

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

June 01, 2005 Hearing Room D

9:30 A.M. Tapes 144

**MEMBERS PRESENT:** Rep. Billy Dalto, Chair

Rep. Tom Butler, Vice-Chair

Rep. Carolyn Tomei, Vice-Chair

Rep. Deborah Boone

Rep. Kevin Cameron

Rep. Mitch Greenlick

**MEMBERS EXCUSED:** Rep. Gordon Anderson

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

Pamella Andersen, Committee Assistant

**MEASURES/ISSUES HEARD:**

**HB 3073 – 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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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TAPE 144, A

- 004 Chair Dalto Calls the meeting to order at 9:44 a.m. Mentions the unresolved issues he submitted on a work plan to the Speaker's Office.
- 025 Rep. Greenlick Questions whether the three mental health parity bills might be combined into one.
- 032 Chair Dalto Discusses details and differences of the three bills, noting work still needs to be done.
- 044 Rep. Greenlick Suggests the committee do substantive work while awaiting final decisions.
- 049 Chair Dalto Comments a committee party is being developed in conjunction with others. Opens a work session on HB 3073.

**hb 3073 – WORK SESSION**

- 052 Sandy Thiele-Cirka Administrator. Summarizes HB 3073. Mentions the -2 amendments (**exhibit a**).
- 068 Mary Botkin American Federation of State, County and Municipal Employees (AFSCME). Reviews the -2 amendments, noting they only address the specific concerns of a small group of people. Relates the amendments narrow the bill considerably.
- 104 Rep. Tomei Requests clarification the bill now only addresses those working for the State of Oregon.
- 109 Botkin Confirms, yes. Lists venues the bill does not address.
- 115 Chair Dalto Requests workgroup members.
- 117 Botkin Lists workgroup participants.
- 129 Chair Dalto Mentions a concern relayed to him with the -2 amendments relating to missing language on confidentiality limits.
- 143 Botkin Reports abuse is a criminal charge, and under criminal statutes names can be accessed.

156	Rep. Greenlick	Notes the findings in a case are what are available in this amendment.
160	Chair Dalto	Mentions relayed concerns on language dropped from line 17 related to least restrictive procedures.
174	Botkin	Believes the language is presently in rule.
190	James Toews	Department of Human Services (DHS). Confirms it is in rule, but it would be helpful to put it in statute.
198	Thiele-Cirka	Requests clarification of intent regarding which language should be included.
205	Chair Dalto	States it will be addressed as a conceptual amendment.
216	<b>Rep. Greenlick</b>	<b>MOTION: Moves to ADOPT HB 3073-2 amendments dated 05/19/05 and that the measure be FURTHER AMENDED on page 1, lines 17-19, by deleting "The person used the least restrictive procedures necessary under the circumstances for responding to or defending the person against another person's behaviors." and on page 1, line 17, by inserting "The person used the least restrictive procedures necessary under the circumstances in accordance with an approved behavior management plan or other method of response approved by the department by rule."</b>
227	Chair Dalto	Re-reads stricken language and replacement language.
241	Rep. Butler	Expresses his lingering concern with department unwillingness to offer additional training to employees. Questions the need for a bill to do what we are already doing.
266	Chair Dalto	Clarifies the insufficient training is in the area of self defense.
275	Rep. Greenlick	Interjects not all of what is being introduced is currently in rule.
288	Rep. Butler	States training will not be amplified and the amendment doesn't address that issue. Notes if the subsequent referral to the Judiciary Committee is retained, any complications with conceptual language could be addressed there.
327	Rep. Tomei	Notes what was not said in the motion language.

335 Chair Dalto Explains the intent.

341 **VOTE: 6-0-1**  
**EXCUSED: 1 - Anderson**

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

343 Botkin Clarifies a possible misperception on DHS training, noting private sector employees are not provided training similar to employees in state-operated facilities.

374 **Rep. Greenlick and Rep. Tomei MOTION: Moves HB 3073 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Judiciary BE RESCINDED.**

386 **VOTE: 6-0-1**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 - Anderson**

**Chair Dalto The motion CARRIES.**  
**REP. DALTO will lead discussion on the floor.**

393 Chair Dalto Closes the work session on HB 3073. Adjourns the meeting at 10:09 a.m.

## **EXHIBIT SUMMARY**

A. **HB 3073, -2 amendments, staff, 2 pp**