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Organization - Oregon Youth Authority – Corrections services for adjudicated and convicted youth.

**Public Comments for - APPLICATION FOR RENEWAL AND AMENDMENT Oregon Health Plan 1115
Demonstration Waiver - Draft Application for Public Comment 12/1/2021**

Date – January 7, 2022

Summary

The Oregon Youth Authority is grateful for the opportunity provide comment to the 1115 demonstration waiver. OYA fully supports increased transition supports for youth and young adults in our care, but is not able to support differentiating between OYA and DOC facilities for how coverage is provided for those committed to OYA's care. Benefits for OYA youth or young adults should be limited to transition services, not full custody episodes.

The Waiver doesn't articulate our close-custody versus detention very well. We would strongly support the waiver's ask for youth maintaining OHP in detention, but would not want that for close custody, with the exception of pre-release transition planning. This would put us on par with DOC for the proposal, not detention. It appears that there could simply be some confusion in terms, by using juvenile corrections, which is not defined here nor used. Language usage causes confusion on what is meant, and also causes it to appear that categories of youth, such as convicted youth housed in OYA, or those within OYA over age 19, are left out completely in this plan. Recommendations are provided below to remedy these gaps. The system nuances are better identified when speaking of the adult system and we would recommend modeling the language more after adults, with the exception of detention coverage.

Specific comments -

Page 18 – With this demonstration authority, Oregon will specifically: a) Retain benefits and/or extend full OHP Plus Medicaid benefits to all youth otherwise eligible for Medicaid upon entering the juvenile correction system throughout the duration of their involvement in juvenile corrections.

The Oregon Youth Authority is supportive of access to OHP for transition purposes to maintain continuity of care. This includes entering the juvenile justice system (which is detention, not corrections), and other transition points. The statement "throughout the duration of their involvement" would mean covering all OHP eligible services provided by in house medical staff. OYA does not believe that switching OYA youth in correctional facilities to a OHP care model, for their entire care is prudent or responsible. Youth receive medical care from OYA medical or contracted medical specialists within OYA facilities. OYA pays for regular external care. If a youth is admitted to a hospital, OHP covers those costs. While this section detail isn't explicitly stating that current OYA medical services structure will change to an OHP funded model, OYA wishes to call out, that replacement of current services and standards of care within, to an OHP model is not appropriate.

OYA concerns are as follows if the statements here mean that internal OYA care would be managed within an OHP model or CCO.

- 1) Negative impact to current OYA Medical Services level of care – unlikely youth will receive the same level of care they are receiving at OYA currently.
 - a. Youth come in with severe issues that need to be immediately addressed upon admission. These issues are not always covered by OHP while the youth was in the community because OHP only covers medical conditions that are on the prioritized list.
- 2) Eligibility to be up to date on youth medical status
 - a. How would this function in the facility?
 - b. Would the CCO's be managing youth care vs. our internal OYA Health Services staff? Youth would have to be transported, every time, to health care providers that work in the CCOs and this would be a burden on facilities.
 - i. Concerns with losing that OYA Health Services care oversight and level of care. We provide health care services that are medically necessary and not always covered under the OHP prioritized list.
 - c. Administrative concerns for having to bill OHP for care youth received – this would be a substantial administrative burden to OYA and would result in the need for additional staffing.
 - d. Some providers refuse to take the OHP rates and can choose who they will and will not accept, especially for specialized providers in rural areas.

OYA would prefer that we keep the OYA Health Services in the facility as is but can use this new eligibility to cover services we aren't able to cover to be able to set up youth transitioning out of our care to have providers identified, appointments scheduled and prescriptions continuing without lapse upon release.

Note the term juvenile corrections system is a bit confusing – what does that mean? OYA provides corrections services, but youth enter into detention or jail, may be committed to OYA or DOC, and then housed at OYA. OYA is the only juvenile corrections entity in Oregon, but there are others that house and detain youth (committed crime before 18, adjudicated in juvenile court or convicted in adult court prior to 20, and under the age of 25 when in a correctional facility). We welcome the opportunity to partner with OHA to develop understandable consistent language that captures intent and creates clear implementation.

Page 53 - Youth in custody of Juvenile Corrections placed in secure facilities

The secure facilities that may house youth are detention, jail (if over 18 awaiting pretrial for a crime committed before 18), a close-custody facility, and a camp or transitional facility run by OYA. All need to be included. In addition, youth can be convicted in adult court. They are committed to DOC but temporarily housed with OYA. The language needs to be inclusive of convicted youth. In addition, youth in OYA can be there up until their 25th birthday. The juvenile language must be inclusive of the age of all in custody. If this is not possible, the adult sections of the waiver need to include what the court sees as a youth in the care of the Oregon Youth Authority and sheriff's. It may be more appropriate to limit this section to pretrial and create a new section for OYA, that mirrors what is written for DOC.

Adjust language to:

Description - Youth in custody (pre- and post- adjudication and conviction) of detention, jail and Juvenile close-custody, camps and transition facilities and reside in a detention, jail or juvenile close-custody, camp or transitional facility or detention facility, such as those managed by the county juvenile departments, county sheriff's or Oregon Youth Authority and local or county juvenile department, who either enter with current OHP enrollment or become enrolled while in custody.

Standards and Methodology - Youth must be residing in a detention, jail, or close-custody, camp or transition facility under the jurisdiction of the Oregon Youth Authority, sheriff or county/local juvenile departments. Eligibility is determined pursuant to 42 CFR as implemented through the Oregon Administrative Rules Section 410, Division 200. The child must be considered a juvenile by the courts and under the age of 25 19, meet the income standards for the eligibility determination group, and meet the non-financial eligibility criteria based on the program. Eligibility will be determined through the use of community- based application assistants or trained agency staff using the Oregon Eligibility (ONE) system. The exception will be for youth in the legal custody of Child Welfare. Child Welfare youth will continue to assign OHP eligibility using the ORKids system. When applicable, notification of OHP eligibility and CCO enrollment will be communicated to the receiving CCO via the 834-enrollment file followed by subsequent community provider assignments.

Projected # of Individuals 580 130 individuals, annually (It is unclear where 130 would come from. This number seems small if looking to all the youth entering detention and releasing, those ageing out of detention and awaiting trial in jail, and all of those going into and outside of OYA care (that could be both committed to OYA and DOC).

Adults incarcerated and in custody of the Department of Corrections

As noted above, there are youth that are incarcerated as adults and committed to the custody of the Department of Corrections that are temporarily assigned to OYA. These youth may spend 100% of their custody time with OYA. This section should be amended to read DOC and OYA both, to be inclusive to all populations. Otherwise convicted youth risk being left out of this all together and they have significant transition needs due to their length of incarceration.

It is specifically this section, as written only for DOC, that should be mirrored for OYA close-custody, camp and transition facilities, as opposed to OHP coverage within facilities for their entire commitment. This section better matches for OYA than the previous juvenile section. This would increase the numbers served within this section to include those in OYA facilities.

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Youth in custody of Juvenile Corrections placed in secured facilities Full OHP benefit package –

- What does juvenile corrections mean? Detention, close-custody, camp or transition facility of OYA? What about jail? The lack of clarity makes this waiver very difficult to understand and ensure all youth have access to equal services.
- OYA cannot support in custody youth being transported by someone other than OYA for outside medical appointments.
- Does this mean that they are limited to the OHP benefit package in a close-custody facility? Does this mean a CCO has to provide the service not OYA medical staff? Does this mean that they have to be transported out of a facility for care? OYA cannot support limits to care within

facilities, a new billing model for services other than transition within facilities, nor outside transportation or increased transportation costs.

Page 72 – Youth Transition to Adulthood 17-26 Special healthcare needs.

- Please provide clarity in who this pertains to and if includes those in secure facilities.

Page 64 – Oregon Health Plan Coordination Benefit Package for individuals in custody

- OYA fully supports this section. This further indicates that the language on page 53 should be adjusted to align with this model. Possibly add a section for youth that are committed to OYA or DOC and temporarily housed at OYA, separating out OYA from the pre-trial status' and DOC housed adults.

Page 69 Changes to Benefits by Population

- Recommend that a mirror section to “Adults incarcerated and in the custody of the Department of Corrections” be created for adjudicated youth committed to OYA and convicted adults committed to DOC and housed in OYA.
- Youth in custody of Juvenile Corrections placed in secured facilities – This section would be best limited to those in detention and jail. Then create a new section as noted above, so OYA has mirror language to DOC, vs pre-trial detainee status.