inmate*] **not** residing in a [*local*] correctional

17   facility, the department or the authority shall reinstate the person's medical

18   assistance if the person is eligible for medical assistance.

19   "**(4)(a) A designee of a correctional facility may apply for medical**

20   **assistance on behalf of a person, while the person is residing in the**

21   **correctional facility, for the purpose of establishing eligibility for**

22   **medical assistance during a period of hospitalization that will occur**

outside of the correctional facility.

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

"(c) If the person is determined eligible for medical assistance, the effective date of the person's medical assistance shall be the date the person begins the period of hospitalization outside of the correctional facility.

"[*(3)*] **(5)** 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 the medical assistance.

"**SECTION 2.** ORS 419C.550 is amended to read:

"419C.550. A person, agency or institution having legal custody of a youth or youth offender has the following duties and authority:

"(1) To have physical custody and control of the youth or youth offender.

"(2) To supply the youth or youth offender with food, clothing, shelter and incidental necessaries.

"(3) To provide the youth or youth offender with care, education and discipline.

"(4) To authorize ordinary medical, dental, psychiatric, psychological, hygienic or other remedial care and treatment for the youth or youth offender, and, in an emergency when the youth or youth offender's safety appears urgently to require it, to authorize surgery or other extraordinary care.

"(5) To make such reports and to supply such information to the court as the court may from time to time require.

1   "(6) To apply for any Social Security benefits**,** [*or*] public assistance **or**
2   **medical assistance** to which the youth or youth offender is otherwise enti-
3   tled and to use the benefits or assistance to [*pay*] **provide** for the care of the
4   youth or youth offender.

5   "**(7) To obtain and disclose information necessary to apply for Social**
6   **Security benefits, public assistance or medical assistance on behalf of**
7   **the youth or youth offender including the youth or youth offender's**
8   **Social Security number or information that is not otherwise subject**
9   **to disclosure under ORS 411.320 or 413.175. Information obtained under**
10   **this subsection may be used only for the purpose of applying for Social**
11   **Security benefits, public assistance or medical assistance on behalf of**
12   **the youth or youth offender.**".

13   In line 9, delete "2" and insert "3".

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