

**HOUSE COMMITTEE ON STATE AND FEDERAL AFFAIRS**

**July 12, 2005 Hearing Room 357**

**10:00 A.M. Tapes 26 - 27**

**MEMBERS PRESENT:           Rep. Wayne Krieger, Chair**

**Rep. Jeff Barker, Vice-Chair**

**Rep. Brian Boquist, Vice-Chair**

**Rep. Linda Flores**

**Rep. Greg Macpherson**

**STAFF PRESENT:           Joe O'Leary, Counsel**

**Louann Rahmig, Committee Assistant**

**MEASURES/ISSUES HEARD:**

**SB 572A – 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.**

<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
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**TAPE 26, A**

004	Chair Krieger	Calls the meeting to order at 10:10 a.m. and opens a public hearing on SB 572A.
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**SB 572A – PUBLIC HEARING**

- 012 Joe O'Leary Counsel. Explains SB 572A which establishes reporting mechanisms and protection for nursing staff members who experience work place violence from a patient. Refers to the -17 amendments (**EXHIBIT A**) and the -18 amendments (**EXHIBIT B**) both of which replace the text of SB 572A and are essentially the same. Advises the -18 amendments apply only to ambulatory surgical centers and hospitals and the -17 amendments apply to health care facilities, adult foster homes, home health agencies, hospice, in-home health care agencies and residential facilities. Explains the reporting process. Concludes there is a subsequent referral to the House Budget Committee.
- 052 Rep. Andy Olson House District 15, co-sponsor of SB 572. Testifies and submits written testimony in support of SB 572A (**EXHIBIT C**). Reads from a prepared statement. Refers to two letters from nurses describing incidents in which they were victims of assault in the work place (**EXHIBIT C**).
- 084 Rep. Olson Describes briefly each section of the -18 amendments.
- 112 Brian DeLashmutt Oregon Nurses Association. Testifies and submits written testimony in support of SB 572A with the -18 amendments (**EXHIBIT D**). Provides history of the bill.
- 142 Bruce Bishop Oregon Association of Hospitals. Testifies in support of SB 572A with the -17 amendments (**EXHIBIT E**).
- 156 Dave Fiskum Providence Health System. Testifies in opposition to SB 572A. Points out that there is no mention of potential distinctions between general patients and patients suffering from certain kinds of diminished mental capacity. States that reporting requirements do not need to be legislated. Comments on the cost and fiscal impacts of new reporting requirements.
- 203 Ed Patterson Oregon Rural Health Association. Testifies in opposition to SB 572A. Indicates that if the bill moves, they would support the -17 amendments to make reporting all-inclusive.
- 228 Rep. Macpherson Asks if the scope of coverage is the only difference between the -17 amendments and the -18 amendments.
- 233 Bishop

Believes so. States that the intent of the -17 amendments was to expand the scope of facilities which are nursing staff employers and subject to the annual reporting requirements.

- 239 O'Leary Adds that the only other difference is within the definition of "nursing staff member."
- 256 Rep. Macpherson Seeks clarification of the subtle difference in the definition.
- 263 Bishop Believes the definitions are intended to be the same. Adds that the -18 amendments refer to nursing staff member and the -17 amendments refer to any person so there is a difference in the reporting requirement.
- 283 Rep. Macpherson Points out that in the -17 amendments anyone could report but the -18 amendments permit only nursing staff members.
- 294 Bishop Prefers the broader reporting requirement.
- 301 Chair Krieger Asks if there are any statistics available to indicate that the number of assaults have been growing and if they are connected to meth.
- 308 Bishop Answers no specific statistics are available, but there probably has been an increase. Agrees that assaults occur but hospitals have been addressing this issue for a number of years.
- 329 Fiskum Adds that they have no difficulties with the training requirements in SB 572A as they train all staff already.
- 346 Sarah Myers Executive Director, Oregon Association for Home Care. Testifies and submits written testimony in opposition to SB 572A (**EXHIBIT F**). Comments that the home health agency can opt not to provide service and has an assessment process to assure a safe environment. Refers to conditions of participation which require establishment of policies for patients' rights and responsibilities that include covering protective services for the caregivers. Adds that statistics have been provided in **EXHIBIT F**.

#### **TAPE 27, A**

- 023 Chair Krieger Asks about the statistics **EXHIBIT F**.

- 027 Myers Responds that the report was compiled by the Department of Consumer and Business Services. Explains the report.
- 047 Marvin Fickle Superintendent, Oregon State Hospital (OSH). Advises that he previously testified in opposition to SB 572A. Testifies that he is now supportive of the bill with the -17 amendments. Advises that in 2004 OSH had 217 incidents of assaults which would have risen to the level of reporting. Does not believe reporting would be a substantial burden to them.
- 063 Rep. Macpherson Asks if these assault incidents are already reported.
- 067 Fickle Answers that is basically true. Goes on that many incidents do not rise to the level of Assault 2 under legal definition so would probably not be reportable.
- 074 Rep. Macpherson Inquires if there is any record compiled of reported assaults resulting in injury.
- 079 Myers Believes that agencies through joint commission accreditation are required to maintain those records.
- 087 Rep. Macpherson Asks to what extent does SB 572A require additional information be gathered or published.
- 092 Myers Responds there would be an administrative cost to collect, analyze and produce a public report, even if there were no incidents. Cites examples of small offices with one staff who administers the office and provides the care.
- 121 Jim Carlson Oregon Health Care Association. Testifies in opposition to the -17 amendments to SB 572A which bring in assisted living, residential care, nursing facilities and others.
- 130 Chair Krieger Closes the public hearing and opens a work session on SB 572A.

**SB 572A – WORK SESSION**

- 133 Rep. Boquist **MOTION: Moves to ADOPT SB 572A-18 amendments dated 7/11/05.**

**VOTE: 5-0-0**

- 137      **Chair Krieger**      **Hearing no objection, declares the motion CARRIED.**
- 138      **Rep. Boquist**      **MOTION: Moves SB 572A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the House Budget Committee.**

**VOTE: 5-0-0**

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

- 142      **Chair Krieger**      **The motion CARRIES.**
- 147      **Chair Krieger**      **Closes the work session on SB 572A and adjourns the meeting at 11:47 a.m.**

#### **EXHIBIT SUMMARY**

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- A. **SB 572, A17 amendments, staff, 7 pp**
- B. **SB 572, A18 amendments, staff, 7 pp**
- C. **SB 572, written testimony, Rep. Andy Olson, 4 pp**
- D. **SB 572, written testimony, Brian DeLashmutt, 2 pp**
- E. **SB 572, written testimony, Bruce Bishop, 2 pp**
- F. **SB 572, written testimony, Sarah Myers, 7 pp**