

# SENATE COMMITTEE ON HEALTH POLICY

March 6, 2003  
1:00 PM

Hearing Room B  
Tapes 31 - 32

**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 435 - Public Hearing  
SB 434 – Public Hearing and Work Session  
SB 436 - Public Hearing and 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 31, A</b>		
008	Chair Morrisette	Convenes meeting at 1:11 p.m. Explains that the previously scheduled informational meeting will be rescheduled. Opens a public hearing on SB 435 .
	<b><u>SB 435 - PUBLIC HEARING</u></b>	
	Marjorie Taylor	Administrator. Explains bill and submits letters from Stephen McConnell and John McCulley in opposition to SB 435 <b>(EXHIBIT A)</b> .
023	Rep. Phil Barnhart	District 11. Testifies in support of SB 435. Reviews pain treatment and scope of practice issues.
	Dr. Allan Chino	Clinical Health Psychologist. Testifies in favor of SB 435. States that an email in opposition was received today from John McCulley, Oregon Psychiatric Association
	Sen. Walker	Asks questions on content of the email and asks that it be submitted as record <b>(EXHIBIT B)</b> .
097	Rep. Barnhart	States further clarification on treatment methods.
	Rep. Barnhart	Replies concerning medical care without their certified scope of practice.
	Chino	States type of diagnosis which could occur and place a person in a mental illness classification.
	Sen. Fisher	Raises question on wording on the bill as to interpretation of 'medical care'.
217	Chino	Replies on treatment outside scope of practice.
	Sen. Fisher	States the wording may leave scope clarification open for interpretation.
	Rep. Barnhart	Gives additional testimony on treatment.
	Chino	Relates a concern on how treatment by psychological physician puts a tag on the individual as having mental problems, when it's

		actually pain care that is required.
353	Sen. Fisher Chino	Expresses concerns that bill is too open to interpretation. Explains the need for legislation to care for people with chronic pain problems.
	Sen. Shields	States his understanding on the intent of the bill.
	Sen. Fisher	Asks for clarification on the wording of the bill to fit the need.
	Chair Morrisette	Asks if it's a problem to change the wording on the bill in an amendment.
435	Chino	Feels that wording could be developed and fine tuned to suit all concerns.
	Chair Morrisette	Asks Sen. Fisher if he has a recommendation in the language.
	Sen. Fisher	Suggests limiting it to referred medical conditions that the diagnosing physician would send. Asks question of Chino.
<b>Tape 32, A</b>		
008	Chino	States he rarely receives referrals from psychiatrists; mostly come from other physicians. The reason is due to his field being the chronic pain area.
	Chair Morrisette	Closes the public hearing. Suggests a combined effort with Sen. Fisher to develop the wording and return for a work session.
<b><u>SB 434 - PUBLIC HEARING</u></b>		
022	Chair Morrisette	Opens public hearing on SB 434.
	Sen. Shields	Introduces United Methodist visitors in the audience.
030	Marjorie Taylor	Administrator. Explains the bill.
	Sen. Joan Dukes	District 16. Testifies for a -1 amendment to SB 434 ( <b>EXHIBIT C</b> ). Gives explanation of the amendment.
	Kathy Hahn	Doctor of Pharmacy and Chair, Oregon Pain Management Commission. Testifies in support of SB 434.
065	Bruce Johnson	Assistant Executive Director, Board of Medical Examiners. Submits written testimony from Kathleen Haley, Executive Director of the Board of Medical Examiners in support of SB 434 ( <b>EXHIBIT D</b> ). Gives additional information on what their board is doing to meet the requirements of the proposed legislation.
129	Glenda Walton	RN. Testifies as a chronic pain patient. Expresses support of the bill and explains how the treatment program classifies you as a drug user.
	Dr. Allan Chino	Clinical Health Psychologist. Explains he is a co-author of a book recently published on chronic pain and the cover-up by the pain management field. Explains the problems of access.
233	Chair Morrisette	Closes public hearing, and opens a work session
<b><u>SB – 434 – WORK SESSION</u></b>		
234	Sen. Fisher	<b>MOTION: Moves to ADOPT SB 434-1 amendments dated 3/4/03 (EXHIBIT C).</b>
238		<b>VOTE: 6-0</b>
	Chair Morrisette	<b>Hearing no objection, declares the motion CARRIED.</b>
240	Sen. Fisher	<b>MOTION: Moves SB 434 to the floor with a DO PASS AS AMENDED recommendation.</b>
243		<b>VOTE: 6-0</b>
	Chair Morrisette	<b>Aye. In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
		<b>SEN. DUKES will lead discussion on the floor.</b>
	Chair Morrisette	Closes work session on SB 434.
<b><u>SB 436 – PUBLIC HEARING</u></b>		

310	Chair Morrisette Marjorie Taylor	Opens public hearing on SB 436. Administrator. Explains bill, and submits correspondence received from Dr. Paul Stull, Dr. Joseph Dunn, and Dr. Donna Morgan in support of SB 436 <b>(EXHIBIT E)</b> .
	Sen. Joan Dukes	District 16. Explains bill, and talks about the changes, and the requirement for a second opinion for intractable pain. Submits written testimony from Dr. Harry Rinehart, MD <b>(EXHIBIT F)</b> . Doctor of Pharmacy. Available for any questions.
	Kathy Hahn Sen. Fisher	Asks Hahn if referrals come from her practice or prescription patterns.
	Sen. Dukes	Advises that this is the only condition for which the law mandates in statute a second opinion; no other condition requires this level of opinion.
	Sen. Minnis	Suggests restoring language in current law, but give specific authorization to a physician for a number of days for pain, and the physician then could make a referral. Suggests placing a prohibition on refilling the prescription until criteria met.
	Sen. Dukes	Restates the intent of the proposed amendment to the bill. Explains time loss and extended costs of care.
	Sen. Minnis	Reviews his intent to accommodate both sides.
<b>Tape 31, B</b>		
005	Hahn	Relates concern for people who are chronic pain sufferers, and should not be judged as drug addicts.
020	Sen. Fisher	Asks how medical profession would feel about continued education in taking a refresher course in pain management.
	Hahn	Reviews that the Wisconsin Pain and Policy group would like to come to Oregon again and implement a retraining.
	Sen. Shields	Supports the bill, and asks how our restrictions compare to other states.
	Hahn Chair Morrisette	Gives details, and more specifically the ‘second opinion’ issue. Closes public hearing and opens a work session
<b>SB 436 – WORK SESSION</b>		
<b>056</b>	<b>Sen. Fisher</b>	<b>MOTION: Moves SB 436 to the floor with a DO PASS recommendation.</b>
<b>057</b>		<b>VOTE: 5-1</b> <b>AYE: 5 - Fisher, Shields, C. Starr, Walker, Morrisette</b> <b>NAY: 1 - Minnis</b>
	<b>Chair Morrisette</b>	<b>The motion CARRIES.</b> <b>SEN. DUKES will lead discussion on the floor.</b>
070	Chair Morrisette	Adjourns the meeting at 2:16 p.m.

### **EXHIBIT SUMMARY**

- A – SB 435, written testimony, Stephen S. McConnel, 2 pp.**
- B – SB 435, email copy, Allen Chino, 1 p.**
- C – SB 434-1, proposed amendment, Senator Joan Dukes, 1 p.**
- D – SB 434, written testimony, Bruce Johnson, 1 p.**
- E – SB 436, written testimony, Dr. Paul Stull, J. Dunn, D. Morgan, 2 pp.**
- F – SB 436, written testimony, Senator Joan Dukes, 5 pp.**