

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

May 18, 2005 Hearing Room D

9:00 A.M. Tapes 125 and 127

Corrected 10/11/05

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Tom Butler, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Kevin Cameron

Rep. Mitch Greenlick

MEMBERS EXCUSED: Rep. Carolyn Tomei, Vice-Chair

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

SB 20 – Public Hearing

HB 3482 – Public Hearing

SB 510A – Public Hearing and Work Session

SB 512A – Public Hearing and Work Session

SB 620A – Public Hearing and Work Session

Introduction of Committee Measures – 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 125, A

004 Vice Chair Butler Calls the meeting to order at 9:08 a.m. Opens the public hearing on SB 20.

SB 20 – PUBLIC HEARING

020 Sandy Thiele-Cirka Administrator. Summarizes SB 20. Mentions the -2 amendments (**exhibit a**).

025 Wayne Schumacher Executive Director, Oregon Optometric Physicians Association. Submits and reviews written testimony in support of SB 20 (**exhibit b**). Relates history of the bill and the response on the Senate side. Discusses the -2 amendments developed by a work group. Explains the features of the -3 amendments (**exhibit c**) they are recommending.

102 Rep. Butler Asks what physical changes are made by the -3 amendments.

116 Schumacher Responds the direct payment was the issue.

118 Rep. Butler Requests clarification by line.

121 Schumacher Relates the contractor changed to health plans.

126 Rep. Greenlick Asks if Schumacher is returning to the original bill with a small change.

127 Schumacher Confirms, yes. Explains the value of the -3 changes.

143 Rep. Butler Inquires which parties agreed to the changes.

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| 143 | Schumacher | Lists parties. |
| 147 | Tim Martinez | Oregon Medical Association. Testifies in support of SB 20. Supports the -3 amendments. |
| 170 | Chair Dalto | Closes the public hearing on SB 20. Opens a public hearing on HB 3482. |

hb 3482 – PUBLIC HEARING

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| 177 | Sandy Thiele-Cirka | Administrator. Summarizes HB 3482. Notes this is the combined automatic external defibrillator (AED) bill. Mentions the -2 (exhibit d), -3 (exhibit e), -4 (exhibit f), and -5 (exhibit g) amendments. |
| 194 | Chair Dalto | Reiterates the bill's activities and purpose. Notes the addition of Rep. Flores' recommendation of defibrillators in health clubs. |
| 223 | Thiele-Cirka | Reviews the language of each amendment and the memorials included in the amendments. |
| 247 | Rep. Butler | Requests clarification on the health club requirements and their extent. |
| 254 | Chair Dalto | Relates health club industry representatives expressed concerns and Rep. Flores worked with them to allow a phasing-in of the requirement. |
| 268 | Rep. Butler | Explains his concern empty buildings now used for exercising will no longer be used. |
| 276 | Chair Dalto | States he will review how to address that concern on the Senate side. |
| 282 | Thiele-Cirka | Continues with -4 and -5 changes. |
| 301 | Rep. Anderson | Inquires if there is a fiscal impact. |
| 303 | Chair Dalto | Confirms, no. |
| 309 | Rep. Cameron | |

Questions if the requirements would affect a country club if it has a small workout area.

- 314 Chair Dalto States he will inquire about that.
- 318 Rep. Butler Questions whether the bill would require an AED be available on the tracks at schools.
- 326 Rep. Greenlick Notes schools are not required to have AED's but believes country clubs would be included.
- 346 Richard Lazar Early Defibrillation Law and Policy Center. Testifies in support of HB 3482. Discusses the soundness of the policy requirements.
- 387 Chair Dalto Questions whether immunity protection would apply to all.
- 389 Lazar Confirms immunity provisions would apply to health clubs and schools. Recommends specific tie-in language be added. States with regard to health clubs, vigorous exercise is an appropriate venue in which to have these available, and with the increase in number of people there is an increase in probability of incidents. Notes size of facility is a reasonable way to address the requirements. Explains why he recommends a threshold of 100 people on site per day.

TAPE 127, A

- 004 Rep. Cameron Requests clarification on golf clubs with many members, but with few using the health club facility.
- 008 Lazar Explains how to address that issue. Discusses various costs. Encourages the July, 2006, effective date be included in the final bill. Relates other clarifications that should be included.
- 039 Chair Dalto Reiterates further clarifications that need to be included as a new amendment.
- 054 Rep. Greenlick Notes hotels would not be included based on the definition being used.
- 072 Chair Dalto Questions whether other venues such as apartment complexes should be included.

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| 078 | Rep. Greenlick | Comments a different definition might be needed based on whether an exercise room or a type of business is being addressed. |
| 085 | Lazar | Encourages committee to review health spa statutes, too. |
| 095 | Paul Cosgrove | 24-Hour Fitness. Testifies in support of HB 3482 as amended by the -4 amendments. |
| 104 | Rep. Butler | References certain portions of the bill, questioning what is being inserted. |
| 110 | Rep. Anderson | Clarifies section changes. |
| 116 | Rep. Cameron | Asks Cosgrove if 24-Hour Fitness is installing AED's on their own initiative, or because the legislation will require it. |
| 119 | Cosgrove | States the company is pursuing this internationally, as it will assist them in clarifying liability issues. |
| 129 | Sen. Alan Bates | Senate District 3. Testifies in support of HB 3482. |
| 163 | Chair Dalto | Charges Cindy Hunt from the Legislative Counsel Office to develop one amendment that incorporates the -1, -2, -3 and -4 amendments and includes additional features. Notes exemptions he also wants included and venues he wishes excluded. |
| 192 | Rep. Anderson | Adds the need to include a clarification of the primary purpose of the operation. |
| 199 | Cindy Hunt | Senior Deputy Legislative Counsel. Confirms the amendment will be ready Friday. |
| 207 | Rep. Butler | Believes these changes will address his concern. |
| 221 | Chair Dalto | Carries over HB 3482 to the Friday meeting. Closes the public hearing on HB 3482. Opens a public hearing on SB 510A. |

SB 510A – PUBLIC HEARING

- 239 Jim Carlson Oregon Health Care Association (OHCA). Submits and reviews a presentation in support of SB 510A (**exhibit h**). Discusses capacities, occupancy rates and growth. Notes increase in supply also creates increase in demand.
- 362 Rep. Greenlick States he does not understand the association's underlying philosophy.
- 379 Carlson Discusses the unique impacts of facility failures and the need to maintain a stable market.
- 425 Rep. Cameron Discusses the illustration of airlines moving into a market creating competition, and questions whether that might improve things.
- 437 Carlson States in areas where government restricts or controls licenses, or is involved in a market, there has been a history of value in their involvement.
- 464 Rep. Butler Questions caseload growth graph and what it indicates.

TAPE 125, B

- 004 Carlson Explains graph.
- 032 Rep. Butler Comments growth in the general fund may have been driving availability. States this would be an appropriate way to restrict growth.
- 046 Rep. Anderson References presentation (**exhibit h**), questioning if there are ways to demographically project when this might need to be expanded.
- 054 Carlson Replies most indicators show the 80+ population escalating in 2010.
- 071 Chair Dalto Closes the public hearing on SB 510A. Opens a work session on SB 510A.

SB 510A – WORK SESSION

- 076 Rep. Anderson MOTION: Moves SB 510A to the floor with a DO PASS recommendation.**

Chair Dalto

VOTE: 5-1-1

AYE: 5 - Anderson, Boone, Butler, Greenlick, Dalto

NAY: 1 - Cameron

EXCUSED: 1 - Tomei

090 **Chair Dalto** **The motion CARRIES.**

REP. DALTO will lead discussion on the floor.

093 Chair Dalto Closes the work session on SB 510A. Opens a public hearing on SB 512A.

SB 512A – PUBLIC HEARING

095 Sandy Thiele-Cirka Administrator. Summarizes SB 512A. Mentions the -4 amendment **(exhibit i)**.

116 Tom Holt Oregon State Pharmacy Association. Testifies in support of SB 512A. Explains details bill addresses. Provides illustration of pharmacy technician stealing drugs from a pharmacy. Discusses the additional issue of the expanded role of pharmacists. Reviews the -4 amendment, reporting there is no fiscal impact. Suggests rescinding the subsequent referral to the Committee on Ways and Means.

199 Rep. Greenlick Questions whether the amendment would further restrict people from getting prescriptions from Canada.

215 Holt Reports the amendment doesn't impact that at all.

225 Chair Dalto Inquires whether the Association has conferred with the Oregon State University College of Pharmacology.

226 Holt Confirms, yes.

232 Chair Dalto Will ask to rescind the subsequent referral.

236 Chair Dalto Closes the public hearing on SB 512A. Opens a work session on SB 512A.

SB 512A – WORK SESSION

239 Rep. Greenlick **MOTION: Moves to ADOPT SB 512A-4 amendments dated 04/19/05.**

VOTE: 5-0-2

EXCUSED: 2 - Butler, Tomei

Chair Dalto Hearing no objection, declares the motion CARRIED.

247 Rep. Greenlick **MOTION: Moves SB 512A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

264 **VOTE: 5-0-2**

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

EXCUSED: 2 - Butler, Tomei

Chair Dalto The motion CARRIES.

REP. GREENLICK will lead discussion on the floor.

NOTE: Rep. Butler's vote is recorded on tape 125 B, 444.

276 Chair Dalto Closes the work session on SB 512A. Opens a public hearing on SB 620A.

SB 620A – PUBLIC HEARING

280 Sandy Thiele-Cirka Administrator. Summarizes SB 620A. Notes the minimal fiscal impact report.

293 Jim Markee Oregon Society of Anesthesiologists. Testifies in support of SB 620A. Relates development of policies on the design of badges will be left to individual health care facilities. Notes groups supporting the bill.

321 Rep. Anderson Questions what raised the need for the bill.

- 326 Markee Reports the provisions are unnecessary in most cases.
- 336 Rep. Anderson Inquires whether there have been complaints or requests for this.
- 338 Markee States within the community of physicians, people are interested in identification. Notes there have been no formal complaints as no requirement exists.
- 353 Rep. Greenlick Comments the bill is important as everybody wanders around in a health care facility. Notes an amendment addressing the font size of the letters would be valuable and this should be brought to the attention of those implementing the requirements of the bill.
- 397 Chair Dalto Closes the public hearing on SB 620A. Opens a work session on SB 620A.

SB 620A – WORK SESSION

- 404 Rep. Greenlick **MOTION: Moves SB 620A to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**
- 416 **VOTE: 6-0-1**
- AYE: In a roll call vote, all members present vote Aye.**
- EXCUSED: 1 - Tomei**
- Chair Dalto **The motion CARRIES.**
- 429 Chair Dalto Closes the work session on SB 620A. Opens a work session on SB 512A.

SB 512A – WORK SESSION

- 432 Rep. Greenlick **MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Butler to vote on SB 512A.**
- 443 **VOTE: 6-0-1**
- EXCUSED: 1 - Tomei**

Chair Dalto Hearing no objection, declares the motion CARRIED.

444 Rep. Butler Votes AYE on SB 512A.

Chair Dalto Closes the work session on SB 512A. Opens a work session to introduce committee measures.

TAPE 127, B

introduction of committee measures – WORK SESSION

013 Sandy Thiele-Cirka Administrator. Introduces LC's 9132 to 9201, related to state financial administration (70 bills) (**exhibit j**).

019 Rep. Cameron **MOTION: Moves LC 'S 9132 TO 9201 BE INTRODUCED en bloc as committee bills.**

027 **VOTE: 6-0-1**

EXCUSED: 1 - Tomei

Chair Dalto Hearing no objection, declares the motion CARRIED.

030 Chair Dalto Closes the work session to introduce committee measures. Adjourns the meeting at 10:37 a.m.

NOTE: Tape #126 was not used for this meeting.

EXHIBIT SUMMARY

- A. SB 20, -2 amendment, staff, 1 p
- B. SB 20, written testimony, Wayne Schumacher, 2 pp
- C. SB 20, -3 amendments, staff, 1 p
- D. HB 3482, -2 amendment, staff, 1 p
- E. HB 3482, -3 amendment, staff, 1 p
- F. HB 3482, -4 amendment, staff, 1 p
- G. HB 3482, -5 amendment, staff, 1 p
- H. SB 510A, presentation, Jim Carlson, 10 pp

I. SB 512A, -4 amendment, staff, 2 pp

J. Introductions, LC 9132 – LC 9201, staff, 2 pp