

SENATE COMMITTEE ON HUMAN SERVICES

March 22, 2005
3:00 P.M.

Hearing Room B
Tapes 39 - 40

MEMBERS PRESENT: Sen. Bill Morrisette, Chair
Sen. Jeff Kruse, Vice-Chair
Sen. Laurie Monnes Anderson
Sen. Charles Starr

MEMBER EXCUSED: Sen. Rick Metsger

STAFF PRESENT: Rick Berkobien, Committee Administrator
Dawn Tusso, Committee Assistant

MEASURES/ISSUES HEARD:
SB 598 - Public Hearing
SB 666 – Public Hearing
SB 403 – Public Hearing and Work Session
SB 609 – Public Hearing
SB 885 - 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 39, A		
005	Chair Morrisette	Calls meeting to order at 3:09 p.m. and opens a public hearing on SB 598.
<u>SB 598 – PUBLIC HEARING</u>		
006	Rick Berkobien	Committee Administrator. Gives overview of SB 598. Mentions the -1 amendments (EXHIBIT A).
025	Sen. Ben Westlund	Represents Senate District 27. Testifies in support of SB 598.
041	Jim Gardner	Pharmaceutical Research and Manufacturers of America (PhRMA). Testifies in support of SB 598. Submits written testimony (EXHIBIT B).
065	Chair Morrisette	Asks if he will work with the Oregon prescription bulk purchasing program to fill the gaps between the two programs to make sure that everyone in Oregon is covered.
068	Gardner	Responds.
080	Sen. Westlund	Talks about the logistics of distribution.
091	Sen. Monnes Anderson	Discusses issue with SB 598.
107	Gardner	Responds to Sen. Monnes Anderson's concern regarding funding.
126	Sen. Monnes Anderson	Says, "it is very difficult for me to want to support something to make your business better because I think your programs are fantastic." Says that she can see the collaboration as long as it doesn't cost any money.
135	Sen. Westlund	Responds to Sen. Monnes Anderson's comment.
155	Sen. Kruse	Wonders where the profit would be. Says they are reduced priced programs, some of which are free.

180	Scott Gallant	Oregon Medical Association. Testifies in support of SB 598.
218	Tom Holt	Oregon State Pharmacy Association. Testifies in support of SB 598.
244	Sen. Monnes Anderson	Asks if someone tried to coordinate money and if pharmaceutical companies were approached.
248	Holt	Explains.
260	Chair Morrisette	Asks what role pharmacists would play.
263	Holt	Replies.
269	Chair Morrisette	Asks what role the pharmacists will play in promoting the program.
270	Holt	Explains.
275	Chair Morrisette	Asks if Holt would recommend volunteering the time of pharmacists.
280	Holt	Responds.
295	Sen. Alan Bates	Represents Senate District 3. Testifies in support of SB 598.
327	Sen. Kruse	Asks about the -1 amendments.
332	Sen. Bates	Responds.
348	Chair Morrisette	Closes public hearing on SB 598 and opens public hearing on SB 666.

SB 666 – PUBLIC HEARING

352	Sen. Alan Bates	Represents Senate District 3. Testifies in support of SB 666. Mentions amendments that are being drafted currently.
408	Sen. Monnes Anderson	Asks for clarification regarding the agreement between the physician and pharmacist.
410	Sen. Bates	Explains.
TAPE 40, A		
001	Sen. Monnes Anderson	Talks about instance where medication was changed without the notification of the client. Asks if the pharmacist is liable for any side effects or adverse reactions caused by the substituted medication.
011	Sen. Bates	Says that the amendments address those concerns.
038	Chair Morrisette	Closes public hearing on SB 666 and opens public hearing on SB 598.

SB 598 – PUBLIC HEARING

044	Chris Otis	Cystic Fibrosis Foundation. Testifies in support of SB 598. Submits written testimony (EXHIBIT C).
110	Angela Kimball	Association of Oregon Community Mental Health Programs. Testifies in support of SB 598.
125	Chair Morrisette	Closes public hearing on SB 598 and opens public hearing on SB 666.

SB 666 – PUBLIC HEARING

130	Tom Holt	Oregon State Pharmacy Association. Testifies in support of SB 666.
173	Sen. Kruse	Asks about the issue of liability.
183	Holt	Responds.
190	Sen. Kruse	Asks if there is a liability issue currently.
193	Holt	Explains.
203	Sen. Kruse	Asks follow-up question.
210	Holt	Responds.
219	Sen. Monnes Anderson	Asks if it will be focused on certain classes of drugs.
226	Holt	Explains that the amendments will include categories where therapeutic interchanges would not be allowed.
231	Scott Gallant	Oregon Medical Association. Testifies on SB 666. Talks about

315	Jim Gardner	amendments to SB 666. Pharmaceutical Research and Manufacturers of America (PhRMA). Testifies in opposition to SB 666. Submits written testimony (EXHIBIT D) .
TAPE 39, B		
001	Gardner	Continues testimony in opposition to SB 666.
010	Chair Morrisette	Closes public hearing on SB 666 and opens public hearing on SB 403.
<u>SB 403 – PUBLIC HEARING</u>		
015	Rick Berkobien	Committee Administrator. Gives overview of SB 403. Talks about the -1 amendments (EXHIBIT E) and the -2 amendments (EXHIBIT F) .
030	Sen. Ted Ferrioli	Represents Senate District 30. Testifies in support of SB 403.
044	Chair Morrisette	Asks Sen. Ferrioli how he feels about the amendments.
048	Sen. Ferrioli	Replies that he does not have any objection to including other practitioners.
051	Chair Morrisette	Mentions another bill that addresses a similar issue.
053	Sen. Ferrioli	Responds.
062	Ed Patterson	Oregon Rural Health Association. Testifies in support of SB 403. Submits written testimony (EXHIBIT G) .
115	Scott Gallant	Oregon Medical Association. Testifies in support of SB 403. Submits written testimony (EXHIBIT H) .
174	Sen. Monnes Anderson	Asks Patterson question regarding the -2 amendments.
185	Patterson	Replies that the language mentioned is fairly common.
197	Chair Morrisette	Asks Karen Whitaker to testify on SB 403.
200	Karen Whitaker	Director, State Office of Rural Health. Testifies in support of SB 403.
236	Chair Morrisette	Asks if there has been a general study of the need.
242	Whitaker	Replies that there has not been a comprehensive study done.
258	Sen. Monnes Anderson	Asks if there are tax credits in existence currently.
260	Whitaker	Replies yes.
261	Sen. Monnes Anderson	Asks what the tax credit is currently.
263	Whitaker	Explains that the tax credit is \$5,000.
267	Sen. Monnes Anderson	Clarifies that SB 403 would raise the tax credit to \$10,000.
268	Whitaker	Replies yes.
270	Sen. Monnes Anderson	Asks if psychologists have ever been eligible for a tax credit in rural Oregon.
272	Whitaker	Replies no.
283	Sen. Monnes Anderson	Asks if pharmacists were mentioned.
284	Whitaker	Replies no.
291	Damiana Merryweather	Oregon Physiological Association. Testifies on SB 403. Supports the -2 amendments. Submits written testimony (EXHIBIT I) .
354	Sen. Monnes Anderson	Asks Merryweather if she has a map that shows how many psychologists are located in rural Oregon.
358	Merryweather	Replies that she does not have the information available today but that she could provide the information to the committee.
376	Chair Morrisette	Mentions Rep. Butler's concern regarding SB 403.
379	Merryweather	Responds.

394	Tom Holt	Oregon State Pharmacy Association. Testifies on SB 403. Supports the -1 amendments.
TAPE 40, B		
001	Holt	Continues testimony on SB 403.
028	Chair Morrisette	Closes public hearing. Committee stands at ease. Calls committee back to order and opens a work session on SB 403.
<u>SB 403 – WORK SESSION</u>		
034	Sen. Kruse	MOTION: Moves to ADOPT SB 403-1 amendments dated 3/8/05.
		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Metsger, Sen. C. Starr
		Hearing no objection, declares the motion CARRIED.
036	Chair Morrisette Sen. Kruse	MOTION: Moves to ADOPT SB 403-2 amendments dated 3/11/05.
039	Sen. Monnes Anderson	Expresses concern regarding tax credits. Says she is comfortable voting for SB 403 because it has a subsequent referral to Revenue.
043	Chair Morrisette	Expresses the importance of moving SB 403 on to Revenue because two rural Oregon legislators support SB 403.
045		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Metsger, Sen. C. Starr
		Hearing no objection, declares the motion CARRIED.
047	Chair Morrisette Sen. Kruse	MOTION: Moves SB 403 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Revenue.
		VOTE: 3-0-2
		EXCUSED: 2 - Sen. Metsger, Sen. C. Starr
		Hearing no objection, declares the motion CARRIED.
058	Chair Morrisette	Closes work session and opens public hearing on SB 609.
<u>SB 609 – PUBLIC HEARING</u>		
069	Rick Berkobien	Committee Administrator. Gives overview of SB 609.
077	Sen. Kruse	Represents Senate District 1. Testifies on SB 609.
110	Gordon Fultz	Association of Oregon Counties. Testifies on SB 609. Expresses concerns with SB 609.
132	Chair Morrisette	Closes public hearing on SB 609 and opens public hearing on SB 885.
<u>SB 885 – PUBLIC HEARING</u>		
140	Roy Scheer	Legislative Assistant, Sen. Ringo's Office. Testifies in support of SB 885. Submits written testimony (EXHIBIT J).
198	Monte Burk	Department of Human Services. Testifies in opposition to SB 885. Submits written testimony (EXHIBIT K).
234	Chair Morrisette	Comments on testimony. Talks about contacting Oregon's congressional delegation to try to make adjustments in the federal law. Discusses another option to deal with the issue.
253	Scheer	Offers to testify again after hearing back from Legislative Counsel.
256	Chair Morrisette	Says we are still going to pursue it on the federal level.
263	Chair Morrisette	Closes public hearing on SB 885 and adjourns meeting at 4:55 p.m.

EXHIBIT SUMMARY

- A. SB 598, - 1 amendments, staff, 1 p**
- B. SB 598, written testimony, Jim Gardner, 1 p**
- C. SB 598, written testimony, Chris Otis, 1 p**
- D. SB 666, written testimony, Jim Gardner, 1 p**
- E. SB 403, - 1 amendments, staff, 2 pp**
- F. SB 403, - 2 amendments, staff, 2 pp**
- G. SB 403, written testimony, Ed Patterson, 7 pp**
- H. SB 403, written testimony, Scott Gallant, 1 p**
- I. SB 403, written testimony, Damiana Merryweather, 2 pp**
- J. SB 885, written testimony, Roy Scheer, 2 pp**
- K. SB 885, written testimony, Monte Burk, 2 pp**