

**HOUSE COMMITTEE ON GENERAL GOVERNMENT**

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**April 05, 2005 Hearing Room B**

**8:30 A.M. Tapes 36 - 37**

**MEMBERS PRESENT:           Rep. Vickie Berger, Chair**

**Rep. Peter Buckley, Vice-Chair**

**Rep. Mac Sumner Vice-Chair**

**Rep. Kevin Cameron**

**Rep. Sal Esquivel**

**Rep. Larry Galizio**

**Rep. Brad Witt**

**STAFF PRESENT:           Caralyn Fischer, Committee Administrator**

**Jania Zeeb, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HB 3329 – Public Hearing**

**HB 3067 – Work Session**

**HB 2916 – Work Session**

**HB 2094 –Work Session**

**These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.**

**TAPE/#    Speaker                    Comments**

## TAPE 36, A

002 Chair Berger Calls the meeting to order at 8:35 A.M. and opens a public hearing on HB 3329.

### HB 3329 – PUBLIC HEARING

007 Cara Fischer Committee Administrator. Summarizes HB 3329.

017 Martin Taylor Oregon Nurses Association and Association of Perioperative Registered Nurses. Testifies in support of HB 3329.

028 Deb Cassell Certified Registered Nurse First Assistant (CRNFA) in the Mid-Willamette Valley. Submits and reads prepared testimony in support of HB 3329 (**EXHIBIT A**).

067 Dr. Stephen Newman Orthopedic Surgeon. Submits prepared testimony in support of HB 3329 (**EXHIBIT B**). Gives information on how the CRNFA and the surgeon work together in the operating room.

121 Newman Discusses how nurse first assistants have helped alleviate problems with the current system.

133 Newman Comments on the problems with payments for the first assistants. Comments on the importance of HB 3329 and discusses the negative ramifications of not passing HB 3329.

157 Rep. Sumner Inquires what a Registered Nurse (RN) does to become a Registered Nurse First Assistant (RNFA) .

161 Cassell Explains the process of becoming an RNFA.

165 Rep. Sumner Asks if in the position of RNFA you are a life saving factor in the operating room.

167 Cassell Responds that he is correct and give examples of how they can help in the operating room.

171 Rep. Sumner Gives an example of how much an RNFA can charge for services and how much they typically receive. Inquires if he is correct.

178	Cassell	Concurs with Rep. Sumner's example.
179	Rep. Cameron	Asks if they are required by hospitals to have two people in the operating room.
181	Newman	Answers that in certain operations they are required to have two people.
183	Rep. Cameron	Inquires if when another surgeon helps with the operation they are able to bill for their time.
187	Newman	Responds that they use the same billing as the RNFA and states that they are typically reimbursed at a higher rate.
192	Rep. Galizio	Inquires what is happening with Medicare to get them to recognized the RNFA.
194	Cassell	Gives a history of what is being done to get Medicare to cover RNFAs.
234	Marilyn Hudson	Oregon State Board of Nursing (OSBN). Submits and reads prepared testimony in opposition to HB 3329 ( <b>EXHIBIT C</b> ).
283	Rep. Buckley	Asks if she knows of another precedent of health care workers in Oregon not being compensated for their services.
286	Hudson	Responds that she cannot speak to reimbursement issues because that is not part of the OSBN's mission.
291	Rep. Buckley	Inquires what the additional cost would be to the OSBN as a result of HB 3329.
297	Hudson	Responds that they do not currently certify the RNFA because they are classified as an RN. Comments on where the additional cost would come.
307	Rep. Buckley	Asks what the additional cost would be for certification.
310	Hudson	Responds that they have not done a cost analysis, but estimates that the cost would be in thousands of dollars

314	Rep. Buckley	Asks if it would be thousands of dollars per application.
316	Hudson	Answers that it would not.
318	Rep. Esquivel	Inquires if the nurse gets paid by the hospital.
320	Hudson	Responds that she does not know how nurses are paid.
328	Rep. Esquivel	Asks if the individual could be on a salary and then the charge for the surgery would be additional to the salary.
334	Hudson	Reiterates that she is not able to speak on reimbursement.
338	Martin Taylor	Gives information on how RNFAs are reimbursed. Gives information about who relies on reimbursement and who is paid salary.
355	Rep. Cameron	Asks Ms. Hudson if she has a personal opinion on how the RNFA should be reimbursed for services provided.
360	Hudson	Responds that she does not have a personal opinion.
368	Rep. Cameron	Asks for clarification on the OSBN's position.
371	Hudson	Gives information on the current certifications the OSBN gives and comments on the dilemma that would be create by HB 3329.
393	Rep. Cameron	Asks if there is two years of training in order to be qualified.
398	Taylor	Responds that is correct and explains how a person becomes an RNFA. Explains why the RNFA needs to be recognized by statute.
420	Rep. Cameron	Inquires if there are any other states that have similar incentives for people to go to work in the health care fields.
433	Taylor	Explains that he drew this legislation by looking at other states.

**TAPE 37, A**

014	Rep. Witt	Inquires if the certification is enhanced by limiting the number of individual credentials within the RN certification.
037	Hudson	Responds that it would be unnecessary to add other certifications and it would be more limiting to the nurses.
046	Rep. Witt	Inquires if the OSBN has a policy to restrict the number of credentials within a field.
048	Hudson	Responds that there is no restriction.
050	Rep. Galizio	Asks if it would be in the area of public safety to require reimbursement so in rural areas there are RNFAs who are reimbursed for their services.
060	Hudson	Responds that from the boards perspective it is a reimbursement issue not a public safety issue.
070	Taylor	Responds that it is not a primary mission of HB 3329 to deal with public safety, but points out that any time there is a certification process it decreases the potential of someone falsely saying they are an RNFA, which is a public safety issue.
078	Chair Berger	Asks for the difference between an advanced practice nurse and an RN.
080	Hudson	Discusses the differences between the advanced practice nurses and an RN.
097	Chair Berger	Clarifies that we have two nursing scopes, advanced practice and RN, and the objection that the OSBN has is that one small area of one of the scopes would be given a special status.
100	Hudson	Concurs.
109	Chair Berger	Asks how other states deal with this problem of different certifications in the RN status.
114	Taylor	Responds that his research was how other states deal with just the RNFA, and he does not know how other states deal with the different certifications in the RN status.

- 123 Chair Berger States that she wants to create a work group on the issue and lists who will be involved in the group.
- 128 Rep. Esquivel States he would like to have the information on how other states handle different certifications in the RN.
- 130 Taylor Responds that the information can be given to the committee.
- 134 John Powell Regence Blue Cross Blue Shield. States that Regence has a policy to reimburse first assistants and they would like to encourage the further development of first assistants. Comments that there are some changes that are needed in the language in HB 3329.
- 151 Rep. Cameron Asks why they want to encourage the development of first assistants.
- 153 Powell Responds that there must be an assistant in surgery, and for a surgeon to do this is not good use of time and increases cost. States that this is a category of people who are trained, and this is a more efficient use of healthcare dollars.
- 171 Chair Berger Closes the public hearing on HB 3329 and opens a work session on HB 3067.

**HB 3067 – WORK SESSION**

- 178 Cara Fischer Committee Administrator. Summarizes HB 3067.
- 189 Rep. Buckley **MOTION: Moves HB 3067 to the floor with a DO PASS recommendation.**
- 193 **VOTE: 7-0-0**
- Chair Berger **Hearing no objection, declares the motion CARRIED.**  
**REP. BOONE will lead discussion on the floor.**
- 198 Chair Berger Closes the work session on HB 3067 and opens a work session on HB 2916.

**HB 2916 –WORK SESSION**

- 206 Rep. Cameron **MOTION: Moves HB 2916 to the floor with a DO PASS recommendation.**
- 210 **VOTE: 7-0-0**
- Chair Berger **Hearing no objection, declares the motion CARRIED.**  
**REP. CAMERON will lead discussion on the floor.**
- 218 Chair Berger Closes the work session on HB 2916 and opens a work session on HB 2094.

**HB 2094 – WORK SESSION**

- 224 Rep. Sumner **MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on House Bill 2094.**
- 230 **VOTE: 7-0-0**
- Chair Berger **Hearing no objection, declares the motion CARRIED.**
- 231 Patrick Allen Office of Regulatory Streamlining. Discusses the need for the -3 amendments (**EXHIBIT D**).
- 262 Rep. Sumner **MOTION: Moves to RECONSIDER the vote that "Moves HB 2094 to the floor with a DO PASS AS AMENDED recommendation."**
- 263 **VOTE: 7-0-0**
- Chair Berger **Hearing no objection, declares the motion CARRIED.**
- 269 Rep. Sumner **MOTION: Moves to WITHDRAW the -2 amendments dated 3/21/05 and replace it with the -3 amendments dated 4/4/05.**
- 269 **VOTE: 7-0-0**
- Chair Berger **Hearing no objection, declares the motion CARRIED.**

270 Rep. Sumner **MOTION: Moves HB 2094 to the floor with a DO PASS AS AMENDED recommendation.**

275 **VOTE: 7-0-0**

Chair Berger **Hearing no objection, declares the motion CARRIED.**  
**REP. SUMNER will lead discussion on the floor.**

292 Chair Berger Closes the work session on HB 2094 and adjourns the meeting at 9:24 a.m.

**EXHIBIT SUMMARY**

- A. **HB 3329, prepared testimony, Deb Cassell, 3 pp**
- B. **HB 3329, prepared testimony, Stephen Newman, 2 pp**
- C. **HB 3329, prepared testimony, Marilyn Hudson, 1 p**
- D. **HB 2094, -3 amendments, staff, 2 pp**