

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

Hearing Room
Tapes - 90

MEMBERS PRESENT:

Sen. Stan Bunn, Chair
Sen. William McCoy, Vice-Chair
Sen. Lenn Hannon
Sen. Bill Kennemer
Sen. Randy Leonard

MEMBERS EXCUSED:

STAFF PRESENT:

Art Wilkinson, Committee Administrator
Mary Gallagher, Committee Assistant

MEASURES HEARD:

HB 2525 Public Hearing/Work Session
SB 152 Work Session
SB 1117 Work Session

HB 3050 Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

002 CHAIR MCCOY: Calls the meeting to order at 3:14 P.M.
Opens PUBLIC HEARING on HB 2525

007 KEITH PUTMAN, Committee Liaison/Researcher: Outlines HB 2525 for the committee.

017 GROVER SIMMONS, representing Independent Adult Care Providers Assn./Columbia Adult Foster Home Assn.: Speaking IN SUPPORT OF HB 2525. The

bill indicates that if you own a house or the land which is where an adult foster home is located, but you have nothing else to do with the operation of an adult foster home, then you do not have to be a co-provider on the license.

037 KENNEMER: Where is that language in the bill?

038 SIMMONS: It is on the first page. (Reads language.)

DISCUSSION between Kennemer/Simmons.

071 CHUCK SHEKETOFF, Legal Aid Service, on behalf of Citizen's Coalition for

Better Nursing Home Care, at. al.: My clients support the bill, because it is an improvement over current law, but we don't think it goes far enough. For the purposes of reaching agreement and keeping SB 679 moving forward as

well, we are supporting this bill.

093 SUSAN DIETSCHKE, Assistant Administrator, Senior & Disabled Services Division: It was never our intention when we issued our original rule that

we would include the owner of property as responsible, but we were trying to get at the vagueness of people who own a home and have day-to-day control over the operation, who then were not part of the license and were not accountable for the care that went on. We think that this bill starts to do that. (Continues comments.)

126 KENNEMER: In line 16, on the first page, it says "an operator"...what is an operator?

128 DIETSCHE: My preference for that language would be the licensed provider, or their employee.

DISCUSSION between Kennemer/Dietsche about Tenley Homes.

147 CHAIR MCCOY: Do they get a kickback from the advertising?

148 DIETSCHE: Not that I know of, no.

DISCUSSION between Kennemer/Dietsche.

169 SHEKETOFF: I guess I disagree a little bit with Ms. Dietsche. I think that the agency still has to define the term "operator." (Continues comments; talks about leases.) I think the Department has an obligation, under the bill, to define "operator."

202 SIMMONS: The Jolly Rogers Corporation, which has been alluded to (by Sheketoff), has agreed to change all of their leases to a standard form lease.

217 KENNEMER: Do you have an issue regarding the concern I've raised about responsibility of an umbrella organization that's involved in advertising and promotion of the homes?

223 SIMMONS: No, I do not.

240 STATE REP. JOHN MEEK, Dist. #5: Speaking IN SUPPORT OF HB 2525. [EXHIBIT A]

295 LEONARD: Question about certain language on page 4.

300 MEEK: The issue came about and it had to do with a landowner which could indirectly affect the mobility of patients, in the fact that if they used a percentage type rate, there was more incentive to make sure that the provider adhered to that and didn't let patients move out, because if the patients moved out, it reduced the amount of rent that they would collect, and occasionally would increase the amount of the rent of the other patients.

324 KENNEMER: You're familiar with Tenley Homes and the advertising that they do. You don't see that there's any conflict if we need to widen the scope of what an operator is?

329 MEEK: Responds.

344 KENNEMER: You don't feel like they're advertising that they're the finest foster care homes available in the northwest represents some kind of an obligation?

349 MEEK: No.

355 CHAIR MCCOY: Closes PUBLIC HEARING on HB 2525
Opens WORK SESSION on HB 2525

MOTION: SEN. KENNEMER: Moves that HB 2525 be sent to the Floor with a DO PASS recommendation.

VOTE: ROLL CALL: VOTING AYE: SEN. MCCOY, SEN. LEONARD, SEN. KENNEMER.
EXCUSED: SEN. BUNN, SEN. HANNON.
Motion CARRIES 3-0.
SEN. KENNEMER will CARRY the bill on the Floor.

SEN. BUNN arrives and takes over as Chair.

386 CHAIR BUNN: Opens WORK SESSION on SB 152
Talks about SB 152 and discusses what he has heard about the budget possibilities for the bill.

TAPE 90, A

001 CHAIR BUNN: Still talking about SB 152. Asks the committee to focus on market reforms and the ability to pass those out of the committee and move them through the legislative process before it's too late to get something done.

152-24 amendments: [EXHIBIT B]

014 CHAIR BUNN: Invites witnesses forward.

022 MURIEL GOLDMAN, Children First for Oregon: Speaking IN SUPPORT OF SB 152. [EXHIBIT C]

030 SHARON HILL, Policy Researcher, OHAC, speaking on behalf of Ellen Pinney
of OHAC: Speaking IN SUPPORT OF SB 152, although OHAC doesn't feel it goes far enough.

072 MCCOY: You would prefer to extend the employer mandate?

073 HILL: Yes, preferably two years.

085 CHAIR BUNN: Let me clarify something for the record: I'm going to recommend that the repeal of the employer mandate be taken out of this bill. I do not understand how we can possibly justify removing the employer mandate when we won't do anything serious about health care in the state of Oregon.

096 AMY KLARE: I appreciate the comments of the Chair today, and we thank you for pulling out the repeal of the employer mandate. We would appeal to you to extend the deadline for us to receive the ERISA exemption, but we will defer to you on that. We're prepared to support the bill, although we don't think it goes far enough.

114 MOTION: SEN. MCCOY: Moves removal of the employer mandate section (page 47, lines 18-26) from the 152-24 amendments.

116 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES 5-0.

119 HANNON: We've taken out the emergency clause, in the process of taking out the repeal of the mandate. You should restore lines 24-26.

127 CHAIR BUNN: Is the emergency clause portion the employer mandate emergency clause portion?

128 GWEN DAYTON, Legislative Counsel: Yes. That section doesn't apply to the rest of the bill.

135 MOTION: SEN. HANNON: Moves SB 152-24, as amended, into the bill.

144 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES 5-0.

145 MOTION: SEN. HANNON: Moves that SB 152, as amended, be sent to the Floor

with a DO PASS recommendation, with the stipulation that bill will remain in committee until Monday (5/15) so that the full committee can have a final review of the finished bill.

154 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES 5-0.

182 CHAIR BUNN: Calls 10-minute recess.

183 Re-convenes at 4:30 P.M.
Opens WORK SESSION on SB 1117 and HB 3050

198 MCCOY: Indicates that he would like to address the -18, -19, -20 and -21 amendments when committee staff is finished outlining and discussing the -22 amendments.

212 KEITH PUTMAN: The document you all should be looking at is SB 1117-22. [EXHIBIT D] There have been some significant changes since the -11 amendments. (Proceeds to outline the changes.)

252 HANNON: I asked for this language, and I want to make it clear for the record that there's nothing to prevent a person from choosing to go back to work sooner than what's set out in the bill.

266 MCCOY: This doesn't cover somebody comes to the agency already pregnant, without a job. Does this mean they have to go out and get a job after 90 days?

280 STEVE MINNICH, Adult & Family Services: Given that example that you just cited, the person who was pregnant and had a child also, to become eligible for ADC, they normally wouldn't be eligible just as a pregnant individual for ADC; they have to have a child. So if they had a child and were also pregnant with another child, they would be required if that child was over one year of age, to participate in the beginning parts of Jobs, until they enter that first two months of their third trimester.

293 MCCOY: Have you found people who would have a parent come in and work for 10 hours per week?

296 MINNICH: Yes, we do have people who do that.

300 PUTMAN: Resumes outlining the changes, in the -22 amendments.

350 Continuing to outline changes.

390 Continuing to outline changes.

TAPE 89, B

474 PUTMAN: Continuing to outline changes.

497 MINNICH: Line 4 on page 31, is an incomplete sentence now.

512 CHAIR BUNN: We'll have LC fix that.

519 MARK GIBSON, Policy Advisor to Governor Kitzhaber for Health & Human Resources: The Governor is in support of the amendments as they stand currently.

528 LEONARD: I have a question regarding the provision that if the parents weren't complying with the requirements of the program, then they can be dropped. What occurs in that instance for the kids in the family? Aren't they left without an income if we cut their parents off?

533 GIBSON: One of the most difficult thing about having such a strong and certain sanction in a bill such as this, is the specter of a family being

denied support. The concern then is obviously the concern of what happens to the children, primarily, and while there are no specific provisions in this bill, I think you raise a valid point, and insofar as if the parents are opposed to participating in the Jobs program to the degree that they would let the entire grant lapse, when a ready remedy is available to them at all times, I think it really does bring to light serious questions about

their capacity to properly parent the children. Obviously, it would be desirable to have a follow-up of some kind in order to determine the condition of the children and to make sure that neglectful situations weren't ensuing as a result of that. I think the concern is a real one.

551 LEONARD: Would the Governor's office support an amendment that would require that in the instance of when support was terminated to a family, that an automatic referral occurred to CSD to put up a flag to keep an eye on the kids?

556 CHAIR BUNN: I think it might be worth Mark Gibson, you & myself meeting and discussing that. If that kind of thing happens, it can be corrected immediately by the person who was cut off of the grant. If a mechanism was developed, I think we would want it done in a way that you give an opportunity for correction that didn't necessarily involve CSD in a heavy way.

564 LEONARD: Here's my concern: I'm happy to meet with you, but I want to articulate my concern so that everyone can hear it. This is something of a radical departure from the philosophy that we've had up until now regarding assistance. I think there's some people unprepared psychologically to make this kind of transition, and they may be absolutely incapable of doing what

it is that we require them to do to get services back. I'm concerned about the kids falling through the cracks and somehow getting caught up in whatever illness is occurring in that family, and nobody being aware that they're there. If we cut off assistance and just walk away, I'd like there to be a flag somewhere that there are kids involved and that they aren't receiving any assistance. In my mind, if the parents aren't doing what they're supposed to be doing, that indicates a problem, and I'm concerned about leaving those kids hanging out there without us checking up on them.

582 GIBSON: The point is a good one. I think the idea of a conversation about how to provide some ongoing monitoring for the children of a family for whom the grant may have been terminated under the sanction provisions of this is a good one. While an automatic referral to CSD may not be the best vehicle, there may be something we can work out with the agency's case management to insure that the assessment is done at the time the grant is terminated. I think there are ways we can explore to do that.

592 MINNICH: I think the process we're envisioning is a gradual process under which we are engaged with this client at the \$50 sanction level; the first sanction level, so that we're not trying to put this person off of assistance. We're actually trying to get them back into the program, and I am concerned that we would make a wrongful decision and that we should have every possible safeguard against that, before we would close a grant with children involved.

601 LEONARD: That's not my concern. What I'm worried about is that if it gets to that point, that the kids involved also pay the price and that we need to have some means by which we can at least cross-reference. Are we checking up on them and making sure they're okay? I would like to see an amendment with something like that in it.

612 CHAIR BUNN: To Minnich: When you see that kind of pattern in your caseload, are there things that can be done initially to help head it off, and do we potentially need to look at something like Sen. Leonard suggested, or do you think you can monitor from within the agency?

618 MINNICH: I think we can cooperate with CSD on those cross-referrals. I

would propose that we would probably be dealing with the local mental health provider in that situation also, and maybe an addictions counselor also. You can write that into a statutory format that we must consult with as individuals, or document that we have consulted. I think we would probably lean toward exempting that person (who is mentally not capable of participating) from participation in the first place, without bringing sanctions to bear.

629 CHAIR BUNN: We have an exemption for the certain part of the population for no reason at all, and I'm wondering if that isn't sufficient with the other flexibilities we have to simply, where there is a situation where dysfunctionality causes that problem and it's not solvable--I'm assuming the agent would be reluctant to put children in that kind of situation.

636 LEONARD: I appreciate that, and I don't want to seem inflexible, but I am struggling with this issue. I'm not asking for anything extensive and bureaucratic; I just want there to be some means by which we can flag some responsible agency to keep an eye out on the house when there's kids.

645 GIBSON: Responds.

655 CHAIR BUNN: We'll take a break at some point, during which time Sen. Leonard and Mr. Minnich can meet and see if they can work something out together.

682 Calls brief recess.

683 Re-convenes at 5:14 P.M.

687 MCCOY: I'm proposing the -18, -19, and -20 and -21 amendments.

694 BOB CASTAGNA, Oregon Catholic Conference: Speaking IN SUPPORT OF Sen. McCoy's amendments. The -18's remove the grandparent responsibility portion

of the bill (sections 6, 7). The -19's restore fully the two-parent unemployed family program. The -20's substitute the Jobs program with a schedule for participation in the Jobs program instead of the Jobs Plus program. If that amendment is not adopted, the -21's make the Jobs Plus program voluntary, and they add transportation and rent increase allowances

to the aid which is given to a Jobs Plus participant.

707 GINA BELL, Sen. McCoy's Intern: Also speaking IN SUPPORT OF Sen. McCoy's amendments. There's nothing written in these amendments that would give the caseworkers training in drug/alcohol abuse counseling.

716 PUTMAN: If that's gone, it's gone by accident, because we put it in. I'll look for it while you continue your testimony.

719 BELL: There is something in section 6, but it's not what had been discussed previously. (Continues comments, referencing Sen. Leonard's desire for an amendment to protect the children of parents cut off from their grant.)

736 CHAIR BUNN: Asks Steve Minnich to be prepared to comment on Bell's remarks.

739 BELL: Continues comments.

768 CASTAGNA: The grandparent responsibility amendment (-18)--we deleted that because we see grandparent financial responsibility as adding increasing pressure on the young woman in a crisis pregnancy, pressuring her toward an abortion. (Continues comments, talking about -19 amendments.)

787 CHAIR BUNN: The prime beneficiaries of this whole program are children, and we continue year after year to keep those children at 75% poverty. We'll continue to do it, if we don't get this bill. We'll continue to demand that kids live in poverty. I don't understand it.

795 CASTAGNA: That's why we support the expansion of participation in the Jobs program, and we even support making Jobs Plus voluntary. (Continues response.)

817 MCCOY: The answers are not in, on Jobs Plus. If you noticed the jobs that were given out to us in the four different areas the other day, I would think about 75% of those, people are making \$4.75 an hour. You cannot get off welfare, or even live decently, on \$4.75 an hour.

827 CHAIR BUNN: I think every member of this committee would want family wage jobs. Sometimes, to get that, you have to start at minimum wage jobs. We have designed a system here that is only a part of the jobs solution, and I would remind the committee that when we look at Jobs Plus, we're only

talking about a piece of an overall solution that designs a system to assure that if you're at that minimum wage, to have other incentives to move on. From having served on a number of committees in the legislature, I

can tell you that I have seen hard evidence that often minimum wage jobs moved toward higher paid jobs. We all want to help create initially family wage jobs, and this certainly helps move us in that direction.

847 CASTAGNA: Could I ask that in the Jobs Plus Program, you consider adding

at a minimum a housing allowance, if a person is living in public housing as a welfare recipient and they experience an increase in their housing? I talked on Friday to a woman in a rural part of this state who lives in public housing, who said she's look for work, but if she takes a \$5 or \$6 an hour job, her rent will increase because she's living in public housing and her rent is based upon how much income she receives. We may make people

worse off, economically, if we don't take care of a housing adjustment for those who are in public housing.

859 CHAIR BUNN: Let me suggest this: we have tried very hard to assure that we have incentives to make these programs work well. We have adopted amendment after amendment after amendment to assure that the bill was more compassionate, that it had more of a safety net. I want to say very clearly

that we could go on for the next ten years adopting amendments to make it better and better. There is a cut-off point. I have invited everybody, as Chair of the committee, to bring their information to us. I think that the suggestion you make is worth exploring, but this bill has to go to the House also, and there are certain things that we cannot do as we've looked at amendment after amendment, and we have to move on with the process. What

I'd suggest is to encourage you, and I indicated to you this morning in a meeting we had, that on any issues that you believe had merit, I would work

with you on exploring those if they were beyond what you had already had the opportunity to bring to the committee, and to look at the House side as

to whether or not there was a benefit there in trying to present those issues. I say that in good faith and would continue to say that.

TAPE 90, B

480 MOTION: MCCOY: Moves that the -18, 19-, -20 and -21 amendments be ADOPTED.

484 CHAIR BUNN: Under discussion, I would express that I would oppose the adoption of the amendments, and express that I believe this committee has, in good faith, tried to make a comprehensive bill that creates a process that works well. I don't believe that any bill is perfect, and there may be

improvements that can be made in the House. I'm certainly open to that, but

I think that it's not fruitful at this time to adopt these amendments.

492 KEITH PUTMAN: The -20 amendments eliminates the Jobs program and replaces it with specific target participation rates (Castagna interjects: It eliminates Jobs Plus), it makes Jobs Plus voluntary, and then if not voluntary, has some other wording. What I'm asking is, can the -20's and -21's coexist?

501 CASTAGNA: They should be taken up separately.

505 MCCOY: Let's do them (referring to moving to adopt the amendments) individually.

506 MOTION: SEN. MCCOY: Moves that the -18 amendments be ADOPTED.
507 VOTE: ROLL CALL: VOTING NO: SEN. BUNN, SEN. HANNON. VOTING AYE: SEN.
MCCOY, SEN. LEONARD. EXCUSED: SEN. KENNEMER.
Motion FAILS.

508 MOTION: SEN. MCCOY: Moves that the -19 amendments be ADOPTED.

509 VOTE: ROLL CALL: VOTING NO: SEN. BUNN, SEN. HANNON. VOTING AYE: SEN.
MCCOY, SEN. LEONARD. EXCUSED: SEN. KENNEMER.
Motion FAILS.

510 MOTION: SEN. MCCOY: Moves that the -20 amendments be ADOPTED.

511 VOTE: ROLL CALL: VOTING NO: SEN. BUNN, SEN. HANNON. VOTING AYE: SEN.
MCCOY, SEN. LEONARD. EXCUSED: SEN. KENNEMER.
Motion FAILS.

512 MOTION: SEN. MCCOY: Moves that the -21 amendments be ADOPTED.

513 VOTE: ROLL CALL: VOTING NO: SEN. BUNN, SEN. HANNON. VOTING AYE: SEN.
MCCOY, SEN. LEONARD. EXCUSED: SEN. KENNEMER.
Motion FAILS.

514 CHAIR BUNN: Asks Steve Minnich to come forward and make some comments.

519 STEVE MINNICH: The case management process that we utilize right now is to have a reduced caseload case manager of 90 cases. Our normal caseload is

130 cases. That case manager has as their job to case manage all the services coming to that case. (Continues comments.)

539 KEITH PUTMAN: To Minnich: One of the paragraphs on changing the two-year

cutoff talks about education, employment or job training programs, including teen parents. The very next section uses the phrase "employment search activities, training, employment programs" but does not mention teen

parents. It's my understanding it was the agency's intent that the persons in "B" be the same as the persons in "A," in other words that the teen parents are covered by both provisions.

547 MINNICH: That is correct; we believe that to be so, and we also believe that work search applies to not activate the time limits.

550 PUTMAN: My second question has to do with language in the Jobs Plus portion, where there's language something to the effect that unless specified otherwise, Jobs rules apply to the Jobs Plus program. Would that include such things as availability of day care and transportation as a part of the process of finding employment and self-sufficiency?

556 MINNICH: Not only would it include that, but also, if we cannot provide child care or transportation, the person is not being called for that position.

563 CHAIR BUNN: Calls a 10-minute recess.

564 CHAIR BUNN: Re-convenes at 5:54
We'll bring this bill back on Monday; we'll bring it out of committee at

that time.

Next Wednesday's (5/17) meeting will run late, possibly until 9:00 P.M.

580 Adjourns at 5:55 P.M.

Submitted by, Reviewed by,

Mary Gallagher Art Wilkinson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Written Testimony on HB 2525--Rep. John Meek--1 page
- B - -24 Amendments to SB 152--Art Wilkinson--47 pages
- C - Written Testimony on SB 152-23--Muriel Goldman--2 pages
- D - -22 Amendments to SB 1117--Keith Putman--38 pages