

HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 19, 2003 Hearing Room D
8:30 A.M. Tapes 56 – 57

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

MEMBER EXCUSED: **Rep. Ben Westlund**

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

MEASURES HEARD: **HB 2558 – Work Session**
 HB 2828 – 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.

TAPE/#	Speaker	Comments
TAPE 56, A		
004	Chair Kruse	Calls meeting to order at 8:36 A.M. and opens work session on HB 2558.
<u>HB 2558 – WORK SESSION</u>		
010	Sandy Thiele-Cirka	Administrator. Summarizes bill.
011	Kathy Ketchum RPh, MPA, HA	College of Pharmacy, Oregon State University and Drug Use Review (DUR) Board staff.
029	Rep. Tomei	Inquires on DUR decisions for drug approval.
036	Ketchum	Explains DUR Board review process. Relates reasoning behind decision to exclude specific drugs used to treat irritable bowel syndrome.
067	Rep. Tomei	Inquires on decisions made before final FDA approval.
069	Ketchum	Responds the drug had passed the review process and was waiting to pass special FDA studies.
077	Rep. Tomei	Inquires if a recommendation can be changed.
078	Ketchum	Reports affirmatively. Notes DHS does not act on recommendation until final FDA report. Speaks to Medicaid priority line.
091	Rep. Tomei	Clarifies two issues: priority status of irritable bowel syndrome and disallowing drug for treatment. Questions if the drug would have been allowed if above priority line.
098	Ketchum	Reports drug would have been allowed if syndrome met priority guideline.
117	Rep. Anderson	Comments on use of drug regardless of priority status.
119	Ketchum	Reports DUR Board only reviews Medicaid drugs. Recommendation is specific to DHS and Medicaid coverage.
123	Rep. Anderson	Inquires on impact of drug usage by non-Medicaid patients.
125	Ketchum	Explains DUR Board only makes recommendations for Medicaid drugs in fee-for-services.
128	Chair Kruse	Inquires on FDA reviews.

136	Ketchum	Notes need for criteria in place prior to market release of drug. Reports DUR Board reviews drugs continuously.
151	Rep. Tomei	Inquires if bill will restrict DUR Board.
152	Ketchum	Explains bill will restrict DUR operations. Notes that DUR will not be able to review new drugs prior to market approval.
162	Jim Gardner	Pharmaceutical Research and Manufacturers of America (PhRMA). Explains key issue relates to priority line for specific treatments relating to the DUR Board recommendations. Explains treat-ability of conditions and new conditions that fall below the priority line are preemptively removed from consideration.
200	Rep. Anderson	Questions drug safety.
203	Gardner	Explains drug is FDA approved.
216	Rep. Tomei	Inquires on marketing of drugs later proven ineffective.
219	Gardner	Comments on role of DUR to monitor drugs. Notes drugs were stricken before FDA approval.
229	Rep. Tomei	Inquires on ability of DUR Board to change decision.
234	Gardner	Assesses situation as an effort to establish a policy to preemptively determine drug coverage.
242	Rep. Tomei	Inquires on impact on patient of prescribing drug then removing it from Medicaid coverage.
248	Gardner	Explains the diagnostic codes for prescriptions used to edit out specific drugs for treating conditions that fall below the line.
267	Rep. Tomei	Relates theoretical situation regarding DUR and patient care.
282	Gardner	Explains PhRMA's perspective on priority timeline in treating conditions.
310	Rep. Anderson	Inquires on three month period in which DUR does not meet.
316	Gardner	Speaks to DUR analysis and preparation prior to drug approval.
323	Chair Kruse	Reiterates bill relates to a process and bill clarifies appropriate guidelines for process.
334	Rep. Anderson	MOTION: Moves HB 2558 to the floor with a DO PASS recommendation.
338	Rep. Tomei	Comments on DUR Board timeline relating to drug approval. States the bill hampers approval process.
357	Rep. Monnes Anderson	Relates concern over denying treatments for new conditions.
384	Chair Kruse	Reminds committee the bill addresses Medicaid and priority coverage.
397	Rep. Anderson	States drug could be prescribed but not covered in Medicaid.
408		VOTE: 5-1-1 AYE: 5 - Anderson, Barker, Dalto, Monnes Anderson, Kruse NAY: 1 - Tomei EXCUSED: 1 - Westlund
413	Chair Kruse	The motion CARRIES. ANDERSON will lead discussion on the floor.
418	Chair Kruse	Closes work session on HB 2558 and opens public hearing on HB 2828.

HB 2828 – PUBLIC HEARING

423	Thiele-Cirka	Summarizes bill.
TAPE 57, A		
005	Susan King	Representing Oregon Nurses Association (ONA). Offers testimony in support of HB 2828. Provides background of bill. Reports data relating to Nurse Practitioners and workers

062	Tim Troutman	compensation and issues regarding timeline restrictions. Adult Nurse Practitioner, Lincoln City. Explains practice and patients. Reports only one Lincoln City physician accepts workers compensation.
105	Chris Davie	State Accident Insurance Fund Corporation (SAIF Co). Notes changes created by bill relating to appropriate level of expertise in assessing workers compensation injuries. Addresses structure of bill and the definition of attending physicians in current statute. Notes rural health care issues. Suggests modifying current statute to expand some areas of practice.
199	Chair Kruse	Requests follow up information after next Management Labor Advisory Committee (MLAC) meeting.
201	Davie	Notes MLAC will report back.
209	Chair Kruse	Notes written testimony submitted from Bradley Witt (EXHIBIT A).
212	Lisa Trussell	Associated Oregon Industries (AOI). Requests committee defer until MLAC provides information.
231	Chair Kruse	Closes public hearing on HB 2828. Orders committee to stand at ease.
262	Chair Kruse	Reconvenes and announces that Carolyn Oakley, Regional Direction, Region 10 will be rescheduled. Adjourns meeting at 9:25 A.M.

EXHIBIT SUMMARY

A – HB 2828, written testimony, Bradley Witt, 1 p.