

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 02, 2003 Hearing Room D  
8:30 A.M. Tapes 72 – 74

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

**MEMBER EXCUSED:** Rep. Gordon Anderson

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

**MEASURES HEARD:** HB 2642 – Work Session  
HB 2191 – Work Session  
HB 2374 – Work Session  
HCR 7 – Public Hearing and Work Session  
HB 2190 – Public Hearing and Work Session  
HB 2349 – 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 72, A</b>		
006	Chair Kruse	Calls meeting to order at 8:45A.M. and opens work session on HB 2642.
<b><u>HB 2642 – WORK SESSION</u></b>		
030	Sandy Thiele-Cirka	Administrator. Summarizes bill and -1 amendments dated 3/21/03 ( <b>EXHIBIT A</b> ).
044	Rep. Tomei	<b>MOTION: Moves to ADOPT HB 2642-1 amendments dated 3/21/03.</b>
045		<b>VOTE: 5-0-2</b>
046	Chair Kruse	<b>EXCUSED: 2 - Anderson, Westlund</b>
047	Rep. Tomei	<b>Hearing no objection, declares the motion CARRIED.</b> <b>MOTION: Moves HB 2642 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.</b>
051		<b>VOTE: 5-0-2</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 2 - Anderson, Westlund</b>
055	Chair Kruse	<b>The motion CARRIES.</b>
056	Chair Kruse	Closes work session on HB 2642 and opens work session on HB 2191.
<b><u>HB 2191 – WORK SESSION</u></b>		
061	Thiele-Cirka	Summarizes bill and -2 amendments dated 3/26/03 ( <b>EXHIBIT B</b> ).
087	Donna Middleton	Director, Oregon Commission on Children and Families (OCCF). Reiterates previous testimony regarding cooperation

097	Rep. Tomei	with child care commission with or without legislation.
098	Middleton	Questions workload impact on OCCF. Explains impact of additional responsibilities regarding current funding and staff levels.
113	Rep. Monnes Anderson	Indicates the need to emphasize child care in statute.
121	Chair Kruse	Relates intent regarding bill.
128	Rep. Tomei	<b>MOTION: Moves to ADOPT HB 2191-2 amendments dated 3/26/03.</b>
129		<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Anderson, Westlund</b>
131	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>
132	Rep. Tomei	<b>MOTION: Moves HB 2191 to the floor with a DO PASS AS AMENDED recommendation.</b>
144		<b>VOTE: 5-0-2</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 2 - Anderson, Westlund</b>
148	Chair Kruse	<b>The motion CARRIES.</b> <b>MONNES ANDERSON will lead discussion on the floor.</b>
149	Chair Kruse	Closes work session on HB 2191 and opens work session on HB 2374.
<b><u>HB 2374 – WORK SESSION</u></b>		
159	Thiele-Cirka	Summarizes bill and -4 amendments dated 3/27/03 ( <b>EXHIBIT C</b> ). Submits letter from Department Consumer and of Business Services (DCBS) ( <b>EXHIBIT D</b> ).
178	Rep. Monnes Anderson	Questions outstanding concerns with amendments.
182	Chair Kruse	Clarifies all parties are now in agreement on -4 amendments.
189	Rep. Barker	<b>MOTION: Moves to ADOPT HB 2374-4 amendments dated 3/27/03.</b>
191	Chair Kruse	<b>VOTE: 5-0-2</b> <b>EXCUSED: 2 - Anderson, Westlund</b> <b>Hearing no objection, declares the motion CARRIED.</b>
194	Rep. Barker	<b>MOTION: Moves HB 2374 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.</b>
194		<b>VOTE: 5-0-2</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 2 - Anderson, Westlund</b>
206	Chair Kruse	<b>The motion CARRIES.</b>
207	Chair Kruse	Closes work session on HB 2374 and opens public hearing on HCR 7. Submits article ( <b>EXHIBIT E</b> ).
<b><u>HCR 7 – PUBLIC HEARING</u></b>		
219	Rep. Jeff Merkley	House District 47. Testifies in memoriam of Gerald J. Bieberle. Offers biographical information on Bieberle's legislative work.
323	Chair Kruse	Speaks to passage of resolutions. Relates personal experiences with Bieberle.
373	Bonnie Davidson	Executive Director, Community Action Directors of Oregon. Submits written testimony in support of resolution ( <b>EXHIBIT F</b> ). Relates personal experiences.
<b>TAPE 73, A</b>		
028	Ellen Lowe	Constituent. Submits written testimony in support of resolution

059	Kathryn Weit	(EXHIBIT G). Relates personal experiences with Bieberle. Oregon Developmental Disabilities Coalition. Testifies in support of resolution. Relates personal experiences with Bieberle regarding support of persons with developmental disabilities.
076	Brian DeLashmitt	Constituent. Testifies in support of resolution. Relates personal experiences with Bieberle. Notes Bieberle's dedication to clients and to his work continuing after his death.
094	John Blatt	Executive Director, Association of Oregon Community Development Organizations and Co-Chair, Housing Coalition. Testifies in support of resolution. Relates personal experiences with Bieberle in regard to affordable housing.
130	Phyllis Rand	Governor's Commission on Seniors. Testifies in support of resolution. Relates personal experiences with Bieberle.
148	Chair Kruse	Closes public hearing on HCR 7 and opens work session on HCR 7.

**HCR 7 – WORK SESSION**

<b>150</b>	<b>Rep. Tomei</b>	<b>MOTION: Moves HCR 7 be sent to the floor with a BE ADOPTED recommendation.</b>
152	Rep. Westlund	Comments on Bieberle's work at legislature.
155	Rep. Barker	Comments on passage of memorials.
172	Rep. Dalto	Comments on Bieberle's work at legislature.
<b>190</b>		<b>VOTE: 6-0-1</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 1 - Anderson</b> <b>The motion CARRIES.</b> <b>MERKLEY will lead discussion on the floor.</b>
<b>193</b>	<b>Chair Kruse</b>	
197	Chair Kruse	Closes work session on HCR 7 and opens public hearing on HB 2190.

**HB 2190 – PUBLIC HEARING**

209	Thiele-Cirka	Summarizes bill.
220	Tamara Brickman	Legislative Coordinator, Oregon Employment Department. Submits written testimony in support of HB 2190 (EXHIBIT H).
255	Chair Kruse	Closes public hearing on HB 2190 and opens work session on HB 2190.

**HB 2190 – WORK SESSION**

<b>254</b>	<b>Rep. Monnes Anderson</b>	<b>MOTION: Moves HB 2190 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.</b>
<b>261</b>		<b>VOTE: 6-0-1</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 1 - Anderson</b> <b>The motion CARRIES.</b>
<b>268</b>	<b>Chair Kruse</b>	
270	Chair Kruse	Closes work session in HB 2190 and opens public hearing on HB 2349.

**2349 – PUBLIC HEARING**

272	Thiele-Cirka	Summarizes bill.
287	Gwen Dayton	Vice President and General Counsel, Oregon Association of Hospitals and Health Systems (OAHH). Submits written testimony in support of bill (EXHIBIT I). Discusses funding from state and other sources. Discusses facility participants.
380	Dayton	Continues section by section analysis of bill. Addresses technical

aspects and defines terminology. Addresses issues discovered via workgroup.

**TAPE 72, B**

020	Dayton	Continues explanation on access to information and patient data. Addresses cost and fees.
109	Rep. Tomei	Questions legality of fee without participation.
110	Dayton	Reports fee is legal.
113	Chair Kruse	Clarifies inclusion of participants.
119	Dayton	Notes fee without participation has not been contested to date. Discusses consumer advisory group. Presents scope and guidelines of board and advisory groups.
161	Chair Kruse	Questions if the fees are based on facility size.
166	Dayton	Notes establishment of equitable method in determining fees. Discusses termination of participation from program.
183	Rep. Tomei	Questions termination procedure and appeals process.
187	Dayton	Reports board can establish contested case hearings process.
192	Rep. Monnes Anderson	Inquires on correlation with collective bargaining contracts.
197	Dayton	Explains participants in program are not entitled to collective bargaining as program is not affiliated with a union.
209	Rep. Monnes Anderson	Questions definition of serious adverse event. Comments on existing collective bargaining contracts with faculties.
214	Dayton	Explains participant is facility not individual. Discusses auditing and budget issues. Details request for state to provide percentage of cost to administer program.
252	Rep. Tomei	Inquires on referral to Ways and Means.
255	Dayton	Responds affirmatively. Defines information shielded from discovery. Comments on reporting as it relates to civil and criminal litigation.
337	Rep. Monnes Anderson	Inquires on District Attorney opinion regarding litigation.
344	Dayton	Reports Health Division's legal counsel advised on bill.
353	Rep, Monnes Anderson	Questions policy on civil proceedings.
365	Dayton	Clarifies legal aspects of confidentiality specific to information provided to program. Notes sunset provision and emergency clause.
395	Chair Kruse	Questions status of the -2 amendments dated 4/1/03 ( <b>EXHIBIT J</b> ).
400	Dayton	Reports -2 amendments are acceptable.
405	Lowe	Submits written testimony in support of bill and -2 amendments ( <b>EXHIBIT K</b> ). Explains role and function of workgroup. Notes impact of bill on health care providers and consumers. Relates patient safety as a statewide issue.

**TAPE 73, B**

048	Roy Magnusson	Medical Director, Oregon Health and Sciences University (OHSU) Clinics. Submits written testimony in support of bill ( <b>EXHIBIT L</b> ). Offers background on issues. Speaks to similar efforts by local and national facilities. Details reasons for and result of patient safety data collection statute.
151	June Ann Cole	Oregon Nurses Association (ONA). Testifies in support of bill. Relates stories of compromised patient safety.
192	Grant Higginson, M.D.	State Public Health Officer, Health Services, Department of Human Services (DHS). Submits written testimony ( <b>EXHIBIT</b>

		<b>M).</b> Addresses participation incentives relating to mandatory fees. Notes number of facilities interested in participation. Comments on funding issues. Notes barriers to reporting incidents. Reports bill does not inhibit legal action regarding litigation.
319	Chair Kruse	Questions the need to develop additional amendments.
331	Higginson	Explains.
356	Rep. Tomei	Inquires on systems issues in regard to error.
396	Higginson	Presents examples of system errors versus individual error.
391	Kathleen Haley	Executive Director, Board of Medical Examiners (BME). Submits written testimony ( <b>EXHIBIT N</b> ). Notes close work with interested parties. Reports BME does not want access to corporation's records but requests language maintaining current access to individual practitioner records for litigation purposes.
422	Chair Kruse	Requests clarification on BME concerns.
443	Dayton	Points out language addressing concerns are included in -2 amendments. Notes concern that broad language expands current subpoena powers.
<b>TAPE 74, A</b>		
020	Haley	Requests opportunity to review -2 amendments.
030	Chair Kruse	Clarifies intent. Submits written testimony from Tom Holt. ( <b>EXHIBIT O</b> ). Closes public hearing on HB 2349 and adjourns meeting at 10:32 A.M.

## **EXHIBIT SUMMARY**

- A – HB 2642, -1 amendment, dated 3/21/03, Staff, 8 pp.**
- B – HB 2191, -2 amendments, dated 3/26/03, Staff, 3 pp.**
- C – HB 2374, -4 amendments, dated 3/27/02, Staff, 2 pp.**
- D – HB 2374, written testimony, DCBS, 1 p.**
- E – HCR 7, article, Staff, 2 pp.**
- F – HCR 7, written testimony, photos, Bonnie Davidson, 3 pp.**
- G – HCR 7, written testimony, Ellen Lowe, 4 pp.**
- H – HB 2190, written testimony, Tamara Brickman, 1 p.**
- I – HB 2349, written testimony, Gwen Dayton, 5 pp.**
- J – HB 2349, -2 amendments, dated 4/1/03, Staff, 15 pp.**
- K – HB 2349, written testimony, Ellen Lowe, 1 p.**
- L – HB 2349, written testimony, Roy Magnusson, 2 p.**
- M – HB 2349, written testimony, Grant Higginson, 3 pp.**
- N – HB 2349, written testimony, Kathleen Haley, 1 p.**
- O – HB 2349, written testimony, Tom Holt, 1 p.**