

**HOUSE COMMITTEE ON**  
**HEALTH AND HUMAN SERVICES**

**February 23, 2005 Hearing Room D**

**8:30 A.M. Tapes 35 - 36**

**MEMBERS PRESENT:           Rep. Billy Dalto, Chair**

**Rep. Tom Butler, Vice Chair**

**Rep. Carolyn Tomei, Vice-Chair**

**Rep. Gordon Anderson**

**Rep. Deborah Boone**

**Rep. Kevin Cameron**

**Rep. Mitch Greenlick**

**STAFF PRESENT:           Sandy Thiele-Cirka, Committee Administrator**

**Pamella Andersen, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HB 2330 – Public Hearing**

**SB 58 – Public Hearing**

**SCR 1 – Public Hearing and Work Session**

**SB 59 – Public Hearing and Work Session**

**SB 60 – Public Hearing and Work Session**

**SB 222 A – 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 35, A**

004              Chair Dalto                      Calls the meeting to order at 8:37 a.m. Opens the public hearing on HB 2330.

**hb 2330 – PUBLIC HEARING**

009              Sandy Thiele-Cirka      Administrator. Summarizes HB 2230.

020              Gretchen Morley              Director, Health Policy Commission. Testifies in support of HB 2330. Notes the commission is the sponsor and developer of the bill. Reviews the purpose of the bill to expand government-sponsored vaccination programs to include low income adults.

050              Lorraine Duncan              Immunization Program Manager, Department of Human Services (DHS). Supports HB 2330. Reviews which vaccines would be considered and current funding sources for vaccines. Notes possible funding sources.

099              Chair Dalto                      Asks why legislation is needed.

105              Morley                              Reports the two agencies could work together to provide the same report without legislation.

107              Rep. Anderson                      Inquires as to how this report can be produced so quickly.

110              Duncan                              Notes the children's portion of the research is already compiled.

124              Rep. Butler                              Reiterates it sounds like the agency can accomplish this without a bill.

140              Chair Dalto                              Closes the public Hearing on HB 2330. Opens the public hearing on SB 58.

## **sb 58 – PUBLIC HEARING**

- 146 Sandy Thiele-Cirka Administrator. Summarizes SB 58.
- 158 Anne Walsh Executive Director, Board of Naturopathic Examiners. Supports SB 58. Submits and reviews written testimony (**exhibit a**). Requests amendment be considered which would change the violation to a misdemeanor. Notes the amendment has not been sent to Legislative Counsel.
- 185 Rep. Butler Requests list of fines levied by other licensing agencies.
- 200 Rep. Greenlick Requests clarification of the problem.
- 204 Walsh Relates these are practitioners who are not licensed by the state of Oregon.
- 213 Rep. Greenlick Asks if this is a licensing issue, or fraud.
- 219 Walsh Elaborates on Oregon's licensing standards, noting the law does not clearly state you must have a license to practice.
- 240 Rep. Greenlick Requests clarification between appropriateness of criminal prosecution and board action.
- 248 Walsh Explains appropriate board would notify the offending party, and based on the severity of the violation, would then go to the District Attorney's office.
- 261 Rep. Butler Recommends the amendments define the nature of naturopathic physician work.
- 263 Chair Dalto Closes the public hearing on SB 58. Opens the public hearing on SCR 1.

## **SCR 1 – PUBLIC HEARING**

- 264 Rep. Debbie Farr House District 14. Supports SCR 1. Addresses heart disease, the number one killer of women, and the year-long campaign to encourage women to monitor their heart health.

342 Phil Donovan American Heart Association. Supports SCR 1. Explains the -2 amendments (**exhibit b**), which provide revised statistics. Notes related heart-health activities in the Capitol.

368 Rep. Butler Questions the official name.

372 Donovan Clarifies “Go Red for Women” is the official campaign name.

380 Chair Dalto Closes the public hearing on SCR 1. Opens the work session on SCR 1.

### **SCR 1 – Work session**

390 Rep. Butler **MOTION: Moves to ADOPT SCR 1-2 amendments dated 02/22/05.**

Chair Dalto **Hearing no objection, declares the motion CARRIED.**

409 Rep. Butler **MOTION: Moves SCR 1 to the floor with a BE ADOPTED AS AMENDED recommendation.**

**VOTE: 7-0-0**

**AYE: In a roll call vote, all members present vote Aye.**

418 Chair Dalto **The motion CARRIES.**

**REP. FARR will lead discussion on the floor.**

423 Closes the work session on SCR 1. Opens the public hearing on SB 59.

### **sb 59 – public hearing**

425 Sandy Thiele-Cirka Administrator. Summarizes SB 59.

442 Martin Pittioni Executive Director, Board of Psychologist Examiners. Submits written testimony and discusses highlights (**exhibit c**). Mentions oral exams have become controversial, and the Board is seeking alternatives.

## TAPE 36, A

- 004 Pittioni Continues testimony, noting there is no opposition to the bill. Notes that the rights of applicants are not impacted by the bill.
- 048 Rep. Butler Notes this supports nationwide alignment of exams, allowing reciprocity. Asks how Oregon compares to adjacent states, and how frequently the exams are administered.
- 061 Pittioni Responds there are two exams per year, in April and October with 30-40 applicants per exam cycle. Compares Oregon licensure to adjacent states, noting national boards oversee general licensure.
- 112 Rep. Butler Asks if the authorization to reexamine is standard procedure and uniform among the states, and if the number of complaints received by the board will be reduced.
- 143 Pittioni Relates reexamination is uniform and is not being impacted by the bill. Notes the number of complaints is not unusually high, but may appear so as multiple complaints may be filed on one party.
- 156 Rep. Butler Expresses concern that the board protect itself and that this not require additional financial resources.
- 174 Pittioni Notes there is a small fiscal impact from the cost of developing a new exam, but the board does not intend to raise fees for the next four years.
- 184 Rep. Tomei Requests clarification on frequency of testing and if there are additional, subsequent exams.
- 194 Pittioni Relates and reviews the continuing education and re-examination requirements.
- 219 Rep. Tomei Requests further clarification as to whether they are seeking to design the exam.
- 230 Pittioni States they are not trying to duplicate existing exams. Notes they only examine on Oregon-specific laws and ethics rules by way of a written, standardized exam.

- 258 Rep. Greenlick Asks whether anything in the bill relates to or would impact school psychologists.
- 268 Pittioni Comments this board does not license or govern school psychologists; they are regulated by the Teacher Standards and Practices Commission (TSPC).
- 282 Damiana Merryweather Oregon Psychological Association. Supports SB 59. Notes the association's past concern with potential exam subjectivity. Believes the bill addresses this.
- 294 Rep. Anderson Questions rationale behind the TSPC overseeing school counselors rather than this board.
- 319 Merryweather Offers to meet personally with members to discuss the differences between school counselors and those governed by the Board of Psychologist Examiners.
- 333 Chair Dalto Closes the public hearing on SB 59. Opens the work session on SB 59.

**sb 59 – work session**

- 335 Rep. Butler **MOTION: Moves HB 59 to the floor with a DO PASS recommendation.**

**VOTE: 7-0-0**

**Chair Dalto Hearing no objection, declares the motion CARRIED.**

- 351 Rep. Butler **MOTION: Moves HB 59 be placed on the CONSENT CALENDAR.**

**Chair Dalto Hearing no objection, declares the motion CARRIED.**

- 371 Chair Dalto Closes the work session on SB 59. Opens the public hearing on SB 60.

**sb 60 – PUBLIC HEARING**

380 Martin Pittioni Executive Director, Board of Psychologist Examiners. Submits written testimony and reviews highlights (**exhibit d**) noting the bill is to close a loophole in the disciplinary process.

440 Chair Dalto Clarifies issue further.

459 Rep. Butler Asks the fiscal impact on licensees.

463 Pittioni Reports the fiscal impact is minimal. Notes the goal is to preclude the problem.

**TAPE 35, B**

004 Rep. Butler Questions whether licensees under discipline in other states have been moving to Oregon.

011 Pittioni States he has no evidence this has happened.

018 Damiana Merryweather Supports SB 60 and its provisions to protect the public.

027 Rep. Butler Asks whether the cost should be borne by the person being investigated.

029 Pittioni Relates the board does not have authority to recoup investigation costs, only to levy fines. Clarifies difference between complaints and violations.

041 Rep. Butler Requests Mr. Pittioni return to the board and investigate what other states are doing with regard to investigation costs.

060 Rep. Anderson Questions whether fines cover the costs of investigations.

070 Pittioni Notes the fines will not cover the full costs.

080 Chair Dalto Closes the public hearing on SB 60. Opens the work session on SB 60.

081 Rep. Butler **MOTION: Moves HB 60 to the floor with a DO PASS recommendation.**

**VOTE: 7-0-0**

Chair Dalto **Hearing no objection, declares the motion CARRIED.**

092 Rep. Butler **MOTION: Moves HB 60 be placed on the CONSENT CALENDAR.**

Chair Dalto **Hearing no objection, declares the motion CARRIED.**

096 Closes the work session on SB 60. Opens the work session on SB 222-A.

### **SB 222 A – WORK SESSION**

097 Sandy Thiele-Cirka Administrator. Summarizes the bill. References fax from former Representative Jane Lokan (**exhibit e**).

118 Chair Dalto Reports there may be a problem with this proposed amendment.

135 Madeline Olson Assistant Administrator, Office of Mental Health and Addiction Services (OMHAS). States she received the amendment and believes the concerns it addresses can be handled through the administrative rule process.

130 Chair Dalto Requests clarification on Ms. Lokan's request.

143 Olson Explains and notes the need for a statute that has flexibility as time and geography change.

147 Rep. Greenlick Notes his understanding of Ms. Lokan's concerns.

151 Olson Reports the trust fund is designated solely for housing for a certain limited pool of the mentally ill.

158 Rep. Greenlick Believes Ms. Lokan's statement was she wanted to ferociously reserve the units for those with mental illness.

152	Olson	Discusses terminology, and notes Ms. Lokan's concern that the trust fund investment be maximized.
172	Chair Dalto	Requests confirmation the department can accomplish that goal through administrative rule.
175	Olson	Confirms, yes.
176	Rep. Butler	Indicates his concern with the proposed amendment, as DHS should have the flexibility to make necessary determinations.
188	Rep. Boone	Notes her recollection Ms. Lokan's concerns relating to people not being forced into a shared-living situation.
198	Chair Dalto	Comments the bill relates to units the department is developing, and does not impact other housing situations.
205	Olson	Confirms bill only deals with expenditure of funds from Dammasch property.
208	Rep. Tomei	Requests clarification of her understanding which sees differentiation between sharing a unit and a bedroom.
220	Olson	Confirms housing will be developed according to the needs of people seeking it at the time.
229	Rep. Butler	<b>MOTION: Moves SB 222A to the floor with a DO PASS recommendation.</b>
238		<b>VOTE: 7-0-0</b>
	Chair Dalto	<b>Hearing no objection, declares the motion CARRIED.</b> <b>REP. TOMEI will lead discussion on the floor.</b>

**The following prepared testimony is submitted for the records without public testimony:**

Clifford A. Johannsen, Ph.D.	Submits written testimony in support of SB 59 and SB 60 ( <b>exhibit f</b> ).
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**EXHIBIT SUMMARY**

- A. SB 58, written testimony, Anne Walsh, 1 p
- B. SCR 1, -2 amendment, Phil Donovan, 1 p
- C. SB 59, written testimony, Martin Pittioni, 6 pp
- D. SB 60, written testimony, Martin Pittioni, 3 pp
- E. SB 222 A, written testimony of Jane Lokan, staff, 1 p

**The following prepared testimony is submitted for the record without public testimony:**

- F. SB 59, SB 60, written testimony, Clifford A. Johannsen, 2 pp

**Rep. Tom Butler, Vice-Chair**

**Rep. Carolyn Tomei, Vice-Chair**

**Rep. Deborah Boone**

**Rep. Kevin Cameron**

**Rep. Mitch Greenlick**

**Rep. Bob Jenson**

**MEMBERS EXCUSED:           Rep. Gordon Anderson**

**STAFF PRESENT:           Sandy Thiele-Cirka, Committee Administrator**

**Pamella Andersen, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**HB 2053 – Work Session**

**HB 2177 – Work Session**

**HB 2201 – Work Session**

**SB 222A – Public Hearing**

**SB 225 – Public Hearing**

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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**TAPE 33, A**

005	Vice Chair Butler	Calls the meeting to order at 8:36 a.m.
008	Sandy Thiele-Cirka	Administrator. Reports the amendments to HB 2058 are not available.
016	Chair Dalto	Opens a work session on HB 2053.

**hb 2053 – WORK SESSION**

018	Sandy Thiele-Cirka	Administrator. Reviews the history and intent of the bill which changes the name of a commission.
<b>023</b>	<b>Rep. Butler</b>	<b>MOTION: Moves HB 2053 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.</b>
024	Rep. Greenlick	Believes it is a mistake to make the name more complicated.
<b>043</b>		<b>VOTE: 6-0-1</b> <b>EXCUSED: 1 – Anderson</b>
	<b>Chair Dalto</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		Closes the work session on HB 2053. Opens a work session on HB 2177.

**hb 2177 – WORK SESSION**

- 069 Sandy Thiele-Cirka Administrator. Reviews the history and intent of the bill relating to license renewals.
- 080 Rep. Butler Asks if the board discussed the suggestion of moving to biennial renewals.
- 091 Jon Langenwalter Administrator, Board of Clinical Social Workers. Reports the board discussed this, but opposes it as a questionnaire is included with the renewal forms and biennial responses would be too infrequent.
- 101 Rep. Butler Notes his accountancy license. Elaborates on his suggestions. Expresses concern that certain issues are not addressed immediately by licensees. Requests the chair issue a letter to the Ways and Means co-chairs requesting they have this board address issues in a timelier manner and move the licensing period a biennial format.
- 153 Langenwalter Explains the present rules and the questions typically asked, noting the rules are not followed effectively.
- 154 Rep. Butler Comments the committee could defer the measure and rework it. Questions whether a subsequent referral could be added. Requests HB 2177 be removed from the committee's calendar with the intent that the chair of the Ways and Means Committee receive a budget note indicating this needs to be solved completely.
- 211 Rep. Greenlick Lists three questions being discussed. Suggests the bill be passed, and Ways and Means be requested to urge all agencies to move to biennial licensing via budget notes.
- 234 Patrick Allen Manager, Office of Regulatory Streamlining. References HB 2094 presently in the General Government Committee, which addresses these issues with permissive language. Elaborates on provisions.
- 258 Rep. Butler MOTION: Moves HB 2177 to the floor with a DO PASS recommendation.**
- 260 Rep. Butler Comments on the need for the issues mentioned to be addressed.
- 295 VOTE: 6-0-1**

**EXCUSED: 1 – Anderson**

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

312            Chair Dalto                    Closes the work session on HB 2177. Opens a work session on HB 2201.

**hb 2201 – WORK SESSION**

314            Sandy Thiele-Cirka        Administrator. Reviews the history and intent of the bill related to license renewals.

325            Rep. Butler                    Raises same issues as with the previous bill.

**340            Rep. Tomei                    MOTION: Moves HB 2201 to the floor with a DO PASS recommendation.**

**347                                    VOTE: 5-0-2**

**EXCUSED: 2 - Anderson, Boone**

**Chair Dalto**                    **Hearing no objection, declares the motion CARRIED.**

**359            Rep. Tomei                    MOTION: Moves HB 2201 be placed on the CONSENT CALENDAR.**

**363                                    VOTE: 5-0-2**

**EXCUSED: 2 - Anderson, Boone**

**Chair Dalto**                    **Hearing no objection, declares the motion CARRIED.**

**367            Rep. Butler                    MOTION: Moves to SUSPEND the rules for the purpose of allowing REP. BOONE to BE RECORDED as voting AYE on HB 2201.**

**376                                    VOTE: 6-0-1**

**EXCUSED: 1 - Anderson**

**Chair Dalto**

**Hearing no objection, declares the motion CARRIED.**

381 Chair Dalto Closes the work session on HB 2201. Opens a public hearing on SB 222A

**SB 222A – PUBLIC HEARING**

384 Sandy Thiele-Cirka Administrator. Reviews the history and intent of the bill, which is related to housing for people with chronic mental illness.

400 Bob Nikkel Administrator, Office of Mental Health and Addiction Services, Department of Human Services (DHS). Supports SB 222A. Submits and reviews written testimony (**exhibit a**), noting the need for DHS to have flexibility in addressing specific housing needs.

**TAPE 34, A**

020 Rep. Butler Seeks to ensure the bill enhances existing situations with care providers.

Nikkel Confirms it would not change any existing situations, but only enhance opportunities.

030 Angela Kimball Association of Oregon Community Mental Health Programs. Supports SB 222A. Submits and reviews written testimony (**exhibit b**), noting the necessity of developing housing to ease pressure on state hospitals. Relates experience with individual who would benefit from this legislation.

093 Bob Repine Director, Oregon Housing and Community Services Department (OHCSA). Supports SB 222A. Elaborates on the various possibilities this legislation would allow, particularly with residential housing for five or less people.

126 Rep. Boone Asks if the large Victorian homes in Astoria would qualify.

134 Nikkel States those kinds of projects are being considered, and this bill would provide flexibility with those opportunities, where the existing law does not.

140	Rep. Boone	Questions how this would impact mobile or manufactured homes in parks.
142	Repine	Comments long term financing for mobile or manufactured homes requires land title transfers, which might preclude one in a park.
153	Rep. Greenlick	Relates experience in emergency rooms, where patients with mental illness might be held sedated for a number of days because there is no bed for them. Questions whether this bill would help alleviate this situation.
166	Nikkel	Responds yes. Elaborates on the present needs that will be addressed by this bill.
188	Chair Dalto	Mentions the receipt of written testimony from Bob Joondeph, Oregon Advocacy Center in support of SB 222A ( <b>exhibit c</b> ).
194	Jane Lokan	Former State Representative. Supports SB 222A. Expresses concern with the need to spread limited funds to as many beds as possible. Relates housing experiences with her son who is schizophrenic. Recommends housing with at least two bedrooms, and separate space for the care provider. Recommends against bringing in family members that would take away space from the mentally ill.
297	Rep. Cameron	Questions whether housing units reference people or bedrooms.
299	Nikkel	Explains unit applies to a duplex, which might have two bedrooms, but the bill does not get to that level of specificity.
311	Rep. Butler	Requests definition of living unit and whether the term includes a bathroom and kitchen.
331	Nikkel	Confirms a unit is more than just bedrooms.
338	Rep. Butler	Clarifies detailed possibilities based on Nikkel's response.
345	Nikkel	Confirms this bill will allow those options.
350	Rep. Greenlick	Seeks clarification between residential unit and living unit.

- 355 Nikkel Reports the bill allows the department flexibility.
- 366 Chair Dalto States SB 222A will be before the committee for a work session at the February 23rd meeting. Closes the public hearing on SB 222A. Opens a public hearing on SB 225.

### **SB 225 – PUBLIC HEARING**

- 375 Sandy Thiele-Cirka Administrator. Reviews the history and intent of the bill related to the immunization registry.
- 398 Lorraine Duncan Immunization Program Manager, Office of Family Health, DHS. Supports SB 225. Submits and reviews written testimony (**exhibit d**). Mentions imported cases of diseases such as measles.

### **TAPE 33, B**

- 003 Duncan Continues testimony.
- 010 Rep. Butler Asks what would have happened if the provisions of the bill had been in effect at the time of the measles outbreak on the Oregon State University campus.
- 015 Duncan Explains the school would have had the authority to review records indicating those who were susceptible to the disease.
- 028 Rep. Butler Asks if it would be sufficient for the college to have a waiver on their admissions paperwork.
- 033 Duncan Notes that hasn't been considered by the college.
- 038 Rep. Butler Questions whether their purpose would be accomplished if the university system put a waiver in their application paperwork.
- 045 Duncan Reports she is not qualified to answer that question.
- 046 Rep. Greenlick Asks why only measles and foreign students are being addressed.
- 052 Dr. Paul Cieslak

		Manager, Communicable Disease Program, DHS. States measles is the only communicable disease reported on Oregon college campuses, and all cases were traced to foreign students.
066	Rep. Greenlick	Notes other communicable diseases could come from foreign sources as well. Questions whether the department is awaiting an outbreak rather than addressing prevention.
074	Cieslak	Responds if the department does not invest resources unless a disease is detected.
078	Rep. Boone	Comments when traveling to foreign countries, people are required to have immunizations.
080	Cieslak	Explains polio is not a problem in other developed areas of the world, and that while pertussis may be on college campuses, it is not enough of a threat to warrant public action.
093	Chair Dalto	Asks about the outlook for pertussis.
095	Cieslak	Expresses belief that vaccination for pertussis is a bad idea, and that some of the reported cases are not true pertussis. Notes the fiscal impact of requiring vaccinations before the cost of a product is determined.
138	Rep. Butler	Shares concern this topic should be part of immigration rather than legislative process.
175	Rep. Greenlick	Asks if current address is a data piece on the immunization registry.
180	Duncan	Explains yes, but the information is not accessible when the data is shared.
190	Bruce Fitzwater	Christian Science Committee on Publication for Oregon. Opposes SB 225 in its present form, but supports its intent. Submits and reviews written testimony ( <b>exhibit e</b> ). Relates concern about privacy of medical data and the continuance of the ability of persons to purge their own data from databases.
256	Chair Dalto	Questions why the purge provision is being excluded.

- 257 Fitzwater Reports he has not received a satisfactory answer from Duncan regarding that. Continues on necessity of protecting privacy. References recommended amendments (**exhibit e, page 2**)
- 317 Rep. Tomei Asks if a child did not receive an immunization then is the intent that such information not be carried to the university.
- 330 Fitzwater Clarifies any medical data that is not necessary for public health should be allowed to be shared and retracted.
- 370 Rep. Tomei Questions if Fitzwater has any objection to the vaccination card (noting no vaccinations) following the student through the university.
- 374 Fitzwater States he would like the card to say unknown.
- 385 Rep. Tomei Comments if there is a known outbreak, the school would want to know who is unprotected.
- 400 Fitzwater Suggests the school address the person, not the medical data, and that the data state no record is available, and all those so described be removed from the campus.
- 427 Rep. Butler Expresses favor for Fitzwater's approach stating the individual should have primary responsibility to care for themselves. Explains individuals can provide information and could choose to make no declarations whatsoever, but would suffer the consequences of those who don't.

**TAPE 34, B**

- 015 Rep. Cameron Asks how that same situation is handled at the elementary level.
- 017 Fitzwater Relates his understanding that a parent or guardian sends a letter to school requesting exemption from the immunization requirements.
- 028 Rep. Cameron Asks if this means they wouldn't show up in the database.
- 029 Fitzwater Responds he doesn't know.
- 030 Rep. Greenlick

Comments foreign students should be treated the same as domestic students.

- |     |             |   |
|-----|-------------|---|
| 043 | Chair Dalto | States this bill will be explored further with the department.          |
| 055 | Chair Dalto | Closes the public hearing on SB 225. Adjourns the meeting at 10:06 a.m. |

### **EXHIBIT SUMMARY**

- A. **SB 222A, written testimony, Bob Nikkel, 2 pp**
- B. **SB 222A, written testimony, Angela Kimball, 2 pp**
- C. **SB 222A, written testimony of Bob Joondeph, Rep. Billy Dalto, 1 p**
- D. **SB 225, written testimony, Lorraine Duncan, 2 pp**
- E. **SB 225, written testimony, Bruce Fitzwater, 2 pp**