

HOUSE COMMITTEE ON
HEALTH AND HUMAN SERVICES

May 04, 2005 Hearing Room D

8:30 A.M. Tapes 113 – 114

Corrected 10/11/05

MEMBERS PRESENT: Rep. Billy Dalto, Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Kevin Cameron

Rep. Mitch Greenlick

MEMBERS EXCUSED: Rep. Tom Butler, Vice-Chair

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

HB 3050 – Work Session

HB 3422 – Work Session

HB 2099 – Work Session

Approval of Drafting Requests – Work Session

HB 3073 – Public Hearing

HB 2644 – 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 113, A

004 Chair Dalto Calls the meeting to order at 8:40 a.m. Recesses the meeting until 9:00 a.m.

008 Chair Dalto Calls the meeting to order at 9:07 a.m. Opens a work session on HB 3050.

hb 3050 – WORK SESSION

010 Sandy Thiele-Cirka Administrator. Summarizes HB 3050. Mentions the -2 amendments to HB 3050 (**exhibit a**).

036 Rep. Tomei **MOTION: Moves to ADOPT HB 3050 -2 amendments dated 05/04/05.**

043 **VOTE: 6-0-1**

EXCUSED: 1 - Butler

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

048 Rep. Tomei **MOTION: Moves HB 3050 to the floor with a DO PASS AS AMENDED recommendation.**

052 Rep. Anderson Comments HB 3050 is an excellent bill.

058 **VOTE: 6-0-1**

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

EXCUSED: 1 - Butler

Chair Dalto **The motion CARRIES.**

REP. ANDERSON will lead discussion on the floor.

064 Chair Dalto Closes the work session on HB 3050. Opens a work session on HB 3422.

hb 3422 – WORK SESSION

068 Sandy Thiele-Cirka Administrator. Summarizes HB 3422. Mentions the -1 amendments **(exhibit b)**.

087 Rep. Boone Reviews the purpose of the amendments and the process used to develop them.

122 Ralph Summers Manager of Community Treatment Systems, Office of Mental Health and Addiction Services (OMHAAS), Department of Human Services (DHS). Reports the agency supports the general concept, but is concerned about the missing language related to federal approvals.

141 Chair Dalto Requests Summers review the language and return with recommendations for the next committee meeting.

156 Kevin Campbell Greater Oregon Behavioral Health, Inc. (GOBHI). Believes there are local resources that could leverage federal funding. Shares desire that “waiver” be changed to a different word.

182 Chair Dalto Closes the work session on HB 3422. Opens a work session on HB 2099.

hb 2099 – WORK SESSION

186 Sandy Thiele-Cirka Administrator. Summarizes HB 2099.

204 Rep. Anderson **MOTION: Moves HB 2099 to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**

216 **VOTE: 6-0-1**

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

EXCUSED: 1 – Butler

Chair Dalto **The motion CARRIES.**

220 **Rep. Tomei** **MOTION: Moves HB 2099 be placed on the CONSENT CALENDAR.**

223 **VOTE: 6-0-1**

EXCUSED: 1 – Butler

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

224 **Chair Dalto** Closes the work session on HB 2099. Opens a work session to approve committee measures.

APPROVAL OF DRAFTING REQUESTS – WORK SESSION

232 **Chair Dalto** Discusses introduction of a committee bill on automatic defibrillators.

236 **Rep. Greenlick** Expresses concern sponsor members be included as requestors.

255 **Rep. Dalto** **MOTION: Moves that the committee request the Speaker to APPROVE THAT LEGISLATIVE COUNSEL DRAFT A BILL ON EXTERNAL AUTOMATIC DEFIBRILLATORS.**

VOTE: 6-0-1

EXCUSED: 1 – Butler

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

260 **Chair Dalto** Closes the work session to approve drafting requests. Opens a public hearing on HB 3073.

HB 3073 – PUBLIC HEARING

264 **Sandy Thiele-Cirka** Administrator. Summarizes HB 3073. Mention the -1 amendments (**exhibit c**).

287 **Mary Botkin**

American Federation of State, County and Municipal Employees (AFSCME). Comments federation members can be charged with abuse if protecting themselves when attacked by a patient.

- 329 Tim Pfau AFSCME. Submits and reviews written testimony in support of HB 3073 (**exhibit d**). Discusses the right of members to defend their lives and the lives of the people they are serving. Clarifies difference between self defense and abuse. Discusses a specific patient who abuses workers and provides details of an episode that was video taped. Explains why other workers don't intervene.
- 416 Rep. Tomei Requests clarification on other staff not intervening.
- 419 Pfau Elaborates. Explains the consequences of intervening. Relates the purpose of the law is to protect the patient not the staff member.
- 460 Chair Dalto Reports he has a video tape showing a worker being attacked by a patient.

TAPE 114, A

- 003 Pfau States the lack of self defense in statute lead trainers and others to ignore it.
- 007 Rep. Greenlick Comments this issue is not self defense, but defense of others. Questions whether there is statutory language allowing defense of others.
- 010 Pfau Responds, no. Discusses collective bargaining issues, noting AFSCME staff can only defend against disciplinary actions taken. Clarifies the problem.
- 036 Botkin Discusses self defense statutes, what is considered reasonable in self defense, and the line between self defense and aggression.
- 054 Pfau States abuse becomes assault at the point it exceeds self defense. Reports other patients who witness such behavior become traumatized.
- 071 Rep. Cameron Requests clarification regarding impact of events that take place outside the Oregon State Hospital (OHS).

074	Pfau	Explains impacting events such as the hospital being overcrowded, taking patients that don't belong there, methamphetamine users, and the difficulty finding licensed professionals to work at OSH. Elaborates on unfilled positions and the impact of under funded community-based systems. Continues testimony. Reports investigations are thorough and accurate, but the result is always the product of one person and there is no administrative review process. States the incident remains on the employee's permanent record. Discusses appeals processes. States complete records of the investigation should be available to the accused.
178	Colleen Savage	AFSCME. Former Fairview worker. Testifies in support HB 3073. Relates personal experience of being attacked by a patient. Relates experiences of workers that have allegations brought against them. Notes the accused is given no details of the allegations, and the material finally given to them is truncated due to confidentiality issues.
245	Botkin	Mentions the -1 amendments (Exhibit c). Explains what the amendment accomplishes. Notes Rep. Reilly would like his name added as a requestor.
272	Cindy Hannum	Administrator, Seniors and People with Disabilities (SPD), Office of Licensing and Quality of Care (OLQC), DHS. Submits and reviews written testimony in opposition to HB 3073 (exhibit e).
311	Rep. Greenlick	Requests clarification of opposition to the specific issue of self defense.
316	Hannum	Explains training in behavior management would have to be expanded if the bill is adopted. Notes fiscal impact.
352	Chair Dalto	Questions if an appropriate number of staff to control the situation is the first method of redress.
357	Hannum	Reports other aids are expected to assist employees if there is an attack, but the issue is how that is accomplished. States private providers are included in their training.
361	Rep. Greenlick	Requests clarification on specific language in bill. Inquires if the department has plans in place.
390	Hannum	

Explains the extensive training in the state mental health category and compares it to that of private nursing facilities, with which the state collaborates to provide training. Relates it is the private sector training that would have to be reevaluated.

- 427 Rep. Greenlick Expresses concern such training is not presently being conducted.
- 442 Hannum Explains the different arenas within the bill, noting the bill has a very broad sweep and does not just cover the state hospital.
- 468 Rep. Anderson Asks if the agency provides training continually.
- 470 Hannum Responds, yes in partnership with providers, as the agency does not have trainers.

TAPE 113, B

- 009 Rep. Anderson Explains his concern and understanding.
- 015 Hannum Compares behavioral management plans in mental health with those in senior services. Elaborates on differences. Relates state employees receive more training than workers in commercial homes.
- 044 Rep. Tomei Asks if the agency trains others listed on the bill.
- 048 Hannum Responds, explaining the category differences.
- 059 Chair Dalto Asks why the department would enter into a contract with providers that don't appropriately train their workers.
- 075 Hannum The focus of OLQC training is to divert from situations. Reports physical force is rare on the senior side, as most of their issues fall into the neglect category. Provides personal illustration of working with her mother who has dementia.
- 105 Chair Dalto Requests a solution be developed that also protects the workers.
- 120 Hannum Recommends narrowing the bill down to specific concerns.
- 128 Chair Dalto

Asks if narrowing the bill to address the state hospital is the appropriate direction.

- 129 Hannum Answers. States in the senior community few staff are accosted in the workplace.
- 136 Rep. Greenlick Notes the statute covers private homes and treatment of seniors, assuming all homes have been trained in abuse.
- 148 Hannum Reports OLQC does not perform private home training, but has public forums to train individuals.
- 156 Rep. Greenlick Questions why it would be expensive to add training on self defense to the existing training program.
- 177 Hannum States the issue extends beyond self defense to behavior management. Moves to discussion of the advisory committee required by the bill, noting it doesn't include other groups who are impacted by the bill.
- 201 Rep. Cameron Relates he would have fallen under this law when caring for his mother. Questions where the law clarifies his training, appeals process and representation on the committee.
- 223 Hannum Explains the agency process of protective service investigations in a private home, noting the intent is to provide technical assistance and referrals to community associations.
- 244 Rep. Cameron Asks what process a private citizen would currently experience.
- 250 Hannum Relates the investigative process and reports provided law enforcement.
- 272 Chair Dalto Closes the public hearing on HB 3073. Opens a public hearing on HB 2644.

HB 2644 – public hearing

- Chair Dalto Closes the public hearing on HB 2644. Reopens the work session on HB 3422.

HB 3422 – work session

- 292 Rep. Boone Reviews revisions to the -1 amendment.
- 300 Sandy Thiele-Cirka Administrator. Relates the -2 amendments will be available for review at the next meeting.
- 311 Chair Dalto Closes the work session on HB 3422. Reopens the public hearing on HB 3073.

HB 3073 – PUBLIC HEARING (continued)

- 327 Bob Joondeph Director, Oregon Advocacy Center. Submits and reviews written testimony in opposition to HB 3073 (**exhibit f**). States the bill does not relate to its intended area, but to other groups. Explains how the process would work, noting the core problem of inadequate funding of OSH. Comments the bill would further reduce the number of reports made, precluding a safer workplace, and places the reporter in the position to determine whether their experience was truly abuse.
- 441 Rep. Greenlick Requests clarification on language related to defense of an abuse charge.
- 449 Joondeph Takes issue with “abuse charge” language. Explains.
- 466 Rep. Greenlick Addresses statutory definition of abuse.
- 472 Joondeph Confirms, yes, it is inappropriate.

TAPE 114, B

- 008 Joondeph Continues testimony.
- 040 Dolores Hubert Chair, Governor’s Commission on Senior Services. Submits and reviews written testimony in opposition to HB 3073 (**exhibit g**). Mentions testimony of Dennis Billingsley in her written testimony (**exhibit g**). States the real issue is understaffing, commenting there is no excuse to place oneself in danger. NOTE: Chair Dalto and Hubert dialogue from 094 to 143.

094	Chair Dalto	Explains personal experiences and testimony of workers in wards. Asks if Hubert objects to what the bill is trying to accomplish for the state hospital, and why people end up in the geriatric wards of the state hospital.
124	Hubert	States there is no excuse to assault someone who is mentally ill. Lists criminal behaviors that result in being committed to the hospital. States proper training would resolve issues.
143	Rep. Greenlick	Wonders if the pendulum has swung too far, as workers should be able to protect themselves.
163	Meredith Cote	Director, Office of the Long Term Care Ombudsman (OLTCO). Testifies in opposition to HB 3073. Agrees with Joondeph's testimony. States the bill doesn't address the state hospital, but casts a wide net over the long term care system. Recommends the bill be tailored to the conditions and problems in OSH. Relates concern with epidemic elder care abuse. Shares concern about an unequal playing field in substantiation of abuse and that the bill will allow abuse cases to not be reported.
266	Chair Dalto	States opposition testimony ignores workforce protection; and no one is discussing what should take place when diversion tactics are ineffective.
286	Cote	Recommends review of impact on federal nursing home law.
297	May Dasch	Alzheimer's Network of Oregon. Submits and reviews written testimony in opposition to HB 3073 (exhibit h). Opposes inclusion of "long-term care facilities" in the bill. Explains how persons with dementia and Alzheimer's occasionally behave. Requests an amendment to exclude long term care and the elderly.
351	Rep. Cameron	Shares his understanding of the training requirements in the bill and their connection with the self defense claim.
371	Dasch	States training is the key to the problem in long term care, particularly with dementia care.
397	Chair Dalto	Closes the public hearing on HB 3073. States HB 3428, HB 3422, and HB 3049 will be carried over to the Friday, May 6 meeting. Adjourns the meeting at 10:59 a.m.

EXHIBIT SUMMARY

- A. HB 3050, -2 amendments, staff, 2 pp
- B. HB 3422, -1 amendments, staff, 1 p
- C. HB 3073, -1 amendments, staff, 1 p
- D. HB 3073, written testimony, Tom Pfau, 2 pp
- E. HB 3073, written testimony, Cindy Hannum, 3 pp
- F. HB 3073, written testimony, Bob Joondeph, 2 pp
- G. HB 3073, written testimony, Dolores Hubert, 7 pp
- H. HB 3073, written testimony, May Dasch, 2 pp

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TAPE/#	Speaker	Comments
TAPE 108, A		
004	Chair Dalto	Calls the meeting to order at 9:21 a.m. Opens a work session to introduce committee measures (exhibit a).
<u>introduction of committee measures – WORK SESSION</u>		
014	Rep. Greenlick	MOTION: Moves LC 3600 BE INTRODUCED as a committee bill.
020		VOTE: 6-0-1 EXCUSED: 1 - Butler
	Chair Dalto	Hearing no objection, declares the motion CARRIED.
021	Chair Dalto	Closes the work session to introduce committee measures. Opens a public hearing on HB 3404.

hb 3404 – PUBLIC HEARING

- 026 Rep. Jerry Krummel House District 26. Summarizes HB 3404. Relates the bill allows development of a pilot program. Discusses cost shifting for those on government-funded health care. Reports health care costs increased at a parallel rate to inflation until 1965 when they outstripped general inflation due to Medicaid and Medicare bills being signed into law. Elaborates on additional factors.
- 065 Rep. Greenlick Inquires about the varying impacts of Medicare and Medicaid.
- 070 Rep. Krummel Responds he was unable to extrapolate the differences.
- 073 Rep. Greenlick Believes Medicaid only contributed about five percent of the total.
- 083 Rep. Krummel States people will use whatever is free. Reports the goal is to help people see there is a cost to health care, as well as increase access to health care for all people. Relates desire to see increased reimbursements and quicker turnaround on payments to providers. Mentions the sunset provision.
- 121 Rep. Boone Requests clarification regarding who is eligible to participate.
- 125 Rep. Krummel Reports the bill is aimed at clients on the Oregon Health Plan (OHP), or Medicaid, but is left so the department can determine what population would be appropriate.
- 139 Rep. Boone Inquires if the funds carry over at the end of the calendar year.
- 143 Rep. Krummel Explains possibility of using a smart card and how it would work.
- 182 Rep. Greenlick Mentions coverage gaps between an individual's insurance funds, and questions if there would be such for a Temporary Assistance to Need Families (TANF) recipient.
- 205 Rep. Krummel Responds, no, there would be no gap in coverage.
- 237 Rep. Greenlick Questions the incentive to recipients in using the funds wisely. Suggests the possibility of giving the recipients some of the unspent funds as an incentive.

258	Rep. Krummel	States the department recommended that possibility, however there may be federal restrictions. Comments one incentive might be to transfer remaining dollars into a private account when a recipient leaves the program.
278	Rep. Cameron	Suggests turning unused funds in the health savings account into a private savings account that could become part of a retirement program. Expresses concern with two different programs using the same terminology.
298	Rep. Krummel	States the nomenclature can be changed.
311	Rep. Anderson	Appreciates the plan incenting the client to save money.
327	Rep. Krummel	Reiterates intent to leave details to the department. Mentions the unknown of the impact on the federally-funded portion of health care.
357	Chair Dalto	Inquires how the bill integrates with the OHP.
364	Rep. Krummel	Relates the department would determine who is the most appropriate and effective population.
395	Steve Buckstein	Senior Policy Analyst, Cascade Policy Institute. Submits and reviews written testimony in support of HB 3404 (exhibit b). States people need to be treated according to our expectations, which should be raised rather than lowered.

TAPE 109, A

005	Buckstein	Continues testimony. Mentions related activities of other states, which include lifestyle programs such as smoking cessation. Recommends exploring new directions through this bill.
018	Chair Dalto	Questions whether Buckstein envisions the program cutting across all recipients in the OHP.
021	Buckstein	Replies Oregon can determine what would be appropriate for this state. Discusses incentives, compares medical savings accounts and health saving accounts, noting choice is a big factor.
041	Rep. Boone	

Relates situation of a friend who couldn't afford health insurance. States carryover would have been a great benefit for her.

- 052 Buckstein Agrees incentive to manage money well is a win-win.
- 061 Rep. Anderson Inquires regarding transferability of HSAs.
- 075 Buckstein States with the standard HSA, the worker owns the account even if they didn't deposit all the funds themselves.
- 078 Barney Speight Administrator, Office of Medical Assistance Programs, Department of Human Services, (DHS). Submits and reviews written testimony in support of HB 3404 (**exhibit c**). Discusses value of incentives, and cost of the program. Requests changing the dates of the program, which would also require extension of the sunset.
- 134 Rep. Greenlick Discusses a similar Senate Bill with a more amendable timeframe.
- 140 Speight Elaborates on dates.
- 155 Chair Dalto Closes the public hearing on HB 3404. Opens a public hearing on HB 3465.

HB 3465 – PUBLIC HEARING

- 158 Sandy Thiele-Cirka Administrator. Summarizes HB 3465.
- 167 Jim Anderson Oregon Chapter, American College of Emergency Physicians. (ACEP). Submits and reviews written testimony in support of HB 3465 (**exhibit d**). Notes this bill addresses repealing the sunset.
- 222 Chair Dalto Closes the public hearing on HB 3465. Opens a work session on HB 3465.

hb 3465 – WORK SESSION

- 223 Rep. Anderson **MOTION: Moves HB 3465 to the floor with a DO PASS recommendation.**
- 236 **VOTE: 6-0-1**

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

EXCUSED: 1 - Butler

238 Chair Dalto The motion CARRIES.

REP. ANDERSON will lead discussion on the floor.

240 Chair Dalto Closes the work session on HB 3465. Opens a public hearing on HB 3050.

hb 3050 – PUBLIC HEARING

243 Sandy Thiele-Cirka Administrator. Summarizes HB 3050.

249 Doug Riggs Oregon Primary Care Association (OPCA). Relates the benefits of federally qualified health centers.

275 Rebecca Landau OPCA. Relates the purpose of the bill. Mentions their involvement with the National Health Service Corp and the limits this places on the association's acceptance of dental students into their educational program.

335 Riggs Notes workgroup formed last week to develop the -1 amendment. States a -2 amendment will be submitted soon (**exhibit f**). Elaborates on what the -1 amendment does.

359 Chair Dalto Asks who was on the work group.

366 Riggs Lists members.

371 Rep. Anderson References the map (**exhibit e**) and requests clarification.

376 Landau Explains the map.

405 Jane Myers Oregon Dental Association. Testifies on HB 3050. Explains the -2 amendment is not written as the association expected. Elaborates, noting the amendments were only supposed to impact out-of-state students. Relates the intent to notify the Board of Dentistry of a student entering the system and their level of competency.

450 Rep. Tomei Inquires how the students would be supervised.

454 Myers Reports the students would be under a dentist who would become an adjunct professor of Oregon State University.

466 Chair Dalto Requests clarification that Myers isn't objecting to the -2 amendments, just making observations for the record.

TAPE 108, B

006 Myers Confirms, yes. Believes amendment includes all that has been agreed upon, but needs an opportunity to review.

018 Chair Dalto Closes the public hearing on HB 3050.

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

Staff Written testimony from Scott Gallant in support of HB 3465 (**exhibit G**).

021 Chair Dalto Adjourns the meeting at 10:40 a.m.

EXHIBIT SUMMARY

- A. Introductions, LC 3600, staff, 2 pp
- B. HB 3404, written testimony and newsletter, Steve Buckstein, 4 pp
- C. HB 3404, written testimony, Barney Speight, 2 pp
- D. HB 3465, written testimony, Jim Anderson, 2 pp
- E. HB 3050, written testimony and map, Doug Riggs, 3 pp
- F. HB 3050, conceptual -2 amendments, staff, 1 p

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

- G. HB 3465, written testimony of Scott Gallant, staff, 1

alto, Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Gordon Anderson

Rep. Deborah Boone

Rep. Kevin Cameron

Rep. Mitch Greenlick

MEMBERS EXCUSED: Rep. Tom Butler, Vice-Chair

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Bradley Campbell, Committee Assistant

MEASURES/ISSUES HEARD:

HB 2555 – Public Hearing

HB 2626 – Public Hearing

HB 3311 – Public Hearing

HB 2672 – Public Hearing

HB 3029 – Public Hearing and Work Session

HB 2202 – Work Session

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TAPE/#	Speaker	Comments
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TAPE 105, A

004	Rep. Greenlick	Calls the meeting to order at 8:37 a.m. and opens a public hearing on HB 2626 and 2555.
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HB 2555 & hb 2626 PUBLIC HEARING

006	Rep. Mike Schaufler	
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House district 38. Sponsor of HB 2555. Comments the goal of the bill is to attain stable funding for Oregon Project Independence (OPI).

023	Rep. Steve March	House District 36. Testifies in support of HB 2555 and HB 2626. Echoes the need for stable funding of OPI. Explains differences between the two bills.
052	Rep. Bob Jenson	House District 58. Comments as a senior citizen; he supports senior issues and OPI. Testifies in support of HB 2555 and 2626. Comments OPI is a model program to provide vital and needed services for senior citizens. Feels it is imperative one of the two bills pass.
119	Rep. Boone	Comments in support of the OPI program.
133	Rep. Cameron	Comments his gratitude toward the Representatives testifying.
142	Rep. Greenlick	Questions for clarification on the term, modernization, in HB 2555.
148	Rep. March	Responds the intent to modernize is to provide a base funding for OPI.
173	Rep. Greenlick	Addresses section 5 in HB 2555.
181	Rep. March	Responds the provision rises baseline funding.
194	Chair Dalto	Comments both bills have a referral to Ways and Means.
201	Chris Matson	Chief of Staff to Rep. Steve March. Testifies in support of 2555. Comments on the certainty of funding for the OPI program. States the bills, although good, will not solve state problems in health care coverage.
267	Lucile Puegh	Testifies in support of the OPI bills. Comments on the history of medical care coverage. Feels the bills will make a difference in the lives of seniors. Comments the bills will provide opportunities of independence for seniors.
354	Jacqueline Zimmer	Oregon Associations of Area Agencies on Aging and Disabilities (O4A). Submits and reviews written testimony in support of HB 2626 (EXHIBIT A).

- 378 Rep. Greenlick Questions the language in section 5 of HB 2555.
- 383 Zimmer Comments the people live with rising costs and unstable funding. States many senior lost their health care services. Clarifies specifics in HB 2626 and how it differs from HB 2555 (**EXHIBIT B**). States the O4A is looking for stable funding.

TAPE 106, A

- 022 Rep. Tomei Comments on the need to bring federal funding back into the program.
- 029 Zimmer Responds a federal match is critical.
- 031 Cameron Questions about the total OPI funding costs.
- 033 Zimmer Responds there are various numbers. States \$8.6 million is the estimate.
- 053 Rep. Greenlick Asks for clarification of federal match.
- 055 Zimmer Responds the match will be used for many programs.
- 061 Rep. Greenlick Questions if OPI numbers are matched with federal dollars.
- 063 Zimmer Responds they are not. Comments on OPI funding services.
- 085 Eunice Dutton Governor's Commission on Senior Services. Submits and reviews written testimony in support of HB 2555 (**EXHIBIT C**). Comments on the growing senior population in Oregon.
- 138 Lee Hazelwood Stayton, Oregon. Seniors and People with Disabilities. Submits and reviews written testimony in support of HB 2555 (**EXHIBIT D**). Comments on the history of OPI. Responds to previous testimony. States he wants his tombstone to read, "he supported OPI."
- 209 Rep. Cameron Comments Mr. Hazelwood is the biggest voice in the capital on senior issues.

- 218 Hazelwood Reads a historic quote from a former representative.
- 236 Ralph Groener Co-Chaired original committee on Project Independence. Discusses the history of OPI and the creation of senior support systems in Oregon. Talks about historical relations between Republicans and Democrats. Testifies in support of OPI. Comments Project Independence saves the state millions. Stresses it is a non-partisan issue to help seniors and the disabled.
- 421 Rep. Greenlick Comments on the funding of OPI versus funding long term Medicaid.
- 443 Groener Responds without OPI other costs will raise.

TAPE 105, B

- 004 Rick Bennet AARP Oregon. Comments he was not a senior when Ralph Groener began his testimony, but feels he could qualify as one now. Testifies AARP supports both HB 2626 and 2555.
- 021 Jim Davis United Seniors of Oregon, Oregon Association for Retired Citizens, Gray Panthers. Submits and reviews written testimony in support of HB 2555 (**EXHIBIT E**). Comments support of OPI will reduce long term costs associated with aging adults.
- 060 Chair Dalto Closes the public hearing on HB 2626 and 2555. Opens a public hearing on HB 3311.

hb 3311 – PUBLIC HEARING

- 063 Chair Dalto Summarizes HB 3311.
- 071 Ted Hughes Pacific Northwest Paint Council. Submits and reviews written testimony in support of HB 3311 and presents the -1 amendments (**EXHIBIT F**). Discusses the problems with lead poisoning. Comments on the educational section of the bill. Stresses the need for an amendment.
- 126 Chair Dalto Clarifies the purpose of the bill.
- 132 Hughes Responds they will make people aware about lead based paint.

140	Rep. Tomei	Questions if the paint industry will be responsible for payments.
142	Hughes	Respond they will.
151	Rep. Tomei	Questions if the Department of Human Services (DHS) will be required to pay for the service rather than the paint industry.
154	Hughes	Responds there will be cooperation between DHS and the paint industry to produce funds.
164	Rep Tomei	Clarifies the paint companies will not be responsible for funding.
165	Hughes	Responds in agreement with the clarification.
168	Rep. Greenlick	Question why the bill is before the committee.
173	Hughes	Responds the goal is to work together to fund a broad educational program.
177	Rep. Greenlick	Questions the purpose of the legislation.
183	Hughes	Responds the goal is to work together to fund a broad educational program.
190	Rep. Greenlick	Stresses his unease with the bill.
196	Hughes	Responds their goal is to raise awareness.
199	Chair Dalto	Closes the public hearing on HB 3311. Opens a public hearing on HB 2672.

hb 2672 – PUBLIC HEARING

204	Sandy Thiele-Cirka	Administrator. Summarizes HB 2672 and -1 amendments (EXHIBIT I).
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217	Rep. John Lim	House District 50. Testifies in support of HB 2672. Comments public safety is a number one issue of Oregon. Describes the problems associated with a lack of labeling on pharmacopoeia products. Stresses the need for people to know what ingredients are in pharmacopoeia.
282	Chair Dalto	Comments he received many correspondents about the bill.
298	Rep. Lim	Responds HB 2672 has nothing to do with tea and honey, only with pharmacopoeia.
326	Rep. Greenlick	Comments on concerns with the definition of pharmacopoeia. Requests narrowing the scope of the definition.
351	Rep. Lim	Responds the definition of pharmacopoeia is well defined in the bill.
367	Rep. Anderson	Comments the decision should be determined by the Board of Pharmacy.
371	Rep. Lim	Responds that could be an option.
373	Rep. Tomei	Questions if most distributors of pharmacopoeia are licensed.
380	Rep. Lim	Responds it is not his belief.
387	Rep. Tomei	Questions if the issue has been brought before the Board of Medical Examiners (BME).
388	Rep. Lim	Believes that pharmacopoeia is a non-regulated product.
396	Chair Dalto	Question why the BME controls retail of pharmacopoeia and not the Board of Pharmacy.
403	Rep. Lim	Responds he is uncertain about issues between the two boards.
414	Rep. Dalto	Comments the bill needs to reflect the Board of Pharmacy.
432	Rep. Greenlick	Responds that section 4 of the -1 amendments identify the Board of Pharmacy.

441 Tom Holt Oregon State Pharmacy Association. Testifies in opposition of HB 2672. Clarifies the problem is the costs to test and examine herbal medicine.

TAPE 106, B

020 Holt Comments he is willing to discuss the issue further.

029 Gary Schnable Board of Pharmacy. Testifies in opposition of HB 2672. Comments the board does not have experience with pharmacopoeia products.

054 Rep. Anderson Questions if it could be placed in legislation when funds are available.

058 Schnable Responds there is a revenue source.

062 Rep. Anderson Questions if the revenue would be adequate.

066 Schnable Responds it will depend on the fee amount.

069 Rep. Anderson Question if it is a federal issue rather than state.

071 Schnable Responds the federal government is unsure about labeling pharmacopoeia products.

082 Ann Zweber Board of Pharmacy. Requests more information concerning this type of medicine and where it is dispensed. Distributes examples of the products. Comments she feels the concept of the bill is good.

120 Chair Dalto Closes the public hearing on HB 3111. Opens a public hearing on HB 3029.

hb 3029 – PUBLIC HEARING

123 Sandy Thiele-Cirka Administrator. Summarizes HB 3029.

134 Rep. Gene Whisnant House district 53. Testifies in support of HB 3029. Comments the switch will enable the Oregon Criminal Justice Commission to focus on crime prevention.

162	Rep. Steve March	House District 36. Discusses the history of juvenile crime prevention in Oregon.
199	Rep. Boone	Questions how HB 3029 will affect Ways and Means.
200	Rep. Whisnant	Responds the money for the programs was deleted.
215	Rep. Anderson	Comments DHS is a labyrinth and feels the advisory committee might get lost.
222	Rep. March	Responds in agreement. Adds DHS has a focus on government and the Commission on Children and Families works with local community providers.
236	Rep. Boone	Questions if the possible Commission on Children and Families will receive funding.
242	Rep. Whisnant	Responds he doesn't know, but hopes it will receive funding as a separate entity.
262	Mickey Lansing	Executive Director Oregon Commission on Children and Families. Testifies in support of HB 3029. Comments on how state and federal organizations support their work locally. Stresses the importance for funding children and family services.
336	Ruth Hewett	Marion County Children and Families Commission. Submits and reviews written testimony in support of HB 3029 (EXHIBIT G).
370	Larry Oglesby	Marion County Juvenile Department. Submits and reviews written testimony in support of HB 3029 (EXHIBIT H).
412	Tammy Chatfield	Salem Leadership Foundation. Testifies in support of HB 3029. Comments the partnerships at a local level need to strengthen and grow.
445	Chair Dalto	Requests information on Juvenile Crime Prevention Plan Funding.
456	Kate Cooper-Richardson	Polk County Commission on Children and Families. Testifies in support of HB 3029. Comments it is a good bill, should pass.

TAPE 107, A

- 005 Lona O'Dell Polk County Commission on Children and Families. Testifies in support of HB 3029.
- 016 Craig Prins Criminal Justice Commission. Testifies in support of HB 3029. Comments it makes sense for the criminal justice system to focus on criminal justice.
- 030 Chair Dalto Closes the public hearing on HB 3029. Opens a work session on HB 3029. Notes a subsequent referral to Ways and Means.

hb 3029 – WORK SESSION

035 Rep. Tomei **MOTION: Moves HB 3029 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.**

040 Rep. Boone Comments the program is a great thing to move into prevention of juvenile crime.

VOTE: 6-0-1

EXCUSED: 1 – Butler

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

046 Sandy Thiele-Cirka Administrator. Highlights testimony from Janet Carlson in support of HB 3029 (**EXHIBIT G**).

050 Chair Dalto Closes the work session on HB 3029. Opens a work session on HB 2202.

hb 2202– WORK SESSION

056 Galen Phipps Oregon Homeless and Runaway Youth Coalition. Comments on the language and goals of HB 2202. States the progress of the bill.

102	Jean Lassiter	Oregon Homeless and Runaway Youth Coalition. Comments on the construction of amended HB 2202.
115	Chair Dalto	Clarifies the progress of the bill.
125	Rep. Boone	Comments they met and discussed concerns.
134	Lassiter	States the revised bill addresses all the committee concerns. Comments the bill is now comprehensive for the goal to collaborate between state and local agencies.
149	Sandy Thiele-Cirka	Administrator. Highlights written testimony from the Oregon Alliance for Child Advocacy, Robin Wisdom, Ruth Hewett and Janet Carlson (EXHIBIT J, K & N).
169	Chair Dalto	Closes the work session on HB 3029. Refers to EXHIBIT L .
175	Chair Dalto	Adjourns the meeting at 10:44 a.m.

EXHIBIT SUMMARY

- A. **HB 2555, written testimony of Jacqueline Zimmer, 2pp**
- B. **HB 2626, property tax relief report, Jacqueline Zimmer, 2pp**
- C. **HB 2555, written testimony of Eunice Dutton, 2pp**
- D. **HB 2555 & 2626, written testimony of Lee Hazelwood, 3pp**
- E. **HB 2555 & 2626, prepared statement of Jim Davis, 1p**
- F. **HB 3311, -1 amendments and prepared testimony, Ted Hughes, 4pp**
- G. **HB 3029, written testimony of Ruth Hewett, 2pp**
- H. **HB 3029, written testimony of Larry Oglesby, 2pp**
- I. **HB 2672, -1 amendments, staff, 4pp**

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

- J. **HB 2202, Oregon Alliance for Child Advocacy, 2pp**
- K. **HB 2202, written testimony of Robin Wisdom, 2pp**
- L. **HB 3311, written testimony of Gail R. Shibley, 2pp**
- M. **HB 2202, written testimony of Margaret Noel, 1p**
- N. **HB 2202, written testimony of Ruth Hewett and Janet Carlson, 1p**

8:30 A.M. Tapes 71 - 73

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

Rep. Mitch Greenlick

STAFF PRESENT: Sandy Thiele-Cirka, Committee Administrator

Pamella Andersen, Committee Assistant

MEASURES/ISSUES HEARD:

Oregon Alliance for Child Advocacy - Informational Meeting

HB 2640 – Public Hearing

HB 2362 – 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
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TAPE 71, A

004	Chair Dalto	Calls the meeting to order at 8:36 a.m. Opens the informational meeting on Oregon Alliance for Child Advocacy.
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Oregon Alliance for child advocacy – INFORMATIONAL MEETING

013	Mary Monnat	
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		President, Oregon Alliance for Child Advocacy. Explains the Alliance and its services.
053	Janet Arenz	Executive Director, Oregon Alliance for Child Advocacy. Submits and reviews written testimony on child advocacy (exhibit a). Introduces Clark Luster, explaining his background and work.
080	Clark Luster	President and CEO, Kansas Children’s Service League. Relates his experience that children’s issues cross party lines. Discusses his experiences in Kansas, stating desperation combined with strong leadership provokes change. Notes large, tripled increase in adoptions with a dissolution rate of less than two percent compared to twelve percent nationally.
175	Chair Dalto	Inquires why adoptions fall apart.
176	Luster	Reports there are many possibilities, noting the average age of adopted children is eleven years old, sibling groups need to be kept together, sometimes there is a poor match, families dissolve, people don’t understand the challenges and commitment, etc. Reports Kansas case workers now provide 24-hour responses and foster parents are paid at a rate double the previous amount. Comments one critical outcome is kids are no longer in mental health programs and groups homes, but are in foster care and are adopted.
224	Chair Dalto	Questions how much the amount paid to foster families influences the outcomes.
230	Luster	States people do this type of work because of their heart. Notes the goal is to pay enough money that the foster parents don’t want to walk away when things get tough. Reports paying a foster parent costs less than a treatment program and allows children to remain connected to their daily lives. Discusses structure of the Kansas system, noting costs were not reduced, but they have better outcomes. Relates the mechanics of the Kansas process and creative components that have been introduced into the system to move children toward permanency. Explains the system is designed around achieving outcomes, and explains how the contractor’s rate is reduced based on how long it takes for a child to be released from the system. Discusses the portrait gallery the League moves around the state to motivate people to consider adoption.
403	Rep. Butler	Asks if Kansas was the first state to enter into a pilot program with federal funds.

- 425 Luster States he is unsure.
- 435 Rep. Butler Asks about medical provisions for special needs children in foster care.
- 437 Luster Responds each child has a Medicaid card, the Department of Education takes care of special education, and mental health costs and in-patient residential costs will be paid by Medicaid in the future.

TAPE 72, A

- 003 Rep. Butler Questions whether there is a warning system if the state does not see the outcomes they are seeking from a contractor.
- 010 Luster Reports the contractors meet quarterly with the state and the state can take corrective action if needed.
- 019 Rep. Butler Inquires about therapeutic foster care.
- 021 Luster States the League created a model of trained families who can take tough kids and increased payment to them, intensified training, and reduced their caseworker's workload.
- 037 Arenz Clarifies the Alliance is not promoting a particular model, but seeking to look at ideas and pitfalls and develop reasonable expectations for outcomes. States in Kansas the private sector assumes all the risks and must demonstrate effectiveness.
- 099 Chair Dalto Asks Luster what role methamphetamine plays in Kansas.
- 101 Luster Relates methamphetamine is a serious problem particularly in the rural areas. Elaborates on responses within their state.
- 115 Chair Dalto Requests comparison between Kansas and Oregon in terms of the number of methamphetamine-affected kids that enter the foster care system and how their needs are addressed within the League's model.
- 114 Luster Reports their program is geographical, so all problems within their area have to be addressed.

122	Rep. Cameron	Asks what issues Florida encountered.
140	Luster	States Florida erroneously thought they had trained people to do the work when they privatized. Notes the new, inexperienced staff created chaos, judges were brought into the process too late, and state workers remained state employees rather than becoming contractors. Changes have been made to balance the program, and state employees are doing prevention, now. Reiterates the importance of communicating with all parties early, and to ensure there is a prepared workforce.
170	Arenz	Interjects some non-profit organizations failed as a result of this process.
179	Rep. Anderson	Questions whether private contracts work.
186	Luster	Believes they work in terms of outcomes, but transitions are difficult. States motivators and incentives are necessary.
194	Rep. Anderson	Inquires regarding the categories of children that were adopted and requests a comparison to Oregon.
203	Luster	Discusses Kansas numbers. Explains the changes the new contract will make with caseworker stability and contractor follow-up.
226	Arenz	Provides comparison with Oregon, stating she does not know the number of children facing adoption.
236	Rep. Anderson	Asks who the private adoption and foster care contractors are.
237	Arenz	Elaborates there are options through the juvenile justice system, and Department of Human Services (DHS). Mentions three agencies in Portland that have private foster care beds.
247	Rep. Greenlick	Inquires how much money was added to the Kansas system by caseworkers handling both child protective services and adoption.
257	Luster	Replies the state-side staff has been reduced by attrition and re-directed toward prevention, but he is unsure of the dollars.
270	Rep. Greenlick	Requests an idea of the magnitude of dollars.

275	Luster	States Kansas has \$125 million in total contracts. Elaborates.
281	Rep. Greenlick	Asks if Oregon could provide a more effective adoption model if they found that much money.
298	Arenz	Lists other services Kansas also provides to children.
323	Chair Dalto	Closes the informational meeting on Oregon Alliance for Child Advocacy. Opens the public hearing on HB 2640.

hb 2640 – PUBLIC HEARING

329	Sandy Thiele-Cirka	Administrator. Summarizes HB 2640.
340	Bruce Bishop	Oregon Association of Treatment Centers (OATC). Submits and reviews written testimony in support of HB 2640 (exhibit b), noting it will treat residential and day treatment providers alike with respect to accessing liability insurance.
373	Rep. Tomei	Requests clarification of the existing situation.
376	Bishop	Explains it would allow them to join a pool to access lower cost coverage.
385	Chair Dalto	Reports there is no known opposition to this bill, and the committee will be seeking to remove the subsequent referral.
405	Larry Tang	Polk Adolescent Day Treatment. Mentions the present substantial rate increases this will preclude.
408	Thiele-Cirka	Requests clarification regarding the reference to HB 2254 on Bishop's written testimony.
412	Bishop	Clarifies his wish to connect this testimony to the original bill, to bring continuity.
418	Chair Dalto	Charges Bishop to seek rescindment of the referral.
427	Chair Dalto	Closes the public hearing on HB 2640. Committee stands at ease from 9:30 a.m. to 9:45 a.m. Opens a public hearing on HB 2362.

hb 2362 – PUBLIC HEARING

455 Bob Joondeph Executive Director, Oregon Advocacy Center. Submits and reviews written testimony in support of HB 2362 (**exhibit c**).

TAPE 71, B

002 Joondeph Continues testimony. States the goal is to develop a task force to review how funding and resources can be redesigned with integration for greater efficiency.

026 Mark McKechnie Social Worker, Juvenile Rights Project. Submits and reviews written testimony in support of HB 2362 (**exhibit d**). Discusses Wraparound Milwaukee. Notes the Project works with children with complicated issues, and does so with lower costs due to outcomes and the drastic reduction in hospital care. Discusses costs of three specific clients who have been institutionalized.

Committee stands at ease 9:55 to 10:05 a.m.

173 Rep. Greenlick States HB 2362 creates a task force, and asks the purpose in creating a task force rather than just making suggestions to change the system.

186 McKechnie Relates the objective is to have a group design changes and complete the task, not study the problem.

208 Joondeph Confirms need for a firm plan with support of governmental leaders.

223 Rep. Greenlick Reiterates need for a bill that moves in a direction to improve the system.

225 McKechnie Mentions submitted written testimony of Judge Nan Waller (**exhibit e**), who is also interested in developing a similar approach to Wraparound Milwaukee.

275 Rep. Boone Requests explanation of the Wraparound program.

277 McKechnie Explains the program and the incentives to provide preventive services earlier.

295	Jim Russell	Director, Mid-Valley Behavioral Care Network (BCN). Testifies in support of HB 2362. Notes need of collaboration and removal of barriers.
334	Rep. Greenlick	Requests an explanation of what the coordinated plan will look like.
368	McKechnie	Notes the pooled fund in Minnesota and the need to borrow benchmarks from other states on how to coordinate services and funding effectively.
408	Rep. Butler	Asks if there is a state with an effective model Oregon can borrow while the study is being conducted.
418	McKechnie	Replies each state is unique in how they address these issues and some models could not be adapted to Oregon.
445	Joondeph	Discusses statutory structures of other states, and need to obtain buy-in from agencies involved.

TAPE 72, B

003	Rep. Butler	Asserts if Oregon's statutory structure is not designed to accomplish the job, changes need to be made.
028	Rep. Anderson	Reads into record a recommendation by George Longden (exhibit F).
054	Madeline Olson	Assistant Administrator, Office of Mental Health & Addiction Services (OMHAS), Department of Human Services (DHS). Submits and reviews written testimony on HB 2362 (exhibit g), noting concern regarding the necessary funding for staff to implement the requirements. Because of the intricacies of funding and the federal strings attached, the Director would need additional staff expertise.
112	Kristen Anderson	Parent of mentally ill child. Submits and reviews written testimony in support of HB 2362 (exhibit h). Relates mental health issues of her nine-year-old son. Notes the costs to the community and that lack of coordination of services prevents her son from receiving the services he needs. Recommends the bill be amended to design coordination rather than study the issue.
161	Jimmy Boyer	Uncle of mentally ill youth. Reads testimony of mentally ill niece and her experiences (exhibit i). Supports HB 2362.

- 237 David Hitt Brother of mentally ill adult. Submits and reviews written testimony in support of HB 2362 (**exhibit j**). Shares story of personal and family recovery following drug use and loss of parental rights. Notes the people who helped them through recovery. Relates the experience of his mentally ill brother who has been in and out of the mental health system with no coordination of treatment, no continuing team and no structure.
- 358 Bruce Bishop Oregon Association of Treatment Centers. Testifies in support of HB 2362. Recommends an amendment.
- 416 Angela Kimball Parent of mentally ill child. Submits and reviews written testimony in support of HB 2362 (**exhibit k**). Relates personal experiences.
- 446 Jeanne Schultz Director, Oregon Family Support Network. Submits and reviews written testimony in support of HB 2362 (**exhibit l**). Lists valuable outcomes of streamlining.

TAPE 73, a

- 015 Chris Krenk President and CEO Albertina Kerr Centers. Submits and reviews written testimony in support of HB 2362 (**exhibit m**). Elaborates on the possible outcomes of the task force.
- 056 Janet Urton Parent of mentally ill children. Submits and reviews written testimony in support of HB 2362 (**exhibit n**). Notes her experiences as a parent of mentally ill children and an educator.
- 075 Chair Dalto Inquires how HB 2362 will further coordination of services for her children.
- 082 Urton States the bill would allow creation of a blueprint for action that allows flexibility of funding and programming.
- 105 Jessica Stevens Service Employees International Union (SEIU). Testifies in support of HB 2362. Recommends a representative of employees be included in the task force. Addresses Rep. Butler's earlier question about the intervening 18-month period. Discusses concept of funding following children rather than individualized contracts.
- 125 Randy Franke Coalition of County Children and Families Commissions. Testifies coalition has not taken a position on HB 2362. Recommends

legislative team makeup. Notes there is no coalition member on the committee in the bill.

165 Chair Dalto Closes the public hearing on HB 2362. Adjourns the meeting at 11:00 a.m.

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

Angela Kimball Written testimony from Catherine Mains in support of HB 2362 (**exhibit o**).

Angela Kimball Written testimony from Association of Oregon Community Mental Health Programs in support of HB 2362 (**exhibit p**).

Janet Arenz Written testimony in support of HB 2362 (**exhibit q**).

EXHIBIT SUMMARY

- A. Oregon Alliance for Child Advocacy, written testimony, articles and reports, Janet Arenz, 10 pp
- B. HB 2640, written testimony, Bruce Bishop, 1 p
- C. HB 2362, written testimony, Bob Joondeph, 2 pp
- D. HB 2362, written testimony, Mark McKechnie, 5 pp
- E. HB 2362, written testimony of Judge Nan Waller, Mark McKechnie, 3 pp
- F. HB 2362, email testimony of George Longden, Rep. Gordon Anderson, 1 p
- G. HB 2362, written testimony, Madeline Olson, 2 pp
- H. HB 2362, written testimony, Kristen Anderson, 2 pp
 - I. HB 2362, written testimony of his niece, James Boyer, 1 p
 - J. HB 2362, written testimony David Hitt, 2 pp
- K. HB 2362, written testimony, Angela Kimball, 2 pp
- L. HB 2362, written testimony, Jeanne Schultz, 1 p
- M. HB 2362, position paper of Children's Array of Psychiatric Programs, Chris Krenk, 2 pp
- N. HB 2362, written testimony, Janet Urton, 2 pp

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

- O. HB 2362, written testimony of Catherine Mains in support, Angela Kimball, 1 p
- P. HB 2362, written testimony of Association of Oregon Community Mental Health Programs in support, Angela Kimball, 1 p
- Q. HB 2362, written testimony, Janet Arenz, 1 p