

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

February 25, 2003 Hearing Room E
1:00 PM Tapes 15 - 16

MEMBERS PRESENT: Rep. Dan Doyle, Chair
 Rep. Linda Flores, Vice-Chair
 Rep. Laurie Monnes Anderson, Vice Chair
 Rep. Vic Backlund
 Rep. Phil Barnhart
 Rep. Betsy L. Close
 Rep. Joanne Verger

STAFF PRESENT: Cara Filsinger, Administrator
 Annetta Mullins, Committee Assistant

MEASURE/ISSUES HEARD: Introduction of Committee Bills – Work Session
 HB 2563 – Public Hearing

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 15, A 004	Chair Doyle	Calls meeting to order at 1:01 p.m. and opens a work session for introduction of committee bills.
<u>INTRODUCTION OF COMMITTEE BILLS – WORK SESSION</u>		
006	Rep. Monnes Anderson	MOTION: Moves LCs 1654 AND 1940 BE INTRODUCED as committee bills.
08	Chair Doyle	VOTE: 4-0-3 EXCUSED: 3 - Reps. Barnhart, Close, Flores Hearing no objection, declares the motion CARRIED.
	Chair Doyle	Closes the work session on introduction of committee bills and opens a public hearing on HB 2563 for the purpose of receiving invited testimony.
<u>HB 2563 – PUBLIC HEARING</u>		
030	Lois C. Anderson	Legislative Director, Oregon Right to Life. Submits prepared statement and testifies in support of HB 2563 (EXHIBIT A).
	Anderson	Continues presentation.
150	Anderson	Continues presentation, commenting on administrative rules on other government-regulated professions that are included in the packet.
189	Anderson	Continues presentation (EXHIBIT A, page 2).
212	Rep. Barnhart	Asks if Anderson has medical training.
	Anderson	Responds that she has no medical training and is not an attorney.
	Rep. Barnhart	Asks if Anderson is saying no regulations apply to the clinics.
	Anderson	Responds that there is no inspection or compliance process. States that the statement about no regulations specifically refers to sanitation requirements, facility requirements, or procedure for inspection.
	Chair Doyle	Advises Rep. Barnhart that the scheduled testimony is on a

247	Rep. Barnhart	timeline and there will time for questions later.
	Anderson	Asks if the rules referred to by Anderson apply to all facilities, not just facilities that do one procedure.
		Explains their proposal is asking that free-standing abortion clinics which are now regulated “as physician offices” be brought under the ambulatory surgical center rules.
367	Victor Hoffer	Mt. Angel resident and paramedic. Testifies in support of HB 2563. Emphasizes the importance of providing quality patient care.
	Rep. Flores	Asks if they transport patients by ambulance.
	Hoffer	Responds affirmatively.
	Rep. Monnes	Asks if Hoffer reports complications from abortions.
	Anderson	
	Hoffer	Responds that he does not directly report the cases to the state. Explains that often patients have contacted a physician or clinic.
	Rep. Barnhart	Asks Hoffer what parts of Oregon he has worked in.
	Hoffer	Reviews his employment history as a paid and volunteer paramedic.
	Chair Doyle	Turns gavel over to Vice-Chair Monnes Anderson and asks that she preside during testimony in opposition to HB 2563.
367	Dr. Richard Allen	Testifies in opposition to HB 2563 (EXHIBIT B).
393	Julie Powers	Planned Parenthood of the Columbia/Willamette. Testifies in opposition to HB 2563 (EXHIBIT C).
425	Powers	Continues presentation.
TAPE 16, A		
023	Dr. Lee Thornton	Obstetrician and Gynecologist and provider of abortion services. Testifies in opposition to HB 2563. States that abortion clinics have been under the regulations of the medical practice and are adequately monitored.
046	Rep. Monnes	Asks if services for a D & C in the case of a miscarriage can be provided in a doctor’s office.
	Anderson	Responds affirmatively.
	Thornton	
	Rep. Barnhart	Asks why abortion procedure regulations should be different than any other procedure that might be performed in a doctor’s office.
	Thornton	Responds they should not just because of the type of procedure.
	Rep. Barnhart	Asks if a patient in any other kind of procedure would be taken to the hospital, and if this would not be the same.
	Thornton	Responds yes, the patient would be taken to the hospital.
064	Rep. Close	Asks why these facilities do not qualify under the statute on ambulatory surgical facility.
	Thornton	Responds that the mobile clinics are licensed; they have the permission of the state to fulfill their requirements like any other doctor’s office or clinic and they meet the same requirements.
085	Rep. Close	Comments that it seems since these facilities are under the definition, they would be included.
	Thornton	Explains that the facilities are designed for more complicated procedures.
	Rep. Close	Asks if the statutes should also apply to this procedure.
	Thornton	Responds that he does think the risk of infection changes when the procedure is done under sterile situations.
	Rep. Close	Comments that she does not think women are being protected under the existing statute. Adds that if women are only protected by ORS 677, her concern is that women may not be protected as

		they would be under this statute.
110	Thornton Dr. Grant Higginson	States the procedures are done by physicians. Department of Human Services, Health Services. Testifies in opposition to HB 2565 (EXHIBIT D).
	Rep. Verger	Asks if obstetricians and gynecologists who perform abortions pay more for liability insurance than those who do not.
	Higginson Rep. Close	Responds not to his knowledge. Asks under what conditions the department would go into an abortion clinic.
	Higginson	Responds they would only do that if they were following up on a complaint on a licensed facility. Explains that a complaint about a physician's office would go to the Board of Medical Examiners who would follow up and investigate the complaint.
	Rep. Close	Asks how they would have the authority to go in if abortion clinics are not included in administrative rules on ambulatory surgical facilities.
	Higginson	Responds that they would not have the authority currently, nor could they go into a clinic; complaints would be referred to the Board of Medical Examiners for follow up.
	Rep. Close	Asks if women might not be protected if the Health Division does not have the authority to go in and investigate.
	Higginson	Responds that the Board of Medical Examiners has more than adequate authority to go in and investigate.
200	Maura Roche	Pro-Choice Coalition of Oregon. Testifies in opposition to HB 2563 (EXHIBIT E). Comments on cost in North Carolina to covert facilities into ambulatory surgical centers.
254	Vice-Chair Monnes Anderson	Returns gavel to Chair Doyle.
	Dr. Ken Wilson	Reviews his credentials, and regulations on patient treatment in other facilities in Oregon. Testifies in support of HB 2563.
388	Rep. Monnes Anderson	Asks if Wilson feels a D & C performed on a women who has a miscarriage is any different than performing a D & C on a woman who is having an abortion.
	Wilson	Responds that medically speaking they are the same procedure and have the same risks.
	Rep. Monnes Anderson	Asks if HB 2563 would allow a woman who miscarries to have a D & C in a physician's office.
	Wilson	Responds negatively. States he agrees with the conditions that 10 procedures per month or 100 per year should be an out-patient surgical center.
	Rep. Monnes Anderson	Comments on study of deaths due to abortions. States it seems there are less deaths now from legal abortions than from illegal abortions.
	Wilson	States there are no good statistics on abortion deaths because they are not required to be reported, and they are reported as things other than abortion-related deaths.
	Rep. Monnes Anderson	Comments there are more deaths from appendectomies and tonsillectomies.
	Wilson	Agrees, and states those procedures are done in hospitals.
TAPE 15, B 003	Rep. Close	Notes that the administrative rules on ambulatory surgical centers talk about procedures. Asks if it is true that those procedures that are done in a physician's office are covered by the administrative

		rules, but the procedures done in the free-standing facilities are not.
	Wilson	Responds affirmatively. Comments that if a large number of procedures are done in the office, it should be regulated.
013	Rep. Barnhart	Asks if it would not make sense to amend the bill by removing the reference to “abortion” and say that if a doctor is going to perform 10 or more surgical procedures in a calendar month or 100 or more surgical procedures in a calendar year, that they have to be performed in a clinic or the hospital.
	Wilson	Responds negatively. Explains that the reason is that doctors are not performing those kinds of numbers in their offices; the abortion providers are the only ones that he knows of who are performing 100 procedures a month in their offices.
	Chair Doyle	Acknowledges receipt of a prepared statement in opposition to HB 2563 from Kappy Eaton, League of Women Voters (EXHIBIT F) .
042	Chair Doyle	Closes the public hearing on HB 2563 and adjourns meeting at 2:01 p.m.

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EXHIBIT SUMMARY

- A – HB 2563, prepared statement, Lois Anderson, 94 pp**
- B – HB 2563, prepared statement, Dr. Richard Allen, 1 p**
- C – HB 2563, prepared statement, Julie Powers, 1 p**
- D – HB 2563, prepared statement, Dr. Grant Higginson, 2 pp**
- E – HB 2563, prepared statement, Maura Roche, 1 p**
- F – HB 2563, prepared statement, Kappy Eaton, 1 p**