

Senate Bill 641

Sponsored by Senator HANSELL (Presession filed.)

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**.

Prohibits denial of medical assistance on basis that individual under 19 years of age is in detention pending adjudication. Requires Oregon Health Authority to seek federal approval for federal financial participation in costs of providing medical assistance to such individuals.

Requires Oregon Health Authority to conduct study, in consultation and collaboration with directors of county juvenile departments, agencies working with juvenile justice and youth health care systems, directors of juvenile detention facilities, Department of Human Services and Oregon Youth Authority, of needs of and barriers to youth in detention in accessing medical assistance and health care services. Requires Oregon Health Authority to report on study to interim committees of Legislative Assembly related to judiciary no later than September 15, 2023.

A BILL FOR AN ACT

1 Relating to medical assistance for youth in preadjudication detention.

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

3 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 414.**

4 **SECTION 2. An individual who is under 19 years of age who is otherwise eligible for**
5 **medical assistance through the Health Care for All Oregon Children program established in**
6 **ORS 414.231 may not be denied medical assistance on the basis that the individual is being**
7 **held in a juvenile detention facility pending adjudication.**

8 **SECTION 3. No later than July 1, 2025, the Oregon Health Authority shall request ap-**
9 **proval from the Centers for Medicare and Medicaid Services for an amendment to the dem-**
10 **onstration project under section 1115 of the Social Security Act (42 U.S.C. 1315) to allow for**
11 **federal financial participation in the costs of providing medical assistance to individuals who**
12 **are under 19 years of age and are being held in a juvenile detention facility pending adjudi-**
13 **cation.**

14 **SECTION 4. (1) The Oregon Health Authority, in consultation and collaboration with the**
15 **directors of every county juvenile department in this state, representatives of agencies that**
16 **work with juvenile justice and youth health care systems, directors of juvenile detention fa-**
17 **cilities, the Department of Human Services and the Oregon Youth Authority shall undertake**
18 **a study of the need to provide medical assistance to youth being held in juvenile detention**
19 **facilities prior to adjudication. The Oregon Health Authority must study, at a minimum, all**
20 **of the following:**

21 **(a) The medical and behavioral health needs of youth in juvenile detention facilities;**

22 **(b) The number of youth eligible for medical assistance immediately prior to entering**
23 **juvenile detention facilities and the impact of the suspension of their medical assistance after**
24 **entering juvenile detention facilities;**

25 **(c) The number of youth entering juvenile detention facilities who are members of coor-**
26 **ordinated care organizations;**
27

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 (d) The state and local social service agencies that are involved with youth at the time
2 youth are placed in juvenile detention facilities;

3 (e) The types of placement recommendations made for youth as alternatives to detention
4 before the youth enter juvenile detention facilities;

5 (f) The costs of prescription drugs and other health care provided to youth in juvenile
6 detention facilities;

7 (g) The impact on the ability of youth to receive the recommended level of care as a re-
8 sult of placement in juvenile detention facilities including the inability of the youth to receive
9 residential care or placement in pediatric subacute care facilities; and

10 (h) Other barriers to youth accessing medical, behavioral and mental health services
11 upon placement in juvenile detention facilities because they become ineligible for medical
12 assistance upon placement.

13 (2) The authority shall submit a report, as provided in ORS 192.245, of the findings from
14 the study and may provide recommendations for legislative changes to the interim commit-
15 tees of the Legislative Assembly related to the judiciary no later than September 15, 2023.

16 (3) All agencies of state government, as defined in ORS 174.111, are directed to assist the
17 authority in conducting the study and, to the extent permitted by laws relating to
18 confidentiality, to furnish information and advice necessary for the group to conduct the
19 study.

20 SECTION 5. Section 4 of this 2021 Act is repealed on December 31, 2023.
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