

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

**June 3, 2005 Hearing Room D**

**10:30 A.M. Tapes 145 - 146**

**Corrected 10/11/05**

**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**

**Erin Seiler, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**SB 1 – Work Session**

**HB 3444 – Work Session**

**HB 2010 – Work Session**

**HB 2009 – Work Session**

**SB 329A – Work Session**

**HB 3086 – Work Session**

**SB 1040A – Work Session**

**SB 598A – Reconsideration and Work Session**

**SB 947A – Work Session**

**SB 880A – Work Session**

**SB 781A – Work Session**

**HB 3260 – Work Session**

**SB 782A - 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>
<b>TAPE 145, A</b>		
001	Chair Dalto	Opens the meeting at 10:46 a.m. Opens the work session on SB 1, HB 2010, HB 3444, and HB 2009.

**SB 1/HB 2010/HB 3444/ HB 2009 – WORK SESSION**

<b>012</b>	<b>Rep. Butler</b>	<b>MOTION: Moves SB 1 to the floor WITHOUT RECOMMENDATION as to passage and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on State and Federal Affairs.</b>
<b>012</b>	<b>Rep. Butler</b>	<b>MOTION: Moves HB 2010 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on State and Federal Affairs.</b>
<b>012</b>	<b>Rep. Butler</b>	<b>MOTION: Moves HB 3444 to the floor WITHOUT RECOMMENDATION as to passage and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on State and Federal Affairs.</b>
<b>012</b>	<b>Rep. Butler</b>	<b>MOTION: Moves HB 2009 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on State and Federal Affairs.</b>

019 Rep. Tomei Questions why all four bills are being referred to State and Federal Affairs without recommendation.

025 **VOTE: 5-1-1**

**AYE: 5 - Anderson, Butler, Cameron, Greenlick, Dalto**

**NAY: 1 - Tomei**

**EXCUSED: 1 - Boone**

**Chair Dalto The motion CARRIES.**

030 Chair Dalto Closes the work session on SB 1, HB 2010, HB 3444, and HB 2009.

031 Chair Dalto Recesses meeting at 10:49 a.m.

032 Chair Dalto Reconvenes meeting at 10:50 a.m. Opens the work session on SB 329A and HB 3086.

**SB 329A/HB 3086 – WORK SESSION**

032 Rep. Butler **MOTION: Moves SB 329A to the floor WITHOUT RECOMMENDATION as to passage and the SUBSEQUENT REFERRAL to the committee on State and Federal Affairs BE RESCINDED and BE REFERRED to the committee on Budget.**

032 Rep. Butler **MOTION: Moves HB 3086 to the floor WITHOUT RECOMMENDATION as to passage and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED and BE REFERRED to the committee on Budget.**

040 Rep. Greenlick States willingness to support moving SB 329A and HB 3086 without a recommendation in order to “keep them moving” but would have preferred them sent with “do pass recommendations.”

048 Rep. Tomei Concurs with Rep. Greenlick.

054 **VOTE: 5-1-1**

**AYE: 5 - Anderson, Butler, Cameron, Greenlick, Dalto**

**NAY: 1 - Tomei**

**EXCUSED: 1 - Boone**

**Chair Dalto The motion CARRIES.**

**The following written testimony is submitted for the record without public testimony:**

Marcia Kelley Lobbyist, Oregon Women’s Rights Coalition. Submits written testimony in support of SB 329A (**EXHIBIT A**).

Lynn Lundquist President, Oregon Business Association. Submits written testimony in support of SB 329A (**EXHIBIT B**).

Betsy McDowell President, American Association of University Women. Submits written testimony in support of SB 329A (**EXHIBIT C**).

Barbara Prowe Executive Director, Oregon Coalition of Health Care Purchasers. Submits written testimony in support of SB 329A (**EXHIBIT D**).

058 Chair Dalto Closes the work session on SB 329A and HB 3086

065 Chair Dalto Opens the work session on SB 1040A.

**SB 1040A – WORK SESSION**

070 Sandy Thiele-Cirka Administrator. Summarizes SB 1040A. Submits and summarize –A4 amendments (**EXHIBIT E**).

081 Scott Gallant Government Affairs Director, Oregon Medical Association (OMA). Testifies in support of SB 1040A –A4 amendments.

**100 Rep. Greenlick MOTION: Moves to ADOPT SB 1040A-A4 amendments dated 06/02/05.**

**VOTE: 5-0-2**

**EXCUSED: 2 - Boone, Butler**

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

**113**            **Rep. Greenlick**            **MOTION: Moves SB 1040A to the floor AS AMENDED WITHOUT RECOMMENDATION and BE REFERRED to the committee on Budget by prior reference.**

**121**            **Rep. Tomei**                Questions the need to send to House Special Committee on Budget and why the bill is being referred without a “do pass” recommendation.

**127**            **Rep. Tomei**                **MOTION: Moves to AMEND the motion to “Move SB 1040A to the floor AS AMENDED WITHOUT RECOMMENDATION AS AMENDED and BE REFERRED to the committee on Budget by prior reference” by inserting "DO PASS RECOMMENDATION" after "to the floor with".**

**139**                                **VOTE: 5-0-2**

**EXCUSED: 2 - Boone, Butler**

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

**141**            **Chair Dalto**                Closes the work session on SB 1040A. Opens the possible reconsideration and work session on SB 598A.

**SB 598A – RECONSIDERATION AND WORK SESSION**

**162**            **Rep. Dalto**                **MOTION: Moves to SUSPEND the rules for the purpose of immediately RECONSIDERING SB 598A.**

**VOTE: 6-0-1**

**EXCUSED: 1 – Butler**

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

**164**            **Rep. Dalto**                **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the motion to move SB 598A to the floor with a DO PASS recommendation.**

**VOTE: 6-0-1**

**EXCUSED: 1 – Butler**

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

170           Chair Dalto                   Comments on the need to complete additional work on SB 598A.

177           Rep. Greenlick               Speaks to ongoing concerns with SB 329A and SB 598A, recommends establishing a work group for the purpose of “blending” SB 329A and SB 598A.

**193           Rep. Greenlick               MOTION: Moves SB 598A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Budget.**

195           Chair Dalto                   Recesses the meeting at 11:02 a.m.

196           Chair Dalto                   Reconvenes the meeting at 11:03 a.m.

198           Rep. Greenlick               Withdraws motion to move SB 598A to the floor.

199           Chair Dalto                   Closes the works session on SB 598A.

200           Chair Dalto                   Recesses the meeting at 11:04 a.m.

201           Chair Dalto                   Reconvenes meeting at 11:05 a.m. Explains why SB 913A will not be reconsidered.

228           Chair Dalto                   Recesses meeting at 11:08 a.m.

229           Chair Dalto                   Reconvenes meeting at 11:15 a.m.

232           Chair Dalto                   Opens the work session on SB 947A.

**SB 947A – WORK SESSION**

234           Sandy Thiele-Cirka

Administrator. Summarizes SB 947A. Submits written testimony on behalf of Tom Gallagher in support of SB 947A (**EXHIBIT F**).

- 255 Chair Dalto Speaks in support of SB 947A, expressing the importance of having the bill move forward “to shed light on how the Department of Human Services operates their Child Welfare Program.”
- 261 **Rep. Anderson** **MOTION: Moves SB 947A to the floor with a DO PASS recommendation.**
- 268 Rep. Tomei Clarifies that the only opposition to SB 947A was from the Juvenile Rights Project.
- 274 Chair Dalto Points out effort to resolve the problems that the Juvenile Rights Project has with SB 947A.
- 277 Rep. Greenlick States that initial concerns with SB 947A have be satisfied.
- 279 **VOTE: 7-0-0**
- AYE: In a roll call vote, all members present vote Aye.**
- Chair Dalto** **The motion CARRIES.**
- REP. ANDERSON will lead discussion on the floor.**
- 296 Chair Dalto Closes the work session on SB 947A. Opens the work session on SB 880A.

### **SB 880A – WORK SESSION**

- 310 Sandy Thiele-Cirka Administrator. Summarizes 880A. Submits –A6 amendments (**EXHIBIT G**). Submits –A7 amendments (**EXHIBIT H**). Submits –A8 amendments (**EXHIBIT I**).
- 315 Martin Taylor Director of Health Policy and Government Relations, Oregon Nurses Association (ONA). Submits and summarizes written testimony in support of SB 880A (**EXHIBIT J**).
- 360 Chair Dalto

Confirms that –A8 amendments maintain requirement that nurse practitioners in school settings have school health certificates.

381 Taylor Summarizes the changes that –A8 amendments make to SB 880A.

**TAPE 146, A**

001 Rep. Anderson Asks what kind of dental training a nurse practitioner receives, in particular the amount of education on oral pathology.

019 Elizabeth LaDu Nurse Practitioner, ONA. Explains the training received by nurse practitioners relating to oral health and pathology.

024 Rep. Anderson Speaks to the importance of ensuring that dental issues are properly diagnosed.

035 Taylor Explains how nurse practitioners will refer a patient to another treating physician when the medical issue is beyond their experience.

040 Taylor Submits and summarizes Consent to Sterilization Form (**EXHIBIT K**).

055 Chair Dalto Questions whether the Consent to Sterilization Form is a duplication of the consent process if, as indicated, a physician is not likely to except the form when completed by a nurse practitioner.

068 Taylor Clarifies that the purpose of the Consent to Sterilization Form is to begin the federal payment and reimbursement process.

090 Scott Gallant Government Affairs Director, Oregon Medical Association (OMA). Explains the legal and practice problems with nurse practitioners using the Consent to Sterilization Form to obtain patient consent for surgery.

134 Rep. Tomei Cites hypothetical situation, identifying practicality of using the Consent to Sterilization Form for women in rural areas.

149 Gallant Speaks to the inability to make this process of patient consent work without having to do it twice.



172	Rep. Greenlick	Identifies that the consent form is necessary to get the “federal funding piece in place”, but the form does not alleviate the need for the physician to get patient consent prior to surgery.
191	Gallant	Agrees that OMA does not have a problem getting process started with patient, but reiterates that the only person who obtains consent from patient for surgery is the surgeon and –A8 amendments does not solve that dilemma.
202	Taylor	Questions the reading of –A8 amendments by OMA, believing –A8 amendments are clear in the role of the nurse practitioner and that the final consent has to be obtained by the physician.
217	Rep. Butler	Asks if the legal concern is relating to the possibility of an allegation of battery or accessory to battery against the physician.
229	Gallant	Agrees that allegations of battery are a concern, but the greater concern is to prevent confusion for the physician as to when patient consent is legally given.
238	Rep. Tomei	Confirms that OMA interprets Oregon law to require that a physician receive direct consent from a patient before performing any surgical procedure.
246	Chair Dalto	Confirms that there is no emergency clause in the language of the bill or amendments and asks if OMA can “live with the sterilization form for one year” and if there are problems the issue can be reassessed during the next Legislative Session.
260	Gallant	States willingness of OMA to work with ONA through the rulemaking process to limit confusion and implement use of the sterilization form.
266	Rep. Greenlick	States that the intent is not to remove the requirement that a physician get patient consent.
272	Gallant	Explains that OMA will work with form, but will continue to inform members of obligation to get direct consent from patients before surgery and that this form is “an unnecessary additional process.”

298	Rep. Cameron	Questions how the Consent To Sterilization Form is confusing and what about getting patient twice is wrong.
314	Gallant	States that a physician is obligated to go through all the risks and alternatives associated with the procedure before consent is given.
325	Rep. Cameron	Verifies that the concern of the OMA is that the pre-counseling is occurring twice.
338	Gallant	Explains how the process for consent by a nurse practitioner constitutes dual consent.
360	Taylor	Finishes describing the –A8 amendments.
369	Rep. Butler	Points out that nurse practitioners and physicians will “bare equal in burden, in terms of battery” if patients rights are not completed in accordance with Oregon law.
398	Rep. Butler	Raises concern about the unintended legal consequences of not getting proper surgical consent and the relationship of criminal battery allegations to Measure 11 crimes.
404	Chair Dalto	States that Rep. Butler’s concerns about Measure 11 and allegations of battery must be addressed by ONA before the SB 880A is voted out of the House.
414	Rep. Greenlick	<b>MOTION: Moves to ADOPT SB 880A-A6 amendments dated 05/27/05.</b>
		<b>VOTE: 7-0-0</b>
420	Rep. Greenlick	<b>MOTION: Moves to ADOPT SB 880A-A8 amendments dated 06/03/05.</b>
		<b>VOTE: 7-0-0</b>
	Chair Dalto	<b>Hearing no objection, declares the motion CARRIED.</b>

005 Rep. Greenlick **MOTION: Moves SB 880A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 6-1-0**

**AYE: 6 - Anderson, Boone, Cameron, Greenlick, Tomei, Dalto**

**NAY: 1 - Butler**

**Chair Dalto The motion CARRIES.**

**REP. GREENLICK will lead discussion on the floor.**

015 Chair Dalto Closes the work session on SB 880A. Opens the work session on SB 781A.

**SB 781A – WORK SESSION**

025 Sandy Thiele-Cirka Administrator. Summarizes 781A. Submits –A3 amendments **(EXHIBIT L)**. Submits –A4 amendments **(EXHIBIT M)**.

027 Chair Dalto Explains the –A4 amendments, indicating that the amendments would incorporate the language of HB 3226 in SB 781A.

039 Thiele-Cirka Notes permission from the Speaker of the House to rescind the referral to Ways and Means.

046 Rep. Butler **MOTION: Moves to ADOPT SB 781A-A3 amendments dated 06/03/05.**

050 Rep. Greenlick States support for –A3 amendments.

055 Rep. Tomei Asks what the difference is between –A2 amendments and –A3 amendments.

057 Thiele-Cirka Clarifies the difference between –A2 amendments and –A3 amendments to SB 880A.

064 Rep. Tomei Verifies that there has been no testimony opposing either the –A2 amendments or –A3 amendments.

068 VOTE: 7-0-0

Chair Dalto Hearing no objection, declares the motion CARRIED.

069 Rep. Butler MOTION: Moves to ADOPT SB 781A-A4 amendments dated 06/03/05.

VOTE: 7-0-0

Chair Dalto Hearing no objection, declares the motion CARRIED.

073 Rep. Butler MOTION: Moves SB 781A to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.

VOTE: 7-0-0

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

Chair Dalto The motion CARRIES.

REP. DALTO will lead discussion on the floor.

086 Chair Dalto Closes the work session on SB 781A.

090 Chair Dalto Recesses the meeting at 12:02 p.m.

091 Chair Dalto Reconvenes the meeting at 12:15 p.m.

094 Chair Dalto Opens the work session on HB 3260.

**HB 3260 – WORK SESSION**

097 Genoa Ingram Representative, Oregon Physical Therapy Association. Explains the necessity and purpose of HB 3260. Submits and summarizes –9 amendments (EXHIBIT N).

133 Rep. Butler **MOTION: Moves to ADOPT HB 3260-9 amendments dated 05/24/05 and that the measure be FURTHER AMENDED on page 8, line 18, by deleting "90 days" after "The physical therapist continues therapy and " and on page 8, line 18, by inserting "30 days have passed" after "The physical therapist continues therapy and ".**

149 **VOTE: 7-0-0**

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

154 Rep. Butler **MOTION: Moves HB 3260 to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 7-0-0**

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

**Chair Dalto The motion CARRIES.**

**REP. TOMEI will lead discussion on the floor.**

177 Chair Dalto Closes the work session on HB 3260.

192 Chair Dalto Recesses the meeting at 12:22 p.m.

193 Chair Dalto Reconvenes the meeting at 12:59 p.m.

**SB 782A – WORK SESSION**

197 Sandy Thiele-Cirka Administrator. Submits –A5 amendments (**EXHIBIT O**).

198 Rep. Dalto **MOTION: Moves to SUSPEND the rules for the purpose of immediate RECONSIDERATION of SB 782A.**

**VOTE: 5-0-2**

**EXCUSED: 2 - Anderson, Butler**

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

200 Rep. Dalto **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the do pass as amended motion on SB 782B.**

**VOTE: 5-0-2**

**EXCUSED: 2 - Anderson, Boone**

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

203 Rep. Dalto **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the be adopted motion on SB 782A-A3 amendments.**

**VOTE: 5-0-2**

**EXCUSED: 2 - Anderson, Butler**

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

205 Rep. Dalto **MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the be adopted motion on SB 782A-A2 amendments.**

**VOTE: 5-0-2**

**EXCUSED: 2 - Anderson, Butler**

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

210 Rep. Boone **MOTION: Moves to ADOPT SB 782A-A5 amendments dated 06/03/05.**

**VOTE: 5-0-2**

**EXCUSED: 2 - Anderson, Butler**

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

215 Rep. Boone

**MOTION: Moves SB 782A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 5-0-2**

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

**EXCUSED: 2 - Anderson, Butler**

**Chair Dalto**

**The motion CARRIES.**

**REP. BOONE AND REP. GREENLICK will lead discussion on the floor.**

**The following written testimony is submitted for the record without public testimony:**

DeAnna Hartwig Administrator, Office of Employment and Financial Benefits, Seniors and People with Disabilities, Oregon Department of Human Service. Submits written testimony in support of SB 782A **(EXHIBIT P)**.

239 Chair Dalto Closes the work session on SB 782A.

**The following written testimony is submitted for the record without public testimony:**

Gina Firman Executive Director, Association of Oregon Community Mental Health Problems. Submits written testimony in support of SB 913A **(EXHIBIT Q)**.

John Holmes Executive Director, NAMI of Multnomah County. Submits written testimony in support of SB 913A **(EXHIBIT R)**.

240 Chair Dalto Adjourns the meeting at 1:02 p.m.

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**EXHIBIT SUMMARY**

**E. SB 1040A, -A4 amendments, staff, 1 p**

**F. SB 947A, written testimony of Tom Gallagher, staff, 4 pp**

- G. SB 880A, -A6 amendments, staff, 1 p
- H. SB 880A, -A7 amendments, staff, 3 pp
- I. SB 880A, -A8 amendments, staff, 3 pp
- J. SB 880A, written testimony, Martin Taylor, 1 p
- K. SB 880A, Consent To Sterilization Form, Martin Taylor, 2 pp
- L. SB 781A, -A3 amendments, staff, 1 p
- M. SB 781A, -A4 amendments, staff, 2 pp
- N. HB 3260, -A9 amendments, Genoa Ingram, 20 pp
- O. SB 782A, -A5 amendments, staff, 2 pp

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

- A. SB 329A, written testimony, Marcia Kelley, 1 p
- B. SB 329A, written testimony, Lynn Lundquist, 1 p
- C. SB 329A, written testimony, Betsy McDowell, 1 p
- D. SB 329A, written testimony, Barbara Prowe, 1 p
  
- P. SB 782A, written testimony, DeAnna Hartwig, 1 p
- Q. SB 913A, written testimony, Gina Firman, 3 pp
- R. SB 913A, written testimony, John Holmes, 1 p