

A-Engrossed
House Bill 3035

Ordered by the House April 7
Including House Amendments dated April 7

Sponsored by Representative DEXTER; Representatives BYNUM, MEEK, NERON, REYNOLDS, WILDE, Senators DEMBROW, GOLDEN

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.

Directs Department of Corrections [*and local correctional facilities to assess and address health care needs of persons in custody upon intake*] **and Oregon Health Authority to establish healthcare navigator pilot program within Coffee Creek Correctional Facility. Directs department, in consultation with authority, to develop health assessment for persons entering facility.** Establishes standards for provision of health care to persons in custody. Requires that person in custody [*receive*] **be offered** copy of medical records upon release.

Establishes [*health*] **healthcare** navigator positions for employment within [*Department of Corrections and local correctional facilities*] **Coffee Creek Correctional Facility. Specifies duties of healthcare navigators.** Provides that [*health*] **healthcare** navigator salaries are paid by Oregon Health Authority. Appropriates moneys to authority to fund positions.

Directs Department of Corrections [*and cities and counties operating local correctional facilities*] to **regularly** report to Legislative Assembly [*each biennium*] concerning **health data and health outcomes of persons in custody and results of survey of pilot program participants.**

Sunsets program on June 30, 2023.

Declares emergency, effective July 1, 2021.

A BILL FOR AN ACT

1
2 Relating to health care for adults in custody; and declaring an emergency.

3 Whereas adults in custody have a constitutional right to health care; and

4 Whereas discontinuities of care result when people enter into custody; and

5 Whereas adults in custody are reported to lack meaningful access to comprehensive reproduc-
6 tive health care, inclusive of abortion; peripartum health care, inclusive of prenatal care, postnatal
7 care and the ability to breast-feed their newborns; gender-affirming health care; mental health care,
8 inclusive of support for dealing with toxic stress and non-DSM diagnoses; and substance use disorder
9 care and support; now, therefore,

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

11 **SECTION 1. (1) The Department of Corrections and the Oregon Health Authority shall**
12 **establish a healthcare navigator pilot program within the Coffee Creek Correctional Facility**
13 **as described in this section.**

14 **(2)(a) No later than 90 days after the effective date of this 2021 Act, the department, in**
15 **consultation with the authority, shall by rule develop a health assessment for persons en-**
16 **tering the Coffee Creek Correctional Facility for the purposes of serving a sentence within**
17 **the facility. The assessment must result in each assessed person receiving a health risk**
18 **score and a classification of the score as low, moderate or high risk. The department shall**
19 **post a link to the assessment on the website of the department.**

20 **(b) No later than 90 days after the effective date of this 2021 Act, the department shall**

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 ensure that the medical records of all adults in custody of the Coffee Creek Correctional
2 Facility are made available through the Oregon Community Health Information Network
3 platform or other equivalent electronic medical records platform.

4 (3)(a) The authority shall establish healthcare navigator positions for employment within
5 the Coffee Creek Correctional Facility.

6 (b) A person hired as a healthcare navigator must have knowledge of health care systems
7 and must be a personal health navigator as defined in ORS 414.025.

8 (c) Healthcare navigators are not employees of the Department of Corrections but, in
9 order to perform their duties under this section, shall be provided with access to the Coffee
10 Creek Correctional Facility necessary to fulfill all duties of the position, including the ability
11 to access all medical records of adults in custody assigned to the navigator and the oppor-
12 tunity to speak privately with an adult in custody assigned to the navigator.

13 (d) The salaries of healthcare navigators shall be paid by the authority.

14 (4)(a) No later than two business days after a person enters the custody of the Coffee
15 Creek Correctional Facility for the purpose of serving a sentence at the facility, the depart-
16 ment shall:

17 (A) Assess the person using the health assessment described in subsection (2) of this
18 section;

19 (B) Address any immediate medical needs, including the administration of medication;
20 and

21 (C) Contact the primary health care provider of the person, as identified by the person,
22 for the purpose of notifying the provider of the transfer of care and to request medical re-
23 cords for the purpose of continuity of care.

24 (b) An adult in custody serving a sentence at the Coffee Creek Correctional Facility who
25 was not assessed under paragraph (a) of this subsection may request to be assessed using
26 the health assessment described in subsection (2) of this section. The department shall ac-
27 knowledge receipt of the request within five business days of the date of the request and
28 shall ensure that the assessment is completed in order of medical urgency and within a
29 reasonable timeline determined by the department by rule.

30 (c) Healthcare navigators shall assist the persons described in paragraphs (a) and (b) of
31 this subsection with the intake and assessment processes.

32 (5)(a) The department shall assign a healthcare navigator to any adult in custody who
33 receives a health risk score classified as high risk or moderate risk as the result of a health
34 assessment conducted under subsection (4) of this section.

35 (b) A healthcare navigator assigned to an adult in custody under this subsection shall:

36 (A) Assist the adult in custody with the coordination of health care during times of
37 transition between department custody and the community, with a focus on maintaining
38 continuity of high-quality health care;

39 (B) Assist the adult in custody with obtaining medical care, including advocating for care
40 when necessary;

41 (C) Maintain a consistent relationship with the adult in custody as long as the adult in
42 custody is housed within the Coffee Creek Correctional Facility; and

43 (D) Coordinate with community health care providers after release of the adult in cus-
44 tody, which may include assistance with scheduling appointments and obtaining pre-
45 scriptions, if the adult in custody is released.

1 (6) When providing medical, mental health and substance use disorder care to adults in
2 custody at the Coffee Creek Correctional Facility, the department shall:

3 (a) Provide care that is medically appropriate and that meets or exceeds recognized
4 standards in the medical community;

5 (b) Provide full-spectrum reproductive and gender-affirming care;

6 (c) Ensure that a healthcare navigator assigned to an adult in custody is aware of the
7 care plan for the adult in custody in a timely and effective manner;

8 (d) Ensure the coordination and continuation of care throughout the time the adult is in
9 the custody of the facility; and

10 (e) Ensure continuity of care with medical and mental health care the adult in custody
11 previously received in the community, including the provision of medically equivalent treat-
12 ment consistent with treatment the adult in custody was receiving in the community.

13 (7)(a) If the healthcare navigator assigned to an adult in custody determines that the
14 adult in custody is not receiving adequate access to health care that meets the medical needs
15 of the adult in custody, the healthcare navigator shall provide the adult in custody with in-
16 formation on filing an appeal under paragraph (b) of this subsection.

17 (b) The department shall, in consultation with the authority, by rule establish a process
18 by which adults in custody may appeal decisions made by department medical staff con-
19 cerning medical care.

20 (c) The department shall provide on the website of the department deidentified informa-
21 tion concerning appeals filed under this subsection, including the number of current active
22 appeals and, for each resolved appeal, the outcome.

23 (8) Upon the release of an adult in custody from the Coffee Creek Correctional Facility,
24 the department, with the assistance of the healthcare navigator assigned to the adult in
25 custody, shall:

26 (a) Ensure that the adult in custody is offered a full copy, either in paper or electronic
27 format, of all medical records of the adult in custody that are in the possession of the de-
28 partment; and

29 (b) Verify that all medical records of the adult in custody are readable in Care Every-
30 where or a comparable health information exchange system.

31 (9) The department shall, at least quarterly, anonymously survey participants in the
32 healthcare navigator pilot program described in this section for the purposes of reporting
33 under section 2 of this 2021 Act.

34 (10)(a) The department, in consultation with the authority, may adopt rules to carry out
35 the provisions of this section.

36 (b) The authority may adopt rules concerning the hiring and employment of healthcare
37 navigators under this section.

38 **SECTION 2.** (1) Beginning no later than December 31, 2021, and every six months there-
39 after, the Department of Corrections shall report to the interim committees of the Legisla-
40 tive Assembly related to the judiciary and health care, in the manner provided under ORS
41 192.245, the following deidentified and disaggregated data concerning all adults in the custody
42 of the department:

43 (a) Life expectancy;

44 (b) Obesity rates;

45 (c) Vaccination rates;

- 1 (d) Sexually transmitted disease infection rates;
- 2 (e) Substance use disorder rates;
- 3 (f) Suicide attempts and completions;
- 4 (g) Rates of maternal mortality and severe maternal morbidity, as those terms are de-
- 5 fined in ORS 432.600;
- 6 (h) Infant mortality rates; and
- 7 (i) Any other data specified by rule under subsection (2) of this section.

8 (2) The Department of Corrections, in consultation with the Oregon Health Authority,
 9 shall adopt rules specifying additional data to be reported by the department under sub-
 10 section (1) of this section.

11 (3) Beginning no later than December 31, 2021, and each year thereafter, the Department
 12 of Corrections, in consultation with the Oregon Health Authority, shall report to the interim
 13 committees of the Legislative Assembly related to the judiciary and health care, in the
 14 manner provided under ORS 192.245, health outcomes concerning all adults in the custody
 15 of the department, including health trends and any information the department determines
 16 relevant to the effectiveness of the healthcare navigator pilot program described in section
 17 1 of this 2021 Act.

18 (4) Beginning no later than March 31, 2022, and at least quarterly thereafter, the De-
 19 partment of Corrections shall provide to the committees of the Legislative Assembly related
 20 to the judiciary and health care, in the manner provided under ORS 192.245, a report on the
 21 survey of participants in the healthcare navigator pilot program described in section 1 (9)
 22 of this 2021 Act.

23 **SECTION 3.** In addition to and not in lieu of any other appropriation, there is appropri-
 24 ated to the Oregon Health Authority, for the biennium beginning July 1, 2021, out of the
 25 General Fund, the amount of \$_____, for the purposes of funding healthcare navigator
 26 positions under section 1 of this 2021 Act.

27 **SECTION 4.** Sections 1 and 2 of this 2021 Act are repealed on June 30, 2023.

28 **SECTION 5.** This 2021 Act being necessary for the immediate preservation of the public
 29 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect
 30 July 1, 2021.

31 _____