

HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 28, 2003 Hearing Room D
8:30 A.M. Tapes 97 – 98

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 HEARD: HB 2120 – Work Session
HB 2165 – Work Session
HB 2609 – Work Session
HB 2828 – Work Session
HB 3574 – Work Session
SB 878 – Public Hearing and Work Session
SB 74A – Public Hearing
SB 192 – Public Hearing and Work Session

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 97, A		
004	Chair Kruse	Calls meeting to order at 8:45 A.M. and opens work session on HB 2120.
<u>HB 2120 – WORK SESSION</u>		
008	Sandy Thiele-Cirka	Administrator. Summarizes bill and -6 amendments dated 4/23/03 (EXHIBIT A).
031	Gordon Fultz	Association of Oregon Counties. Speaks to and supports resolutions made by -6 amendments.
046	Donna Middleton	Director, Oregon Commission on Children and Families. Notes joint participation with public health and mental health. Supports -6 amendments.
056	Janet Carlson	Marion County Commissioner. Notes statute codifies current joint approval processes. Supports -6 amendments.
069	Rep. Tomei	MOTION: Moves to ADOPT HB 2120-6 amendments dated 4/23/03.
070		VOTE: 6-0-1
		EXCUSED: 1 - Monnes Anderson
071	Chair Kruse	Hearing no objection, declares the motion CARRIED.
072	Rep. Tomei	MOTION: Moves HB 2120 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.
075		VOTE: 6-0-1
		AYE: In a roll call vote, all members present vote AYE.

085	Chair Kruse	EXCUSED: 1 - Monnes Anderson
090	Chair Kruse	The motion CARRIES. Closes work session on HB 2120 and opens work session on HB 2165.
<u>HB 2165 – WORK SESSION</u>		
092	Thiele-Cirka	Summarizes bill and -3 amendments dated 4/25/03 (EXHIBIT B).
112	Rep. Tomei	MOTION: Moves to ADOPT HB 2165-3 amendments dated 4/25/03.
113		VOTE: 6-0-1
114	Chair Kruse	EXCUSED: 1 - Monnes Anderson Hearing no objection, declares the motion CARRIED.
115	Rep. Tomei	MOTION: Moves HB 2165 to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.
123		VOTE: 6-0-1 AYE: In a roll call vote, all members present vote AYE.
130	Chair Kruse	EXCUSED: 1 - Monnes Anderson The motion CARRIES.
131	Chair Kruse	Closes work session on HB 2165 and announces HB 2251 will not be heard. Opens work session on HB 2609.
<u>HB 2609 – WORK SESSION</u>		
140	Thiele-Cirka	Summarizes bill and -1 amendments, dated 4/23/03 (EXHIBIT C) and -2 amendments, dated 4/25/03 (EXHIBIT D).
165	Jim Gardner	Pharmaceutical Researchers and Manufacturers of America (PhRMA). Discusses changes created by -1 amendments.
208	Bruce Goldberg	Addresses issue of evidentiary determination of drug quality. Administrator, Office of Health Policy. Notes bill denies state authority to approve drugs based on price. Comments on fiscal responsibility of state. Suggests language to further amend -1 amendments.
231	Marsha Keith	MERCK Company. Discusses inserting word “nausea” via -2 amendments.
245	Gardner	Clarifies language in lines 15 through 17 of -1 amendments (EXHIBIT C).
266	Chair Kruse	Inquires on opposition to bill.
273	Goldberg	Comments on language regarding absence of evidence as it applies to drugs outside of mental health, HIV and cancer.
284	Rep. Tomei	Inquires on possible changes to address concerns.
287	Goldberg	Suggests changes to bill and amendments.
292	Rep. Anderson	Inquires on managed care as it provides greater discretion.
298	Goldberg	Comments on fully capitated health plans and future of health care.
312	Chair Kruse	Notes suggests changes forgoes research regarding evidentiary selection.
323	Goldberg	Comments on evidence available to state for review.
333	Chair Kruse	Comments on previous legislation regarding prescription drugs.
353	Goldberg	Notes differences between prior authorization and preferred drug lists. Notes use of management tools in absence of evidence.
386	Chair Kruse	Discusses evidence as it relates to physician choice.
403	Goldberg	Concurs with use of cost as deterrents when evidence of superior quality is absent.
417	Gardner	Addresses issue of legislative intent regarding evidentiary

457	Rep. Anderson	standard. Submits written testimony (EXHIBIT E).
464	Gardner	Inquires on availability of evidence.
493	Rep. Anderson	Discusses available evidence regarding clinical effectiveness.
TAPE 98, A		
024	Gardner	Inquires on balance between effectiveness and cost.
038	Rep. Tomei	Discusses clinical effectiveness by class.
042	Keith	Inquires on addition of nausea.
052	Rep. Westlund	Notes nausea is as common a side effect as others currently listed.
074	Chair Kruse	Notes broad scope of side effects in regard to expanding list.
090	Rep. Westlund	Orders committee to stand at ease. Reconvenes meeting.
		MOTION: Moves to ADOPT HB 2609-1 amendments dated 4/23/03.
094	Rep. Dalto	Notes position of Pharmacists Association.
099		VOTE: 5-1-1
		AYE: 5 - Anderson, Barker, Dalto, Westlund, Kruse
		NAY: 1 - Tomei
		EXCUSED: 1 - Monnes Anderson
100	Chair Kruse	The motion CARRIES.
102	Rep. Westlund	MOTION: Moves HB 2609 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
105	Rep. Tomei	Notes current fiscal impact of bill to state.
123		VOTE: 5-1-1
		AYE: 5 - Anderson, Barker, Dalto, Westlund, Kruse
		NAY: 1 - Tomei
		EXCUSED: 1 - Monnes Anderson
128	Chair Kruse	The motion CARRIES.
129	Chair Kruse	Closes work session on HB 2609 and opens work session on HB 2828.
<u>HB 2828 – WORK SESSION</u>		
138	Martin Taylor	Oregon Nurses Association. Explains bill. Notes other amendments. Submits and summarizes -4 amendments, dated 4/25/03 (EXHIBIT F). Supports bill.
192	J. L. Wilson	Co-Chair, Management Labor Advisory Committee (MLAC). Notes organizations history, structure and decision making process. Comments on previous workers compensation reforms. Testifies in opposition to bill.
259	Rep. Tomei	Requests information on specific issues of objection.
263	Wilson	Addresses maintaining integrity of 1990 agreements.
276	Rep. Dalto	Clarifies objection relates to MLAC process not Nurse Practitioners.
279	Wilson	Notes bill overturns 1990 reforms. Comments on setting precedent which opens door to other professions.
312	Rep. Tomei	Inquires on members of MLAC in opposition.
314	Wilson	Explains decision.
329	Chair Kruse	States concerns.
337	Rep. Tomei	MOTION: Moves to ADOPT HB 2828-4 amendments dated 4/25/03.
340	Rep. Tomei	Comments on need for changes in health care.
349		VOTE: 6-0-2
		EXCUSED: 1 - Monnes Anderson, Westlund
350	Chair Kruse	Hearing no objection, declares the motion CARRIED.

363	Rep. Tomei	MOTION: Moves HB 2828 to the floor with a DO PASS AS AMENDED recommendation.
357	Rep. Dalto	Comments on MLAC objections.
365	Chair Kruse	Comments on workers compensation system.
375	Rep. Anderson	Explains concerns regarding 30 day time limit.
396		VOTE: 4-1-2 AYE: 4 - Barker, Dalto, Tomei, Kruse NAY: 1 - Anderson EXCUSED: 2 - Monnes Anderson, Westlund The motion CARRIES. MONNES ANDERSON will lead discussion on the floor.
402	Chair Kruse	
413	Chair Kruse	Closes work session on HB 2828 and opens work session on HB 3574.
<u>HB 3574 – WORK SESSION</u>		
420	Thiele-Cirka	Summarizes bill and -2 amendments, dated 4/23/03 (EXHIBIT G). Notes lack of fiscal prevents rescind of referral.
467	Chair Kruse	Closes work session on HB 3574 and opens public hearing on SB 878.
<u>TAPE 97, B</u>		
<u>SB 878 – PUBLIC HEARING</u>		
025	Modesto Jimenez	Member, Klamath Tribe, representing Klamath Indian Health. Submits written testimony in support of bill. (EXHIBIT H). Notes impact of budget cuts.
047	Jim Edge	Acting Assistant Administrator, Office of Medical Assistance Programs (OMAP), Department of Human Services (DHS). Submits written testimony in supports of bill (EXHIBIT I). Details DHS involvement in Indian health issues. Notes no fiscal impact to state as funding is federal.
057	Rep. Anderson	Inquires on percent of Native Americans eligible for Oregon Health Plan (OHP).
062	Edge	Presents data.
075	Chair Kruse	Speaks to tribal benefits from Casinos.
100	Verne Buerner	Administrative Officer, Northwest Portland Indian Health Board. Submits written testimony in support of bill (EXHIBIT J). Presents history of bill and overview of Indian health issues.
131	Jackie Murcer	Executive Director, Native American Rehabilitation Association (NARA). Testifies in support of bill. Presents overview of agency and Indian health disparity.
148	Rep. Anderson	Inquires on population served.
151	Murcer	Explains tribal membership and communities served.
155	Chair Kruse	Closes public hearing on SB 878 and opens work session on SB 878.
<u>SB 878 – WORK SESSION</u>		
157	Rep. Tomei	MOTION: Moves SB 878 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
161		VOTE: 5-0-2 AYE: In a roll call vote, all members present vote AYE. EXCUSED: 2 - Dalto, Monnes Anderson The motion CARRIES.
167	Chair Kruse	
168	Chair Kruse	Closes work session on SB 878 and opens public hearing on SB 74A.
<u>SB 74A – PUBLIC HEARING</u>		

172	Thiele-Cirka	Summaries bill.
186	Senate President Peter Courtney	Senate President, Senate District 11. Submits written testimony in support of bill. (EXHIBIT K) . Presents overview of disease and history of bill.
235	Tim Kelsh	Constituent. Submits written testimony in support of bill (EXHIBIT L) . Relates personal experience with insurance coverage for daughters disease.
303	Katie Kelsh	Phenylketonua (PKU) patient. Submits written testimony in support of bill (EXHIBIT M) . Relates personal experience with disease.
340	Rep. Tomei	Inquires on medical diet.
343	Katie Kelsh	Reports dietary restrictions and formula used.
387	Tim Kelsh	Notes consequences of disease.
416	Michael Skeels, Ph. D.	Administrator, Health Services, Office of Oregon State Public Health Labs. Submits written testimony in support of bill (EXHIBIT N) . Discusses screening and treatment of PKU.
483	Chair Kruse	Inquires on number of detections.
488	Skeels	Reports figures.
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020	Cary Harding, MD	Assistant Professor of Pediatrics and Molecular Genetics, Oregon Health Sciences University (OHSU). Discusses treatment of PKU and metabolic disorders. Addresses connection between screening and treatment.
038	Kathleen Huntington	Medical Nutritional Therapist, OHSU. Submits PowerPoint presentation (EXHIBIT O) . Discusses need for medical foods in treatment of PKU, including issues related to disparity in medical access and education.
068	Rep. Dalto	Inquires on access to medical foods.
071	Huntington	Details treatment and distribution of medical foods and formula.
083	Chair Kruse	Inquires on Medicaid coverage.
084	Huntington	Reports coverage by Medicaid.
085	Skeels	Notes Oregon Medical Assistance Program (OMAP) support via Medicaid.
086	Huntington	Continues PowerPoint presentation.
122	Rep. Tomei	Inquires on composition of medical beverage.
123	Huntington	Describes properties of medical beverage. Addresses costs associated with coverage of medical needs for PKU population. Continues PowerPoint presentation. Addresses cost to state for treatment versus special education and other medical costs.
175	Michelle Hunter	Testifies in support of bill. Relates personal experience with PKU.
204	Jennifer Jones	Behavioral Therapist. Reads written testimony in support of bill (EXHIBIT P) .
245	Joanne Rogovoy	State Director, Program Services, March of Dimes. Submits written testimony in support of bill (EXHIBIT Q) . Discusses screening and treatment issues.
268	Peggy Anet	Health Insurance Association of America. Submits written testimony (EXHIBIT R) . Discusses need for sunset clause on health mandates.
324	Rep. Tomei	Inquires on submitted figures.
325	Anet	Reports figures are for Oregon.
326	Chair Kruse	States intent regarding sunset clause. Closes public hearing on SB 74A and opens public hearing on SB 192.

364	Thiele-Cirka	Summarizes bill.
378	Madeline Olson	Assistant Administrator, Health Services, Office of Mental Health and Addiction Services. Submits testimony in support of bill (EXHIBIT S). Discusses addition of staff to increase collaboration between agencies.
393	Chair Kruse	Closes public hearing on SB 192 and opens work session on SB 192.
<u>SB 192 – WORK SESSION</u>		
395	Rep. Dalto	MOTION: Moves SB 192 to the floor with a DO PASS recommendation.
399		VOTE: 5-0-2 AYE: In a roll call vote, all members present vote AYE. EXCUSED: 2 - Monnes Anderson, Westlund
403	Chair Kruse	The motion CARRIES.
404	Rep. Tomei	MOTION: Moves SB 192 be placed on the CONSENT CALENDAR.
405		VOTE: 5-0-2 EXCUSED: 2 - Monnes Anderson, Westlund
407	Chair Kruse	Hearing no objection, declares the motion CARRIED.
411	Chair Kruse	Closes work session on SB 192 and adjourns meeting at 10:44 A.M.

EXHIBIT SUMMARY

A – HB 2120, -6 amendments, dated 4/23/03, staff 18 pp.
B – HB 2165, -3 amendments, dated 4/25/03, staff, 6 p.
C – HB 2609, -1 amendments, dated 4/23/03, staff, 1 p.
D – HB 2609, -2 amendments, dated 4/25/03, staff, 1 p.
E – HB 2609, written testimony, Jim Gardner, 4 pp.
F – HB 2828, -4 amendments, dated 4/25/03, staff, 19 pp.
G – HB 3574, -2 amendments, dated 4/23/03, staff, 5 pp.
H – SB 878, written testimony, Modesto Jimenez, 3 pp.
I – SB 878, written testimony, Jim Edge, 2 pp.
J – SB 878, written testimony, Verne Buerner, 25 pp.
K – SB 74, written testimony, Senate President, Peter Courtney, 3 pp.
L – SB 74, written testimony, Tim Kelsh, 6 pp.
M – SB 74m written testimony, Katie Kelsh, 5 pp.
N – SB 74, written testimony, Michael Skeels, Ph. D., 2 pp.
O – SB 74, PowerPoint presentation and written testimony, Kathleen Huntington, 6 pp.
P – SB 74, written testimony, Jennifer Jones, 1 p.
Q – SB 74, written testimony, Joanne Rogovoy, 3 pp.
R – SB 74, written testimony, Peggy Anet, 4 pp.
S – SB 192, written testimony, Madeline Olson, 1 p.