

SB 641 STAFF MEASURE SUMMARY

Senate Committee On Health Care

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Meeting Dates: 3/8, 3/17

WHAT THE MEASURE DOES:

Provides health care coverage under the Health Care for All Oregon Children program for youth in juvenile detention facilities awaiting adjudication. Requires Oregon Health Authority (OHA) to seek federal approval for Medicaid to support the costs of providing medical assistance to youth in detention pending adjudication by July 1, 2025. Directs OHA to collaborate with county juvenile department directors, the Department of Human Services, and the Oregon Youth Authority to study the need to provide medical assistance to youth held in detention facilities prior to adjudication. Requires OHA to submit a report to the interim judiciary committees of the Legislative Assembly no later than September 15, 2023.

REVENUE: statement issued - no revenue impact.

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

- Medical costs for youth held in detention facilities during pre-adjudication; mental health care and prescription drugs
- Federal Section 1115 Medicaid Waiver
- Commercial coverage and reimbursement of services for youth during pre-adjudication

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In 2018, 3,612 minors were placed in detention while awaiting resolution of their cases. In 2018, the average length of stay for pre-adjudication youth was 10.5 days and 99.1 days for youth held for a Ballot Measure 11 offense. Studies estimate that between 50 and 75 percent of youth detained or incarcerated in the criminal justice system have a mental health or substance use disorder, and a substantial portion have a serious mental health condition. In Oregon, youth who are in the custody of a local authority are often placed in short-term detention facilities that provide temporary care for juveniles pending court disposition (i.e., pre-adjudicated), awaiting placement elsewhere, or awaiting transfer to another jurisdiction. Youth placed in detention centers receive medically necessary care provided by the county, often by contracted health care providers (i.e., physicians, dentists, and mental health professionals). Medical services provided by Oregon's detention facilities are the financial responsibility of the county.

In 2017, Senate Bill 368 passed requiring commercial insurance carriers to reimburse a local municipality for the cost of medical services provided to an insured juvenile in a detention facility. Federal law, however, prohibits the use of federal Medicaid moneys to fund health or mental health services for individuals awaiting adjudication, often referred to as the inmate exclusion. This policy applies to both adults in jails or prisons as well as to youth involuntarily detained in a state or local juvenile facility. In Oregon, when a youth is placed in detention their Medicaid benefits are suspended due to the federal inmate exclusion.

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Senate Bill 641 directs the Oregon Health Authority to seek federal approval to fund health care coverage for youth in detention awaiting adjudication if eligible for Medicaid.