

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 30, 2003 Hearing Room D  
8:30 A.M. Tapes 99 – 101

**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:**            **HB 2251 – Work Session**  
                                  **SB 434 – Public Hearing and Work Session**  
                                  **SB 436 – Public Hearing and Work Session**  
                                  **SB 162A – Public Hearing and Work Session**  
                                  **SB 163 – Public Hearing and Work Session**  
                                  **SB 164 – Public Hearing and Work Session**  
                                  **SB 393 – Public Hearing and Work Session**

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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 99, A</b>		
004	Chair Kruse	Calls meeting to order at 8:45 A.M. and opens work session on HB 2251.
<b><u>HB 2251 – WORK SESSION</u></b>		
010	Grant Higginson MD	State Public Health Officer, Department of Human Services (DHS). Reports all interested parties agree to -2 amendments, dated 4/28/03 ( <b>EXHIBIT A</b> ). Summarizes scope of bill.
115	Rep. Monnes Anderson	Inquires on definition of public health crisis.
117	Higginson	Directs to language in bill that provides definition.
125	Rep. Monnes Anderson	Inquires on issues related to release of information.
138	Higginson	Explains access privileges to health records.
152	Rep. Dalto	Request information on immediate action taken during impending health crisis.
156	Higginson	Explains actions are relative to particular needs of specific crisis. Offers examples of protocols.
173	Rep. Anderson	Inquires on federal funding.
177	Higginson	Discusses current federal grant dollars and federal model on emergency preparedness. Notes fiscal impact.
196	Rep. Monnes Anderson	Inquires on the Health Insurance Portability and Accountability Act (HIPAA) regulations.
199	Higginson	Notes amendments language ensures there is no conflict with HIPAA.
205	Chair Kruse	Comments on ability to respond at low crisis level.
211	Higginson	Concurs intent of bill.

215	Rep. Anderson	<b>MOTION: Moves to ADOPT HB 2251-2 amendments dated 4/28/03.</b>
216		<b>VOTE: 6-0-1</b>
		<b>EXCUSED: 1 - Westlund</b>
217	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>
218	Rep. Anderson	<b>MOTION: Moves HB 2251 to the floor with a DO PASS AS AMENDED recommendation.</b>
225		<b>VOTE: 6-0-1</b>
		<b>AYE: In a roll call vote, all members present vote AYE.</b>
		<b>EXCUSED: 1 - Westlund</b>
229	Chair Kruse	<b>The motion CARRIES.</b>
		<b>REP. KRUSE will lead discussion on the floor.</b>
230	Chair Kruse	Closes work session on HB 2251 and opens public hearing on SB 434a and SB 436.

**SB 434A AND SB 436 – PUBLIC HEARING**

242	Sen. Joan Dukes	Senate District 16. Testifies in support of SB 434A and SB 436. Submits written testimony for SB 436 ( <b>EXHIBIT B</b> ). Notes definition and treatment of intractable pain. Discusses policies and protocols in effective pain management. Summarizes impact and scope of bills.
403	Rep. Anderson	Inquires on liability issues.
428	Sen. Dukes	Reports on Board of Medical Examiners (BME) role in monitoring prescription of narcotics. Notes other training efforts directed at physicians.

**TAPE 100, A**

003	Allen Chino, PhD	Pain Management Commission. Testifies in support of SB 436. Relates barriers to effective pain management treatment. Discusses issues related to addiction and sue addiction.
052	Rep. Tomei	Inquires on addictive behavior and remedy.
055	Chino	Comments on behaviors that appear to indicate addiction. Reports methods to control addictions.
061	Rep. Tomei	Requests further clarity.
062	Chino	Discusses issues reported by physicians prescribing narcotics and tools to manage abuses.
080	Rep. Monnes Anderson	Comments on access to narcotics.
091	Chino	Comments on motivation and intent of bill. Cautious committee on using examples of abuse to drive statute.
106	Rep. Anderson	Inquires on term of care.
115	Chino	Defines intractable pain and goal of treatment.
129	Rep. Gary Hansen	House District 44. Discusses work with Pain Management Commission. Addresses impact of bills on treatment and clients.
153	Chino	Submits video tape presentation.
378	Rep. Tomei	Inquires on psychologists prescriptive rights.
379	Rep. Hansen	Notes bills do not include psychologists prescriptive rights. Comments on personal experience with treatment of pain.
429	Rep. Barker	Inquires on ability of BME to investigate.
439	Chino	Discusses good practice policies and procedures.
459	Kathy Hahn	Chair, Pain Management Commission. Notes commissions support of bills.
477	Rep. Monnes Anderson	Inquires on physician ability to get second opinion.
478	Hahn	Reports physician's ability to seek second opinion is not

		impacted.
<b>TAPE 99, B</b>		
026	Kathleen Haley	Executive Director, BME. Submits packet on intractable pain law and requirements ( <b>EXHIBIT C</b> ). Discusses BME position and concerns. Addresses issues regarding treatment of intractable pain. Notes BME supports SB 434 and opposes SB 436.
099	Carol Misrack	Oregon State Pain Management Coordinator. Comments on patient advocate issues. Notes physicians use BME regulations as a reason for not treating intractable pain. Notes need for training and education.
148	Chair Kruse	Closes public hearing on SB 434 and SB 436 and opens work session on SB 434.
<b><u>SB 434 – WORK SESSION</u></b>		
151	Rep. Tomei	<b>MOTION: Moves SB 434 to the floor with a DO PASS recommendation.</b>
159		<b>VOTE: 7-0-0</b>
		<b>AYE: In a roll call vote, all members present vote AYE.</b>
162	Chair Kruse	<b>The motion CARRIES.</b>
		<b>REP. TOMEI will lead discussion on the floor.</b>
166	Chair Kruse	Closes work session on SB 434 and opens work session on SB 436.
<b><u>SB 436 – WORK SESSION</u></b>		
168	Rep. Anderson	Requests more info from BME.
174	Haley	Notes reasons BME does not support SB 436.
185	Chair Kruse	Notes specific language about retaining patients.
189	Haley	Reports BME concerns.
202	Rep. Dalto	Expresses concern over liability issues.
216	Haley	Addresses issues with use of one form for treatment.
231	Misrack	Addresses policy issues in treatment.
245	Rep. Dalto	Requests further clarity on form.
247	Haley	Reports copy of form is included in testimony ( <b>EXHIBIT C</b> ).
261	Misrack	Discusses other contracts between physicians and patients.
270	Rep. Monnes Anderson	Notes concern over form. Expresses need for physicians and agency to agree on formatting.
289	Rep. Anderson	Requests consensus among interested parties.
300	Sen. Dukes	Explains tools to ensure proper formatting and charting issues. Notes BME has control over the creation and modification of BME.
337	Rep. Monnes Anderson	Points out BME could oversee issue by rule.
342	Sen. Dukes	Comments on BME policy.
374	Chair Kruse	Suggests conceptual amendment.
411	Rep. Kruse	<b>MOTION: Moves to SUSPEND the rules for the purpose of conceptually amending SB 436.</b>
412		<b>VOTE: 7-0-0</b>
413	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>
418	Rep. Kruse	<b>MOTION: Moves to FURTHER AMENDED SB 436 on page 2, line 10, by deleting "in a form provided and approved by the" and on page 2, line 11, by deleting "board".</b>
421		<b>VOTE: 7-0-0</b>
422	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>

425	Rep. Barker	<b>MOTION: Moves SB 436 to the floor with a DO PASS AS AMENDED recommendation.</b>
512		<b>VOTE: 6-1-1</b> <b>AYE: 6 - Barker, Dalto, Monnes Anderson, Tomei, Westlund, Kruse</b> <b>NAY: 1 - Anderson</b> <b>The motion CARRIES.</b> <b>REP. BARKER will lead discussion on the floor.</b>
519	Chair Kruse	
<b>TAPE 100, B</b>		
032	Chair Kruse	Closes work session on SB 436 and opens public hearing on SB 162.
<b><u>SB 162A – PUBLIC HEARING</u></b>		
037	Thiele-Cirka	Summarizes bill.
047	Greg Garcia, ND	Chair, Oregon Board of Naturopathic Examiners. Testifies in support of bill. Discusses impact of specific language in bill.
070	Rep. Monnes Anderson	Inquires on accreditation.
073	Garcia	Reports agency accrediting colleges.
077	Chair Kruse	Closes public hearing on SB 162A and opens work session on SB 162A.
<b><u>SB 162A – WORK SESSION</u></b>		
079	Rep. Tomei	<b>MOTION: Moves SB 162A to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.</b>
067		<b>VOTE: 6-0-1</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 1 - Westlund</b> <b>The motion CARRIES.</b>
093	Chair Kruse	
094	Chair Kruse	Closes work session on SB 162A and opens public hearing on SB 163.
<b><u>SB 163 – PUBLIC HEARING</u></b>		
095	Garcia	Summarizes bill.
105	Rep. Tomei	Inquires on specific language in bill.
110	Garcia	Explains language as it relates to licensing of physicians.
118	Chair Kruse	Closes public hearing on SB 163 and opens work session on SB 163.
<b><u>SB 163 – WORK SESSION</u></b>		
122	Rep. Barker	<b>MOTION: Moves SB 163 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.</b>
125		<b>VOTE: 6-0-1</b> <b>AYE: In a roll call vote, all members present vote AYE.</b> <b>EXCUSED: 1 - Westlund</b> <b>The motion CARRIES.</b>
129	Chair Kruse	
130	Chair Kruse	Closes work session on SB 163 and opens public hearing on SB 164.
<b><u>SB 164 – PUBLIC HEARING</u></b>		
132	Garcia	Summarizes bill.
151	Chair Kruse	Closes public hearing on SB 164 and opens work session on SB 164.
<b><u>SB 164 – WORK SESSION</u></b>		
154	Rep. Barker	<b>MOTION: Moves SB 164 to the floor with a DO PASS</b>

**recommendation and be placed on the CONSENT  
CALENDAR.**

155

**VOTE: 6-0-1**

**AYE: In a roll call vote, all members present vote  
AYE.**

**EXCUSED: 1 - Westlund**

**The motion CARRIES.**

162

**Chair Kruse**

Closes work session on SB 164 and opens public hearing on SB 393.

163

Chair Kruse

**SB 393 – PUBLIC HEARING**

166

Thiele-Cirka

Summarizes bill.

173

Art Keil

Oregon Association of Naturopathic Physicians (OANP).  
Submits written testimony in support of bill (**EXHIBIT D**).  
Details Naturopathic physician training as it relates to definition  
of “physician” for the purpose of allowing Naturopaths to  
perform physical exams for high school sports participants.  
Explains bill does not impact current scope of practice.

241

Aris Campbell, ND

Legislative Chair, OANP. Submits written testimony in support  
of bill (**EXHIBIT E**). Details educational criteria and  
requirements for naturopathic medical students.

301

Rep, Monnes  
Anderson

Inquires on colleges offering training.

305

Campbell

Reports colleges across the west coast.

311

Rep. Tomei

Inquires on student’s ability to study at hospitals.

319

Campbell

Explains residency opportunities.

342

Rep. Anderson

Inquires on surgical procedures performed by naturopathic  
physicians.

347

Campbell

Reports procedures. Notes status as family practice doctors.

370

Keil

Notes other procedures performed by naturopathic physicians.  
Discusses hospital privileges.

386

Campbell

Notes goal to integrate conventional and naturopathic medicine.

405

Rep. Monnes  
Anderson

Inquires on liability issues.

410

Campbell

Addresses training and ability of naturopathic physicians to  
attend to sports medicine.

426

Scott Gallant

Oregon Medical Association (OMA). Testifies in opposition to  
bill. Provides history of issue. Discusses specific objections with  
bill.

**TAPE 101. A**

010

Gallant

Continues testimony on bill.

048

Chair Kruse

Inquires on diagnostic tests for sports physicals.

050

Gallant

Can not answer question. Reiterates policy issue.

069

Chair Kruse

Comments on athletic related deaths.

077

Gallant

Reiterates concerns over policy issue.

092

Rep. Monnes  
Anderson

Details procedures involved in a sports physical.

101

Rep. Barker

Notes other medical professionals that provide sports physicals.

108

Gallant

Discusses policies related to athletic medicine.

131

Rep. Barker

Notes naturopathic physicians qualify as physicians as defined by  
statue.

154

Chair Kruse

Closes public hearing on SB 393 and opens work session on SB 393.

**SB 393 – WORK SESSION**

156

**Rep. Tomei**

**MOTION: Moves SB 393 to the floor with a DO PASS**

159 recommendation.  
VOTE: 5-1-1  
AYE: 5 - Barker, Monnes Anderson, Tomei,  
Westlund, Kruse  
NAY: 1 - Anderson  
EXCUSED: 1 - Dalto  
163 Chair Kruse The motion CARRIES.  
REP. TOMEI will lead discussion on the floor.  
165 Chair Kruse Closes work session on SB 393 and adjourns meeting at 11:01  
A.M.

### **EXHIBIT SUMMARY**

- A – HB 2251, -2 amendments, dated 4/28, staff, 32 pp.
- B – SB 436, written testimony, Sen. Joan Dukes, 4 pp.
- C – SB 436, written testimony, Kathleen Haley, 23 pp.
- D – SB 393, written testimony, Art Keil. 4 pp.
- E – SB 393, written testimony, Aris Campbell, 2 pp.