

Enrolled
House Bill 3229

Sponsored by Representatives MARSH, SANCHEZ, MORGAN, KROPF, WILDE, Senator JAMA; Representatives ALONSO LEON, CAMPOS, DEXTER, FAHEY, KOTEK, NOBLE, Senators FREDERICK, MANNING JR, PATTERSON, RILEY

CHAPTER

AN ACT

Relating to health care for adults in custody in local correctional facilities; and prescribing an effective date.

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

SECTION 1. (1) The Oregon Criminal Justice Commission shall convene an advisory council to assist in performing the duties and responsibilities described in subsections (3) and (4) of this section.

- (2)(a) The chairperson of the commission shall appoint to serve on the advisory council:**
 - (A) One member representing a sheriffs' organization;**
 - (B) One member representing a county counsels' organization;**
 - (C) One member representing a criminal defense organization;**
 - (D) One member representing a civil rights or civil liberties organization;**
 - (E) One member representing the system designated by ORS 192.517 to protect and advocate for the rights of individuals with disabilities;**
 - (F) One member representing the Oregon Health Authority;**
 - (G) One member representing the Department of Justice;**
 - (H) One member who is an employee of the Governor's office;**
 - (I) One member who has medical training and experience delivering health care services directly to patients;**
 - (J) One member who has training and experience as a pharmacist;**
 - (K) One member who has training in counseling, psychiatry or other similar field with experience delivering mental health services to clients;**
 - (L) One member who is the chief administrator at a local correctional facility;**
 - (M) One member representing a federally qualified health center; and**
 - (N) One member who provides health care services to adults in custody at a local correctional facility.**

(b)(A) The President of the Senate shall appoint one member of the Senate to serve on the advisory council.

(B) The Speaker of the House of Representatives shall appoint one member of the House of Representatives to serve on the advisory council.

(3) The commission, in consultation with the advisory council, shall develop recommendations for minimum standards, policies and procedures for the provision of health care services to adults in custody in local correctional facilities, including minimum standards for:

- (a) Qualifications and licensure requirements for health care professionals;
- (b) Access by adults in custody to a health care professional who is authorized to prescribe pharmaceutical medications;
- (c) Staffing levels and round-the-clock, on-call health care services;
- (d) Protocols to ensure timely transfer and continuity of care for adults in custody to and from a hospital following a determination by a health care professional that treatment at a hospital is medically necessary;
- (e) Screening health care needs of adults in custody;
- (f) Scheduling and administering appointments, including follow-up appointments, with health care professionals;
- (g) Establishing an appropriate, confidential space for the provision of health care services to adults in custody; and
- (h) Any pilot project or tiered implementation the commission and advisory council deem worthy of consideration.

(4)(a) The commission, in consultation with the advisory council, shall develop recommendations for the establishment of a permanent independent commission to exercise on an ongoing basis the duties and responsibilities described in subsection (3) of this section for the purpose of periodically updating and optimizing minimum standards, policies and procedures for the provision of health care services to adults in custody in local correctional facilities.

(b) The recommendations described in paragraph (a) of this subsection must include, but are not limited to:

- (A) The name of the permanent independent commission;
- (B) The number, term and qualifications of members on the permanent independent commission;
- (C) The appointing authority for each member of the permanent independent commission;
- (D) The executive agency, if any, under whose auspices the permanent independent commission will be established;
- (E) Protocols for conducting business and holding meetings; and
- (F) The frequency at which the permanent independent commission must report to the Legislative Assembly in the manner provided under ORS 192.245 recommendations to update and optimize minimum standards, policies and procedures for the provision of health care services to adults in custody at local correctional facilities.

(5) The commission shall present recommendations for the minimum standards developed under subsection (3) of this section, including cost estimates for statewide implementation and possible funding sources to cover those costs, and recommendations for the establishment of the permanent independent commission described in subsection (4) of this section, along with any national best practices, promising local practices and recommended legislative changes, in a report to the interim committees of the Legislative Assembly related to the judiciary in the manner provided under ORS 192.245 on or before September 15, 2022.

SECTION 2. Section 1 of this 2021 Act is repealed on January 2, 2023.

SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021 regular session of the Eighty-first Legislative Assembly adjourns sine die.

Passed by House April 28, 2021

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate June 3, 2021

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Peter Courtney, President of Senate

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State