

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

February 25, 2005 Hearing Room D

10:00 A.M. Tapes 37 - 38

**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**

**GUEST MEMBERS:**           **Rep. Jerry Krummel**

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

**Pamella Andersen, Committee Assistant**

**MEASURES/issues HEARD:**

**HB 2058 – Work Session**

**HB 2426 – Work Session**

**HB 2065 – 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 37, A**

004            Chair Dalto                      Calls the meeting to order at 10:05 a.m. Opens the work session on HB 2058.

**hb 2058 – WORK SESSION**

008            Sandy Thiele-Cirka            Administrator. Summarizes the bill relating to accounting functions. Mentions the -1 amendment from Rep. Krummel dated 2-18-05 (**exhibit a**).

027            Rep. Jerry Krummel            House District 26. Reviews that the -1 amendment addresses the current sunset on athletic trainers..

039            Chair Dalto                      Asks why there was a sunset clause.

040            Rep. Krummel                    Responds some members questioned necessity of the original bill.

058            Rep. Greenlick                    Mentions the Grant High School athlete who died and whether this would reduce the likelihood of such occurrences.

062            Rep. Krummel                    Reports he is not aware of whether there was an athletic trainer on the scene during that occurrence. Reiterates importance of having someone present who can perform CPR, and use an automatic external defibrillator (AED).

108            Rep. Tomei                        Requests additional details on -1 amendment.

110            Rep. Krummel                    Relates what would be repealed and what would be inserted, and why the emergency clause should be included.

138            Rep. Anderson                    Questions how many athletic trainer positions are fully funded in Oregon high schools and how many are volunteers.

142            Rep. Krummel                    Reports there are 105 registered athletic trainers in Oregon, and 160 that are certified. Explains discrepancy, and that high schools are not required to fund these positions.



- 279 Chair Dalto Asks if this now accomplishes what is desired.
- 281 Cosgrove Reports it allows board flexibility to address future problems.
- 297 Rep. Tomei **MOTION: Moves to ADOPT HB 2426-2 amendments dated 2/25/05.**
- 301 Rep. Anderson Comments the amendment was a product of good negotiations, a beneficial process in narrowing down the problems to produce a good product.
- VOTE: 6-0-1**
- EXCUSED: 1 – Butler**
- 338 Chair Dalto **Hearing no objection, declares the motion CARRIED.**
- 341 Rep. Tomei **MOTION: Moves HB 2426A to the floor with a DO PASS AS AMENDED recommendation.**
- VOTE: 7-0-0**
- 362 Chair Dalto **Hearing no objection, declares the motion CARRIED.**
- REP. GREENLICK will lead discussion on the floor.**
- 370 Chair Dalto Closes the work session on HB 2426. Opens the public hearing on HB 2065.

**hb 2065 – PUBLIC HEARING**

- 373 Sandy Thiele-Cirka Committee Administrator. Reviews the history and intent of the bill relating to speech-language pathologists and audiologists.
- 378 Nancy Dunn Vice-Chair, Board of Examiners of Speech-Language Pathology and Audiology. Supports HB 2065. Submits and reviews written testimony (**exhibit d**).

002	Dunn	Continues review of the licensing changes in the bill.
035	Chair Dalto	Questions details of current disciplinary procedure.
036	Dunn	Reports it was a complaint by a professional against an audiologist for unethical practice. Continues reviewing clarification changes.
052	Rep. Tomei	Inquires whether in the future an audiologist would be required to have a doctorate, where such a degree can be obtained in Oregon, and if those presently practicing in school districts would still be allowed to practice.
059	Dunn	Notes this would be the requirement of new licensees and newly trained licensees effective in 2007, and those in school districts would be exempt if they are certified by the Teacher Standards and Practices Commission (TSPC). Reports training institutions are transitioning from masters to doctoral programs with each new class of students. States there are no audiology training programs in Oregon.
084	Rep. Tomei	Asks how this affects those selling hearing aids, and whether or not a hearing aid can be dispensed without seeing an audiologist.
089	Dunn	Explains difference between audiologist license, and license to dispense a hearing aid. Comments it is possible to obtain a hearing aid without seeing an audiologist.
113	Rep. Butler	Inquires about the surrounding states' procedures.
123	Dunn	Reports she is not aware of individual state requirements, but most depend on national certification, which in Oregon, exempts licensees from providing information that verifies the educational and supervisory requirements.
140	Rep. Butler	States he does not want to preclude talented, trained people from other states from practicing in Oregon. Expresses concern that the TSPC is issuing a different license for the same work. Requests Dunn report to him what all the other states are doing, and assure him that in 2009, people can bring a successful practice to Oregon from another state.
172	Dunn	Confirms this bill will not affect anyone with a master's degree prior to 2007, and that the national bodies are requiring the doctoral program.

185	Rep. Butler	Asks why the board isn't licensing those working in schools if all audiologists require the same certification.
203	Dunn	Replies she doesn't know why this is the case, but notes there are other groups for whom Oregon's license is not required.
214	Rep. Greenlick	Comments sometimes school personnel have a role with a similar name to one requiring licensing, but their responsibilities and function are different.
272	Rep. Cameron	Inquires who appoints the board.
275	Dunn	States the governor appoints the board members.
280	Rep. Cameron	Asks about the impact on fees of licensees.
283	Dunn	Explains the rulemaking process that regulates fees, in which the public can participate. Reports school audiologists are all licensed by their board, presently. Continues with review of <b>(exhibit d)</b> .
313	Wendy Chapman	President, Oregon Academy of Audiology. Supports HB 2065 and the proposed changes.
321	Lezlie Pearce-Hopper	Member, Board of Examiners of Speech-Language Pathology and Audiology. Supports HB 2065 and the recommended updates and clarification to statute. Submits and reviews written testimony <b>(exhibit e)</b> .
365	Rep. Tomei	Requests information on board membership.
367	Pearce-Hopper	Lists membership.
373	Rep. Cameron	Asks if an audiologist left the state and allowed their license lapse, if they returned would they be ineligible to renew their license.
397	Dunn	States this would not be an issue, as they would have received training prior to 2007 - only those who complete their education after 2007 will be affected.
419	Rep. Butler	Asks if there have been many enforcement issues since 1999.

408           Dunn                   Reports there were ten complaints filed between 1989 and 1993. In the recent biennium there were four as well as a number of disciplinary cases, many related to continuing education requirements.

**TAPE 37, B**

013           John McCulley           Oregon Speech-Language Hearing Association. Supports HB 2065. Submits and reviews written testimony (**exhibit f**). Reports they have some educational concerns, and would like people to come together to discuss and consider amendments. Comments they don't support a dual-licensing requirement relative to dispensing hearing aids, but would prefer that be brought forward as a separate issue.

052           Rep. Butler               Asks if the association supports the language clarifying the licensure of those practicing in schools, and other venues.

059           McCulley                 Expresses hope the work group can discuss those issues, and explore possibilities outside this bill.

069           Chair Dalto              Closes the public hearing on HB 2065. Adjourns the meeting at 11:08. a.m.

**EXHIBIT SUMMARY**

- A. **HB 2058, -1 amendments, Rep. Jerry Krummel, 1 p**
- B. **HB 2058, written testimony of Janet Bartel, staff, 2 pp**
- C. **HB 2426, -2 amendments, staff, 3 pp**
- D. **HB 2065, written testimony, Nancy Dunn, 2 pp**
- E. **HB 2065, written testimony, Lezlie Pearce-Hopper, 1 p**
- F. **HB 2065, written testimony, John McCulley, 1 p**

**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>
<b>TAPE 33, A</b>		
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.
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023 Rep. Butler **MOTION: Moves HB 2053 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

024 Rep. Greenlick Believes it is a mistake to make the name more complicated.

043 **VOTE: 6-0-1**

**EXCUSED: 1 – Anderson**

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

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 (**exhibit c**).
- 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 ( <b>exhibit d</b> ). 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 it 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 ( <b>exhibit e, page 2</b> )
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**