

## SENATE COMMITTEE ON HEALTH POLICY

February 27, 2003  
1:00 PM

Hearing Room B  
Tapes 26 - 28

**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 436 – Public Hearing**

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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 26, A</b>		
004	Chair Morrisette	Calls the meeting to order at 1:08 p.m. Opens a public hearing on SB 436.
<b>SB 436 – PUBLIC HEARING</b>		
007	Marjorie Taylor Kathleen Haley	Administrator. Gives a brief description of the bill. Executive Director, Board of Medical Examiners. Speaks in opposition of portions of SB 436 on pain philosophy. Explains the information packet concerns intractable pain and the philosophy on pain management ( <b>EXHIBIT A</b> ). Recommends the use of a second opinion from a specialist.
	Sen. Minnis	Asks for clarification on the 1997 changes on the statute.
	Haley	Responds concerning the issue of having a specialist give a second opinion on a patient with chronic pain, and if none were available a waiver could be utilized.
	Sen. Fisher	Gives more information on the changes made in the statute mentioned.
115	Dr. Vern Williams	Medical Director, NARA clinic in Portland. Speaks in favor of SB 436 as written, since his experiences in the trenches allow him to prescribe and treat patients as the law permits. Gives specifics on reasons he does not support the proposed changes.
	Sen. Minnis	Conversations continue back and forth with Williams.
243	Sen. Joan Dukes	Senate District 16. Speaks in favor of SB 436, with some background on her involvement with the Oregon Commission on Pain Management, and states that Representative Hansen and she have been appointed as ex-officio members to that commission. Reviews that intractable pain, for which Oregon requires a second opinion, is the only condition that causes delay in treating pain. States that this statute is the only one that is considered a 'barrier'.
	Rep. Gary Hansen	House District 44. Gives testimony on pain management encountered when his wife was diagnosed with cancer. Reviews

differences in pain management rules with specific diseases. Speaks in favor of SB 436, and feels all three bills on today's agenda would benefit acute pain management.

**Tape 27, A**

040

Rep. Hansen

States he would like to see some of these barriers to pain management removed.

Sen. Walker

Asks several questions for understanding of pain treatment issues.

099

Sen. Fisher

Asks about removing waivers, and would it help the situation.

Sen. Dukes

States it may help, but in rural communities waivers would be needed every time, since a second opinion may not be easy to access.

Sen. Fisher

Asks why the bills were rearranged on the program, since they all were tied in together.

140

Sen. Dukes

Gives further clarification on the intent of the other bill.

Kathy Hann

Doctor of Pharmacy and Chair of Pain Commission. Explains her concern over why pain management doesn't happen the way it's intended in Oregon. Explains that there are two parts in the program, 1) continuing education for physicians, and 2) understanding what barriers we have and how to free them up. Reviews the Wisconsin Pain and Policies group that sets the standards in the nation, and explains where Oregon stands. States that the Oregon Intractable Pain Act is way too narrow. Feels the law has intimidated doctors.

Sen. Minnis

Asks questions on how a pharmacy tracks prescriptions, and are doctors writing more script than appears reasonable.

Hann

Replies through computer files and interacting with the Pain Society of Oregon.

Sen. Shields

Asks how many states require the double law.

Hann

States that about 45 states are less restrictive in pain management laws than Oregon.

Hann

Reviews the procedure a doctor would have to go thru if the Board has complaints on his processing of medication.

350

Dr. Allan Chino

Clinical Health Psychologist and President of American Academy of Clinical Health Psychology and on the Pain Management Commission.

Reviews how difficult it is for patients to find doctors to treat chronic pain, and most of the reasons are due to the law being so strong in prescribing medications.

408

Sen. Fisher

Asks if changing the wording on the bill would eliminate the barrier.

Chino

Reviews pain and addiction question, and how to find specialists to treat these cases. States that a lot of cases are under medicated.

**Tape 26, B**

Dr. Hank Holmes

Family physician. Gives testimony on practicing chronic pain management medicine, and has been a medical director for pain centers. States his support to SB 436 and submits model guidelines from the Federation of State Medical Boards **(EXHIBIT B)**.

216

Stresses that there is a need for education in the use of drugs for managing pain, but the main issue is that the law inhibits the

337	Sen. Fisher	doctor's ability to assist patients. Asks that Oregon state adopt the pain guidelines as noted in the exhibit.
	Sen. Shields	Asks if some of the wording was changed in SB 434, how it would impact the other bills.
	Holmes	Notes that in the model guidelines #4 & #5, on periodic review and consultation, there is no mention of a second opinion.
		States that there are only two states that have any requirement for a second opinion. Feels we have fallen behind in the country.
<b>Tape 27, B</b>		
	Edward Johnston	Lincoln County. Gives testimony on his chronic pain. Expresses concern on signing any waivers which would allow authorities into his home. Gives further testimony on his medical history.
050	Sen. Minnis	Communicates back and forth between Haley and Williams, on continuing education for doctors, the waiver process, and laws enacted.
130	Kathleen Haley Sen. Shields	Explains the make-up of the Board of Medical Examiners. Feels Dr. Williams' work with NARA is dealing more with patients who have addiction problems. Asks if the model document is good and why haven't we adopted the model guidelines before now.
	Sen. Shields Haley	Wants to know if there is good science. States that their board would discipline physicians for under prescribing to patients, as well.
360	Sen. Fisher	Explains that the problem is how to measure pain in diagnosing medications.
<b>Tape 28, A</b>		
009	Sen. Minnis	States his personal knowledge of pain management, and the importance of allowing physicians to prescribe drugs without fear.
060	Chair Morrisette	Adjourns meeting at 3:04 p.m.

**EXHIBIT SUMMARY**

**A – SB 436, written testimony, Kathleen Haley, 19 pp.**

**B – SB 436, written testimony, Dr. Hank Holmes, 10 pp.**