

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 7, 2003 Hearing Room D  
9:00 A.M. Tapes 45 – 48

**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**

**ISSUES HEARD:**        **HB 2631 – Public Hearing**  
                                  **Informational Meeting**  
                                  • **Prescription Patient Assistance Programs—**  
                                  **Community Perspective**

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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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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 45, A</b>		
004	Chair Kruse	Calls meeting to order at 9:10 A.M. and opens public hearing on HB 2631.
<b><u>HB 2631 – PUBLIC HEARING</u></b>		
006	Rep. Bob Jenson	Rep. Bob Jenson, House District 58. Submits written testimony in support of HB 2631 ( <b>EXHIBIT A</b> ). Offers background on bill. Presents impact of bill on patient access to health records. Relates personal story regarding inability to obtain personal lab results.
125	Rep. Bob Jenson	Continues presentation on HB 2631. Refers to the Health Insurance Portability and Accountability Act (HIPAA), Clinical Lab Improvement Amendment (CLIA) and Oregon statute. Summarizes purpose and intent of -1 amendment ( <b>EXHIBIT B</b> ).
208	Rep. Monnes Anderson	Inquires on laboratory input and logistics of delivering lab results to patients.
215	Rep. Jenson	Explains volume of requests to rural and urban labs.
230	Rep. Anderson	Comments on HIPAA regulations.
260	Catherine Otto	Chair, Government Affairs Committee, Oregon Association of Clinical Laboratory Science. Offers written testimony in support of bill ( <b>EXHIBIT C</b> ). Explains process for patient access to lab results. Addresses increase in lab result requests.
302	Elizabeth Smith	Laboratory technologist, Oregon Association of Laboratory Science. Requests -1 amendment reflect traditional explanation of laboratory medicine relating to maintenance of health and well being, monitoring of treatment or evidence of disease.
333	Chair Kruse	Comments on language. Inquires on HIPAA.
345	Otto	Reports no issue with HIPAA.
348	Mike Spiels	Director, State Public Health Laboratory (SPHL), Department of Human Services (DHS). Reports SPHL is neutral on HB 2631.

394	Chair Kruse	Speaks to laboratory “indirect care relationship” defined by HIPAA. Reads from HIPAA privacy rule guidelines.
400	Spiels	Speaks to the intent of HIPAA.
404	Rep. Anderson	Comments on eliminating barriers to patient access.
<b>TAPE 46, A</b>		
002	Rep. Monnes Anderson	Points out HIPAA issues related to mailing lab results.
012	Spiels	Questions the financial impact to public lab and clinical lab access.
032	Chair Kruse	Reports on the inability to predict number of results that will be requested. Notes clinical labs may get more requests than public labs.
033	Tim Martinez	Calls recess. Reconvenes (NOTE: Tape does not reflect reconvening of meeting).
088	Chair Kruse	Representing Oregon Medical Association (OMA). Reports on potential consequences to patients if lab results are released directly to patient. Submits and explains proposed amendment language ( <b>EXHIBIT D</b> ).
089	Martinez	Inquires on definition of “materially detrimental.”
097	Chair Kruse	Reports this term is in the physician’s professional medical opinion.
104	Rep. Barker	Comments language implies physician’s need to assess patient’s state of mind.
111	Martinez	Inquires on cost to implement.
117	Chair Kruse	Reports release of medical records as part of a routine.
126	Martinez	Requests opinion from OMA’s Health Insurance Portability and Accountability Act (HIPAA) expert.
135	Rep. Jenson	Reports amendment drafted by outside counsel.
230	Rep. Dalto	Responds to OMA comments. Speaks to current applicability of statute. Comments on timeline to access primary care physician. Continues explanation of personal experience and notes concern with the changes in health care.
246	Rep. Jenson	Inquires on ability of patients to interpret and understand lab results.
252	Chair Kruse	Reports patients can understand their lab results.
260	Rep. Monnes Anderson	Reports need for clarification on amendments and HIPAA before moving bill.
280	Rep. Jenson	Requests amendments clarify handling of false positives and other critical issues with lab results.
282	Chair Kruse	Offers closing remarks.
		Closes public hearing on HB 2631 and opens informational meeting.

**INFORMATIONAL MEETING**

297	Delina Porter	Consumer. Submits written testimony ( <b>EXHIBIT E</b> ). Comments on testimony of Pfizer representative from 03/03/03 meeting. Relates personal experiences with patient drug assistance programs.
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**TAPE 45, B**

011	Porter	Continues presentation on community perspective. Describes challenges such as required tax returns, varying rules and regulation from doctor offices and pharmaceutical companies, access to FAX machines, transportation issues and other barriers for mental health consumer access to assistance programs. Comments on financial coverage of prescriptions by assistance programs.
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100	Ellen Pinney	Executive Director, Oregon Health Action Campaign. Relates barriers and issues with current prescription assistance programs. Presents suggestions to increase patient accessibility. Comments on SB 9 and the lack of implementation of the toll free access number. Relates results of lack of access to prescriptions. Discusses Medically Needy Program ( <b>EXHIBIT F-green page</b> ). References the Families U.S.A. report ( <b>EXHIBIT F</b> ).
223	Tim Miller	Helpline Coordinator, Oregon Health Access Project. Submits written testimony ( <b>EXHIBIT G</b> ). Discusses indigent programs and notes they do not fill the current demand. States assistance programs are not a comprehensive solution. Explains hotline center.
257	Vice-Chair Tomei	Inquires on difference between documented calls and undocumented calls.
268	Miller	Explains helpline process for answering and documented calls. Relates process for accessing assistance programs. Reports some clinics charge clients for assistance through assistance program application process. Continues testimony.
337	Rep. Barker	Inquires on poverty level formula.
338	Pinney	Unable to answer question.
351	Rep. Anderson	Inquires on funds raised via community partners.
363	Pinney	Reports coalition members donate to advocacy efforts. Notes that foundations are interested in assisting.
381	Vice-Chair Tomei	Comments on documented calls to helpline.
385	Miller	Speaks to marketing, capacity and training of volunteers to expand helpline.
392	Pinney	Speaks to minimal advertising due to current inability to assist volume of callers.
411	Rep. Dalto	Comments on volume of calls to Governors Ombudsman Office.
424	Pinney	Notes process and assistance provided by Ombudsman Office. Speaks to need for current information.
<b>TAPE 46, B</b>		
011	Rob Wheaton	Consumer. Speaks to process involved in completing paperwork to access patient assistance programs. Notes extended timeline in assistance programs response to application request.
035	Don Golden	Consumer. Relates personal experience in accessing patient assistance programs. Reports option to travel out of the country to obtain medications. Provides personal medical history, financial means and required prescriptions.
076	Rep. Dalto	Inquires on drugs related to transplant rejection.
078	Wheaton	Explains required medication immediately after transplant and on-going prescription needs. Discusses coverage of immunosuppressant and Medicare policies.
098	Nannette Ringering	Submits written testimony ( <b>EXHIBIT H</b> ). Relates challenges in accessing patient assistance programs in regard to vulnerable populations. Speaks to frequent changes in pharmaceutical company management and subsequent patient assistance programs.
164	Marsha Katz	Consumer. Submits written testimony ( <b>EXHIBIT I</b> ). Relates personal experience with patient assistance programs. Reports cost of prescriptions and lack of Medicare coverage. Discusses income limitations. Offers suggestions to expand coverage of patient assistance programs.
236	William Glennen	Consumer. Relates personal experience with mental health issues

		and patient assistance programs. Speaks to inability to afford both daily expenses and prescriptions. Relates challenge and barriers in accessing patient assistance programs for patients using psychotropic drugs.
332	Robert Childs	Community Treatment Clinician, Cascadia Behavioral Health Care. Submits written testimony ( <b>EXHIBIT J</b> ). Relates experiences of client population in living with mental health issues and prescription drugs programs.
394	Vice-Chair Tomei	Inquires on reference to available beds.
395	Childs	Concurs beds are psychiatric. Speaks to issues with patient access to prescription assistance programs. Describes results of current gap in services.
<b>TAPE 47, A</b>		
020	Tim Nesbitt	President, Oregon AFL-CIO. Submits written testimony ( <b>EXHIBIT K</b> ). Encourages committee to think broadly in considering solutions to the issue of patient access to assistance programs. Speaks to costs of prescription drugs ( <b>EXHIBIT K- pages 6-7</b> ). Relates need for more affordable prescription drugs. Suggests bulk purchasing by state.
083	Rose Spears	Chairperson, Oregon Action-Portland and Consumer. Submits written testimony ( <b>EXHIBIT L</b> ). Testifies on income limitations, prescription costs and personal experiences with accessing patient assistance programs.
132	Vern Smith	Consumer. Submits written testimony ( <b>EXHIBIT M</b> ). Provides personal experience with accessing patient assistance programs. Reports Social Security Administration (SSA) offered comment on divorce or separation as a financial solution to access services.
186	Catherine Bax	Physician Assistant, Virginia Garcia Clinic. Addresses clinic and indigent patient's issues regarding the patient assistance programs. Speaks to frequent changes in assistance programs rules and regulations. Inquires on standardizing programs and/or forms.
266	Eric Landen	Co-Chair, Client Advisory Board Multnomah County HIV Services Center; Associate Member, HIV Planning Council; Consumer. Relates personal experience living with terminal illness and accessing patient assistance programs. Discusses Ryan White funds, dual diagnosis, and the need for additional revenue.
375	Rep. Westlund	Notes fiscal impact of not providing adequate health care.
389	Bill Hancock	Multnomah County Community Health Council and Consumer. Relates income limitations, prescriptions costs and personal experiences with patient assistance programs.
<b>TAPE 48, A</b>		
005	Bill Hancock	Continues testimony on patient assistance programs. Addresses cost to safety-net clinic. Reports having to go without life saving prescriptions due to lack of coverage through patient assistance programs.
057	Rep. Westlund	Inquires on cost of HIV drugs.
058	Hancock	Reports \$1500 per month.
059	Landen	Reports \$2000-2200 per month.
060	Rep. Westlund	Clarifies that doe not include witness' heart medications.
061	Hancock	Concurs.
065	Vice-Chair Tomei	Requests pharmaceutical lobbyists view tape of today's meeting. Closes informational meeting and adjourns the meeting at 11:28 A.M.

## **EXHIBIT SUMMARY**

- A – HB 2631, written testimony, Rep. Bob Jenson, 2 pp.**
- B – HB 2631, -1 amendment, staff, 1 p.**
- C – HB 2631, written testimony, Catherine Otto, 1 p.**
- D – HB 2631, proposed amendment language, Tim Martinez, 1 p.**
- E – Informational, written testimony, Delina Porter, 1 p.**
- F – Informational, packet, Ellen Pinney, 34 pp.**
- G – Informational, written testimony, Tim Miller, 7 pp.**
- H – Informational, written testimony, Nannette Ringering, 2 pp.**
- I – Informational, written testimony, Marsha Katz, 5 pp.**
- J – Informational, written testimony, Robert Childs, 1 p.**
- K – Informational, packet, Tim Nesbitt, 7 pp.**
- L – Informational, written testimony, Rose Spears, 1 p.**
- M – Informational, written testimony, Vern Smith, 2 pp.**