

# House Bill 3229

Sponsored by Representatives MARSH, SANCHEZ, MORGAN, KROPF, WILDE, Senator JAMA; Senator PATTERSON

## 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 **as introduced**.

Directs Oregon Criminal Justice Commission to convene advisory council to assist with recommendations related to health care standards in local correctional facilities. Requires commission to submit report to interim committees of Legislative Assembly related to judiciary on or before September 15, 2022.

Sunset January 2, 2023.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to health care for adults in custody in local correctional facilities; and prescribing an effective date.

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

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

8 **(2)(a) The chairperson of the commission shall appoint to serve on the advisory council:**

9 **(A) One member representing a sheriffs' organization;**

10 **(B) One member representing a county counsels' organization;**

11 **(C) One member representing a criminal defense organization;**

12 **(D) One member representing a civil rights or civil liberties organization;**

13 **(E) One member representing the system designated by ORS 192.517 to protect and ad-**  
14 **vocate for the rights of individuals with disabilities;**

15 **(F) One member representing the Oregon Health Authority;**

16 **(G) One member representing the Department of Justice;**

17 **(H) One member who is an employee of the Governor's office;**

18 **(I) One member who has medical training and experience delivering health care services**  
19 **directly to patients;**

20 **(J) One member who has training and experience as a pharmacist;**

21 **(K) One member who has training in counseling, psychiatry or other similar field with**  
22 **experience delivering mental health services to clients;**

23 **(L) One member who is the chief administrator at a local correctional facility; and**

24 **(M) One member who provides health care services to adults in custody at a local**  
25 **correctional facility.**

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

28 **(B) The Speaker of the House of Representatives shall appoint one member of the House**

**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 of Representatives to serve on the advisory council.

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

5 (a) Qualifications and licensure requirements for health care professionals;

6 (b) Access by adults in custody to a health care professional who is authorized to pre-  
7 scribe pharmaceutical medications;

8 (c) Staffing levels and round-the-clock, on-call health care services;

9 (d) Protocols to ensure timely transfer and continuity of care for adults in custody to  
10 and from a hospital following a determination by a health care professional that treatment  
11 at a hospital is medically necessary;

12 (e) Screening health care needs of adults in custody;

13 (f) Scheduling and administering appointments, including follow-up appointments, with  
14 health care professionals;

15 (g) Establishing an appropriate, confidential space for the provision of health care ser-  
16 vices to adults in custody; and

17 (h) Any pilot project or tiered implementation the commission and advisory council deem  
18 worthy of consideration.

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

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

26 (A) The name of the permanent independent commission;

27 (B) The number, term and qualifications of members on the permanent independent  
28 commission;

29 (C) The appointing authority for each member of the permanent independent commission;

30 (D) The executive agency, if any, under whose auspices the permanent independent  
31 commission will be established;

32 (E) Protocols for conducting business and holding meetings; and

33 (F) The frequency at which the permanent independent commission must report to the  
34 Legislative Assembly in the manner provided under ORS 192.245 recommendations to update  
35 and optimize minimum standards, policies and procedures for the provision of health care  
36 services to adults in custody at local correctional facilities.

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

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

45 SECTION 3. This 2021 Act takes effect on the 91st day after the date on which the 2021

1 **regular session of the Eighty-first Legislative Assembly adjourns sine die.**

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