

HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 24, 2003 Hearing Room D
8:30 A.M. Tapes 62 – 64

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
Rep. Ben Westlund

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

MEASURES HEARD: HB 2124 – Work Session
HB 2126 – Work Session
HB 2240 – Work session
HB 2018 – Public Hearing
HB 2462 – 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 62, A		
007	Chair Kruse	Calls meeting to order at 8:45 A.M. and opens work session on HB 2124.
<u>HB 2124 – WORK SESSION</u>		
009	Sandy Thiele-Cirka	Administrator. Summarizes bill and -1 amendment dated 3/20/03 (EXHIBIT A). Submits budget overview (EXHIBIT B).
031	Rep. Monnes Anderson	MOTION: Moves to ADOPT HB 2124-1 amendments dated 3/20/03.
032		VOTE: 6-0-1 EXCUSED: 1 - Westlund
033	Chair Kruse	Hearing no objection, declares the motion CARRIED.
035	Rep. Tomei	Questions if Oregon Commission on Children and Families (OCCF) supports the -1 amendment.
045	Donna Middleton	Director, OCCF. Speaks to current process of local partners participating in budget decisions.
066	Rep. Tomei	Questions if the bill and the -1 amendment impact the budget.
071	Middleton	Explains budget process.
076	Rep. Tomei	Clarifies impact on local and state commissions.
079	Middleton	Notes budget is not impacted. Reports additional support and length of process due to bill.
085	Chair Kruse	Explains impact is in next biennium.
088	Rep. Tomei	Questions which biennium.
089	Chair Kruse	Clarifies 2005-07 budget.
094	Rep. Anderson	MOTION: Moves HB 2124 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
097		VOTE: 6-0-1

AYE: In a roll call vote, all members present vote AYE.
EXCUSED: 1 - Westlund
The motion CARRIES.

099 Chair Kruse
100 Chair Kruse
Closes work session on HB 2124 and opens work session on HB 2126.

HB 2126 – WORK SESSION

103 Thiele-Cirka
Summarizes bill and -1 amendments dated 2/17/03 (**EXHIBIT C**) and -2 amendments dated 3/4/03 (**EXHIBIT D**). Notes conceptual amendments.

130 Chair Kruse
Notes subsequent referral.

134 Rep. Monnes
Anderson
Submits vote explanation.

146 Chair Kruse
Speaks to -2 amendment regarding Head Start. Speaks to -1 amendment regarding funding. Speaks to removal of emergency clause and addition of effective date.

Rep. Barker
MOTION: Moves to ADOPT HB 2126-1 amendments dated 2/17/03.

186
VOTE: 6-0-1
EXCUSED: 1 - Westlund

187 Chair Kruse
Hearing no objection, declares the motion **CARRIED.**

188 Rep. Barker
MOTION: Moves to ADOPT HB 2126-2 amendments dated 3/4/03.

189
VOTE: 6-0-1
EXCUSED: 1 - Westlund

190 Chair Kruse
Hearing no objection, declares the motion **CARRIED.**

193 Rep. Barker
MOTION: Moves to SUSPEND the rules for the purpose of consideration of conceptual amendments.

194
VOTE: 6-0-1
EXCUSED: 1 - Westlund

195 Chair Kruse
Hearing no objection, declares the motion **CARRIED.**

196 Rep. Barker
MOTION: Moves to AMEND HB 2126 on page 4, line 29, after "programs," delete "funded with state alcohol and drug abuse funds," and on page 5, line 7, after "February 1," change "2005 to 2007," and on page 5, line 7, after "Seventy," change "third to fourth," and on page 5, line 9, delete "Section 7," and on page 5, line 9, insert "This 2003 Act takes effect July 1, 2005. "

210 Rep. Anderson
Inquires on Head Start.

212 Chair Kruse
Clarifies Head Start is removed with -2 amendments.

217
VOTE: 6-0-1
EXCUSED: 1 - Westlund

218 Chair
Hearing no objection, declares the motion **CARRIED.**

219 Rep. Barker
MOTION: Moves HB 2126 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.

224 Rep. Tomei
Provides vote explanation.

227 Rep. Monnes
Anderson
Comments on budget issues.

247
VOTE: 4-2-1
AYE: 4 - Anderson, Barker, Dalto, Kruse
NAY: 2 - Monnes Anderson, Tomei
EXCUSED: 1 - Westlund

251	Chair Kruse	The motion CARRIES.
232	Chair Kruse	Closes work session on HB 2126 and opens work session on HB 2240.
<u>HB 2240 – WORK SESSION</u>		
254	Thiele-Cirka	Summarizes bill, the -1 amendments dated 3/11/03 (EXHIBIT E) and the -2 amendments dated 3/20/03 (EXHIBIT F). Submits written testimony from Jane Myers, representing the Oregon Dental Association (EXHIBIT G).
279	Rep. Anderson	Comments on -2 amendments.
301	Rep. Anderson	MOTION: Moves to ADOPT HB 2240-2 amendments dated 3/20/03.
303	Rep. Monnes Anderson	Request Board testify relating to the rule.
305	Jo Ann Bones	Executive Director, Board of Dentistry. Addresses board's ability to develop rule. Notes the board opposes the -1 amendments.
335	Rep. Monnes Anderson	Inquires on limited access settings.
342	Bones	States the need for statutory change. Explains request from Board of Dentistry.
361	Rep. Tomei	Inquires on relationship between Board of Dentistry and ODA.
363	Bones	Defines role of each agency.
317	Rep. Tomei	Questions the areas of concerns regarding the amendment.
391	Rep. Anderson	Speaks to issues between ODA and Board of Dentistry regarding dental quality and expanding role of hygienists.
429	Rep. Monnes Anderson	Discusses patient access issues.
465	Rep. Anderson	Discusses scope of authority over dental assistants.
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029	Bones	Explains roles of hygienists and assistants altered by amendments.
043	Rep. Anderson	Notes difference between office care and limited access practices. Comments on quality of care.
076	Bones	Explains hygienists can not have their own practice.
077	Rep. Anderson	Notes limited access permit practices.
080	Bones	Defines limited access dental practice.
087	Rep. Tomei	Questions the work performed by assistant under supervision of hygienist.
090	Bones	Explains duties performed by assistants.
113	Rep. Westlund	Questions the impact with and without -2 amendments.
118	Bones	Explains specifics of impact without amendments.
149	Rep. Dalto	Inquires on limited access situations as it relates to use of assistants by hygienists.
155	Bones	Explains hygienists may act as independent contractors.
202	Rep. Tomei	Questions the general supervision of dental assistants.
218	Bones	Explains language as it relates to supervision.
230	Rep. Anderson	Clarifies hygienists in regard to four-handed dentistry.
244	Chair Kruse	Speaks to patient management in limited access situations.
265	Rep. Barker	Comments on use of assistants in limited access settings.
300		VOTE: 3-4-0
		AYE: 3 – Anderson, Dalto, Westlund
		NAY: 4 - Barker, Monnes Anderson, Tomei, Kruse
301	Chair Kruse	The motion FAILS.
307	Chair Kruse	Orders committee to stand at ease.
Tape reflects silence during stand at ease.		
325	Chair Kruse	Explains options regarding HB 2240.

342 **Rep. Tomei** **MOTION: Moves HB 2240 to the floor with a DO PASS recommendation.**

347 **VOTE: 7-0-0**

355 **Chair** **AYE: In a roll call vote, all members present vote AYE. The motion CARRIES.**

360 Chair Kruse **MONNES ANDERSON will lead discussion on the floor.**
Closes work session on HB 2240 and opens public hearing on HB 2018.

HB 2018 – PUBLIC HEARING

362 Thiele-Cirka Summarizes bill.

381 Vern Saboe M.D. President, Chiropractic Association of Oregon. Submits written testimony in support of bill (**EXHIBIT H**). Addresses three mechanisms by which insurance agencies restrict access.

TAPE 62, B

010 Saboe Continues presentation on insurance mechanisms used to restrict access. Comments on SB 55, companion bill.

061 Rep. Westlund Inquires on auto insurance and managed care systems.

064 Saboe Explains use of passive managed care panels.

083 Rep. Barker Questions review process

087 Saboe Explains assessment process used by insurance companies.

094 Michael Freeman Epidemiologist. Notes bills attempt to prevent restrictions on access to provider of choice. Discusses injuries as they related to managed care.

160 Rep. Dalto Inquires on comment related to chiropractic care.

162 Freeman Explains role and participation of chiropractors and restrictions in receiving care.

174 William Dallas President, Western States Chiropractic College. Testifies in support of bill. Relates personal story relating to patient restrictions in accessing provider of choice. Notes personal background in insurance and flaws in insurance system.

264 Rep. Barker Comments on use of independent medical exam. Suggests cooperative effort between providers.

283 Saboe Notes proposed amendment language underway to address protections of insurance system and consumer. Suggests unbiased independent review.

296 Rep. Westlund Inquires on managed care under current law relating to auto insurers.

305 Saboe Reports managed care can not be imposed on consumer by auto insurers.

308 Rep. Westlund Inquires on preferred provider options (PPO) for auto insurance.

313 Saboe Addresses PPO as they relate to closed panel systems.

347 Freeman Comments on managed care and patient access as they relate to reduced premiums. Notes cost shift to private sector.

374 Rep. Westlund Comments on loss of commercial health insurance due to rising premium costs. Relates cost containment to Oregon health care crisis.

423 Rep. Dalto Comments on PPO's.

TAPE 63, B

004 Saboe Explains PPO option as it relates to auto insurance premium savings.

038 Rep. Westlund Comments on cost savings in regard to informed consumers.

054 Freeman Explains initial savings and options to opt out of coverage. Notes importance of cost controls in balance with consumer choice.

083 John Powell Representing State Farm Insurance. Notes advertising and rate

		filing is regulated in Oregon. Comments on current statute regarding coverage. Provides insurance premium data. Notes status of law if bill is passed.
140	Shawn Miller	National Association of Independent Insurance (NAII). Testifies in opposition to bill. Notes broad language regarding managed care. Notes containing costs would be illegal if bill passed. Reports bill is not in consumers' best interest.
194	Jack Barnes	Farmers Insurance. Testifies in opposition HB 2462.
198	Lana Butterfield	State Accident Insurance Fund Corporation (SAIFCO). Testifies in opposition to HB 2462.
209	Chair Kruse	Closes public hearing on HB 2018 and opens public hearing on HB 2462.

HB 2462 – PUBLIC HEARING

212	Thiele-Cirka	Summarizes bill. Submits written testimony form Senator Avel Gordly (EXHIBIT I).
219	Chair Kruse	Comments on related bills.
236	James Edge	Acting Assistant Administrator, Office of Medical Assistance Programs (OMAP), Health Services, Department of Human Services (DHS). Submits written testimony (EXHIBIT J). Reports on constitutionality of bill. Notes current documents required by Oregon Health Plan (OHP) applicants in an effort to meet current residency requirements.
289	Chair Kruse	Questions constitutional issue.
298	Edge	Defers to legislative counsel. Explains DHS position on bill based on constitution and federal regulations.
311	Chair Kruse	Notes citations (EXHIBIT I) refer to U.S. Constitution. Notes impression that requirements could be waived.
230	Rep. Westlund	Questions the state's ability to better define and tighten up current residency requirements.
338	Edge	Remarks on possibilities of tightening residency requirements.
364	Rep. Barker	Inquires on resident requirements for OHP.
369	Edge	Identifies federal requirements.
283	Rep. Barker	Questions the quantity of residency abuses.
395	Edge	Reports abuses are not significant issue.
406	Rep. Tomei	Notes documents required to establish residency.
414	Edge	Explains consumers' written statement as appropriate document.
429	Chair Kruse	Speaks to ability to waive requirements.
437	Rep. Anderson	Inquires on documents for other states health plan.
457	Edge	Notes all states conform to federal regulations.
467	Chair Kruse	Comments on portability of Medicaid. Requests language from OMAP.

TAPE 64, A

041	Scott Taylor	Assistant Director, Oregon Department of Corrections. Submits written testimony including proposed amendment language (EXHIBIT K). Speaks to issues of former inmates accessing OHP after release. Suggests alternative forms of identification.
070	Chair Kruse	Explains intent in working with Department of Corrections.
078	Rep. Westlund	Inquires on Oregon Trail card.
080	Chair Kruse	Explains electronic food stamps. Closes public hearing on HB 2462 and adjourns meeting at 10:37 A.M.

EXHIBIT SUMMARY

- A – HB 2124, -1 amendments, dated 3/20/03, Staff, 1p.**
- B – HB 2124, budget overview, Staff, 4 pp.**
- C – HB 2126, -1 amendments, dated 2/17/03, Staff, 1 p.**
- D – HB 2126, -2 amendments, dated 3/4/03, Staff, 1 p.**
- E – HB 2240, -1 amendments, dated 3/11/03, Staff, 1 p.**
- F – HB 2240, -2 amendments, dated 3/20/03, Staff, 1p.**
- G – HB 2240, written testimony, J. Myers, 10 pp.**
- H – HB 2018, written testimony, V. Saboe, 1 p.**
- I – HB 2462, written testimony, Senator A. Gordly, 3 pp.**
- J – HB 2462, written testimony, J. Edge, 2 pp.**
- K – HB 2462, written testimony, S. Taylor, 4 pp.**