

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 14, 2003 Hearing Room D  
9:00 A.M. Tapes 27 - 28

**MEMBERS PRESENT:** Rep. Jeff Kruse, Chair  
Rep. Billy Dalto, Vice-Chair  
Rep. Carolyn Tomei, Vice-Chair  
Rep. Gordon Anderson  
Rep. Laurie Monnes Anderson

**MEMBERS EXCUSED:** Rep. Jeff Barker  
Rep. Ben Westlund

**STAFF PRESENT:** Sandy Thiele-Cirka, Committee Administrator  
Mara McGraw, Committee Assistant

**MEASURES HEARD:** HB 2487 – Public Hearing and Work Session  
HB 2245 – Public Hearing and Work Session  
HB 2251 – 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 27, A</b>		
005	Chair Kruse	Calls meeting to order at 9:10 A.M. and discusses membership and goals of the Oregon Health Plan (OHP) and mental health delivery system workgroups. Opens public hearing on HB 2487.
<b><u>HB 2487 – PUBLIC HEARING</u></b>		
037	Sandy Thiele-Cirka	Administrator. Summarizes HB 2487.
053	Sarah Reeder	Executive Director, Oregon Association for Home Care. Submits testimony in support of HB 2487 ( <b>EXHIBIT A</b> ). Explains licensure process and need to eliminate dual licensure.
080	Joan English	Director, Salem Hospital Home Care. Explains structure of the home health care and community based services. Discusses issues related to overlap in two licenses.
118	Grant Higginson, MD, MPH	State Public Health Officer, Department of Human Services (DHS). Submits written testimony in support of HB 2487 ( <b>EXHIBIT B</b> ).
138	Chair Kruse	Close public hearing on HB 2487 and opens work session on HB 2487.
<b><u>HB 2487 – WORK SESSION</u></b>		
143	Rep. Tomei	<b>MOTION: Moves HB 2487 to the floor with a DO PASS recommendation.</b>
146		<b>VOTE: 5-0-2</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 2 – Barker, Westlund</b>
	Chair Kruse	<b>The motion CARRIES.</b>
152	Rep. Dalto	<b>MOTION: Moves HB 2487 be placed on the CONSENT CALENDAR.</b>
	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>

155 Chair Kruse Close work session on HB 2487 and opens public hearing on HB 2245.

**HB 2245 – PUBLIC HEARING**

159 Thiele-Cirka Summarizes bill.  
172 Jeff Roehm Public Member, Occupational Therapy Licensing Board. Submits written testimony in support of bill (**EXHIBIT C**). Explains bill brings licensing in line with other boards relating to rules and fees.  
235 Rep. Monnes Questions the removal of the reinstatement fee.  
Anderson  
243 Roehm Explains reinstatement fees and delinquent fees. Informs on deletion of fees for period not in practice.  
255 Rep. Monnes Inquires on inactive status option.  
Anderson  
262 Peggy Smith Executive Officer, Occupational Therapy (OT) Licensing Board. Submits written testimony in support of HB 2245 (**EXHIBIT D**). Explains policies regarding inactive status and delinquent fees.  
280 Rep. Monnes Further questions lapsed license status and renewal fees.  
Anderson  
286 Smith Explains term of inactive practice, reapplication policy, related fees and continuing education requirements  
302 Higginson States similarity to registered nursing refresher program.  
310 Rep. Monnes Questions revenue impact.  
Anderson  
318 Chair Kruse Explains revenue impact and administrative savings on the OT Board. Closes public hearing on HB 2245 and opens work session on HB 2245.

**HB 2245 – WORK SESSION**

329 Rep. Tomei **MOTION: Moves HB 2245 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**  
333 Chair Kruse Explains relationship of bill to Ways and Means committee.  
365 Rep. Anderson Comments on administrative efficiency.  
366 Rep. Westlund Comments on administrative cost savings.  
366 **VOTE: 6-0-1**  
**AYE: In a roll call vote, all members present vote AYE.**  
**EXCUSED: 1 - Barker**  
**The motion CARRIES.**  
378 Chair Kruse Close work session on HB 2245 and opens public hearing on HB 2251.

**HB 2251 – PUBLIC HEARING**

387 Higginson Submits written testimony in support of HB 2251 (**EXHIBIT E**). Offers suggestions for two proposed amendments. Explains four areas of interest in bioterrorism for the Health Preparedness Advisory Committee: 1) Quarantine and Isolation; 2) Licensing, Liability and Credentialing; 3) Access to Medical Records; 4) Public Health Alert.  
430 Higginson Continues presentation on HB 2251. Explains difference between health threat and health emergency. Details Public Health authority enacted via bill. Stresses importance of bill in

**TAPE 28, A**

		regard to declaration of state of emergency.
020	Higginson	Continues presentation on the four identified areas. Discusses conflicts over language in bill. Describes need for action regarding quarantine. Refers to confidentiality issues that may arise due to the Health Insurance Portability and Accountability Act (HIPAA). Acknowledges concern from immunization program regarding data management during a health alert.
110	Rep. Monnes Anderson	Comments on amendments and emergency response to bioterrorism. Requests clarification on access to medical records.
122	Higginson	Addresses confidentiality issues related to medical records. Discusses reasoning behind access to medical records during an emergency. Notes statues related to HIPAA.
159	Rep. Monnes Anderson	Addresses reportable diseases and existing statues.
169	Higginson	Explains difference between reportable disease and opening patient records. Discusses symptomatic reporting under proposed bill.
187	Rep. Dalto	Requests characterization of current public health emergency response.
195	Higginson	Details Public Health emergency preparedness plan. Describes state and local funding and collaborations.
240	Rep. Anderson	Inquires on restrictions of HIPAA.
246	Higginson	Explains HIPAA rules, restrictions and consequences.
266	Rep. Monnes Anderson	Comments on issues of confidentiality.
296	Rep. Tomei	Comments on confidentiality. Inquires on number of anthrax cases.
301	Higginson	Reports data on exposure and death by anthrax exposure.
318	Rep. Tomei	Comments on anthrax and tobacco related deaths.
327	Higginson	Details funding related to emergency services and building of core public health/communicable disease infrastructure.
342	Rep. Anderson	Questions sanctions for abuse of confidentiality.
350	Higginson	Reports penalties of disclosure are not currently established. States intent to provide information at a later date.
357	Rep. Westlund	Comments on tobacco related deaths.
375	Rep. Dalto	Inquires on funds for smoking cessation and prevention programs.
382	Higginson	Reports funding for tobacco prevention and education programs.
407	Ken Murphy	Deputy Director, Oregon Emergency Management. Explains bill as a tool to deal with public health crisis. Supports proposed amendments.
444	Rep. Anderson	Inquires on Federal Emergency Management Agency's (FEMA's) position.
447	Murphy	Responds and explains the state's emergency management process.
454	Rep. Anderson	Questions emergency preparedness and dissemination of information from state to county level.
461	Murphy	Addresses issues related to state and county communication regarding terrorism.
500	Higginson	Explains federal funds appropriated for emergency response to anthrax and small pox.

**TAPE 27, B**

052	Chair Kruse	Comments on funds for emergency services.
067	Scott Gallant	Director of Government Affairs, Oregon Medical Association (OMA). Comments on interpretation of an impending health crisis as including tobacco. Speaks to vague language of bill when determining an impending health crisis. Reports bill creates a dual process related to Governor's ability to declare an emergency. Notes concerns regarding the need for additional integration and coordination during a public health emergency. Expresses concern over broad authority of Public Health Officer to declare a pending health emergency. Offers suggestions to add language to develop protocol and practice standards with private agencies.
163	Rep. Monnes Anderson	Questions OMA's position regarding confidentiality and threat of bioterrorism.
174	Gallant	Explains federal and state statutes that define confidentiality and consequences for violating confidentiality.
194	Rep. Monnes Anderson	Inquires on data regarding law suits related to confidentiality.
198	Gallant	Explains process of immediate change in policy regarding confidentiality. Stresses the importance of narrowing the language of bill. Notes concerns in provider liability.
251	Rep. Monnes Anderson	Inquires on collaboration between Governor and Public Health Office.
264	Higginson	Explains protocol for declaration of state of public health emergency. Discusses authority of State Office of Public Health during a health emergency.
290	Gallant	Requests bill address issues of establishing standards prior to declaration of emergency, the fiscal impact, the requirements imposed on health care providers under a state of emergency. Requests explicit language addressing scope of authority of Public Health Office and confidentiality of medical records.
330	Rep. Anderson	Comments on immediate response and need to establish a time limit for the state of emergency.
350	Gallant	Reiterates use of caution in creating authority during and emergency and insurance of confidentiality during emergency.
401	Chair Kruse	Comments on HIPAA violations and suggests input from the Attorney General (AG) office.
415	Higginson	Concurs on AG input. Recognizes Keith Cutler from Department of Justice worked closely on bill.
424	Gallant	Relates OMA counsel's expertise regarding HIPAA.
436	Chair Kruse	Reiterates need for AG's opinion. Closes public hearing on HB 2251 and adjourns at 10:29 A.M.

**EXHIBIT SUMMARY**

- A – HB 2487, written testimony, Sarah Reeder, 2 pp.**
- B – HB 2487, written testimony, Grant Higginson, 2 pp.**
- C – HB 2245, written testimony, Jeff Roehm, 4 pp.**
- D – HB 2245, written testimony, Peggy Smith, 1 p.**
- E – HB 2251, written testimony, Grant Higginson, 4 pp.**