

SENATE COMMITTEE ON HEALTH POLICY

January 28, 2003
1:00 PM

Hearing Room B
Tapes 7 - 9

MEMBERS PRESENT: Sen. Bill Morrisette, Chair
Sen. Bill Fisher, Vice-Chair
Sen. John Minnis
Sen. Frank Shields
Sen. Charles Starr
Sen. Vicki Walker

STAFF PRESENT: Marjorie Taylor, Administrator
Saranelle Allen, Committee Assistant

MEASURE/ISSUES HEARD: SB 145 - 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 7, A		
004	Chair Morrisette	Opens meeting at 1:12 p.m. with a public hearing on SB 145.
<u>SB 145 - Public Hearing</u>		
007	Marjorie Taylor	Committee Administrator, explains SB 145.
012	Greg Higginson	State Public Health Officer, Department of Human Services. Speaks and presents written testimony in support of SB 145, (EXHIBIT A) and reviews ten essential factors in the bill.
	Higginson	Further explains information in Section 1, subsection (5), and mentions that in last session a similar bill was heard in the House. States concern that the bill was creating unfunded mandates.
064	Chair Morrisette	Wants clarification on the intent of the bill, abortion services specifically.
	Higginson	Responds that neither abortion, nor any other specific services are to be provided in this bill, and that it is only to be used for a framework for public health policy.
070	Chair Morrisette	Replies that the Legislative intent of this bill does not deal with providing abortion services.
077	Sen. Fisher	Suggests using words, 'any programs', instead of 'unfunded'.
083	Higginson	Replies that he thought this was included in the first part of the bill and refers to Section 1, subsection (5).
088	Sen. Minnis	Asks where 'agency' is defined.
	Higginson	States a clearer definition on what an agency is, could easily be inserted in the bill.
	Sen. Minnis	Expresses concern about the language causing a suit.
	Higginson	States purpose of the bill is to provide a philosophical framework, and is not a blueprint.
117	Morrisette	Asks what the intent of the bill is.

123	Sen. Minnis	Asks for clarification on line 3, page 2, subsection (d), which says, 'Insuring, that quality health services are provided to the community which includes enforcing laws and rules.' Expresses concern on what the intent is, and that this seems like a pretty strong statement.
135	Higginson	Refers committee to the back side of the pamphlet entitled <u>Public Health in America</u> , which is where most of the descriptive language for the bill was drafted. (EXHIBIT A) Gives explanation on the provisions in this bill.
157	Sen. Minnis	Questions meaning of several phrases on providing services.
	Higginson	Gives an explanation of what services are.
181	Sen. Minnis	Asks further the intent of the agency, and if not provided would the State be responsible for giving services. Suggests the state would not compel someone else to supply this service.
	Higginson	Gives further clarification.
	Sen. Minnis	Continues discussions back and forth with Dr. Higginson.
230	Chair Morrisette	Asks if legislative intent is established from this discussion.
234	Sen. Minnis	Gives clarification on his intent on questions on wording. States the purpose of conversation is that statements be made clearly in the Senate, as well as the House. States he would prefer it be as clear as possible.
255	Chair Morrisette	Asks if Dr. Higginson would include some definitions in the bill, since no work session was scheduled for today.
260	Sen. Fisher	Asks questions on Amendment 145-1, number 5, line 2-5, and if there are any objections to using that phrasing in this amendment.
287	Higginson	Gives explanation on how language was determined by original committee.
302	Sen. Fisher	Asks a question on referring people to different areas to assist in other programs/processes, due to a gray area in the Bill.
321	Higginson	Explains the intent of the bill.
331	Sen. Fisher	Elaborates on how things can get into a bill that are not intended.
340	Chair Morrisette	Suggests adding words 'health care provider' in line 3.
354	Higginson	Gives clarification.
	Chair Morrisette	Raises questions on bill, page 2, line 8. Requests clarification on wording, and inserting 'health care provider'.
402	Higginson	Agrees on inserting words in this statement.
	Sen. Minnis	Asks questions on inserting name/provider wording.
427	Higginson	Agrees to rework content of the bill, and return to committee.
439	Sen. Fisher	Asks if any change is to be made on Section 5.
440	Higginson	Agrees to review this with his committee also.
Tape 8, A		
055	Higginson	Provides additional information on this bill, and advises it may require outside funding. Gives closing comments.
070	Sen. Minnis	Raises question on non-elected individuals proposing legislation, and why not use the interim committee.
087	Higginson	Clarifies.
095	Jeff Davis	Director of Public Health in Marion County. Submits prepared statement requesting that section 2 be added to SB 145 which includes

subsection (6) stating that nothing in the act is to be an unfunded mandate on local governments. **(EXHIBIT B)**

118 Davis Wants to look at what gaps are happening for the future. Asks if any questions.

125 Sen. Fisher Asks why the Coalition of Local Health Officials is listed as having a membership, and why Marion County Health officials are making other recommendations.

160 Davis Gives clarification on the group's positive intent.

176 Higginson Gives further explanations.

Chair Morrisette States we will work on the bill and amendments, and hear from others.

230 Lawrence Wallack Professor of Public Health and Director, School of Community Health, Portland State University. Submits written statement in support of SB 145, and requests amending to include a representative from the PSU School of Community Health as a member of the advisory committee. **(EXHIBIT C)**

310 Bob Castagna Oregon Catholic Conference

320 Castagna Submits proposed amendments to SB 145, and expresses concerns on clarification points in the bill. **(EXHIBIT D)**

Sen. Minnis Continues discussion with Bob Castagna on the wording and proposed amendment in this bill.

Tape 7, B

010 Chair Morrisette Reviews worst case scenario on 'assisted suicide'.

014 Castagna Gives clarification on assisted suicide topic.

020 Sen. Minnis Asks how language in a policy statement gives rise to a cause of action.

030 Sen. Minnis Reviews questions on policy.

034 Charlie Cheek Deputy Legislative Counsel. Reviews past legislation and laws on policy statements.

043 Sen. Fisher Asks if this was costly to people who did go into litigation.

050 Sen. Minnis Asks if a statement could be inserted in the preamble and how that would work.

055 Cheek Suggests a review of the statute.

Tape 9, A

NOTE: MEETING IS ONLY ON ½ OF TAPE 7, B. PLEASE CONTINUE ON TAPE 9, A FOR BALANCE OF MEETING.

30 Chair Morrisette States if it was a preamble it could assist in the statute of the Public Health Department, and possibly eliminate some of these suits.

50 Castagna Expresses concerns on administrative rules; feels this is a problem that needs to be fixed.

75 Higginson Clarifies that Section 1 was a policy statement, and should be used as a philosophical statement only, that does not infringe on any laws.

85 Sen. Minnis Asks for clarification on whether administrative rules are derived from the language of a statutory law.

90 Cheek Replies that this is correct, and could not say if it is taken from a preamble.

97 Sen. Fisher Asks for clarification on the definition of health care provider.

107 Chair Morrisette Asks if we need a definition of health care provider in this bill.

Cheek Replies that it should be clearly stated, so as not to be open for interpretation.

110 Sen. Fisher Elaborates on the issue of home health care definition. Suggests we

	Cheek	get a generic definition to resolve any confusion. Suggests checking other areas of the definition, where it could be referenced.
	Chair Morrisette	Expresses that a reference would be a good idea.
	Higginson	States that the language issues could be resolved as discussed.
118	Chair Morrisette	States we will move forward on the assessment.
	Bruce Bishop	Oregon Association of Hospitals and Health Systems. Reviews page 2, line 23, and expresses concern on two areas.
	Sen. Minnis	Advises that concerns should be directed to Legislative Counsel.
122	Bishop	Asks about the appropriateness of an emergency clause.
123	Sen. Minis	Gives further clarification on an E-Clause requiring 30 days.
130	Sen. Fisher	Asks Sen. Minnis if more Senators should look at these recommendations.
152	Sen. Minnis	States this is a good question, and might be a good idea.
154	Chair Morrisette	Closes Public Hearing on SB 145 and opens public hearing on SB 192.

SB 192 – PUBLIC HEARING

	Marjorie Taylor	Committee Administrator. Explains SB 192.
176	Ann Brand	Administrator of the Office of Mental Health Services, Human Services testifies in support of SB 192. (EXHIBIT E)
191	Brand	Introduces Jeff Davis, Administrator for Health for Marion County.
	Chair Morrisette	Closes the public hearing and opens a work session.

SB 192 - WORK SESSION

200	Sen. Minnis	MOTION: Moves SB 192 to the floor with a DO PASS recommendation.
	Chair Morrisette	Senator Minnis asks if he could add bill to the Consent Calendar.
204	Sen. Minnis	MOTION: Moves to AMEND his previous motion to include placing SB 192 on the Consent Calendar".
220	Chair Morrisette	VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. SEN. MINNIS will lead discussion on the floor.
240	Chair Morrisette	Adjourns the meeting at 2:35 p.m.

EXHIBIT SUMMARY

- A – SB 145, written testimony, Grant Higginson, 5 pp.**
- B - SB 145, written testimony on conceptual amendments, Jeff Davis, 1 p.**
- C – SB 145, written amendment request by Lawrence Wallack, 1 p.**
- D – SB 145, written amendment proposal, Bob Castagna, 1 p.**
- E – SB 192, written testimony, Ann Brand, 1 p.**