

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

February 9, 2005 Hearing Room D

8:30 AM Tapes 22 - 24

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

Rep. Bob Jenson, Vice-Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Rep. Boone

Rep. Tom Butler

Rep. Mitch Greenlick

GUEST MEMBERS: **Rep. Debbie Farr, HD 14**

Rep. Jerry Krummel, HD 26

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

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2243 – Work Session

HB 2244 – Work Session

HB 2426 – Public Hearing

HB 2058 – 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 22, A		
004	Chair Dalto	Calls the meeting to order at 8:32 a.m. Opens a work session on HB 2243.
<u>hb 2243 – work session</u>		
011	Rep. Jenson	MOTION: Moves HB 2243 to the floor with a DO PASS recommendation.
017		VOTE: 6-0-1 EXCUSED: 1 - Anderson
	Chair Dalto	Hearing no objection, declares the motion CARRIED.
021	Rep. Butler	MOTION: Moves HB 2243 be placed on the CONSENT CALENDAR.
022		VOTE: 6-0-1 EXCUSED: 1 - Anderson
	Chair Dalto	Hearing no objection, declares the motion CARRIED. NOTE: see page 2, tape 080 for Rep. Anderson's vote.
	Chair Dalto	Closes the work session on HB 2243. Opens a work session on HB 2244.
<u>hb 2244 – work session</u>		
024	Rep. Tomei	MOTION: Moves HB 2244 to the floor with a DO PASS recommendation.

- 029 Rep. Greenlick Inquires about the SMS note on the consequences if the Death with Dignity Act were repealed.
- 032 Sandy Thiele-Cirka Administrator. Responds Legislative Counsel doesn't see any impact.
- 038 Rep. Greenlick Comments such a note on the summary will confuse the issue.
- 041 Chair Dalto Requests the SMS be revised accordingly.
- 045 VOTE: 7-0-0**
- Chair Dalto Hearing no objection, declares the motion CARRIED.**
- 048 Rep. Tomei MOTION: Moves HB 2244 be placed on the CONSENT CALENDAR.**
- 049 Rep. Butler Recommends staff use language that reassures readers the committee is not suggesting any changes to the Death with Dignity Act.
- 071 VOTE: 7-0-0**
- Chair Dalto Hearing no objection, declares the motion CARRIED.**
- 074 Chair Dalto Closes the work session on HB 2244. Reopens the work session on HB 2243 for the purpose of allowing Rep. Anderson to vote.

hb 2243 – work session

- 075 Rep. Butler MOTION: Requests unanimous consent that the rules be SUSPENDED to allow REP. ANDERSON to BE RECORDED as voting AYE on the motion to move HB 2243 to the floor with a DO PASS recommendation.**
- 080 VOTE: 7-0-0**
- Chair Dalto Hearing no objection, declares the motion CARRIED.**
- 083 Chair Dalto

Closes work session on HB 2243. Opens a public hearing on HB 2426.

hb 2426 - Public hearing

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| 092 | Rep. Debi Farr | House District 14. Supports HB 2426. Introduces Val Haynes. |
| 104 | Val Haynes, RN,
BSN | Health Consultant, Head Start of Lane County. Submits and reviews written testimony in support of HB 2426 (Exhibit A). Notes experience seeing crumbling teeth of children in Oregon. Mentions fluoride varnish used by Head Start in Florida and in Scandinavian countries. States this has been incorporated into the Lane County Head Start program and is applied by a Limited Access Permit (LAP) hygienist. Notes impact of fluoride varnish, and the need to allow LAP hygienists to freely work in all venues within Oregon to benefit needy people. |
| 222 | Rep. Butler | Asks how hygienists' work would be different if the measure had been in effect for the last couple of years. |
| 240 | Haynes | Reports hygienists would be able to serve Women, Infants and Children (WIC) program children at an earlier age than the Head Start children. Notes intervention needs to be done before the age of two. |
| 277 | Rep. Butler | Asks how this bill will change what was missed on children treated in the past. |
| 287 | Haynes | States, care providers have no control over the children that weren't benefited in the past. |
| 293 | Rep. Butler | Comments the bill appears to relate to whether or not the patients ever come to a dentist office. |
| 300 | Haynes | Responds the issue is whether LAP hygienists can reach the people outside a private dental office. |
| 311 | Rep. Greenlick | Asks if the intent of the bill is to remove any restriction on where LAP hygienists may practice. |
| 318 | Haynes | Reports the intention is to allow LAP hygienists to work wherever they are needed. |

325	Rep. Greenlick	Questions the possibility of the bill releasing LAP hygienists to serve higher income people.
329	Haynes	Comments that does not concern her.
334	Rep. Greenlick	Asks if an amendment allowing LAP hygienists to function wherever poor people are would be acceptable.
340	Haynes	Questions the definition of poor people and responds, affirmatively, as long as there are no omissions.
402	Rep. Boone	Wonders if it would be more appropriate to have the bill list where LAP hygienists shouldn't perform these services.
440	Haynes	Opines the existing list is confusing and illogical.

TAPE 23, A

002	Rep. Butler	Seeks clarification of Haynes' goal, and asks whether more people might volunteer if the opportunities were expanded.
017	Haynes	Expresses belief more would volunteer.
019	Rep. Anderson	Questions Haynes' comment on private school children's needs.
021	Haynes	Reports she doesn't see the same extreme decay in private school children.
039	Rep. Anderson	Questions what other programs Haynes believes need this service.
045	Haynes	Mentions charitable groups that work with low income individuals regardless of age.
080	Rep. Boone	Asks if Haynes knows of any situations where hygienists are offering help to people who are not in a specific low-income program.
088	Haynes	Mentions White Bird Dental Clinic in Lane County, which has a waiting list.

102	Scott Ekblad	Deputy Director, Oregon Health Sciences University (OHSU) Center for Rural Health. Submits and reviews written testimony in support of HB 2426 (exhibit b). Explains the federal government designates counties as dental care shortage areas and HB 2426 would expand those services to more locations and groups. Relates certain services travel to smaller communities and are only available occasionally.
148	Rep. Boone	Asks about frequency of rural clinics.
154	Ekblad	States rural clinics are theoretical now, but this bill could help make them available more than once a year.
157	Rep. Greenlick	Repeats earlier amendment question, if allowing hygienists to function wherever poor people are would be acceptable.
164	Ekblad	Responds yes, that would be beneficial.
165	Ed Patterson	Executive Director, Oregon Health Sciences University Rural Health Association. Offers testimony in support of HB 2426.
188	Gary Allen, DMD, MS	Dentist, Willamette Dental. Submits and reviews written testimony in support of HB 2426 (exhibit c). Reports the number of dentists is declining, and says preventive dental services do not need to be provided in a dentist office. Comments the Board of Dentistry should be able to make these determinations rather than the legislature having to address them every session. Notes groups who don't go to the dentist and why. States the risk is negligible and the benefit huge.
270	Rep. Greenlick	Repeats earlier amendment question about allowing hygienists to function wherever poor people are located.
282	Allen	Reports they strongly support returning the authority to define the scope of practice to the Board of Dentistry. Says the existing list of restricted sites is not useful.
308	Rep. Greenlick	Asks if this bill amends ORS 679.010.
310	Allen	Comments there is a limitation in the legislation on the Board of Dentistry expanding the scope of practice for LAP hygienists.
332	Rep. Anderson	

States this appears to be a temporary solution until water fluoridation is in place. Notes a shortage of hygienists throughout the state, and questions whether this bill would spread them thinner.

- 362 Allen Disagrees, stating his opinion too much dentistry is being done on those who don't need it, and LAP hygienists assist in managing those out of the traditional office setting.
- 376 Steven Duffin, DDS Capital Dental Care. Submits and reviews written testimony in support of HB 2426 (**exhibit d**). Reports the number of dentists is diminishing, necessitating expansion of the practice settings for LAP hygienists.
- 410 Sue Sanzi-Schaedel, RDH, MPH Public Health Dental Hygienist. Submits and reviews written testimony in support of HB 2426 (**EXhibit E**). Mentions value of fluoridation to provide equal access to dental care. Supports returning scope of practice purview to the Board of Dentistry. Notes the limitations on scope of practice of LAP hygienists that would be removed by the bill.

TAPE 22, B

- 016 Rep. Tomei Requests confirmation the bill would return regulation of the scope of practice for LAP hygienists to the board.
- 032 Sanzi-Schaedel Responds yes.
- 035 Kelli Swanson
Jaecks, RDH, LAP,
BS LAP Hygienist. Submits and reviews written testimony in support of HB 2426 (**exhibit f**). Notes the need to remove barriers to care. Questions the logic behind existing practice location limitations.
- 091 Laurie Kelly, RDH,
LAP LAP Hygienist. Submits and reviews written testimony in support of HB 2426 (**exhibit g**). Indicates she delivers triage regularly. Notes limitations on the volunteer work she can perform. States she can't afford to do all volunteer work, but must also have a job.
- 123 Chair Dalto Asks if Kelly feels qualified to prescribe fluoride.
- 126 Kelly Responds she definitely feels qualified to do so.
- 135 Chair Dalto Asks how Kelly would treat an abscessed tooth.

136	Kelly	States she would use triage treatment.
153	Swanson	Mentions activities the board has approved for an LAP hygienist' scope of practice that the statutes disallow.
179	Mary Lou Hennrich, RN, MS	Health Status Work Group, Oregon Health Policy Commission. Submits and reviews written testimony in support of HB 2426 (exhibit H). Reviews workgroup findings and lists determinations. Notes the three highest causes of death are smoking, poor eating habits and lack of exercise.
238	Rep. Greenlick	Seeks clarification on whether the recommendation is expansion of sites or removal of the restrictions on sites.
243	Hennrich	Responds the work group would be satisfied with expansion of sites.
261	Paul Cosgrove	Oregon Dental Hygienist Association. Submits written testimony from the Oregon Primary Care Association in support of HB 2426 (Exhibit I).
290	Barry Taylor, DMD	Dentist. Submits and reviews written testimony in opposition to HB 2426 (exhibit J). Reports the end result of the bill is that LAP hygienists would be practicing without supervision. Lists complications that could impact insurance payments which could actually decrease care to the needy.
360	Rep. Tomei	Asks how those who don't have access to dental care can be helped.
388	Taylor	States this bill does not address the services that need to be provided by a dentist.
380	Chair Dalto	Asks if Taylor supports the ability of an LAP hygienist to look in the mouth of child and advise them on the condition of their teeth.
402	Jane Myers	Directory of Government Affairs, Oregon Dental Association. Responds triage leads to a dentist's services, and is insufficient within itself. States the bill opens up many areas of access; and many adults on the Oregon Health Plan have dental coverage.
445	Chair Dalto	Asserts the Oregon Health Plan has very few openings in low income settings, and the needs of the children drive the parents to get care.

TAPE 24, A

020	Taylor	States the bill doesn't address dental disease. Notes supervision is critical.
030	Chair Dalto	Remarks the bill provides a layer of reinforcement for pursuing care.
041	Rep. Boone	Requests Taylor explain his written statement on decreased access for vulnerable populations.
056	Taylor	Comments there is a shortage of dental hygienists, and the existing population is not being fully served.
081	Myers	Submits and reviews written testimony in opposition to HB 2426 (exhibit k). Notes she will work with parties to draft amendments related to sites. Says the association is not comfortable with allowing the board to determine scope of practice for LAP's.
109	Rep. Greenlick	Requests clarification on hesitancy to have the board determine scope of practice.
110	Myers	Elaborates on the association's level of discomfort.
135	Rep. Greenlick	Sees need for Board of Dentistry authority to be consistent between hygienists and LAP hygienists.
142	Myers	States the association is willing to collaborate, and they have confidence in the board, although they don't always agree.
159	Rep. Tomei	Asks about professions comprising the board and the relationship between the board and the association.
171	Myers	Lists the members as six dentists, two hygienists, and one public member. Notes the association is comprised of dentists in private practice, who are governed by the board. States the governor requests recommendations from the association when filling board positions.
189	Rep. Tomei	Asks what possible locations the association would be particularly concerned about not providing LAP hygienists.

199	Myers	Responds the purpose of the LAP is to operate in a team capacity with a dentist, not alone. Asserts a dentist needs to be present wherever the LAP is practicing.
261	Rep. Butler	Asks how to give authority to LAP's to administer fluoride treatments.
278	Myers	Replies she is unsure if that is appropriate.
290	Rep. Butler	Requests the emails he is accumulating on this bill be entered into public record.
305	Chair Dalto	Closes the public hearing on HB 2426. Opens the public hearing on HB 2058.

hb 2058 – Public hearing

330	Jim Gores	Assistant Budget Analyst, Budget and Management Division (BAM), Department of Administrative Services (DAS). Submits and reviews written testimony in support of HB 2058 (exhibit l) related to the accounting and budgeting functions of health-related licensing boards.
385	Chair Dalto	Restates understanding of situation necessitating bill.
400	Karen MacLean	Board of Pharmacy. Submits and reviews written testimony in support of HB 2058 (Exhibit m).
417	Felicia Holgate	Executive Director, Oregon Occupational Therapy Licensing Board. Submits and reviews written testimony in support of HB 2058 (Exhibit n). Reports there is no known opposition to the bill.
431	Rep. Butler	States the bill appears to increase the accounting costs for five of the nine boards.
467	Chair Dalto	Mentions the subsequent referral to the Committee on Ways and Means.
470	Rep. Jerry Krummel	House District 26. Reports he would like to introduce an amendment that would repeal a sunset on registration for athletic trainers.

TAPE 24, A

- 002 Rep. Krummel Continues testimony, noting the amendment has already been requested of Legislative Counsel.
- 025 Gores Notes an amendment is also needed to repeal ORS 409.320(2). Reports the fiscal impact is negative, in that the savings from some of the boards outweighs any other increases.
- 041 MacLean Comments DHS intended to raise rates for their services to the boards.

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

- Sean Benson, DDS Written testimony in opposition to HB 2426 (**exhibit o**).
- David Koach Oregon Mortuary and Cemetery Board written testimony in support of HB 2058 (**exhibit p**).
- Ann Walsh Oregon Veterinary Medical Examining Board written testimony in support of HB 2058 (**exhibit q**).
- Ann Walsh Oregon Examiners of Nursing Home Administrators written testimony in support of HB 2058 (**exhibit r**).
- Ann Walsh Oregon Board of Naturopathic Examiners written testimony in support of HB 2058 (**exhibit s**).
- Ann Walsh Oregon Board of Radiologic Technology written testimony in support of HB 2058 (**exhibit t**).
- 045 Chair Dalto Closes the public hearing on HB 2058. Adjourns the meeting at 10:32 a.m.

EXHIBIT SUMMARY

- A. **HB 2426, written testimony, Val Haynes, 3 pp**
- B. **HB 2426, written testimony, Scott Ekblad, 3 pp**

- C. **HB 2426, written testimony, Gary Allen, 2 pp**
- D. **HB 2426, written testimony, Steven Duffin, 1 p**
- E. **HB 2426, written testimony, Susan Sanzi-Schaudel, 2 pp**
- F. **HB 2426, written testimony, Kelli Swanson Jaecks, 2 pp**
- G. **HB 2426, written testimony, Laurie Kelly, 2 pp**
- H. **HB 2426, written testimony, Mary Lou Hennrich, 3 pp**
- I. **HB 2426, Oregon Primary Care Association Letter, Paul Cosgrove, 2 pp**
- J. **HB 2426, written testimony, Barry Taylor, 2 pp**
- K. **HB 2426, written statement, Jane Myers, 1 p**
- L. **HB 2058, written testimony, Jim Gores, 4 pp**
- M. **HB 2058, written testimony, Karen S. MacLean, 2 pp**
- N. **HB 2058, written testimony, Felicia Holgate, 1 p**

The following exhibits were submitted without verbal testimony:

- O. **HB 2426, written testimony in opposition, Sean Benson, DDS, 1 p**
- P. **HB 2058, Oregon Mortuary and Cemetery Board written testimony in support, David Koach, 1 p**
- Q. **HB 2058, Oregon Veterinary Medical Examining Board written testimony in support, Ann Walsh, 1 p**
- R. **HB 2058, Oregon Examiners of Nursing Home Administrators written testimony in support, Ann Walsh, 2 pp**
- S. **HB 2058 Oregon Board of Naturopathic Examiners written testimony in support, Ann Walsh, 2 pp**
- T. **HB 2058 Oregon Board of Radiologic Technology written testimony in support, Ann Walsh, 1 p**