

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

May 23, 2005 Hearing Room D

8:30 A.M. Tapes 133 – 135

Corrected 10/11/05

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Kevin Cameron

Rep. Mitch Greenlick

MEMBERS EXCUSED: Rep. Tom Butler, Vice-Chair

Rep. Carolyn Tomei, Vice-Chair

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

SB 675 – Public Hearing

SB 541B – Public Hearing

SB 404A – Public Hearing

Mental Health Parity – Public Hearing

SB 913A – Public Hearing

SB 947A – Public Hearing

SB 221A – Public Hearing and 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 133, A		
004	Chair Dalto	Calls the meeting to order at 8:38 a.m. Opens a public hearing on SB 675 as a subcommittee.
<u>SB 675 – PUBLIC HEARING</u>		
022	Sandy Thiele-Cirka	Administrator. Summarizes SB 675.
027	Sen. Richard Devlin	Senate District 19. Testifies in support of SB 675. Discusses need for and provisions of the bill. Notes membership of the Health Policy Commission. States need for a comprehensive, evidence-based plan. Lists components to include in the comprehensive program. Highlights three positive programs in California, Arkansas and New York. Reports a clearer examination of the issue is necessary for effective recommendations to be made during the next legislative session.
132	Rep. Greenlick	Confirms the need for a systematic approach, and the benefit of the Health Policy Commission reviewing the issue.
140	Chair Dalto	Inquires if legislation is necessary to encourage the Commission's review.
142	Sen. Devlin	States legislation is unnecessary, but it provides clear direction and indicates this is an issue of concern to the legislature.
165	Gretchen Morley	Director, Health Policy Commission. Testifies in support of SB 675.
181	Katy King	Intergovernmental Relations Liaison, Department of Human Services (DHS). Reports related policy is a priority for DHS.
188	Chair Dalto	Closes the public hearing on SB 675. Opens a public hearing on SB 541B.

SB 541B – PUBLIC HEARING

- 197 Sandy Thiele-Cirka Administrator. Summarizes SB 541B.
- 205 Sen. Frank Morse Senate District 8. Submits and reviews written testimony in support of SB 541B (**exhibit a**). Explains how the activity will be staffed. Suggests the referral to the Committee on Budget is unnecessary.
- 292 Jody Pettit Oregon Healthcare Quality Corporation. Submits and reviews written testimony in support of SB 541B and a report on electronic health record and data connectivity (**exhibit b**). Explains the need for bill.
- 350 Bruce Goldberg Administrator, Office of Oregon Health Policy and Research. Testifies in support of SB 541B.
- 373 Rep. Anderson Expresses concern about older doctors reticent to purchase new equipment. Inquires regarding the impact the requirement would have on the number of physicians in Oregon.
- 392 Goldberg Relates the bill does not mandate adoption of the technology, but it will allow scrutiny of new ways to address needs.
- 414 Sen. Morse Notes personal experience with doctors being resistive at the outset, but coming around over time. States common architecture is essential.
- 441 Rep. Greenlick Comments on benefits from a patient perspective.

TAPE 134, A

- 004 Rep. Greenlick Continues testimony. Mentions possibility of giving pharmacists electronic prescribing. States a task force will get the concept moving.
- 030 Cathy Britain Telehealth (by videoconference). Testifies in support of SB 541B. Relates the need for a secure, standardized health care information system.
- 080 Patricia Scruggs Oregon Economic and Community Development Department (OECDD). Testifies in support of SB 541B. NOTE: Due to

technical difficulties, Scruggs' initial testimony is not on the tape.
(080-100)

- 100 Rep. Greenlick Inquires if there are venture funds to take us to the next step.
- 112 Scruggs Confirms, yes. Lists possibilities.
- 124 Rep. Greenlick Requests suggestions for amendments to the bill that would accelerate progress.
- 131 Scruggs Recommends letting the task force do their work.
- 142 Gwen Dayton General Counsel, Oregon Association of Hospitals and Health Systems. Testifies in support of SB 541B. Offers to lend resources and ideas.
- 163 Rep. Greenlick Questions if hospitals have begun to work on this independently.
- 165 Dayton Reviews what the hospital association has already revised.
- 175 Scott Gallant Oregon Medical Association. Supports the concept in SB 541B. Discusses the barrier of cost. Mentions other issues that need to be discussed such as how clinical information will be used. Relates physicians will be the fundamental players in the system. Discusses insufficient systems.
- 240 Rep. Greenlick Confirms it is a matter of scale.
- 249 Gallant Notes the key is small practices, in terms of cost impact.
- 267 Chair Dalto Closes the public hearing on SB 541B. Opens a public hearing on SB 404A as a full committee.

SB 404A – PUBLIC HEARING

- 271 Sandy Thiele-Cirka Administrator. Summarizes SB 404A.
- 286 Tom Holt Oregon State Pharmacy Association. Testifies in support of SB 404A. Relates what the bill accomplishes. Relates the reduction in pharmacists in the state.

- 336 Rep. Cameron Inquires how the bill impacts those who graduate without any debt.
- 342 Holt Notes another bill that addresses tax credit relief. Relates it is very unusual to graduate without debt.
- 361 Rep. Greenlick Comments on his conversation with a pharmacy owner in Heppner, and the difficulty of keeping her pharmacies open.
- 372 Chair Dalto Closes the public hearing on SB 404A. Opens a public hearing on mental health parity.

mental health parity – PUBLIC HEARING

- 381 Chair Dalto Questions Rep. Bruun’s perspectives on mental health parity.
- 384 Rep. Scott Bruun House District 37. Testifies in support of SB 1 and HB 2913. Addresses criticism of the bills, such as the increase of financial burden to small business owners. Discusses problems inherent in the overall health system. Elaborates on how Oregon is seeking to make the business landscape friendlier, and therefore needs to ask business to do the right thing for their employees.

TAPE 133, B

- 002 Rep. Bruun Continues testimony. Mentions his personal physical challenges. Notes mental health issues should be addressed to the same degree his physical challenges have been.
- 033 Jake Steckly Youth with mentally ill relatives. Relates story of how his family and his life were impacted by insurance issues related to mental health care for his brother. Notes difficulties arising after his parent’s divorce, and the resulting inability to pay for treatment.
- 083 Chair Dalto Closes the public hearing on mental health parity. Opens a public hearing on SB 913A.

SB 913A – PUBLIC HEARING

- 086 Sandy Thiele-Cirka Administrator. Summarizes SB 913A.

102	Michael Morris	Mental Health Policy Manager, Office of Mental Health and Addiction Services (OMHAS), DHS. Submits and reviews written testimony in support of SB 913A (exhibit c). Explains the present loss of benefits during periods of transition.
120	Ginger Martin	Assistant Director, Department of Corrections. Submits and reviews written testimony in support of SB 913A (exhibit d). States unbroken continuation of service is optimal.
156	Rep. Greenlick	Inquires if the bill is intended to include substance abuse treatment.
159	Chair Dalto	Confirms, yes. Notes the bill raises the question of whether the reduced slots available in the OHP would be taken from other Oregonians and given to offenders.
188	Morris	Offers to prepare a response to that question.
193	Bruce Bishop	Oregon Association of Hospitals. Testifies on SB 913A. Raises related problem of state institutions increasing the population at community hospitals. Relates concerns regarding community hospitals holding patients that belong in the state hospital, and mental health organizations being responsible to pay for their members when they don't have a contract with the hospital. States the continuum of care and who is paying are not well organized. Offers to collaborate on specific amendments to the bill.
248	Chair Dalto	Closes the public hearing on SB 913A. Opens a public hearing on SB 947A.

SB 947A – PUBLIC HEARING

253	Sandy Thiele-Cirka	Administrator. Summarizes SB 947A.
272	Therese Bottomly	Managing Editor, The Oregonian. Submits and reviews written testimony in support of SB 947A (exhibit e). Notes other states that have changed their confidentiality laws.
305	Tom Gallagher	Oregon Newspaper Publishers. Explains what the bill would do. Notes the value and limitations of the Critical Incident Response Team (CIRT) reports. Mentions other states that are changing their statues on public records for child abuse. Relates specific case on the coast, and the need of the public to know the challenges the Department has due to financial constraints.

- 375 Rep. Anderson Agrees on how difficult it is to get information. States the need to get past the mechanics of child welfare to the heart and soul of the families involved.
- 418 Gallagher Comments on other protections of information for law enforcement, etc. Notes when records become public more of the good will be seen.
- 450 Rep. Anderson Provides analogy of confidentiality rules related to national security.

TAPE 134, B

- 009 Nancy Keeling Administrator, Office of Safety and Permanency for Children, DHS. Submits and reviews written testimony in support of SB 947A (**exhibit f**). Discusses the safeguards in the A-engrossed bill.
- 025 Julie McFarlane Juvenile Rights Project. Submits and reviews written testimony in opposition to SB 947A (**exhibit g**). Relates children's embarrassment and fear of public exposure. Notes the acting out behaviors that would be open to public scrutiny, as well as health and mental health records. Suggests empowering juvenile judges to determine on a case-by-case basis what can be disclosed.
- 109 Chair Dalto Asks if McFarlane is suggesting passage would encourage children and reporting parties to withhold information.
- 117 McFarlane Confirms such would be a concern. Comments children subjected to sexual abuse don't want others to know.
- 125 Chair Dalto Comments this could also affect other survivors within the household.
- 129 McFarlane Elaborates on other children possibly affected. Discusses what they may face at school.
- 138 Rep. Greenlick Questions McFarlane regarding page 2, lines 9-11 with respect to no allegation of abuse.
- 146 McFarlane States her concern relates to charges found to be invalid after an investigation.

163	Rep. Greenlick	Questions provisions related to revealing names of children connected to child abuse.
173	Bottomly	Relates any sexual abuse victim's names are not revealed unless they request it. Discusses exemptions to the public records law with respect to privacy.
184	Rep. Greenlick	Provides fictitious example where a child is reported on by name, and the abuse surfaces later.
191	Bottomly	Discusses how such a situation would be addressed for a living person. Explains situations where names are already in the public domain.
206	McFarlane	States the situation demands someone review the record for harmful information that might be released.
225	Chair Dalto	Closes the public hearing on SB 947A. Opens a public hearing on SB 221A.

SB 221A – public hearing

230	Sandy Thiele-Cirka	Administrator. Summarizes SB 221A.
247	Paul Cieslak	Manager, Communicable Disease Section, DHS. Submits and reviews written testimony in support of SB 221A (exhibit h). Shares illustration of tendon transplant that resulted in the communication of hepatitis C. States the need for swiftness in gaining information in order to protect others, and the legal concerns of those contacted.
319	Rep. Greenlick	Requests clarification the purpose of requesting information was to protect the health of other people.
328	Cieslak	Confirms, yes. Elaborates on the measures taken. States the Department intends to publish its public findings on the case in order to help others.
349	Mel Kohn	State Epidemiologist, DHS. Underscores necessity of the bill to protect the health of Oregonians. Notes discussions with Oregon Trial Lawyers Association and the inability to gain consensus.

382	Chair Dalto	Addresses Cieslak regarding the Therminazole bill, stating the Department will need to educate members on the need for the bill.
415	Rep. Greenlick	Inquires whether current law applies to flu vaccine.
420	Cieslak	Verifies it does not. Believes the provision has been interpreted too strictly by the immunization program.
427	Rep. Greenlick	Believes the bill provides absolute authority regarding flu vaccines. Requests Cieslak determine if further authority is needed.
456	Scott Gallant	Oregon Medical Association. Testifies in support of SB 221A.
462	Chair Dalto	Closes the public hearing on SB 221A. Opens a work session on SB 221A.

TAPE 135, A

Sb 221A – WORK SESSION

007	Rep. Greenlick	MOTION: Moves SB 221A to the floor with a DO PASS recommendation.
014		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.
027	Chair Dalto	Closes the work session on SB 221A. Adjourns the meeting at 10:37 a.m.

EXHIBIT SUMMARY

- A. **SB 541A, written testimony, Sen. Frank Morse, 2 pp**
- B. **SB 541A, written testimony and Report to the 73rd Legislative Assembly: Electronic Health Records & Data Connectivity, Jody Pettit, 21 pp**
- C. **SB 913A, written testimony, Michael Morris, 2 pp**
- D. **SB 913A, written testimony Ginger Martin, 2 pp**
- E. **SB 947A, written testimony, Therese Bottomly, 33 pp**
- F. **SB 947A, written testimony, Nancy Keeling, 1 p**
- G. **SB 947A, written testimony, Julie McFarlane, 2 pp**
- H. **SB 221A, written testimony, Paul Cieslak, 3 pp**