

SENATE COMMITTEE ON BUSINESS AND ECONOMIC DEVELOPMENT

March 15, 2005
1:00 P.M.

Hearing Room B
Tapes 39 - 40

MEMBERS PRESENT: Sen. Rick Metsger, Chair
Sen. Bruce Starr, Vice-Chair
Sen. Jason Atkinson
Sen. Ryan Deckert
Sen. Laurie Monnes Anderson

STAFF PRESENT: Theresa Van Winkle, Committee Administrator
James Goulding, Committee Assistant

MEASURES/ISSUES HEARD:
SB 572 – Public Hearing
SB 211 – Public Hearing
SB 773 – 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 39, A		
003	Chair Metsger	Calls the committee to order at 1:06 p.m. Opens a public hearing on SB 572.
SB 572 – PUBLIC HEARING		
015	Brian DeLashmutt	Oregon Nurses Association (ONA). Makes opening remarks in support of SB 572. Discusses the ONAs overall legislative priorities and the importance of SB 572. Talks about the working conditions and employment shortages in nursing. Describes the importance of addressing a way to protect nurses from workplace violence.
060	DeLashmutt	Explains the process by which workplace violence can be dealt with and addressed.
080	Kelly Maggi	Nurse, ONA. Testifies in favor of SB 572. Defines “Magnet” facilities that attract new nurses to the medical field. Explains the guidelines and prevention methods employed at her hospital to deter violence.
120	Maggi	Relates an incident of workplace violence in which a nurse struck back after being assaulted by a patient. Details other such incidents and her hospital’s “Code Green” response.
165	Maggi	Continues describing acts of violence by patients against nurses and the apathy often displayed by hospital administration and staff.
195	Mary Lou San Blise	Psychiatric Nurse, ONA. Testifies in favor of SB 572. Observes a dramatic increase in workplace violence and a decline in proper response from hospitals. Implores the committee to provide a higher level of safety to hospital employees.
230	San Blise	Continues to describe hospital employees current inability to protect themselves from belligerent patients.
265	San Blise	Describes the zero tolerance for violence exhibited at San Diego hospitals. Points out the decline in violent incidents.
280	Chair Metsger	Asks about language in the bill that would allow for physical restraint of patients.
287	DeLashmutt	Clarifies the language in regards to the intent.
295	Chair Metsger	Wonders if the nurses themselves would restrain the patients.
300	San Blise	Relays that the nurses would most likely perform the restraints.
307	Chair Metsger	Expresses concern about the level of force allowed for in a counter assault by nursing staff.
315	DeLashmutt	Replies that it is not the intent.
320	Chair Metsger	Asks question regarding who it will cover. Asks if it will cover the Oregon State Hospital and the Oregon Health Science University (OHSU).
325	DeLashmutt	Replies yes.

327	Sen. Monnes Anderson	Inquires if most hospitals already have standing security procedures.
337	San Blise	Replies that it varies by individual hospitals.
345	Maggi	Offers that at her hospital they can only restrain patients that are harming themselves.
353	DeLashmutt	Says they need to examine the current procedures and see where changes are needed. Clarifies additional language in the bill.
395	DeLashmutt	Reiterates examples given on nursing staff being repeatedly abused by the same patient.
420	Sen. Monnes Anderson	Wonders about psychiatric patients that might be going through a manic episode.
TAPE 40, A		
005	San Blise	Replies that institutions could use psychiatric restraints as well as physical restraints. Discusses the double standard of violence committed against nurses as opposed to other citizens.
020	Sen. B. Starr	Expresses disbelief that people assaulted at hospitals are not already covered by the law.
030	DeLashmutt	Offers that they are covered, but in hospitals they are often overlooked. Discusses the need to track and respond to incidents in hospitals.
045	San Blise	States in home nurses may not have the capability to call for help.
063	DeLashmutt	Notes that they are not talking about self defense devices, but electronics such as panic buttons.
070	Sen. B. Starr	Asks about the reasoning behind language on page 2, lines 31 and 32 of SB 572.
073	DeLashmutt	Replies that it is in reaction to the threat of retaliation.
079	Sen. Deckert	Wonders why the state would change statute for hospitals instead of a hospital establishing their own procedures.
085	San Blise	Outlines a hospitals' desire to look good to the media and community. Feels hospitals are reluctant to take action, admit fault, or report incidents.
107	Chair Metsger	Thanks witnesses for their testimony and asks that they provide more specific data on the problem. Calls for the next group set to testify.
120	Bruce Bishop	Oregon Association of Hospitals and Health Systems (OAHHS). Presents written testimony in opposition to SB 572 (EXHIBIT A).
175	Bishop	Continues testimony in opposition to SB 572, citing that sufficient laws are already in place and the language of the bill is unclear on a number of topics.
220	Bishop	Discusses unclear language regarding hospital employee retaliation.
255	Bishop	Concludes by discussing the hospital liability issues implicated in the measure.
280	Dave Fiskum	Providence Health System. Testifies in opposition to SB 572. Provides written testimony of Kathy Johnson (EXHIBIT B), a nurse who was unable to attend the hearing. Discusses attempts to find common ground on this issue.
330	Fiskum	Continues to relate opposition to the bill. Feels that they may want to involve the police on the issue since they will be affected by the measure. Hopes to reach an agreement.
360	Sarah Reeder	Oregon Association for Home Care. Testifies in opposition to SB 572. Describes the current standards and risks of those in the home nursing industry. Explains her description of proactive procedures in place to protect nurses from violence.
400	Reeder	Notes that it is often the responsibility of a nurse to assure a safe work environment when working in a home.
TAPE 39, B		
005	Reeder	Highlights additional questions about SB 572 and notes the redundancy of some of its intent.
025	Chair Metsger	Considers section 7 of the bill. Asks about current requirements for workplace violence training.
027	Bishop	Replies he does not know at this time, but will get the information to the committee.
033	Sen. Deckert	Asks what JCAHO is.
035	Chair Metsger	Explains that it is the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).
043	Jolyn Zeller	American Psychiatric Nurses Association. Testifies in favor of SB 572. Advocates the need for better safeguards for nurses.

050	Chair Metsger	Ask what hospital she works at.
052	Zeller	Replies she works at the Oregon State Hospital.
055	Gail Birkey	Testifies in favor of SB 572. Notes that patients are aware of the gaps in law that allow them to assault nurses. Observes acts of violence against nurses on a daily basis. Discusses the recent incident of a patient attacking on a colleague of hers.
080	Chair Metsger	Questions the incidents of hospital administration refusing to help. Asks for personal recollections of this occurring.
090	Zeller	Replies it is part of the hospital culture.
097	Birkey	Relates one instance where a patient was charged.
110	Steven Deyerle	Mental Health Assistant, Salem Hospital. Relates violence he has experienced from patients and the apathy of hospital administration.
120	Chair Metsger	Clarifies that he asked his supervisor for help.
123	Deyerle	Replies that he was granted permission to charge the patient, but feels it is not a common practice. Discusses the need to have a safe workplace.
137	Chair Metsger	Asks how long he has worked at the hospital and what kind of training he has received to deal with violence.
140	Deyerle	Reports that he has been at the hospital for nine or ten years and that he has received workplace violence training every year. Explains what the training includes.
150	Sen. Monnes Anderson	Asks if the hospital tracks the number of instances of workplace violence.
155	Deyerle	Notes that they must track it somewhere.
175	Marvin Fickle	Superintendent, Health Services, Oregon State Hospital, Oregon Department of Human Services. Presents testimony in opposition to SB 572 (EXHIBIT C). Talks about data collected on incidents of violence.
200	Sen. Monnes Anderson	Asks if the data is public.
203	Fickle	Points out that information is readily available. Continues to present written testimony.
233	Joe Thurman	Registered Nurse, Oregon State Hospital. Testifies in favor of SB 572.
285	Mary Botkin	American Federation of State, County and Municipal Employees, AFL-CIO Council 75. Notes that Mr. Thurman deals with some very violent mentally ill patients. Testifies on SB 572.
330	Botkin	Feels hospital workers need some ability to defend themselves. Discusses appropriate force and when to use it. Relates that there previously were not any laws regarding abuse of prison workers by inmates.
365	Botkin	Relates that hospital staff do not have body alarms to allow the staff to be alerted to problems.
395	Botkin	Mentions the Methamphetamine epidemic and that nurses are often the first to deal with violent patients.

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

	OSBN	Oregon State Board of Nursing (OSBN). Submits written testimony for the record without public testimony (EXHIBIT E).
400	Chair Metsger	Discusses that a work group will be held on this topic. Closes public hearing on SB 572 and opens public hearing on SB 211.

SB 211 – PUBLIC HEARING

TAPE 40, B

005	Frederick Boss	Chief Counsel of the Civil Enforcement Division of the Oregon Department of Justice. Presents written testimony in support of SB 211 (EXHIBIT F). Submits SB 211 -1 amendments (EXHIBIT G). Testifies in support of SB 211.
040	Chair Metsger	Asks question regarding comment about federal covered securities.
045	Boss	Explains.
047	Chair Metsger	Asks why.
048	Boss	Talks about regulatory authority and primary focus.
050	Chair Metsger	Clarifies testimony that he does not currently have the authority to investigate what he thinks is fraudulent practice of some of the firms.
055	Boss	Replies yes.
070	Sen. B. Starr	Requests additional examples of where SB 211 would come into play.
075	Boss	Offers additional examples.
085	Chair Metsger	Asks that Mr. Boss get the information to committee members. Closes public hearing on SB 211 and opens a public hearing on SB 773.

SB 773 – PUBLIC HEARING

100	Sen. Bill Morrisette	Represents Senate District 6. Testifies in favor of SB 773.
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115	Craig Durbin	Lieutenant, Drug Enforcement Section Commander, Oregon State Police. Presents written testimony packet on SB 773 (EXHIBIT H).
150	Durbin	Discusses thumbprint technology to prevent identity theft.
185	Durbin	Talks about previous efforts to combat methamphetamine.
203	Chair Metsger	Reports that SB 1002 will be carried over due to time constraints. Asks Mr. Barrows to testify.
205	Dave Barrows	National Money Transmitters Association. Testifies in opposition to SB 773. Appreciates the intent of the bill, but feels that it is the wrong way to address the problem. Describes the Federal Bank Secrecy Act and notes the fine in failing to comply. Offers that SB 773 would conflict with federal law.
250	Barrows	Relays that no other states employ this method and that two other states tried it and abandoned the program. Talks about the lack of training for those taking the thumbprints and properly storing them. Observes that this will only move money launderers into underground methods of fund transfers.
275	Barrows	Concludes by suggesting authority be given to a state agency to go after this program. Asks that they seek another way to approach the problem.
310	Sen. Monnes Anderson	Asks how thumb printing will counter illicit fund transfers.
317	Durbin	States that it works because those moving the funds do not want to be identified. Observes the reductions in Oklahoma under a similar system.
350	Durbin	Says the intent is to make them use other fund transfer methods, making it difficult on their operations.
377	Sen. B. Starr	Wonders if this would apply to a person writing a check in excess of \$2,000.
387	Durbin	Agrees that it would.
395	Sen. B. Starr	Says that the bill would not impact banks.
400	Chair Metsger	Asks Mr. Durbin to respond to Mr. Barrow's question in regards to the taking of thumbprints.
407	Durbin	Clarifies that the process of thumb printing in and of itself would reduce this problem. Reiterates the desire not to be identified. Addresses the storage and taking of thumbprints.
440	Chair Metsger	Summarizes Mr. Durbin's testimony.
460	Barrows	Says that they will just use another system. Describes the complications involved.
477	Chair Metsger	Closes public hearing. Adjourns the committee at 3:01 p.m.

EXHIBIT SUMMARY

- A. **SB 572, written testimony, Bruce Bishop, 10 pp**
- B. **SB 572, written testimony, Kathy Johnson, 2 pp**
- C. **SB 572, written testimony, Marvin Fickle, 2 pp**
- D. **Not Used**
- E. **SB 572, written testimony, Oregon State Board of Nursing (OSBN), 1 p**
- F. **SB 211, written testimony, Frederick Boss, 1 p**
- G. **SB 211, -1 amendments, Frederick Boss, 2 pp**
- H. **SB 773, informational packet, Craig Durbin, 27 pp**