

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 14, 2003 Hearing Room D  
9:00 A.M. Tapes 51 – 52

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

**MEMBER EXCUSED:** Rep. Jeff Barker  
Rep. Laurie Monnes Anderson

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

**MEASURES HEARD:** HJM 4 – Public Hearing and Work Session  
HB 2374 – Public Hearing  
HB 2558 – Public Hearing  
HB 2642 – 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 51, A</b>		
005	Chair Kruse	Calls meeting to order at 9:04 A.M. and announces HB 2684 will be postponed until March 17, 2003. Opens public hearing on HJM 4.
<b><u>HJM 4 – PUBLIC HEARING</u></b>		
008	Sandy Thiele-Cirka	Administrator. Summarizes bill.
014	Jim Gardner	Pharmaceutical Manufacturers of America (PhRMA). Addresses impact of bill on moving issue forward in Congress.
026	Chair Kruse	Closes public hearing on HJM 4 and opens work session on HJM 4.
<b><u>HJM 4 – WORK SESSION</u></b>		
<b>030</b>	<b>Rep. Anderson</b>	<b>MOTION: Moves HJM 4 be sent to the floor with a BE ADOPTED recommendation.</b>
031	Rep. Anderson	Addresses need for federal assistance.
036	Chair Kruse	Notes history of bill.
040	Rep. Tomei	Inquires if other states have passed similar memorials.
<b>045</b>		<b>VOTE: 5-0-2</b> <b>AYE: In a roll call vote, all members present vote AYE.</b>
<b>049</b>	<b>Chair Kruse</b>	<b>EXCUSED: 2 – Barker, Monnes Anderson</b> <b>The motion CARRIES.</b> <b>REP. KRUSE will lead discussion on the floor.</b>
056	Chair Kruse	Closes work session on HJM 4 and opens public hearing on HB 2374.
<b><u>HB 2374 – PUBLIC HEARING</u></b>		
058	Thiele-Cirka	Summarizes bill and -1 amendment ( <b>EXHIBIT A</b> ).
068	Bruce Carlson M.D.	Pharmacists. Submits written testimony in support of HB 2374 ( <b>EXHIBIT B</b> ). Addresses impact on rural health providers and

		rural communities. Speaks to fiscal impact. Suggests language for amendment.
115	Rep. Anderson	Inquires on formula.
118	Carlson	Reports formula involves 20 medications.
121	Rep. Tomei	Inquires on legend drugs.
123	Carlson	Defines legend drugs.
128	Rep. Tomei	Clarifies any drug requiring a prescription is a legend drug.
129	Carlson	Concurs.
137	Lynn Read	Office of Medical Assistance Programs (OMAP), Department of Human Services (DHS). Submits written testimony in support of bill <b>(EXHIBIT C)</b> . Notes current options for rural health clinics to dispense drugs. Addresses issues of administering the programs and billing the claims. Speaks to efforts in rural health access.
193	Rep. Westlund	Notes efforts of workgroup on Oregon Health Plan (OHP).
213	Peggy Anet	Health Insurance Association of America (HIAA). Submits testimony in opposition to bill <b>(EXHIBIT D)</b> . Discusses concerns with mandatory reimbursement requirements. Reports on current statute in regard to required analysis. Notes table on insurance mandates <b>(EXHIBIT D-page 4)</b> . Discusses process and technical concerns relating to the insurance code.
310	Tom Holt	Oregon State Pharmacists Association. Testifies in support of HB 2374. Notes support relates to small number of pre-packaged drugs and appropriate dispensing technology.
341	Rep. Anderson	Inquires on physicians dispensing license.
344	Holt	Explains license is approved through board of medical examiners.
357	Karen Whitaker	Director, Office of Rural Health, Oregon Health and Sciences University (OHSU). Submits written testimony in support of bill <b>(EXHIBIT E)</b> . Lists other supporting parties. Notes rural areas that qualify under bill <b>(EXHIBIT E-page 6)</b> .
402	Ed Patterson	Oregon Rural Health Organization. Submits written testimony from Carlson. Notes lack of additional cost to insurers. Urges adoption of -1 amendment.
426	Rep. Westlund	Inquires on result of excluding private insurance from bill
429	Patterson	Concurs suggestion as an option.
434	Chair Kruse	Addresses passing incomplete bills Senate. Requests interested parties meet and address concerns. Closes public hearing on HB 2374 and opens public hearing on HB 2558.

**TAPE 52, A**

**HB 2558 – PUBLIC HEARING**

024	Thiele-Cirka	Summarizes bill.
034	Gardener	Submits written testimony in support of HB 2558 <b>(EXHIBIT F)</b> . Addresses preemptive preclusion by Drug Use Review (DUR) Board of drugs used to treat new conditions not yet assigned to the priority list.
077	Rep. Tomei	Inquires on history of bill.
080	Gardner	Defers to next witness.
082	Don Stecher	Representing Novartis Pharmaceuticals. Presents history of the drug.
109	Rep. Tomei	Inquires if Oregon DUR Board has decided if the drug is appropriate.
111	Stecher	Reports decision on drug has not been made. Reports that Oregon is only state that does not cover drug for Medicaid patients.

114	Rep. Tomei	Clarifies drug status by Oregon DUR Board.
121	Stecher	States drug is not covered by Oregon Health Plan (OHP).
124	Gardner	Explains bill addresses a procedural process to cease pre-emptive action on drugs and will not effect specific drugs.
137	Rep. Tomei	Inquires what precipitated decision.
142	Stecher	Explains other drugs under same policy.
149	Rep. Tomei	Inquires why policy was enacted.
150	Gardner	Explains condition drug treats and status on OHP prioritization list. States the condition is now treatable.
162	Rep. Tomei	Explains attempt to understand DUR Board decision.
173	Rep. Alan Bates	House District 5. Comments on treatment and OHP priority list.
196	Gardner	Explains treatment of conditions below the cut off for OHP priority list.
205	Paul Nielson	Representing Pharmacia. Details other drugs with history of similar restrictions. Requests allowing the drug to come to market before placing Medicaid coverage restrictions.
229	Holt	Testifies in opposition to bill. Clarifies role of DUR Board in relation to OMAP. Notes drugs grandfathered into policy. Urges committee not to restrict DUR Board.
287	Chair Kruse	Comments on advisory nature of DUR Board. Notes issue is matter of process. Explains committee will invite DUR Board to committee to address questions. Closes public hearing on HB2558 and opens public hearing on 2642.

**HB 2642 – PUBLIC HEARING**

312	Thiele-Cirka	Summarizes bill.
327	Jim Anderson	American College of Emergency Physicians, Oregon Chapter. Offers history of bill.
340	David Toovy M.D.	Emergency Physician. Submits written testimony in support of bill ( <b>EXHIBIT G</b> ). Relates patient stories relating to the bill. Lists corporations that have enacted similar policy. Notes lack of opposition over last six years as basis to remove the sunset.

**TAPE 51, B**

017	Nan Heim	Oregon State Ambulance Association. Testifies in support of bill. Requests amendment to include ambulance services.
039	Shawn Baird	Emergency Medical Technician (EMT) and President, Oregon State Ambulance Association. Submits written testimony in support of bill ( <b>EXHIBIT H</b> ). Explains role of EMT in diagnosis and treatment. Requests amendment language to formally recognize EMT's as essential service.
070	Alan Bates, M.D.	Physician, Bend, Oregon. Testifies in support of HB 2642. Addresses abuses and misuses of emergency care. Notes patients often do not understand when to seek care and should not base decision on the expense.
119	Rep. Anderson	Inquires on instances in which payments should be refused.
123	Rep. Bates	Explains claims can still be rejected if deemed inappropriate. Explains some patients do not have access to or do not have a primary care physician. Notes Emergency Room physician needs ability to assess patient before deeming the case a non-emergency.
150	Anet	Notes concern relating to the sunset review policy. Notes tendency of policies to expand with each review. Requests language to clarify review process. Speaks to differences between ambulance and emergency room services.
195	Rep. Tomei	Comments that the testimony does not address abuses of rule.

197	Anet	Notes subjective nature of assessing severe pain and perception of what constitutes an emergency. Addresses gray area in accessing emergency services. Notes bill is companion to patient protection legislation from 1997.
240	Chair Kruse	Closes public hearing on HB 2642 and adjourns meeting at 10:33 A.M.

### **EXHIBIT SUMMARY**

- A – HB 2374, -1 amendment, staff, 1 p.**
- B – HB 2374, written testimony, Bruce Carlson, 1 p.**
- C – HB 2374, written testimony, Lynn Read, 2 pp.**
- D – HB 2374, written testimony, Peggy Anet, 4 pp.**
- E – HB 2374, written testimony, Karen Whitaker, 6 pp.**
- F – HB 2558, written testimony, James Gardner, 2 pp.**
- G – HB 2642, written testimony, David Toovy, 2 pp.**
- H – HB 2642, written testimony, Shawn Baird, 1 p.**