

B-Engrossed
Senate Bill 913

Ordered by the House June 15
Including Senate Amendments dated May 3 and House Amendments dated
June 15

Sponsored by COMMITTEE ON JUDICIARY

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 Human Services to suspend medical assistance for certain persons while persons are residing in public institutions.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to medical assistance; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2005 Act is added to and made a part of ORS chapter 414.**

5 **SECTION 2. (1) As used in this section:**

6 (a) **"Person with a serious mental illness" means a person who is diagnosed by a psychi-**
7 **atrist, a licensed clinical psychologist or a certified nonmedical examiner as suffering from**
8 **dementia, schizophrenia, bipolar disorder, major depression or other affective disorder or**
9 **psychotic mental disorder other than a disorder caused primarily by substance abuse.**

10 (b) **"Public institution" means:**

11 (A) **A state hospital as defined in ORS 162.135;**

12 (B) **A local correctional facility as defined in ORS 169.005;**

13 (C) **A Department of Corrections institution as defined in ORS 421.005; or**

14 (D) **A youth correction facility as defined in ORS 162.135.**

15 (2) **Except as provided in subsection (6) of this section, the Department of Human Ser-**
16 **vices shall suspend the medical assistance of a person with a serious mental illness when:**

17 (a) **The person receives medical assistance because of a serious mental illness; and**

18 (b) **The person becomes an inmate residing in a public institution.**

19 (3) **The department shall continue to determine the eligibility of the person as**
20 **categorically needy as defined in ORS 414.025.**

21 (4) **Upon notification that a person described in subsection (2) of this section is no longer**
22 **an inmate residing in a public institution, the department shall reinstate the person's med-**
23 **ical assistance if the person is otherwise eligible for medical assistance.**

24 (5) **This section does not extend eligibility to an otherwise ineligible person or extend**
25 **medical assistance to a person if matching federal funds are not available to pay for medical**
26 **assistance.**

27 (6) **Subsection (2) of this section does not apply to a person with a serious mental illness**

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 residing in a state hospital as defined in ORS 162.135 who is under 22 years of age or who is
2 65 years of age or older.

3 **SECTION 3.** This 2005 Act being necessary for the immediate preservation of the public
4 peace, health and safety, an emergency is declared to exist, and this 2005 Act takes effect
5 on its passage.
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