

HB 2431 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 2/7

WHAT THE MEASURE DOES:

Prohibits the Department of Human Services (DHS) or the Oregon Health Authority (OHA) from terminating the medical assistance of a person residing in a correctional facility in pre-trial detention pre-adjudication of charges. Specifies that if a person is in custody as a result of a conviction, DHS or OHA shall suspend, instead of terminate, their medical assistance. Requires OHA to request federal approval to use Medicaid funds for costs for person in pre-adjudication custody. Directs OHA to report to the Legislature by September 15, 2024 on whether the request has been approved.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

When a person is arrested, whether it is by the Oregon State Police, a city police officer, or by a sheriff's deputy, the individual is housed in the county jail. Sometimes, the stay can be lengthy. Once these individuals are placed in custody, federal health care programs stop (Veterans benefits, Medicare), and state benefits stop (Oregon Health Plan, OHP). Private health insurance coverage also used to cease for pre-adjudicated persons in the custody of a local supervisory authority, leaving those inmates' health care costs to the office of the Sheriff's public safety budget, but that practice was ended with the passage of HB 4110 (2014). House Bill 3536 (2011) further mandated DHS/OHA suspend (instead of terminating) medical benefits on any person incarcerated at a local jail who is covered by Medicaid (OHP). HB 3536 bill extended the process created under SB 913 (2005), where benefits of persons in custody who had a severe mental impairment were suspended.

Currently, OHA suspends Medicaid enrollment during a person's time in custody and re-starts it after their release, consistent with federal guidelines (the Social Security Act, Sec. 1905 (a)(A) makes no distinction between jails and prisons, or pre-trial detainees vs convicted persons). When they're released, it can take two weeks to get covered again, which often means two weeks without care (doctor appointments, medicine, etc.) during a critical period.

House Bill 2431 separates persons in custody into two categories: those who are in pre-trial detention pending adjudication of charges, and those who are in custody because of a conviction. The measure requires OHA to request a waiver from the Centers for Medicare & Medicaid Services (CMS) to use federal funds for the medical assistance costs of those who are in pre-trial detention.