

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

February 11, 2005 Hearing Room D

8:30 A.M. Tapes 25 - 26

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Mitch Greenlick

MEMBERS EXCUSED: Rep. Bob Jenson, Vice-Chair

Rep. Tom Butler

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2103 – Public Hearing

HB 2105 – Public Hearing

HB 2177 – Public Hearing

HB 2201 – Public Hearing

HB 2053 – Public Hearing

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 25, A		
004	Chair Dalto	Calls the meeting to order at 9:15 a.m.
008	Rep. Tomei	Introduces a visiting governmental leader from Alsace, France.
017	Chair Dalto	Opens the public hearing on HB 2103.
<u>HB 2103 – public hearing</u>		
022	Jim Markee	Oregon Board of Cosmetology. Supports HB 2103. Reports the bill makes needed changes to the statute, and he is not aware of any opposition.
030	Susan Wilson	Director, Health Licensing Office (HLO). Supports HB 2103. Submits and reviews (exhibit a) explaining the function of the agency, and notes the purposes of the bill. Mentions the regulatory streamlining charge from the Governor and their response to that charge. Notes the proposed amendment is to align a number of statutes connected to this bill.
061	Chair Dalto	Asks Wilson if she is familiar with the Rep. Krummel's amendment regarding athletic trainers, and if it is appropriate in this bill.
062	Wilson	Believes Rep. Krummel has been working with Legislative Counsel, and they have amended that feature to another bill. Notes they have no objection to that amendment being included with this bill if the committee chooses.
072	Chair Dalto	Closes the public hearing on HB 2103. Opens the public hearing on HB 2105.

HB 2105 – public hearing

081	Susan Wilson	Director, HLO. Supports HB 2105. Submits and reviews (exhibit b) which explains the intent of the bill, part of which is to change the term, “facial technology” to a national standard term of “esthetics” and to remove the 1987 barrier of work only up to the 7th vertebrae. Notes the bill will align public policy with the work the licensees are educated and trained to provide. States the Department of Education regulates the schools and sets core competencies for the practice of cosmetology.
137	Rep. Greenlick	Inquires regarding the origin of the term “esthetics.”
147	Wilson	Replies it is an internationally recognized term.
153	Chair Dalto	Asks if there is an amendment to the bill.
155	Wilson	Responds affirmatively and notes it is not ready, but addresses rule authority needed relative to exceptions for nursing homes and hospitals.
163	Chair Dalto	Requests clarification on the nature of the concerns with the bill.
166	Markee	Responds the model that was created is one of the best, however, scope-of-practice issues raise concerns, as there will be overlap within certain licensed professions. Notes Ms. Wilson moved cautiously, meeting with stakeholders. Relates the Board of Massage continues to have concerns, although they don’t object to this bill, with the greatest concern being matching education with what the license allows (exhibit c).
280	Michael Dukart	Citizen. Submits written testimony of Anne Williams on her behalf (exhibit d), which opposes HB 2105.
302	Chair Dalto	Notes receipt of testimony of Catherine Law by email (exhibit e).
304	Jacqueline McCal, LMT	Citizen. Opposes HB 2105. Submits and reviews (Exhibit f) reporting the education level of facial technologists doesn’t prepare them in health safety of their clients if they perform body wraps. Requests education and scope of training match. Submits written testimony on behalf of Stephanie Manriquez (exhibit g).
333	Rep. Tomei	Asks if McCal is aware of anyone who has suffered from an inappropriate body wrap.

- 336 McCal Responds, no.
- 340 Jennifer Brady, LMT, Oregon Chapter, Medical Massage Therapists Association (MMTA).
CMMT Opposes HB 2105. Reports she is aware of someone who has suffered from an inappropriate body wrap. States the need to take proper medical histories, and be educated to interpret them before performing a body wrap.
- 372 Chair Dalto Requests clarification of a body wrap and who can perform it.
- 374 Brady Submits and reviews (**exhibit h**), which answers those questions and elaborates on the need to address specifically, increasing skin surface area on which estheticists can work.
- 420 Chair Dalto Requests Brady clarify where this bill says facial estheticians can do body wraps.
- 425 Brady Cites Section 1 (7) (d). Expresses concern with the extension of scope listed in Section 1 (13) (b). Clarifies difference between skin beautification and physiological therapies.
- 474 Rep. Greenlick Questions whether body wraps are presently being done by licensed massage therapists, and if there are current statutes that restrict this activity to certain occupations.
- 480 Brady Notes she believes body wraps should only be performed by licensed massage therapists, although that does not appear to be reality.

TAPE 26, A

- 024 Rep. Tomei Inquires about the definition of a medical massage therapist, and the education requirements.
- 028 Brady Defines occupation as a therapist licensed to work with a physician under prescription with the purpose of rehabilitating the body tissues. Explains 250 hours plus two years further experience are required to qualify.
- 033 Chair Dalto Asks whether a facial estheticist can currently perform a body wrap. Recommends a separate bill to address concerns.

- 065 Diana Nott Director of Operations, Oregon School of Massage. Opposes HB 2105. Submits and reviews (**exhibit I**), and submits (**exhibit j**) on behalf of Jill Stanard, ND. Addresses physiological and ethical concerns.
- 098 Rep. Tomei Requests additional information on the dangers of body wraps.
- 105 Rep. Anderson States if the issue goes beyond skin care to the tissue, he would like to see more education, specialization, and limitation of licenses in this area.
- 114 Chair Dalto Closes the public hearing on HB 2105. Opens the public hearing on HB 2177.

HB 2177 – public hearing

- 115 Thiele Cirka Summarizes the bill.
- 126 Patrick Allen Office of Regulatory Streamlining. Supports HB 2177. Notes the value of having license expirations governed by rule rather than statute, allowing renewals by birth month.
- 146 Jon Langenwalter Administrator, Board of Clinical Social Workers. Supports HB 2177. Submits and reviews (**exhibit k**), explaining the value of an even workload and cash flow.
- 177 Allen Mentions improved customer service.
- 187 Rep. Anderson Expresses concern with the distinction between the Licensed Clinical Social Workers and Licensed Professional Counselors, and the ability to gain compensation through insurance companies, particularly for those willing and able to serve rural communities.
- 226 Chair Dalto Closes the public hearing on HB 2177. Opens the public hearing on HB 2201.

HB 2201 – public hearing

- 233 Patrick Allen Office of Regulatory Streamlining. Supports HB 2201. Relates the bill is similar to HB 2177.

- 237 Julia Cooley Administrator, Board of Licensed Professional Counselors and Therapists. Supports HB 2201. Submits and reviews (**exhibit l**) noting the bill is the same as HB 2177, only for a different board.
- 258 Vice-Chair Tomei Closes the public hearing on HB 2201. Opens the public hearing on HB 2053.

HB 2053 – public hearing

- 260 Sandy Thiele Cirka Summarizes the bill.
- 276 John Fletcher Legislative Coordinator, Oregon Department of Housing and Community Services. Supports 2053. Submits and reviews (**exhibit m**) noting the two changes the bill accomplishes:
- · Renames the Commission to preserve the legal name, and provide a simpler name for the public; and
 - · Adds two members to comply with federal requirements.
- 327 Rep. Greenlick Asks the impact if another name were used.
- 328 Eric Chambers Commissioner, Oregon Commission for Voluntary Action and Service. Reports they are interested in the ability to brand themselves – to offer a memorable name people can use to refer to them.
- 353 Fletcher Notes the Commission held a number of meetings to discuss the choice of name, and determined they did not want to lose the existing name recognition, and recognized the need to remain consistent with other states.
- 351 Rep. Greenlick Requested a list of names used by the other 50 states.
- 392 Chambers Supports HB 2053; Submits and reviews (**exhibit n**) elaborating on the desired name recognition and branding, and the request to reinsert the missing “!” in Oregon Volunteers!
- 462 Rep. Tomei Notes she received a phone call from former Representative Ralph Brown in support of this bill.
- 467 Chair Dalto Closes the public hearing on HB 2053. Adjourns the meeting at 10:14 a.m.

EXHIBIT SUMMARY

- A. **HB 2103, written testimony, Susan K. Wilson, 8 pp**
- B. **HB 2105, written testimony, Susan K. Wilson, 8 pp**
- C. **HB 2105, letter to Patty Glenn, Susan K. Wilson, 4 pp**
- D. **HB 2105, written testimony of Anne E. Williams, Jennifer Brady, 2 pp**
- E. **HB 2105, email in opposition, Catherine Law, Rep. Billy Dalto, 1 p**
- F. **HB 2105, written testimony, Jacqueline McCal, 1 p**
- G. **HB 2105, written testimony of Stephanie Manriquez, AAS, LMT, Jacqueline McCal, 1 p**
- H. **HB 2105, written testimony, Jennifer Brady, 3 pp**
 - I. **HB 2105, written testimony, Diana Nott, 2 pp**
 - J. **HB 2105, written testimony of Jill Stanard, ND, Diana Nott, 1 p**
- K. **HB 2177, written testimony, Jon Langenwalter, 9 pp**
- L. **HB 2201, written testimony, Julia Cooley, 7 pp**
- M. **HB 2053, written testimony, John Fletcher, 1 p**
- N. **HB 2053, written testimony, Eric Chambers, 5 pp**