

HOUSE COMMITTEE ON RULES AND PUBLIC AFFAIRS

May 27, 2003 Hearing Room E
1:00 PM Tapes 66 - 67

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

MEMBER EXCUSED: Rep. Vic Backlund

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

MEASURE/ISSUES HEARD: SB 708 A – Public Hearing
SB 709 A – Public Hearing
SB 886 A – Public Hearing
SB 538 A – 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 66, A		
004	Chair Doyle	Calls meeting to order at 1:40 p.m., announces order agenda items will be considered, and opens a work session on introduction of Speaker-approved committee bills.
<u>INTRODUCTION OF COMMITTEE BILLS</u>		
013	Rep. Flores	MOTION: Moves LCs 3614 (SEE EXHIBIT C OF COMMITTEE MINUTES DATED MAY 6, 2003), 3641 (SEE EXHIBIT A OF COMMITTEE MINUTES DATED MAY 22, 2003), AND 3645 (EXHIBIT G) BE INTRODUCED as committee bills.
018	Chair Doyle	VOTE: 5-0-2 EXCUSED: 2 - Reps. Backlund, Close Hearing no objection, declares the motion CARRIED.
020	Chair Doyle	Closes the work session on the introduction of committee bills and opens public hearings on SB 708 A and SB 709 A.
<u>SB 708 A AND SB 709 A – PUBLIC HEARINGS</u>		
028	Rep. Laurie Monnes Anderson Susan King	District 50. Testifies in support of SB 708 (EXHIBIT A).
067	King	Oregon Nurses Association. Testifies in support of SB 708 and SB 709 (EXHIBIT B). Explains that the bills relate to two different categories of “advanced practice nurses.” SB 708 covers nurse practitioners. SB 709 covers clinical nurse specialists. Comments on practice of clinical nurse specialists. States that both bills deal with “dispensing.” States that currently both can administer medications, as can any registered nurse.

Nurse practitioners can prescribe medications, distribute samples, and can dispense in certain circumstances. SB 708 would broaden that dispensing authority with certain safeguards that have been worked out in discussion with the pharmacists. Gives examples of dispensing by nurse practitioners and clinical nurse specialists. States that requirements of most of the drug companies are that the prescribing provider also have the authority to dispense. If these bills pass, we will have an opportunity for both nurse practitioners and clinical nurse specialists to help their patients participate in what has become a very critical program, particularly given the state of the economy here in Oregon.

087 Rep. Close Asks witness to respond to e-mail about impact of the bills because nurses are not as well trained as pharmacists and this is a safety issue.

King Responds the amendments in the bills put in place safeguards related to training, labeling, and adequate reference materials. Adds that neither nurse practitioners nor clinical nurse specialists intend to dispense all drugs. They are more likely to dispense some limited prescriptions for certain problems. Gives examples of dispensing in cases of acute infection, acute bank injury, and seizures. States that the clinical specialists can already prescribe drugs and would be able to dispense them under this bill.

113 Rep. Verger Comments that she has no problem with nurse practitioners but does not understand the clinical nurse practitioners. Asks what clinical nurse specialists do.

131 King Explains clinical nurse specialist qualifications and the differences between them and nurse practitioners.

140 Rep. Verger Comments on referring indigent people to programs for services. Asks if the drugs could go to Ms. King and she would then dispense the drugs.

King Explains that most companies require that whoever writes the prescription must have the authority to dispense the drugs. Explains that she can write a prescription, the person can take it to a pharmacy or together she and the patient could apply to the drug company. The drugs would then be delivered to her to be given to the patient; the drugs would be packaged with the patient's name.

Rep. Verger Asks if they can do that now.

King Responds that clinical nurse practitioners cannot dispense. Nurse practitioners can dispense in certain circumstances.

177 Rep. Monnes
Anderson Comments that these bills are important to the nursing profession. States she is a proponent because of access. Asks that King address the types of access issues that the nurse practitioners and clinical nurse practitioners are encountering.

King Responds that issues are financial, geographical, or a combination of the two.

183 Rep. Monnes
Anderson Clarifies that a nurse practitioner can have medications in the clinic or office and would dispense to those who cannot afford to have a prescription filled.

King Comments that the dispensing authority is for the unusual circumstances. Gives examples.

226 Rep. Monnes States that she has received concerns about SB 709-A and the

258	Anderson King Tom Holt	training. Asks for explanation of training of nurse specialists. Explains training required for clinical nurse specialists. Executive Director, Oregon State Pharmacists Association (OSPA). Reports that SB 708 A and SB 709 A reflect conversations between their association and the nurse's association. The OSPA is neutral on the bills.
273	Gary Schnabel	Executive Director, Oregon Board of Pharmacy. Testifies in opposition to SB 708 A and SB 709 A. Reads from letter sent to Chair Doyle (EXHIBIT C).
330	Schnabel	Cites problems with SB 708 A, proposes amendments, and asks the committee to vote no on SB 708 A and SB 709 A.
418	Rep. Monnes Anderson Schnabel	Asks if Schnabel has been in negotiations with the Oregon Nurses Association on these two bills. Responds they have not since the bill passed the Senate.
426	Rep. Monnes Anderson Schnabel	Asks if his suggested changes would make the bill more palatable to his board. Responds he cannot speak for the board and the changes would allow him to go back to the board with a recommendation.
438	Rep. Monnes Anderson Schnabel	Asks how many nurse practitioners are practicing independently. Responds he does not know.
443	Rep. Monnes Anderson Schnabel	Asks how they respond to those nurse practitioners who have been prescribing and dispensing samples, and are able to give the quality of care to those who really need the medication. Responds he doesn't want to speak negatively about nurse practitioners or the need for nurse practitioners. The concern is with the way the bill is written. The Board of Pharmacy believes the dispensing authority that currently exists along with the emergency provision with some changes in the language would take care of those situations.
475	Rep. Flores	Comments that Schnabel indicates one of his concerns is risk of patient injury due to prescribing and dispensing errors by nurse practitioners or nurse specialists. Asks if they have data that suggests what the level of injury or malpractice might be.
490 TAPE 67, A 031	Schnabel Rep. Flores Schnabel	Responds that they only have data from consumer complaints. Asks what the numbers might look like. Comments that the Institute of Medicine put out a report about medical errors. A fraction of those errors were referred to as medication errors. That report indicates somewhere around 7,000 people die every year from medication errors. States that from his reading of the report, it did not set out who was doing the dispensing, or whether it was a dispensing error, or an administration error in the hospital.
046 050	Rep. Close Schnabel	Asks what percentage of dispensed drugs are opium-based. States it would fluctuate with different practices. Comments on patients served by the pharmacy, and states that in some cases 50 percent of the drugs could be opium-based. In an average drug store, it is probably 30 percent.
058	Rep. Close Schnabel	Comments this opens it up to drugs that are illegal in other circumstances and she is concerned about abuse. Responds it is a concern of the Board of Pharmacy. States that statistics indicate that around 10 percent of their profession is

068 Rep. Verger chemically dependent. Comments that the statutes give the board the authority to visit dispensing sites and authority over the person that is dispensing the medicine. Asks what it tells the board if the board receives a complaint and they visit a dispensing site.

083 Schnabel Responds they inspect pharmacies annually and they can only visit drug outlets that are registered with the board, and that is one of the concerns with the bills. Explains their procedures when they receive a complaint.

099 Rep. Barnhart Comments that he assumes there is a security issue in dispensing and storing drugs.

Schnabel Comments on security requirements of a licensed pharmacy.

111 Rep. Barnhart Asks if those areas are addressed in the two bills.

Schnabel Responds that nothing in the bills address security.

Rep. Monnes Asks what the most commonly prescribed drug is in a nurse practitioner clinic setting.

Anderson Responds the list is on the worldwide web by dollars and number of doses. Lists drugs that are high on the list.

Schnabel Responds the list is on the worldwide web by dollars and number of doses. Lists drugs that are high on the list.

139 Schnabel States that drug samples are not considered dispensing and nurse practitioners can distribute drug samples in any setting.

Chair Doyle Closes the public hearings on SB 708-A and 709-A and opens a public hearing on SB 886 A.

SB 886 A – PUBLIC HEARING

Sen. Frank Shields District 24. Submits a prepared statement (**EXHIBIT D**). Testifies in support of SB 886 A (**EXHIBIT D**). States he thinks we ought to find ways where faith-based and community-based organizations can help people who come to the Department of Human Services (DHS) for services.

211 Sen. Shields Submits proposed SB 886-A3 amendments (**EXHIBIT E**). Explains the amendments.

243 Rep. Monnes Asks where funding would come from.

Anderson States that DHS has numerous volunteer programs. The only place this might have a fiscal impact is for training. They do not want it to cost more money. Contends that recipients of funds do better when they have support of a community- or faith-based organization. It would help the state's dollars go farther and would help people.

Sen. Shields

255 Chair Doyle Comments that the purpose of the hearing today was to have an airing of the subject and the committee will be able to revisit it again.

285 Rep. Close Comments she appreciates what Sen. Shields has done. It is a new area that needs work and appreciates his trying to bring more aspects into the discussion and will study it more.

300 Ramona Rodamaker Department of Human Services Director's office. Testifies in support of the concept behind SB 886 A (**EXHIBIT F**).

348 Rodamaker Comments the estimated fiscal impact is about \$44,000, which is for training. Suggests if there is way to modify the language to allow representatives of faith- and community-based organizations into existing training, rather than creating new training, they believe the fiscal issue would be alleviated.

Rep. Monnes Comments on clinics in churches in rural Virginia. Asks if state services go into churches.

Anderson

372	Rodamaker	Responds they have a variety of relationships with faith-based and community organizations but is not aware of clinics in faith based clinics; they do provide child care.
	Chair Doyle	Comments the committee has a statement indicating the impact is minimal.
	Chair Doyle	Closes the public hearing on SB 886 A and opens a public hearing on SB 538 A.

SB 538 A – PUBLIC HEARING

390	Dave Hunnicutt	Oregonians in Action. Testifies in support of SB 538 A. Explains the bill is to exempt from the zoning ordinance gatherings that do not exceed 3,000 people cumulatively or 120 hours in any consecutive three-month period. Those who use their places regularly for weddings, etc. would not be subject to the land use laws. Explains that he cannot answer technical questions because he has not been working on the bill. Explains that Ross Day worked very closely on the amendments with Ron Ebert of the Department of Land Conservation and Development Department (DLCD).
492	Chair Doyle	Asks that Hunnicutt relay to Day the question whether this bill would authorize events such as the hemp festival
496	Rep. Barnhart	Adds that the Country Fair in Lane County is another question for Day.

TAPE 66, B

009	Hunnicutt	Comments on a bed and breakfast that holds weddings. Believes the concern should be regulated under the health and safety codes rather than the land use laws.
030	Rep. Verger Hunnicutt	Asks if Hunnicutt can explain the case <u>Fence v. Jackson County</u> . Responds he believes the Land Use Board of Appeals (LUBA) and the Court of Appeals held that mass gatherings are not part of the land use code; they are not zoning decisions. Comments on legislation introduced in 1999.
043	Rep. Verger	Comments that the reason it caught her eye is because of a gathering in Jackson County every weekend at an outdoor church service.
063	Hunnicutt Chair Doyle	Comments on history of mass gathering statute. Closes the public hearing on SB 538 A and adjourns meeting at 2:42 p.m.

EXHIBIT SUMMARY

- A – SB 708, prepared statement, Rep. Monnes Anderson, 1 p**
- B – SB 709, prepared statement, Susan King, 13 pp**
- C – SB 708 and SB 709, prepared statement, Gary Schnabel, 3 pp**
- D – SB 886, prepared statement, Sen. Shields, 3 pp**
- E – SB 886, SB 886-A3 amendments, Sen. Shields, 1 p**
- F – SB 886, prepared statement, Ramona Rodamaker, 2 pp**
- G – Introduction of Committee Bills, request, staff, 4 pp**