

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

**March 4, 2005 Hearing Room D**

**9:30 A.M. Tapes 45 - 46**

**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**

**MEMBERS EXCUSED:           Rep. Mitch Greenlick**

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

**Pamella Andersen, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**Introduction of Committee Bills – Work Session**

**HB 2266 – Public Hearing**

**HB 2099 – 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.**

| <b>TAPE/#</b>     | <b>Speaker</b> | <b>Comments</b>  |
|-------------------|----------------|--|
| <b>TAPE 45, A</b> |                |  |
| 004               | Chair Dalto    | Calls the meeting to order at 9:30 a.m. Opens the work session on introduction of committee bills. |

**introduction of committee bills – WORK SESSION**

**010 Rep. Anderson MOTION: Moves LC 3016 (02-28-05), 3017 (03-02-05), 3048 (02-25-05), 3278 (02-28-05), 3350 (02-16-05), 3351 (03-01-05), 3362 (02-21-05) BE INTRODUCED as committee bills (exhibitS a - G).**

029 Rep. Tomei Clarifies she hasn't had the opportunity to read these bills, but will vote aye whether or not she endorses them.

**VOTE: 6-0-1**

**EXCUSED: 1 – Greenlick**

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

049 Chair Dalto Closes the work session on introduction of committee bills. Opens the public hearing on HB 2266.

**hb 2266 – PUBLIC HEARING**

051 Sandy Thiele-Cirka Committee Administrator. Reviews history and intent of the bill on investigation of resident abuse complaints in long term care facilities. Acknowledges written testimony of Disabilities Commission in support of HB 2266 (**exhibit H**).

054 Holly Robinson Legislative Counsel. Explains the bill comes at the request of the Office of Legislative Counsel to align changes in wording and terminology with current practice.

097 Dolores Hubert Chair, Governor's Commission on Senior Services. Supports HB 2266. Submits written testimony (**exhibit I**).

118 Chair Dalto Closes the public hearing on HB 2266. Opens the work session on introduction of committee bills.

## **introduction of committee bills – WORK SESSION**

- 120 Holly Robinson Legislative Counsel. Reports LC 3352 appropriates money for the Overpayment Recovery Program (**exhibit J**).
- 134 **Rep. Anderson** **MOTION: Moves LC 3352 BE INTRODUCED as a committee bill.**
- 140 Rep. Butler Asks the amount of the fiscal impact.
- 147 Chair Dalto Reports the dollar amount the existing department is recovering, and that they would recover more if they had more staff.
- 172 Rep. Butler Clarifies this measure would strengthen what is being done and get additional resources to expand, but not beyond the point of diminishing returns.
- 174 Chair Dalto Explains his intent to structure this bill in cooperation with the Department of Human Services.
- 184 Rep. Butler Mentions the possibility of having the Department of Revenue raise additional revenue without legislation.

**VOTE: 6-0-1**

**EXCUSED: 1 – Greenlick**

- 204 **Chair Dalto** **Hearing no objection, declares the motion CARRIED.**
- 207 Chair Dalto Closes the work session on introduction of committee bills. Opens the public hearing on HB 2099.

## **hb 2099 – PUBLIC HEARING**

- 208 Sandy Thiele-Cirka Committee Administrator. Reviews history and intent of the bill relative to disciplinary actions of Board of Optometry. Mentions the letter in support of the bill from the Oregon Optometric Physicians Association (**exhibit K**) .
- 231 David Plunkett

Executive Director, Oregon Board of Optometry. Submits and reviews written testimony (**exhibit L**). Notes changes in disciplinary action within the bill. Reviews specific features of the bill.

- 327 Rep. Butler Questions whether the board has considered issuing cease and desist orders.
- 330 Plunkett Reports the board has done that, but has no other options if the violator chooses not to comply.
- 338 Rep. Butler Believes violation of a cease and desist order is a criminal act that the Department of Justice should be addressing.
- 380 Plunkett Confirms this is the process the board has been using; however, the Attorney General's office advised they put this language in statute.
- 406 Rep. Butler Expresses concern with the process.
- 434 Plunkett Continues review of bill beginning with page 2, line 6.
- 466 Chair Dalto Asks if the Department of Justice prepared the legislative concept.
- 470 Plunkett Responds yes.
- 472 Rep. Butler Asks if the \$10,000 fine is consistent with other health boards.
- 475 Chair Dalto Responds yes.

#### **TAPE 46, A**

- 022 Rep. Anderson Questions why in section 3, subsection (2)(e), there is no mention of a jail penalty.
- 028 Plunkett Reports that section addresses what the board can do as opposed to what the court might do.
- 029 Candace Hamel, OD Vice President, Oregon Board of Optometry. States the board supports the bill.

**EXHIBIT SUMMARY**

- A. Introductions, LC 3016, staff, 1 p
- B. Introductions, LC 3017, staff, 1 p
- C. Introductions, LC 3048, staff, 3 pp
- D. Introductions, LC 3278, staff, 2 pp
- E. Introductions, LC 3350, staff, 6 pp
- F. Introductions, LC 3351, staff, 2 pp
- G. Introductions, LC 3362, staff, 3 pp
- H. HB 2266, written testimony of Oregon Disabilities Commission, staff, 1 p
  - I. HB 2266, written testimony, Dolores Hubert, 3 pp
- J. Introductions, LC 3352, staff, 1 p
- K. HB 2099, written testimony of Oregon Optometric Physicians Association, staff, 1 p
- L. HB 2099, written testimony, David Plunkett, 1 p