

## SENATE COMMITTEE ON HEALTH POLICY

April 25, 2005  
1:00 P.M.

Hearing Room B  
Tapes 62 - 63

**MEMBERS PRESENT:**     **Sen. Laurie Monnes Anderson, Chair**  
                                  **Sen. Jeff Kruse, Vice-Chair**  
                                  **Sen. Peter Courtney**  
                                  **Sen. Gary George**  
                                  **Sen. Bill Morrisette**

**STAFF PRESENT:**       **Rick Berkobien, Committee Administrator**  
                                  **Brittany Kenison, Committee Assistant**

**MEASURES/ISSUES HEARD:**  
                                  **SB 704 – Public Hearing**  
                                  **SB 1035 – Public Hearing and Work Session**  
                                  **SB 824 – Public Hearing and Work Session**  
                                  **SB 502 – Public Hearing**  
                                  **SB 504 – Public Hearing**

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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.

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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 62, A</b>		
003	Chair Monnes Anderson	Calls the committee to order at 1:04 p.m. Notes that SB 1040 will not be heard today. Opens a public hearing on SB 704.
<b><u>SB 704 - PUBLIC HEARING</u></b>		
015	Rick Berkobien	Committee Administrator. Explains the bill and introduces the -2 amendments ( <b>EXHIBIT A</b> ).
025	Bob Nikkel	Administrator, State Office of Mental Health and Addiction Services, Oregon Department of Human Services (DHS). Testifies with a neutral position to SB 704 and the -2 amendments.
045	Arthur Tolan	Administrator, Counseling and Treatments Services, Department of Corrections. Submits and presents written testimony regarding SB 704 ( <b>EXHIBIT B</b> ).
085	Morrisette	Asks if inmates continue taking prescribed medication after they leave the corrections system.
090	Tolan	Answers question.
100	Sen. Kruse	Asks if the relationship between doctors and patients changes after a patient has been incarcerated.
106	Nikkel	Responds.
112	Sen. Kruse	Comments on inmates not taking medications properly before they enter into corrections. Asks what the continuity of the relationship is after patients leave the corrections system or the state hospital.
127	Tolan	Answers question.
142	Chair Monnes Anderson	States they she has questions for Tolan, but would like Sen. Margaret Carter to testify first.
147	Sen. Margaret Carter	Senate District 22. Testifies in support of SB 704 with the -2

		amendments.
196	Chair Monnes Anderson	Asks Sen. Carter to view testimony from Tolan. Asks Tolan to clarify after thirty (30) days mentally ill inmates receive different medications.
210	Tolan	Responds.
245	Sen. Carter	Comments on the intent of the bill relating to regulations of medications.
256	Chair Monnes Anderson	Remarks that if another amendment is drafted with Tolan's suggestions, she would like Sen. Carter to review it.
258	Sen. Carter	Refers to page five (5) of EXHIBIT B. States that she will agree to the drafting on an amendment.
261	Sen. Morrisette	Comments on the Department of Corrections being willing to extend prescriptions from thirty (30) to sixty (60) days. Asks Sen. Carter if the sixty (60) days to find a physician should be in statute.
270	Sen. Carter	Answers question.
272	Sen. Morrisette	Comments on a continuity issue raised by a constituent.
273	Sen. Carter	Discusses the issue of continuity once an inmate leaves.
280	Chair Monnes Anderson	States that the work session on SB 704 will be held at the next committee meeting.
284	Sen. Kruse	Comments on concerns of the proposed amendment to SB 704 by Tolan.
290	Sen. Carter	States that she would rather have the -2 amendments to SB 704.
295	Tolan	Addresses concerns about the proposed changes to SB 704.
320	Chair Monnes Anderson	Asks about the fiscal impact of the -2 amendments and Tolan's proposed changes.
326	Tolan	Responds.
333	Sen. George	Asks Tolan if his proposed changes reflect current practice.
336	Tolan	Affirms.
340	Sen. George	Asks if the bill would still be necessary.
341	Tolan	Discusses how it is needed.
343	Sen. George	Asks Tolan if he is referring to the -2 amendments.
344	Tolan	Responds.
345	Sen. George	Asks question regarding current procedures.
346	Tolan	Responds.
347	Sen. George	Discusses concerns with the -2 amendments to SB 704. Asks how much discretion the Department of Corrections has to change the original prescription in the -2 amendments.
360	Nikkel	Responds to question.
382	Sen. George	States concerns with the -2 amendments to SB 704.
395	Chair Monnes Anderson	States that she would like an amendment to be drafted with Tolan's suggestions.
410	Tom Holt	Oregon State Pharmacy Association. Testifies in opposition to SB 704 and the -2 amendments. Provides suggestions.
440	Angela Kimble	Association of Oregon Community Mental Health Programs. Testifies in support of SB 704 with the -2 amendments. Presents concerns with the -2 amendments.
<b>TAPE 63, A</b>		
010	Chair Monnes Anderson	Comments on the bill. Closes the public hearing on SB 704 and opens a public hearing on SB 1035.
<b><u>SB 1035 – PUBLIC HEARING</u></b>		
015	Rick Berkobien	Committee Administrator. Explains the bill.
028	Chair Monnes Anderson	Seeing no witnesses, closes the public hearing and opens a work session on SB 1035.

**SB 1035 – WORK SESSION**

**030** Sen. Kruse

**MOTION: Moves SB 1035 to the floor with a DO PASS recommendation.**

035 Sen. Kruse

Comments on his support of the bill.

**037**

**VOTE: 4-0-1**

**EXCUSED: 1 - Sen. Courtney**

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

**SEN. KRUSE will lead discussion on the floor.**

040 Chair Monnes  
Anderson

Closes the work session on SB 1035 and opens a public hearing on SB 824.

**SB 824 – PUBLIC HEARING**

045 Rick Berkobien

Committee Administrator. Explains SB 826 and introduces the -3 amendments (**EXHIBIT C**).

055 Barney Speight

Administrator, Office of Medical Assistance Programs, Oregon Department of Human Services (DHS). Testifies in support of SB 824 with the -3 amendments.

058 Chair Monnes  
Anderson

Closes the public hearing and opens a work session on SB 824.

**SB 824 – WORK SESSION**

**072** Sen. Kruse

**MOTION: Moves to ADOPT SB 824-3 amendments dated 4/21/05.**

**VOTE: 5-0-0**

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

**072** Sen. Kruse

**MOTION: Moves SB 824 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.**

074 Sen. Kruse

Comments on SB 824 being referred bill going to the committee on Ways and Means.

**075**

**VOTE: 5-0-0**

Chair Monnes  
Anderson

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

076 Chair Monnes  
Anderson

Closes the work session on SB 824 and opens a work session on SB 1035 for the purpose of allowing Sen. Courtney to vote.

**SB 1035 – WORK SESSION**

**080** Sen. Kruse

**MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. COURTNEY to BE RECORDED as voting AYE on the "Moves SB 1035 to the floor with a DO PASS recommendation."**

**VOTE: 5-0-0**

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

Chair Monnes  
Anderson

**VOTE: 5-0-0**

**Hearing no objection, declares the motion CARRIED. (Note: See Tape 63 A at 030, page 3 of this document.)**

Chair Monnes  
Anderson

085 Chair Monnes  
Anderson

Closes the work session on SB 1035 and opens a public hearing on SB 502.

**SB 502 – PUBLIC HEARING**

090 Rick Berkobien

Committee Administrator. Explains SB 502 and introduces the -3

amendments (**EXHIBIT D**).

018 Chair Monnes Anderson Asks Lynn-Marie Crider to explain the rate setting system

120 Lynn-Marie Crider Service Employees International Union, Local 49. Explains the rate setting system and the -3 amendments to SB 502.

140 Chair Monnes Anderson Asks for clarification that rates will be the same for Medicare and Medicaid and will decrease for commercial rates.

154 Crider Responds.

160 Chair Monnes Anderson Asks Crider if fees for the review board will be taken out of provider rates.

165 Crider Explains the fees.

185 Scott Gallant Oregon Medical Association. Submits and presents written testimony in opposition to SB 502 (**EXHIBIT E**).

215 Chair Monnes Anderson States that a work session on SB 502 will not be held today. Closes the public hearing on SB 502 and opens a public hearing on SB 504.

**SB 504 – PUBLIC HEARING**

220 Rick Berkobien Committee Administrator. Explains the bill and introduces the -3 amendments to SB 504 (**EXHIBIT F**).

260 Lynn-Marie Crider Services Employees International Union, Local 49. Testifies in support of SB 504 with the -3 amendments.

313 Chair Monnes Anderson Refers to page one (1), lines thirteen (13) through twenty-one (21) of SB 504. Asks Crider to comment on the assessment tests.

323 Crider Responds. Explains that an income test could be substituted.

330 Chair Monnes Anderson Asks Crider a question regarding hospitals' plans and percentage of the poverty level.

350 Crider Answers question. States possible concerns and solutions.

390 Chair Monnes Anderson Comments on concerns from other hospitals of rural hospitals.

400 Crider Explains how self pay varies around the state, including rural areas.

416 Chair Monnes Anderson Asks Crider a question regarding comparison of other related hospital bills.

425 Crider Answers that the transparency bills are each separate issues.

446 Chair Monnes Anderson States possible concerns with SB 504.

**TAPE 62, B**

005 Crider Comments on the Oregon Health Plan and the need of SB 504 with the -3 amendments.

015 Chair Monnes Anderson States agreement with Crider. State possible concerns regarding Oregon hospitals.

019 Crider Speaks about low income patients.

026 Sen. Morrisette Comments on a section being deleted in the SB 504 by an amendment.

029 Crider Explains why the section was deleted.

031 Sen. Morrisette Asks about a possible fiscal impact.

035 Crider Responds.

036 Chair Monnes Anderson Asks Crider to clarify that data would be collected by the Health Policy and Research Commission.

037 Crider Answers, no,

040 Sen. George Asks Crider to comment regarding the liability of the hospitals.

045 Crider Responds.

054 Sen. Kruse Clarifies comment made by Crider regarding passed legislation.

057 Crider Disputes Sen. Kruse's comment.

060	Sen. Kruse	Clarifies that children and pregnant women were covered.
063	Crider	States agreement that they were covered, but no one else.
064	Sen. Kruse	Adds that more funding was available.
065	Chair Monnes Anderson	Closes the public hearing on SB 504 and adjourns the meeting at 2:09 p.m.

### **EXHIBIT SUMMARY**

- A. SB 704, -2 amendments, staff, 1 p**
- B. SB 704, written testimony, Arthur Tolan, 5 pp**
- C. SB 824, -3 amendments, staff, 1 p**
- D. SB 502, -3 amendments, staff, 3 pp**
- E. SB 502, written testimony, Scott Gallant, 2 pp**
- F. SB 504, -3 amendments, staff, 5 pp**