

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

March 28, 2005 Hearing Room D

8:30 A.M. Tapes 69 - 70

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Kevin Cameron

Rep. Mitch Greenlick

MEMBERS ABSENT: Rep. Tom Butler, Vice-Chair

GUEST MEMBERS: Rep. Andy Olson, HD 15

Rep. Jeff Kropf, HD 17

Rep. Mac Sumner, HD 18

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2588 – 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 69, A

004 Chair Dalto Calls the meeting to order at 8:33 a.m. Opens the public hearing on HB 2588.

hb 2588 – PUBLIC HEARING

010 Sandy Thiele-Cirka Administrator. Summarizes HB 2588.

021 Rep. Andy Olson House District 15. Submits and reviews written testimony in support of HB 2588 (**exhibit a**). Relates personal car crash experience from 1982 while a state trooper and the chiropractic care that lasted through 1990. Notes the medical treatment was not as effective as the chiropractic care.

070 Rep. Jeff Kropf House District 17. Provides testimony in support of HB 2588. Relates personal experience with chiropractic care due to an injury. States because he was self-employed he bore the entire costs of treatment. Comments on living with pain, and addressing it with chiropractic care and pain killers. Notes differing costs between back exams and surgery and chiropractic care. Believes bill intends to make an accurate cost comparison between chiropractic and medical care. Notes reduction in costs in worker's compensation system in states where chiropractic care is included in benefits.

138 Rep. Mac Sumner House District 18. Provides testimony in support of HB 2588. Relates personal experience with pain from a work injury. Notes the drugs prescribed and surgery recommended, which was not guaranteed to solve his problem. Reports his medical doctor recommended chiropractic treatment.

196 Rep. Cameron Asks what states have already done this study.

200 Rep. Kropf Reports he believes two other states have recently performed such a study, but is not sure which ones.

213 Vern Saboe, DC,
FACO, FICC President, Chiropractic Association of Oregon. Submits and reviews proposed statement of work, and testifies in support of HB 2588

(**exhibit b**). Notes differences in costs for medical and chiropractic work. Mentions chiropractors do not prescribe medications. Notes reductions in hospital stays, drug costs, and out-patient surgeries. Reviews results of other state studies, including a comparison of number of days lost from work.

- 339 Rep. Greenlick Asks Saboe to state what the situation has been, the conversation over the last two years on chiropractic, and how things will be different under the study.
- 347 Saboe Relates limitations and details surrounding allowed visits within and apart from a managed care organization (MCO).
- 396 Rep. Greenlick Asks how the study model differs from this.
- 397 Jennifer Wisdom, PhD, MPH Director, Center for Health and Disability Policy, Oregon Health Policy Institute. Responds currently chiropractors are not allowed to be attending physicians. This study would allow them to be such and would review how expenses would change. Continues by submitting and reviewing written testimony neutral to HB 2588 (**exhibit c**). Reports they wish to answer the question of whether it is possible to increase access and expand choice while decreasing cost. Explains how the test would be conducted.

TAPE 70, A

- 003 Wisdom Continues testimony discussing costs being reviewed.
- 022 Rep. Tomei Asks who will be funding the study.
- 024 Wisdom Replies the bill provides funding.
- 026 Saboe Reports funding would come from the Worker Benefit Fund, which is contributed to by both employees and employers through an assessment.
- 034 Rep. Tomei Questions whether people could choose a medical doctor, chiropractor, or both, sequentially.
- 037 Wisdom Confirms, yes.

038	Rep. Anderson	Asks what is involved in the study.
040	Wisdom	States the study will last five years, notes the staff involved, and the number of participants they anticipate.
051	Rep. Anderson	Inquires whether they would interview patients or review claim forms.
053	Wisdom	States they will review claim forms, but will survey injured workers to analyze satisfaction and needed improvements.
059	Rep. Cameron	Asks if there is any cost to insurance carriers in participating in the study.
060	Wisdom	Replies (exhibit c) shows there are some costs related to paperwork.
064	Chair Dalto	Inquires how common five-year studies are.
065	Wisdom	Notes they are relatively common for this scope of study.
076	Chris Davie	State Accident Insurance Fund (SAIF). Testifies on HB 2588 with no position. Notes amendments that are being developed. Mentions meetings with Wisdom and Saboe in study development. Elaborates on points still to be resolved: would like study to be done in a cooperative way, not just by SAIF. Relates need to address not only low cost in treating injured workers, but also evaluating the effectiveness of the treatment.
116	Rep. Greenlick	Asks if the data set can include when a worker goes back to work.
119	Davie	Responds that is an easy variable to include.
121	Davie	Continues testimony stating SAIF should not be the only corporation involved in the studies as it would not provide a complete cross section of the Oregon market. Recommends the three largest insurance compensation companies in the state be included. Relates need for funding to cover the initial phase of study development, to ensure it is valid on the outset.
155	Rep. Greenlick	Asks if the bill exists to allow SAIF to conduct the study.

162	Davie	Responds existing statute prescribes who is an attending physician. The bill says that will not apply to the participants in the study.
171	Rep. Greenlick	Clarifies the bill is not to secure funding, but to provide insurance carriers with a waiver that allows them to have chiropractors participate.
178	Rep. Boone	Inquires how participants will be chosen.
180	Davie	Reports they will attempt to find a cross section of employers to divide into a control group and a study group and participants would be employees filing claims within those employer groups.
196	Chair Dalto	Asks if statistics have been kept on patients who are initially cared for by a chiropractor, who have switched to a medical doctor once they have exhausted their limit of visits, and then been referred back to a chiropractor.
200	Davie	Notes he has not seen such statistics.
209	John Shilts	Administrator, Workers' Compensation Division, Department of Consumer and Business Services (DCBS). Submits and reviews written testimony neutral to HB 2588 (exhibit d). Notes provisions of the bill, and historical background information for the study. Mentions other proposals before the legislature. Comments Oregon has reduced insurance costs and increased benefits.
315	Rep. Tomei	Inquires how many claims have been made compared to those accepted.
305	Shilts	States that is tracked. Elaborates on percentages. Reports the number of filed claims has gone down dramatically. Mentions bill from the 2003 session relative to nurse practitioners and its sunset in 2008. Relates the Division has questions on and issues with the study. Notes an RFP (Request for Proposal) is the usual process, but the bill specifies Oregon Health Sciences University (OHSU) will do the study. Explains how the RFP model usually works with the legislature determining a study is necessary, the department overseeing the study, and the agency issuing an RFP.
386	Rep. Greenlick	Asks if this scenario has ever happened before.
398	Shilts	

Replies he has not encountered this situation before. Continues testimony, noting they have recommended a broader range of outcomes that could be included in study. States subsection 2 needs to be clarified.

- 442 Rep. Greenlick Comments the bill doesn't delineate a schedule of payments.
- 449 Shilts Confirms that is correct, and comments he believes it should specify mileposts, or completion of objectives for payment.
- 455 Rep. Greenlick Notes the bill does not preclude it from being done that way.
- 468 Shilts Concurs. Recommends oversight by the Worker's Compensation Management Advisory Committee.

TAPE 69, B

- 003 Shilts Continues testimony.
- 012 Rep. Greenlick Recommends advisory panel of professional research experts.
- 024 Lisa Trussell Associated Oregon Industries (AOI). Testifies on HB 2588. Reports AOI will support the recommendation of the Worker's Compensation Management Advisory Committee regarding the bill. Discusses past development of managed care organizations (MCO). Relates concerns with the bill as written. Notes there are no complaints from patients that their MCO's do not have certain providers available.
- 057 Rep. Greenlick Questions whether the bill would allow employers the choice to participate in the study.
- 062 Wisdom Relates this question is being discussed with SAIF. Reviews the options.
- 075 Rep. Greenlick States for the record no research subjects should be forced to participate.
- 086 Wisdom States the original concern was that the study would increase costs, and one way to bypass that is to ensure the rates are not affected. Addresses issue of whether the participants are at the employer or worker level.

100	Trussell	Makes additional point on provider bills that are coming in to the legislature. Comments this study will influence responses to the succeeding issues that arise.
113	J.L. Wilson	Co-Chair, Management – Labor Advisory Committee. Testifies in opposition to HB 2588 in its present form. States the Worker Benefit Fund is being funded by all employers, is becoming a slush fund for all studies, and needs to be guarded. Notes subsequent proposals for similar studies will follow, creating a larger price tag. Relates the funding mechanism is of concern. States the committee is open to coming to an agreement on the bill.
172	Rep. Tomei	Asks if the door opened for nurse practitioners in the 2003 session has saved the worker’s compensation fund money.
178	Wilson	Relates there was a four-year timeframe for that bill, so results aren’t in, yet.
194	Rep. Boone	Comments it would seem small businesses would be interested in seeing how they can save more money.
201	Wilson	States there is a very ingrained attitude to exclude other providers beyond physicians agreed to in the Mahonia Hall agreements of 1990, since that saved them billions of dollars.
219	Rep. Boone	Comments medicine has made great advances since that agreement from fifteen years ago.
226	Trussell	Mentions care can be accessed through MCO’s.
236	Rep. Greenlick	Comments this would not allow any willing provider to be an attending physician, but it does allow the MCO to select chiropractors as such. Notes costs of back surgery have increased in the last fifteen years, making this study more useful.
279	Chair Dalto	Closes public hearing on HB 2588. Adjourns the meeting at 9:50 a.m.

EXHIBIT SUMMARY

- A. **HB 2588, written testimony, Rep. Andy Olson, 1 p**
- B. **HB 2588, proposed statement of work, Vern Saboe, 8 pp**
- C. **HB 2588, written testimony, Jennifer Wisdom, 1 p**
- D. **HB 2588, written testimony, John Shilts, 5 pp**