

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 17, 2003 Hearing Room D  
8:30 A.M. Tapes 53 – 55

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

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

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

**MEASURES:** HB 2121 – Work Session  
HB 2244 – Work Session  
HB 2566 – Work Session  
HB 2517 – Work Session  
HB 2684 – Public Hearing  
HB 2519 – 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 53, A</b>		
005	Chair Kruse	Calls meeting to order at 8:39 A.M. Submits 2121-3 amendments, dated 3/13/03 ( <b>EXHIBIT A</b> ) and opens work session on HB 2121.
<b><u>HB 2121 – WORK SESSION</u></b>		
009	Rep. Dalto	<b>MOTION:</b> Moves to <b>SUSPEND</b> the rules for the purpose of reconsidering vote on HB 2121.
014		<b>VOTE:</b> 6-0-1
		<b>EXCUSED:</b> 1 - Monnes Anderson
015	Chair Kruse	Hearing no objection, declares the motion <b>CARRIED</b> .
017	Rep. Westlund	<b>MOTION:</b> Moves to <b>RECONSIDER</b> the vote by which "HB 2121 was moved to the floor <b>WITHOUT RECOMMENDATION</b> as to passage and <b>BE REFERRED</b> to the committee on Ways and Means by prior reference."
027	Rep. Tomei	Notes previous vote. Speaks to constituents opinions that bill is unnecessary. Comments on fiscal impact.
028		<b>VOTE:</b> 6-0-1
		<b>EXCUSED:</b> 1 - Monnes Anderson
029	Chair Kruse	Hearing no objection, declares the motion <b>CARRIED</b> .
033	Rep. Westlund	<b>MOTION:</b> Moves to <b>RECONSIDER</b> the vote by which "ADOPT HB 2121-2 amendments dated 02/06/03."
040		<b>VOTE:</b> 6-0-1
		<b>EXCUSED:</b> 1 - Monnes Anderson

041 Chair Kruse Hearing no objection, declares the motion CARRIED.  
042 Rep. Westlund MOTION: Moves to RECONSIDER the vote by which  
"ADOPT HB 2121-1 amendments dated  
02/06/03."  
045 VOTE: 6-0-1  
EXCUSED: 1 - Monnes Anderson  
046 Chair Kruse Hearing no objection, declares the motion CARRIED.  
048 Rep. Westlund MOTION: Moves to ADOPT HB 2121-1 amendments dated  
2/6/03.  
053 VOTE: 6-0-1  
EXCUSED: 1 - Monnes Anderson  
055 Chair Kruse Hearing no objection, declares the motion CARRIED.  
056 Rep. Westlund MOTION: Moves to ADOPT HB 2121-2 amendments dated  
2/17/03.  
058 VOTE: 6-0-1  
EXCUSED: 1 - Monnes Anderson  
059 Chair Kruse Hearing no objection, declares the motion CARRIED.  
060 Sandy Thiele-Cirka Administrator. Summarizes -3 amendments dated 3/13/03  
(EXHIBIT A).  
070 Rep. Westlund MOTION: Moves to ADOPT HB 2121-3 amendments dated  
3/13/03.  
073 VOTE: 6-0-1  
EXCUSED: 1 - Monnes Anderson  
074 Chair Kruse Hearing no objection, declares the motion CARRIED.  
075 Rep. Dalto MOTION: Moves HB 2121 to the floor with a DO PASS AS  
AMENDED recommendation and BE  
REFERRED to the committee on Ways and  
Means by prior reference.  
081 VOTE: 4-2-1  
AYE: 4 - Anderson, Dalto, Westlund, Kruse  
NAY: 2 - Barker, Tomei  
EXCUSED: 1 - Monnes Anderson  
086 Chair The motion CARRIES.  
087 Chair Closes work session on HB 2121 and opens work session on HB  
2244.

**HB 2244 – WORK SESSION**

089 Thiele-Cirka Summaries bill and -1 amendments dated 3/10/03 (EXHIBIT B).  
107 Chair Kruse Explains intent to move bill.  
113 Rep. Tomei Inquires on fiscal impact.  
114 Chair Kruse Explain fee bills are referred to the Committee on Ways and  
Means.  
123 Rep. Barker MOTION: Moves to ADOPT HB 2244-1 amendments dated  
3/10/03.  
124 VOTE: 6-0-1  
EXCUSED: 1 - Monnes Anderson  
125 Chair Kruse Hearing no objection, declares the motion CARRIED.  
126 Rep. Barker MOTION: Moves HB 2244 to the floor with a DO PASS AS  
AMENDED recommendation and BE  
REFERRED to the committee on Ways and  
Means by prior reference.  
130 VOTE: 6-0-1  
AYE: In a roll call vote, all members present vote  
AYE.  
EXCUSED: 1 - Monnes Anderson

135	<b>Chair</b>	<b>The motion CARRIES.</b>
136	Chair Kruse	Closes work session on HB 2244 and opens work session on HB 2566.
<b><u>HB 2566 – WORK SESSION</u></b>		
138	Thiele-Cirka	Summarizes bill and -2 amendments dated 3/10/03 ( <b>EXHIBIT C</b> ).
157	<b>Rep. Tomei</b>	<b>MOTION: Moves to ADOPT HB 2566-2 amendments dated 3/10/03.</b>
159		<b>VOTE: 6-0-1</b>
161	<b>Chair Kruse</b>	<b>EXCUSED: 1 - Monnes Anderson</b>
162	<b>Rep. Tomei</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
		<b>MOTION: Moves HB 2566 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
165		<b>VOTE: 6-0-1</b>
		<b>AYE: In a roll call vote, all members present vote AYE.</b>
		<b>EXCUSED: 1 - Monnes Anderson</b>
166	<b>Chair Kruse</b>	<b>The motion CARRIES.</b>
172	Chair Kruse	Closes work session on HB 2566 and opens work session on HB 2517.
<b><u>HB 2517 – WORK SESSION</u></b>		
174	Thiele-Cirka	Summarizes bill.
183	Chair Kruse	Notes there are no objections from the Department of Human Services (DHS). Comments HB 2517 codifies the current direction of DHS.
180	<b>Rep. Anderson</b>	<b>MOTION: Moves HB 2517 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.</b>
185		<b>VOTE: 6-0-1</b>
		<b>AYE: In a roll call vote, all members present vote AYE.</b>
		<b>EXCUSED: 1 - Monnes Anderson</b>
188	<b>Chair</b>	<b>The motion CARRIES.</b>
198	Chair Kruse	Closes work session on HB 2527 and opens public hearing on HB 2684.
<b><u>HB 2684 – PUBLIC HEARING</u></b>		
201	Thiele-Cirka	Summarizes bill.
218	Genoa Ingram	Representing Oregon Academy of Audiology. Submits written testimony in support of bill ( <b>EXHIBIT D</b> ). Addresses issues of dual licensure. Notes provisions that act as incentives to maintain second license.
310	Ingram	Continues presentation on HB 2684. Discusses consumer protection. Comments on equity between audiologists and hearing aid dealers.
405	Duane Anderson	Audiologist. Submits written testimony in support of bill ( <b>EXHIBIT E</b> ). Offers history of audiology legislation. Speaks to experience, continuing education and qualifications of audiologists. Comments on organizations that sell and service hearing aids.
<b>TAPE 54, A</b>		
036	Wendy Chapman	President, Oregon Academy of Audiology. Submits written

		testimony in support of bill ( <b>EXHIBIT F</b> ). Comments that the dispensing requirement is in line with audiologists' training and experience.
096	John McCulley	Representing Oregon Speech-Language and Hearing Association. Submits written testimony in support of bill ( <b>EXHIBIT G</b> ). Refers to requirements and training for audiologists. Notes board and rules emphasize consumer protection.
139	Evan Evans	Audiologist. Submits written testimony in support of bill ( <b>EXHIBIT H</b> ). Concurs with previous testimony.
150	Rep. Anderson	Questions the differences between the dual licensure.
161	Evans	Notes audiology rules and regulations are more restrictive and adequate for consumer protection. States the dispensing license relates to business practices.
185	Rep. Anderson	Questions the number of audiologists dispensing hearing aids.
189	Evans	Responds he does not have data. Addresses physicians that hire a non-licensed audiologist to dispense.
206	Scott Austin	Hearing Aid Specialist and member, Advisory Council on Hearing Aids, Health Licensing Office, and Department of Human Services (DHS). Submits written testimony in opposition to bill ( <b>EXHIBIT I</b> ). Addresses two state agencies offering duplicate administration of licensing. Notes rise in fees as result of elimination of second licensure. Comments on reasoning for dual licensure. States the current system is effective.
260	John Brennehan	Representing the Oregon Hearing Society. Offers testimony in opposition to bill. Speaks to consistency in oversight and administration.
269	McCulley	Suggests exempting clinical and research audiologists who do not dispense hearing aids.
283	Rep. Tomei	Questions the impact of fee reductions and increases for dealers.
294	McCulley	Notes fees are not significant enough to put dealers out of business. Compares dual licensure to dual motorcycle licensure. Presents information specific to dispensing hearing aids. Notes continuing education requirements.
314	Rep. Barker	Inquires on educational hours required for licensure.
315	McCulley	Reports nine hours.
324	Rep. Tomei	Inquires on dealers who are also audiologists.
329	Sue Wilson	Director, Health Licensing Office, DHS. Submits background information ( <b>EXHIBIT J</b> ). Explains figure reported on audiologists impacted by bill.
343	Rep. Tomei	Questions the hearing aid return policy.
348	Wilson	Explains contract between consumer and dispenser regarding return policy. Notes change of policy to administrative rule.
376	Rep. Tomei	Questions if unlicensed audiologists have the same return rights.
380	Wilson	Reports licensed audiologists receive return rights and non-licensed audiologists do not receive return rights. States that consumers are not guaranteed reimbursement from non-licensed audiologists.
396	Rep. Tomei	Requests clarification on consumer and dealer protection.
399	Wilson	Explains audiologist would not have return rights unless licensed.
401	Rep. Tomei	Inquires on licensure tracking.
415	Wilson	Explains lack of data regarding change in licensure status to establish clear idea of revenue impact.
440	Rep. Tomei	Questions the use of collected fees.
441	Wilson	Explains fees support the programs.

453	Rep. Dalto	Inquires on hearing aid return policy.
461	Wilson	Offers to submit figures at later date. Notes consumer protection is priority.
<b>TAPE 53, B</b>		
032	Austin	Offers estimate that 80 percent of consumers receive refund if dissatisfied. Explains exceptions to return policy.
044	Rep. Dalto	Questions how many complaints are filed regarding refund policy.
048	Austin	Explains refunds are the least frequent complaint.
058	Rep. Barker	Questions difference between dealers and audiologists refund policy.
060	Austin	Addresses legal aspect to protections.
069	Chair Kruse	States intent and concerns. Closes public hearing on HB 2684 and orders committee to stand at ease.
094	Chair Kruse	Reconvenes and opens public hearing on HB 2519.
<b><u>HB 2519 – PUBLIC HEARING</u></b>		
096	Thiele-Cirka	Summarizes bill.
102	Grover Simmons	Representing Adult Care Providers of Oregon. Provides testimony in support of bill. Discusses negotiations with stakeholder groups. Notes four sections agreed upon to remove. Speaks to constitutional protections. Submits proposed amendment language ( <b>EXHIBIT K</b> ).
230	Joan England	Adult Foster Home Provider. Relates personal experiences regarding foster home residents and current policies.
314	Simmons	Inquires on suggestion to increase rate.
316	England	Reports the state suggested rate increase to deal with situation.
322	Simmons	Notes the state can not regulate rate but can offer suggestions. Points to multiple violations reported by England's testimony as proof of need for bill.
352	Joan Gallegly	President, Adult Care Providers of Oregon. Submits testimony in support of bill ( <b>EXHIBIT L</b> ). Lists provider complaints and outcomes. Speaks to provider rights.
<b>TAPE 54, B</b>		
041	Rep. Barker	Questions the frequency of resident conflicts.
042	Gallegly	Explains resident to resident conflict.
044	Rep. Anderson	Inquires on differences in authority between bill and Senior and People with Disabilities (SPD) Department
048	Simmons	Note resident rights are posted. Explains provider rights and requirements created by bill.
068	Rep. Anderson	Inquires on sections being proposed for removal from the bill.
072	Simmons	Explains efforts to work with interested parties.
079	Rep. Anderson	Comments on changes to bill.
090	Helen Liere	Chair, Legislative Committee, Governors Commission on Senior Services. Submits testimony in opposition to bill ( <b>EXHIBIT M</b> ). Addresses current provider and resident rights. States legislation is not needed.
147	Cindy Hannum	Office of Licensing and Quality Care, SPD, DHS. Submits testimony in opposition to bill ( <b>EXHIBIT N</b> ). States support of provider rights. Addresses tone of bill in regard to resident-provider relations. Speaks to Simmons amendments.
265	Chair Kruse	Comments on private living quarters. Notes Health Insurance Portability and Accountability Act (HIPAA) in regard to bill.
280	Rep. Tomei	Questions what information is provided to providers.
284	Hannum	Explains information should be relevant to resident care.

295	Rep. Tomei	Requests example.
296	Hannum	Reports issues that do not present danger to provider or other residents
315	Rep. Tomei	Inquires on possible change to amendment.
318	Hannum	Agrees to amendment change.
320	Chair Kruse	Comments on physician requirements to report under HIPAA.
331	Rep. Barker	Inquires on provider rights to evict resident.
340	Hannum	Explains regulations and process in regard to involuntary move out. Notes resident's right to contest move out and request a hearing.
372	Rep. Barker	Inquires on bill and related changes to eviction.
376	Hannum	Explains objection to second proposed change as referenced back to third
391	Liere	Explains language from resident's point of view.
400	Rep. Barker	Notes language speaks to pertinent information rather than all information.
412	Rep. Anderson	Addresses reasoning for posting rules and regulations. Notes case workers can explain rules to both resident and provider.
436	Hannum	Addresses issues related to Medicaid and private-pay residents. Notes lack of recourse for vulnerable residents and power dynamic between resident and provider.
<b>TAPE 55, A</b>		
042	Hannum	Continues presentation on HB 2519. Notes provider concern over Ombudsman activity and regulatory activity. Addresses need for privacy when filing a complaint to protect resident.
057	Rep. Anderson	Comments on posting of provider rights.
058	Hannum	Explains issue is related to fear in filing complaints against care givers.
068	Rep. Anderson	Inquires on Ombudsman and licensor access.
072	Hannum	Reports resident requests for anonymity when filing complaints.
079	Rep. Anderson	Relates personal experience with adult foster care system. Addresses provider rights to request resident move outs.
100	May Dasch	Volunteer, Alzheimer's Association. Submits testimony in opposition to bill ( <b>EXHIBIT O</b> ). Identifies specific objections and addresses the need for anonymity in reporting complaints.
134	Jim Davis	Representing the Alzheimer's Association and Member, Gray Panthers. Offers testimony in opposition to bill. Notes current provider rights under current legislation therefore provider bill of rights is unnecessary.
165	David Nebel	Citizens Coalition for Quality Long-term Care. Offers testimony in opposition to bill. Comments on providers special treatment and need for equitable scrutiny. Comments on lack of clarity in results of bill. Notes potential fiscal impact to create review process.
234	Meredith Cote	Director, Office of Long-term Care Ombudsman. Explains agency's informal process of complaint resolution. Notes the need for provider rights but questions need for bill of rights. Explains history behind creation of resident rights. Discusses specific concerns with bill. Explains issues of confidentiality in investigating complaints. Notes lack of clarity in language of bill.
327	Rep. Tomei	Inquires on opposition.
330	Cote	Clarifies opposition in regard to advising provider on reason for visit.
338	Rep. Anderson	Comments on need for both resident and provider rights.

343	Cote	Relates complication related to specific case of provider assault.
367	Rep. Anderson	Offers further comments in case of provider assault.
372	Cote	Comments on resolution that satisfies both provider and resident.
416	Chair Kruse	Comments on issues raised during hearing. Closes public hearing on HB 2519 and adjourns meeting at 10:53 A.M.

### **EXHIBIT SUMMARY**

- A – HB 2121, -3 amendments, dated 3/13/03, staff, 1p.**
- B – HB 2244, -1 amendments, dated 3/10/03, staff, 1 p.**
- C – HB 2566, -2 amendments, dated 3/10/03, staff, 1 p.**
- D - HB2684, written testimony, G. Ingram, 6 pp.**
- E – HB 2684, written testimony, D. Anderson, 2 pp.**
- F – HB 2684, written testimony, W. Chapman, 1 p.**
- G – HB 2684, written testimony, J. McCulley, 5 pp.**
- H – HB 2684, written testimony, E. Evans, 1 p.**
- I – HB 2684, written testimony, S. Austin, 2 pp.**
- J – HB 2684, written testimony, S. Wilson, 1 p.**
- K – HB 2519, written testimony, G. Simmons, 2 pp.**
- L – HB 2519, written testimony, J. Gallegly, 2 pp.**
- M – HB 2519, written testimony, H. Liere, 2 pp.**
- N – HB 2519, written testimony, C. Hannum, 1 p.**
- O – HB 2519, written testimony, M. Dasch, 1 p.**