

# HOUSE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 02, 2003 Hearing Room D  
8:30 AM Tapes 102 – 105

**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:** SB 554A – Public Hearing and Work Session  
SB 74A – Work Session  
HB 3574 – Work Session  
SB 401A – Work Session  
SB 13 – Public Hearing and Work Session  
SB 158 – Public Hearing and Work Session  
SB 191 – Public Hearing  
SB 606 – Public Hearing and Work Session  
SB 155 – Public Hearing and Work Session  
HB 2889 – Public Hearing  
HB 2165 – 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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 102, A</b>		
005	Chair Kruse	Calls meeting to order at 8:30 a.m. and opens the meeting as a subcommittee. Opens a public hearing on SB 554A.
<b><u>SB 554A – PUBLIC HEARING</u></b>		
010	Sen. Vicki Walker	Senate District 7. Offers testimony in support of SB 554A. Notes need for adequate timeline to seek other services.
030	Chair Kruse	Opens a full committee meeting, and continues SB 554A public hearing.
040	Michael Buckley	Department of Human Services (DHS). Submits written testimony ( <b>EXHIBIT A</b> ) in support of SB 554A. Relates DHS position on notification of benefit changes.
050	Rep. Monnes Anderson	Asks for a clarification of the witnesses testimony.
055	Buckley	Explains policy regarding standards for general and individual changes.
060	Chair Kruse	Closes the public hearing on SB 554A, and opens a work session on SB 554A.
<b><u>SB 554A – WORK SESSION</u></b>		
065	Rep. Tomei	<b>MOTION: Moves SB 554A to the floor with a DO PASS recommendation.</b>
070		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>

075	Chair Kruse Rep. Tomei	<p><b>EXCUSED: 1 - Anderson</b>  <b>The motion CARRIES.</b>  <b>MOTION: Moves SB 554A be placed on the CONSENT CALENDAR.</b>  <b>VOTE: 6-0</b>  <b>EXCUSED: 1 - Anderson</b>  <b>Hearing no objection, declares the motion CARRIED.</b>  Closes the work session on SB 554A, and recesses the meeting.</p>
075	Chair Kruse	<p><b>RECESS</b></p>
076	Chair Kruse	<p>Reconvenes meeting at 8:55 a.m.. Opens a work session on SB 74A.</p>
<b><u>SB 74A – WORK SESSION</u></b>		
080	Chair Kruse	<p>Summarizes SB 74A and the proposed –A4 amendments <b>(EXHIBIT B)</b>.</p>
085	Rep. Tomei	<p><b>MOTION: Moves to ADOPT SB 74A-4 amendments dated 04/29/03.</b>  <b>VOTE: 6-0</b>  <b>EXCUSED: 1 - Anderson</b>  <b>Hearing no objection, declares the motion CARRIED.</b></p>
090	Chair Kruse Rep. Tomei	<p><b>MOTION: Moves SB 74A to the floor with a DO PASS AS AMENDED recommendation.</b></p>
095		<p><b>VOTE: 6-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Anderson</b></p>
100	Chair Kruse	<p><b>The motion CARRIES.</b>  <b>REP. DALTO will lead discussion on the floor.</b>  Closes the work session on SB 74A and opens a work session on HB 3574.</p>
<b><u>HB 3574 – WORK SESSION</u></b>		
105	Chair Kruse	<p>States the committee is considering the proposed -3 amendments, dated 5/01/03 <b>(EXHIBIT C)</b>. Requests Rep. Monnes Anderson to review.</p>
115	Rep. Monnes Anderson	<p>Introduces and explains the proposed -3 amendments dated 5/01/03 <b>(EXHIBIT C)</b>. Notes the bill has a subsequent referral to the Joint Committee on Ways and Means.</p>
130	Rep. Monnes Anderson	<p><b>MOTION: Moves to ADOPT HB 3574-3 amendments dated 05/01/03.</b>  <b>VOTE: 6-0</b>  <b>EXCUSED: 1 - Anderson</b>  <b>Hearing no objection, declares the motion CARRIED.</b></p>
135	Chair Kruse Rep. Monnes Anderson	<p><b>MOTION: Moves HB 3574 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b></p>
140		<p><b>VOTE: 6-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Anderson</b></p>
145	Chair Kruse Chair Kruse	<p><b>The motion CARRIES.</b>  Closes the work session on HB 3574, and opens a work session on SB 401A.</p>
<b><u>SB 401A – WORK SESSION</u></b>		
150	Sandy Thiele-Cirka	<p>Committee Administrator. Summarizes SB 401A and explains the the reconsideration. Enters into the record written testimony</p>

(**EXHIBIT D**) from Tammie Phillips of the Oregon State Grange regarding SB 401A.  
 States the Speaker has approved the rescinding of the subsequent referral to Ways and Means.  
**MOTION: Moves SB 401A to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.**  
**VOTE: 7-0**  
**AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**  
**MOTION: Moves SB 401A be placed on the CONSENT CALENDAR.**  
**VOTE: 7-0**  
**Hearing no objection, declares the motion CARRIED.**  
 Closes the work session on SB 401A, and opens a public hearing on SB 13.

**SB 13 – PUBLIC HEARING**

185 Thiele-Cirka Summarizes SB 13.  
 200 Donna Middleton Director, Oregon Commission on Children and Families (OCCF). Offers testimony in support of SB 13. Presents the Audit of Oregon’s Programs For Children and Families: Evaluation of Local Coordinated Comprehensive Planning (**EXHIBIT E**).  
 230 Sheila Baker Legislative Analyst, Legislative Fiscal Office. Explains effort to match outcome report language with statutory language. Addresses reporting requirements.  
 Chair Kruse Closes the public hearing on SB 13, and opens a work session on SB 13.

**SB 13 – WORK SESSION**

260 Rep. Anderson **MOTION: Moves SB 13 to the floor with a DO PASS recommendation.**  
 265 Rep. Anderson Acknowledges support for SB 13.  
 280 **VOTE: 7-0**  
**AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**  
 285 Rep. Tomei **MOTION: Moves SB 13 be placed on the CONSENT CALENDAR.**  
**VOTE: 7-0**  
**Hearing no objection, declares the motion CARRIED.**  
 290 Chair Kruse Closes the work session on SB 13, and opens a public hearing on SB 158.  
 Chair Kruse

**SB 158 – PUBLIC HEARING**

295 Thiele-Cirka Summarizes SB 158.  
 305 Mickey Lansing Deputy Director, OCCF. Offers testimony in support of SB 158. Explains defining language regarding community learning centers. Notes effort to make language consistent with statute.  
 335 Chair Kruse Acknowledges support for SB 158. Closes the public hearing on SB 158 and opens a work session on SB 158.

**SB 158 – WORK SESSION**

340 Rep. Tomei **MOTION: Moves SB 158 to the floor with a DO PASS recommendation.**

345 **VOTE: 7-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**The motion CARRIES.**  
350 **Chair Kruse**  
**Rep. Tomei** **MOTION: Moves SB 158 be placed on the CONSENT**  
**CALENDAR.**  
**VOTE: 7-0**  
**Hearing no objection, declares the motion CARRIED.**  
355 **Chair Kruse**  
**Chair Kruse** Closes the work session on SB 158 and opens a public hearing on  
SB 191.

**SB 191 – PUBLIC HEARING**

360 Thiele-Cirka Summarizes SB 191.  
385 Katy King Intergovernmental Relations Liaison, DHS. Submits written  
testimony (**EXHIBIT F**) in support of SB 191, with overview  
reference of the bill (**EXHIBIT G**). Submits into the record  
written testimony from Donald Austin (**EXHIBIT H**), and  
Christy Brewsaugh (**EXHIBIT I**).  
445 Chair Kruse Questions the status of the -1 amendments.  
450 King Indicates that the conceptual amendment was submitted to staff.  
455 Thiele-Cirka Explains that what she has provided to the committee is a hand  
engrossed version.  
460 Scott Gallant Representing Oregon Medical Association (OMA). Explains the  
proposed amendments.  
470 Rep. Tomei Notes change to term “related condition.”  
490 Chair Kruse Closes the public hearing on SB 191 and opens a public hearing  
on SB 606.

**TAPE 103, A**

**SB 606 – PUBLIC HEARING**

030 Thiele-Cirka Summarizes SB 606.  
**The following prepared testimony is submitted for the record without public testimony for SB 606:**  
Staff Submits written testimony (**EXHIBIT J**) regarding SB 606.  
Staff Submits written testimony (**EXHIBIT K**) regarding SB 606.  
035 Chair Kruse Reviews legislative history on the issue.  
040 Sheila Ahern Oregon Association of Licensed Electrologists. Testifies in  
support of SB 606.  
090 Jaimee Bloom Oregon Association of Licensed Electrologists. Testifies in  
support of SB 606, outlining the benefits of injection anesthetics.  
110 Rep. Anderson Questions the length of procedures in question.  
115 Bloom Details the length of the procedures. States that use of such  
anesthetic in tattooing is allowed.  
130 Rep. Anderson Comments on the length of the procedural timeframe.  
135 Bloom Notes previous use of injected anesthetic.  
145 John Christenson Legislative Aide, Senator Margaret Carter. Notes Senator Carter’s  
the support for SB 606.  
Chair Kruse Closes the public hearing on SB 606 and opens a work session on  
SB 606.

**SB 606 – WORK SESSION**

150 **Rep. Tomei** **MOTION: Moves SB 606 to the floor with a DO PASS**  
**recommendation.**  
155 **VOTE: 6-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 - Westlund**  
**Chair Kruse** **The motion CARRIES.**

160	Rep. Dalto	<b>MOTION: Moves SB 606 be placed on the CONSENT CALENDAR.</b>
		<b>VOTE: 6-0</b>
	Chair Kruse	<b>EXCUSED: 1 - Westlund</b>
165	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>
		Closes the work session on SB 606 and opens a public hearing on SB 155.
<b><u>SB 155 – PUBLIC HEARING</u></b>		
170	Thiele-Cirka	Summarizes SB 155 and notes the subsequent referral to Ways and Means. Introduces the proposed -1 amendment ( <b>EXHIBIT L</b> ), and introduces into the record submitted written testimony ( <b>EXHIBIT M</b> ) from Kathy Mann of the Oregon State Board of Psychologist Examiners.
185	David Wade	Hood River, Oregon. Submits written testimony ( <b>EXHIBIT N</b> ) in support of SB 155 and the proposed -1 amendments. Outlines the problems with administering psychiatric care in rural Oregon.
360	Peter Grover	Adult Psychiatrist Unit at Providence Hospital. Testifies in support of SB 155, and the proposed -1 amendments. Outlines the problems with administering psychiatric care in Portland, Oregon.
<b>TAPE 102, B</b>		
010	Susan Patchin	Oregon Psychological Association. Submits written testimony ( <b>EXHIBIT O</b> ) in support of SB 155 and informational packet ( <b>EXHIBIT P</b> ). Details educational and experience requirements for practice. Submits written testimony from Dr. Russ Newman ( <b>EXHIBIT Q</b> ), and Lt. Col. Elaine Mantell ( <b>EXHIBIT R</b> ). Notes support from rural communities. Relates client stories regarding accessing services.
080	Rep. Tomei	Inquires on formulary determination.
085	Patchin	Outlines the policy regarding formulary.
095	Rep. Anderson	Questions if the patients in question experience physical pain.
100	Grover	Comments on issues related to chronic pain, and defers to Dr. Patchin.
105	Patchin	Notes psychologists' participation on the Pain Commission. Comments on practice regarding treatment of pain.
110	Grover	Notes referral to other professionals.
115	Rep. Monnes	Inquires on specific drug in formulary as it related to blood draw for monitoring purposes.
120	Anderson	
120	Patchin	Describes the model as multidisciplinary, and less based on blood analysis.
150	Grover	Discusses extensive training and effort to collaborate with medical professionals.
155	Wade	Points out practice of psychologists in holistic care and assessment.
170	Rep. Phil Barnhart	House District 11. Offers testimony regarding the proposed -1 amendments. Submits proposed -2 amendments ( <b>EXHIBIT S</b> ), and -3 amendments ( <b>EXHIBIT T</b> ). Comments on collaborative efforts between professionals. Addresses training issues.
175	Grover	Questions if other states have similar statutes.
270	Rep. Barnhart	Describes those states currently using similar policy. Discusses -2 and -3 amendments. Discusses administration on psychological tests in Oregon and other states. Enters into the record written testimony ( <b>EXHIBIT U</b> ) from Billie Hinnefeld of the American Psychological Association.

380 John McCully Representing Oregon Psychiatric Association. Submits written testimony (**EXHIBIT V**) in opposition to SB 155.

**TAPE 103, B**

002 Teresa Shelby Beaverton, Oregon. Testifies in opposition to SB 155. Comments on the shortage of care, training and public safety.

055 McCully Points out article summaries attached (**EXHIBIT V**) to his testimony which outline the concerns in the psychiatric community regarding this issue.

060 Rep. Monnes Readdresses the access issue. Questions the psychologist's relationship with the primary care physician.

070 Anderson Shelby Comments on the referrals to primary care physicians.

095 Connie Powell Medical Director, OMA. Reports data on mental illness in Oregon. Discusses treatment by primary care physicians. Emphasizes medical evaluation as public safety issue.

180 Rep. Tomei Comments on training for psychologists. Questions training for general practitioners.

185 Powell Discusses text based training versus clinical internships.

200 Rep. Tomei Comments on percent of mental illness treated by primary care doctors as it relates to psychologists training in field.

210 Powell Reiterates the length of supervised training.

255 Rep. Tomei Health Insurance Association of America (HIAA). Testifies in opposition to SB 155 with the proposed -1 amendments.

375 Rep. Tomei Clarifies Ms. Anet's opposition to the proposed -1 amendments.

380 Anet Notes the possible impact to health insurance companies.

390 Angela Kimball National Alliance for the Mentally Ill (NAMI). Relates her personal experience with psychiatric assessments.

**TAPE 104, A**

035 Sandy Bumpass NAMI Testifies in opposition to the proposed -1 amendments to SB 155. Relates personal experience in assessing mental health issues. Points out the expertise of psychiatrists in diagnosis.

135 Kathy Mann Oregon State Board of Examiners (BME). Presents history and intent of the original bill. Notes BME does not have position on prescriptive authority as outlined in the -1 amendments.

155 Chair Kruse Closes the public hearing on SB 155 and opens a work session on SB 155.

**SB 155 – WORK SESSION**

160 Rep. Tomei **MOTION: Moves to ADOPT SB 155-1 amendments dated 04/29/03.**

165 **VOTE: 1-5**  
**AYE: 1 - Tomei**  
**NAY: 5 - Anderson, Dalto, Monnes Anderson, Westlund, Kruse**  
**EXCUSED: 1 - Barker**  
**The motion FAILS.**

170 Chair Kruse **MOTION: Moves to ADOPT SB 155-2 amendments dated 05/02/03.**  
Rep. Westlund **VOTE: 6-0**  
**EXCUSED: 1 - Barker**  
**Hearing no objection, declares the motion CARRIED.**

175 Chair Kruse **MOTION: Moves SB 155 to the floor with a DO PASS AS**  
Rep. Westlund **AMENDED recommendation and BE**  
**REFERRED to the committee on Ways and**  
**Means by prior reference.**

180	Rep. Tomei	Questions the referral to Ways and Means.
185	Thiele-Cirka	Notes fiscal impact of the bill which was issued on the Senate side.
190	Chair Kruse	Offers his perception of the reasoning for the subsequent referral.
195		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Barker</b> <b>The motion CARRIES.</b>
205	Chair Kruse	Closes the work session on SB 155 and opens a public hearing on HB 2889.

**HB 2889 – PUBLIC HEARING**

210	Thiele-Cirka	Summarizes HB 2889.
220	Rep. Billy Dalto	House District 21. Offers testimony in support of HB 2889. Discusses need for affordable housing for people with developmental disabilities. Addresses need for planning as caretakers of population are aging out of ability to provide care. Comments on the current agency utilizing model.
270	Bob Repine	Director, Oregon Housing and Community Services. Offers testimony in support of HB 2889. Describes current needs and resources for the developmentally disabled population.
355	Marge Turner	Parents. Enters into the record written testimony ( <b>EXHIBIT W</b> ) from Francisco Lopez of the Child, Youth, and Family Integrated Services Network.
400	Dave Turner	Parents. Offers written testimony ( <b>EXHIBIT X</b> ) in support of providing affordable housing for adults with developmental disabilities. Notes population of aging caregivers.
440	Chair Kruse	Points out his reluctance to form costly task force's during the recent economic times. Inquires whether alternative methods of addressing issue could not be explored.
470	Repine	Responds affirmatively. Explains issues related to using a work group versus a task force.

**TAPE 105, A**

030	Chair Kruse	Notes intent regarding work group report to legislature.
035	Rep. Dalto	Questions if the work group idea would satisfy Mr. and Ms. Turner.
045	Rep. Anderson	Inquires on similarity of bill to Sparks Industries in Grants Pass, Oregon and ability to use as model.
050	Repine	Discusses alternative housing nonprofits as they related to a coalition of parents and caregivers. Notes effort to examine existing models.
055	Rep. Anderson	Comments on the cooperation between nonprofit organizations and parent groups.
080	Rep. Dalto	Thanks the Chair for hearing the issue, and requests formal commitment from Mr. Repine to continue in spirit of the bill.
085	Repine	Indicates his groups support such a commitment.
090	Rep. Anderson	Requests that he be included in future discussions.
095	Chair Kruse	Closes the public hearing on HB 2889 and opens a work session on HB 2165.

**HB 2165 – WORK SESSION**

100	Chair Kruse	Explains that the committee is reconsidering the bill to rescind the referral to Ways and Means.
105	Chair Kruse	<b>MOTION: Moves to SUSPEND the rules for the purpose of RECONSIDERING the vote on HB 2165.</b>

		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Barker</b>
	Chair Kruse	Hearing no objection, declares the motion <b>CARRIED.</b>
110	Chair Kruse	<b>MOTION: Moves to RECONSIDER the vote by which HB 2165 was sent Do Pass as Amended to the floor and be placed on the Consent calendar.</b>
		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Barker</b>
	Chair Kruse	Hearing no objection, declares the motion <b>CARRIED.</b>
115	Rep. Tomei	<b>MOTION: Moves HB 2165 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.</b>
		<b>VOTE: 6-0</b>
		<b>EXCUSED: 1 - Barker</b>
	Chair Kruse	Hearing no objection, declares the motion <b>CARRIED.</b>
120	Rep. Tomei	<b>MOTION: Moves HB 2165 be placed on the CONSENT CALENDAR.</b>
		<b>VOTE: 6-0</b>
	Chair Kruse	Hearing no objection, declares the motion <b>CARRIED.</b>
125	Chair Kruse	Closes the work session on HB 2165, and adjourns the meeting at 11:10 a.m.

### **EXHIBIT SUMMARY**

- A – SB 554A, written testimony, Michael Buckley, 1 p.**
- B – SB 74A, -A4 amendments, Staff, 3 pp.**
- C – HB 3574, -3 amendments, Rep. Monnes Anderson, 5 pp.**
- D – SB 401A, submitted written testimony from Tammie Phillips, Staff, 1 p.**
- E – SB 13, Audit of Oregon’s Programs For Children and Families: Evaluation of Local Coordinated Comprehensive Planning, Donna Middleton, 6 pp.**
- F – SB 191, written testimony, Katy King, 2 pp.**
- G – SB 191, bill overview, Katy King, 2 pp.**
- H – SB 191, submitted written testimony from Donald Austin, Katy King, 1 p.**
- I – SB 191, submitted written testimony from Christy Brewsaugh, Katy King, 5 pp.**
- J – SB 606, submitted written testimony, Staff, 3 pp.**
- K – SB 606, submitted written testimony, Staff, 16 pp.**
- L – SB 155, -1 amendments, Staff, 3 pp.**
- M – SB 155, submitted written testimony from Kathy Mann, Staff, 2 pp.**
- N – SB 155, written testimony, David Wade, 1 p.**
- O – SB 155, written testimony, Susan Patchin, 1 p.**
- P – SB 155, informational pamphlet, Susan Patchin, 20 pp.**
- Q – SB 155, submitted written testimony from Russ Newman, Susan Patchin, 4 pp.**
- R – SB 155, submitted written testimony from Elaine Mantell, Susan Patchin, 3 pp.**
- S – SB 155, -2 amendments, Rep. Barnhart, 1 p.**
- T – SB 155, -3 amendments, Rep. Barnhart, 4 pp.**
- U – SB 155, submitted written testimony from Billie Hinnefeld, Rep. Barnhart, 2 pp.**
- V – SB 155, written testimony, John McCully, 8 pp.**
- W – HB 2889, submitted written testimony from Francisco Lopez, Marge Turner, 15 pp.**
- X – HB 2889, written testimony, Dave Turner, 1 p.**