

## HOUSE COMMITTEE ON GENERAL GOVERNMENT

February 20, 2003 Hearing Room D  
8:30 AM Tapes 20 - 21

**MEMBERS PRESENT:** Rep. Jerry Krummel, Chair  
Rep. Donna Nelson, Vice-Chair  
Rep. Floyd Prozanski, Vice-Chair  
Rep. Brad Avakian  
Rep. Derrick Kitts  
Rep. John Mabrey

**MEMBER EXCUSED:** Rep. Kelley Wirth

**STAFF PRESENT:** Patrick Brennan, Committee Administrator  
Jeana Harrington, Committee Assistant

**MEASURE HEARD:** Public Hearing – HB 2410

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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 20, A</b>		
004	Chair Krummel	Calls meeting to order at 8:37 AM. Opens public hearing on HB 2410.
<b><u>HB 2410 PUBLIC HEARING</u></b>		
008	Patrick Brennan	Committee Administrator. Reads Staff Measure Summary (SMS). Notes -2 amendments ( <b>EXHIBIT A</b> ). Informs of a possible fiscal impact.
023	Chair Krummel	Asks if there is a subsequent referral.
025	Patrick Brennan	Negates.
030	Ken Murphy	Deputy Director, Oregon Emergency Management (OEM). Testifies in support of HB 2410. Explains the main issue of the bill is liability. Adds OEM is working with other agencies on the fiscal impact.
064	Chair Krummel	Refers to the Oregon Good Samaritan Law to differentiate it from the intention of the bill.
079	Murphy	Responds that OEM is attempting to provide assurance to medical providers from liability.
096	Keith Kutler	Department of Justice (DOJ). Explains the Oregon Good Samaritan Law. Relates that the bill is different in that it encompasses avenues that the Samaritan Law does not.
118	Chair Krummel	Asks if the measure would be applicable to mass emergencies.
125	Kutler	Affirms.
130	Chair Krummel	Asks if he agrees with the -2 amendments.
135	Kutler	Concurs that the amendments are proper.
144	Rep. Prozanski	Requests how the bill would be implemented with regard to individuals. Asks what steps individuals could take to challenge services received.
154	Kutler	Responds to the latter question that the challenge would be in the form of a lawsuit.

165	Rep. Nelson	Asks what the current policy for emergencies in the state is.
170	Murphy	Explains the current policy.
180	Rep. Nelson	Provides Mt. St. Helens as an example of a mass disaster and asks if disasters are not already covered.
192	Kutler	Responds that disasters such as those that the bill would address have not occurred yet. Explains the process the bill would cover.
220	Rep. Nelson	Requests if they are familiar with Northwest Medical Teams.
230	Murphy	Replies that he is not, but uses Federal Emergency Management Administration (FEMA) as an example.
239	Kutler	Explains there are providers that are covered by different laws. Restates the bill has been created to cover all the providers including volunteers.
263	Chair Krummel	Points out that the closest example of a disaster would be the United flight crash on Burnside in Portland in 1977.
285	Dr. Grant Higginson	Department of Human Services (DHS). Testifies in support of replacement language for HB 2410 ( <b>EXHIBIT A</b> ). Provides a proposed revision to the bill ( <b>EXHIBIT B</b> ) and related information ( <b>EXHIBIT C</b> ).
<b>TAPE 21, A</b>		
003	Higginson	Explains the reasoning behind the revision of the bill. Adds DHS is working on the fiscal impact of the revision.
017	Scott Gallant	Oregon Medical Association (OMA). Points out the involvement and authority of the Governor. Informs of the individuals not currently covered and explains negligence. Suggests standards be adopted for malpractice liability protection. Informs committee of other related bills. Describes the reasons for modification of the bill. Suggests a workgroup be created to modify the bill.
156	Rep. Avakian	Refers to section two of <b>EXHIBIT B</b> and poses question.
162	Higginson	Responds that he is unsure. Believes the language was requested by Chair Krummel. Explains the reasoning behind the language.
173	Rep. Avakian	Refers to section three and poses question. Asks about the terms chosen.
181	Higginson	Explains that liability coverage needs structure and quality-assurance.
203	Rep. Avakian	Refers to section four and poses question concerning the intentions of the section.
217	Higginson	Concurs with the observations. Provides past examples of situations.
241	Rep. Avakian	Asks what kind of rule-making process would be anticipated.
245	Higginson	Responds.
247	Rep. Avakian	Asks if providers injured in the act are covered by the bill.
252	Higginson	Responds he is unsure.
255	Rep. Avakian	Comments.
263	Higginson	Explains DHS will need to return with that information
270	Rep. Nelson	Poses question concerning acceptance of providers.
280	Higginson	Replies that authority falls to OEM.
298	Rep. Nelson	Poses question concerning medical students' involvement as providers
305	Higginson	Answers how they may be included.
312	Gallant	Adds that medical residents may be included.
316	Rep. Nelson	Observes there is no acknowledgement of military and other field.
326	Higginson	States pharmacists and Emergency Medical Technicians (EMT) were originally listed. Responds concerning military providers.

351	Chair Krummel	Explains his reasons for requesting language changes to the bill.
377	Rep. Nelson	Lists other organizations that would requires licensing.
<b>TAPE 20, B</b>		
005	Chair Krummel	Observes the relating to clause is broad enough to include air transport companies. Adds that may be better included in a different bill.
017	Rep. Nelson	Comments on the intention of her request.
020	Higginson	Explains the intention is to include volunteers not already covered in emergency situations.
035	Rep. Nelson	Responds that this was her earlier intention and elaborates.
042	Murphy	Informs of the coverage that already exists.
055	Gallant	Adds to the comments referencing the inclusion of employees in the Oregon Tort Claims Act.
087	Rep. Nelson	Provides a situation of transport companies in California to suggest further examination into the issue.
108	Chair Krummel	Comments.
110	Rep. Nelson	Asks if Oklahoma City has such a program.
114	Higginson	Responds he believes Oregon would be the first.
122	Rep. Prozanski	Points out the inclusion of natural disaster relief
126	Higginson	Concurs.
128	Rep. Prozanski	Comments on the utilization of other providers.
135	Higginson	Expresses the hope that would be that providers give services related to their specialty.
148	Rep. Prozanski	Appreciates his comments.
152	Higginson	Explains the revision would provide balance of liability.
157	Gallant	Reiterates that clarification is needed to the bill.
168	Rep. Prozanski	Comments.
172	Rep. Mabrey	Provides example of unlicensed providers and poses question regarding their inclusion
183	Gallant	Explains those individuals could be covered by the Oregon Good Samaritan Law.
195	Rep. Kitts	Asks if counties or the state would assume liability.
197	Higginson	Answers that the bill assumes state liability.
212	Chris Davie	State Accident Insurance Fund (SAIF) Corporation. Responds to Rep. Avakian's earlier inquiries regarding providers injured while volunteering in disaster relief.
227	Rep. Avakian	Asks if volunteers are legally volunteers if they are providing services for the state.
238	Davie	Refers to volunteers already protected when providing service.
247	Chair Krummel	Inquires if there would be an effect on the premiums Oregon pays.
259	Davie	Explains those who receive premiums and their calculation.
272	Rep. Nelson	Inquires if state should be required to cover providers.
276	Davie	Responds.
292	Chair Krummel	Requests that Mr. Murphy create a workgroup to deal with the issue. Asks that they meet to discuss results. Believes there is merit in the bill. Comments on Rep. Avakian's earlier inquiries.
358	Rep. Avakian	Envisions other venues be designated as triage centers.
370	Rep. Nelson	Adds that facilities such as the Capitol should also be included in discussion.
395	Chair Krummel	Closes public hearing on HB 2410. Adjourns meeting at 9:57 AM.

**EXHIBIT SUMMARY**

**A – Proposed Amendments to HB 2410, Staff, 1 p**

**B – HB 2410, Grant Higginson, 3 p**

**C – HB 2410, Grant Higginson, 3 p**