

SENATE COMMITTEE ON HUMAN RESOURCES

May 14, 2003
1:00 pm

Hearing Room B
Tapes 48- 50

MEMBERS PRESENT: **Sen. Bill Fisher, Chair**
 Sen. Bill Morrisette, Vice-Chair
 Sen. Kate Brown
 Sen. Ginny Burdick
 Sen. Bev Clarno
 Sen. Charles Starr

STAFF PRESENT: **Marjorie Taylor, Administrator**
 Pam Cox, Committee Assistant

MEASURE/ISSUES HEARD: **HB 2324– Public Hearing and Work Session**
 HB 2410A – Public Hearing and Work Session
 HB 3157 – Public Hearing and Work Session
 HB 3156 – Public Hearing and Work Session
 HB 3122 – Public Hearing and Work Session
 HB 3508 – Public Hearing
 HB 3609 Public Hearing
 HB 2631 – 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.

TAPE/#	Speaker	Comments
Tape 48, A		
009	Chair Fisher	Convenes meeting at 1:20 p.m. and opens a public hearing on HB 2324.
<u>HB 2324 – PUBLIC HEARING</u>		
025	Marjorie Taylor	Committee Administrator. Summarizes HB 2324
032	Rolf Olson	Public Member, State Board of Nursing. Testifying in favor of HB 2324 submitting written testimony and explains this bill was produced for electing a new position for the Board of Nursing and it will save time for the Board (EXHIBIT A).
	Chair Fisher	Closes a public hearing on HB 2324 and opens a work session on HB 2324
<u>HB 2324 – WORK SESSION</u>		
051	Sen. Brown	MOTION: Moves HB 2324 to the floor with a DO PASS recommendation.
053		VOTE: 6-0
	Chair Fisher	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
059	Chair Fisher	Closes the work session on HB 2324 and opens a public hearing on HB 2410A.
<u>HB 2410A – PUBLIC HEARING</u>		
064	Marjorie Taylor	Explains the bill, and the -1 amendment.
073	Dr. Kohn	State Epidemiologist. Testifies in favor of HB 2410A submitting written testimony and informs the committee regarding bio-terrorism and our preparedness (EXHIBIT B).

118	Scott Gallant	Oregon Medical Association. Testifies in favor of HB 2410 and states this bill will help by giving encouragement to health care providers in the event of bio-terrorism.
123	Sen. Burdick	Asks if this would limit liability for instate workers.
125	Dr. Kohn	Notes in state public employees are already protected by the Interstate Compact in the State Torte Claims Act.
130	Sen. Burdick	Asks if people came from another county they would be covered as volunteers.
137	Dr. Kohn	Answers they could not be paid employees and have this coverage.
169	Sen. Burdick	States a private social worker volunteering would be covered.
173	Dr. Kohn	Answers if they met the qualifications.
175	Sen. Burdick	Indicates if the same volunteer were contracted in this situation they would not be covered.
180	Dr. Kohn	Answers if they were a paid employee they would not be covered by the State Torte Claims Act.
187	Chair Fisher	Asks if an emergency facility could be covered but not their employees.
187	Dr. Kohn	Responds only the volunteers.
188	Sen. Morrisette	Ask if there were volunteers from out of state would they be covered.
180	Dr. Kohn	Responds under the Emergency State Compact Act they could be covered under the State Torte Claims Act.
202	Keith Cutler	Department of Justice. Clarifies if facilities are covered in an emergency situation and states if they are acting in the normal course of their business or been made part of an emergency operation.
240	Sen. Morrisette	Asks if a volunteer is from another state they would not be covered.
247	Cutler	Answers if a physician practices in an emergency situation in another state they would be covered...
276	Chair Fisher	Closes a public hearing on HB 2410A and opens a work session on HB 2410A.

HB 2410A – WORK SESSION

302	Sen. Morrisette	MOTION: Moves HB 2410A to the floor with a DO PASS recommendation.
303	Chair Fisher	VOTE: 6-0 Hearing no objection, declares the motion CARRIED. SEN. MORRISETTE will lead discussion on the floor.
304	Chair Fisher	Closes the work session on 2410A and opens a public hearing on HB 3157.

HB 3157 – PUBLIC HEARING

305	Marjorie Taylor	Summarizes HB 3157 and -6 amendments.
307	Paul Cosgrove	Oregon Dental Hygienists Association. Testifies in favor of HB 3157 and explains the bill will: <ul style="list-style-type: none"> ● permit dental hygienists and assistants to perform oral health screenings ● communicate the results ● address and eliminate duplicative initial education requirements for the limited access permit dental hygienists

- permits initial limited access permit education requirements to be taken through any accredited health professional school
- and permits classes to be taken through distance learning and other similar methods

(EXHIBIT C).

370 **Sen. Starr** **MOTION: Moves to ADOPT HB 3157-A6 amendments dated 05/13/03.**

371 **VOTE: 5-0**
 EXCUSED: 1 - Sen. Clarno
 Hearing no objection, declares the motion CARRIED.

383 **Chair Fisher**
 Sen. Starr **MOTION: Moves HB 3157 A be sent to the floor with a BE ADOPTED AS AMENDED recommendation.**

384 **VOTE: 5-0**
 EXCUSED: 1 - Sen. Clarno
 Hearing no objection, declares the motion CARRIED.
 SEN. STARR will lead discussion on the floor.

375 Chair Fisher Closes the work session on HB 3157 and opens a public hearing on HB 3156.

HB 3156 – PUBLIC HEARING

400 Marjorie Taylor Summarizes HB 3156.

401 Bill Perry Director, Government Relations, Oregon Restaurant Association. Testifies in favor of HB 3156 and offers information to the committee on allowing the counties to do inspections.

441 Gail Shibley Administrator, Department of Public Health and Human Services. Testifies in favor of HB 3156 and states this is good bill and adds strength and vitality to the system at the local level **(EXHIBIT D).**

TAPE 49, A

001 Shibley Continues.

052 Chair Fisher Closes the public hearing on HB 3156 and opens a work session on HB 3156.

HB 3156 – WORK SESSION

053 **Sen. Morrisette** **MOTION: Moves HB 3156 to the floor with a DO PASS recommendation.**

054 **VOTE: 5-0**
 EXCUSED: 1 - Sen. Clarno
 Hearing no objection, declares the motion CARRIED.
 SEN. MORRISETTE will lead discussion on the floor.

068 Chair Fisher Closes the work session on HB 3156 and opens a public hearing on HB 3122.

HB 3122 – PUBLIC HEARING

070 Marjorie Taylor Summarizes HB 3122.

080 Bret Simon Oregon Health Care Association. Testifies in favor of HB 3122 and explains that the bill extends the moratoria for an additional two years and the ability to make small changes in capacity where needed. **(EXHIBIT E)**

091 Cindy Hannum Licensing and Quality of Care Seniors and People with Disabilities Office. Testifies in favor of HB 3122 and states the amendments will continue the moratorium.

096 Bob Repine Director, Oregon Housing Community Services. Testifies in

		favor of HB 3122 and states seeing no reason for changes that would justify lifting the moratorium at this time.
107	Chair Fisher	Closes the public hearing on HB 3122 and opens a work session on HB 3122.
<u>HB 3122 – WORK SESSION</u>		
113	Sen. Brown	MOTION: Moves HB 3122A to the floor with a DO PASS recommendation.
114		VOTE: 5-0
	Chair Fisher	EXCUSED: 1 - Sen. Clarno
	Chair Fisher	Hearing no objection, declares the motion CARRIED. SEN. BROWN will lead discussion on the floor.
		Closes the work session on HB 3122A and opens a public hearing on HB 3508.
<u>HB 3508 – PUBLIC HEARING</u>		
137	Marjorie Taylor	Summarizes HB 3508.
144	Jane Myers	Oregon Dental Association. Testifies in favor of HB 3508 submitting written testimony and explains the bill removes rule making authority from the health service to the Board of Dentistry and defers to Rep. Anderson (EXHIBIT F).
193	Rep. Anderson	District 3. Testifies in favor of HB 3508 and explains the bill is to make it easier to meet health care needs to all in Oregon and bring more assistants in to the business.
214	Beryl Fletcher	Explains additional requirements for hygienists and assistants.
252	Chair Fisher	Asks what are the amount of hours required.
262	Fletcher	Responds with the hours for the clinical training.
270	Chair Fisher	Notes they have to take thirty hours before their written exam
290	Fletcher	Acknowledges that is right.
277	Sen. Brown	Asks under the bill assistants would receive approval through the Board of Dentistry but doctors would have to get approval through the Department.
285	Fletcher	States this is for dental assistants through the Board of Dentistry.
287	Sen. Brown	Notes the concern of the location of the body in receiving x-rays at the dentist and notes being uncomfortable with assistants not getting there certification.
293	Myers	States the health services rules are about standards they are not teaching them to x-ray all the other parts of the body.
332	Rep. Anderson	Notes the amount of x-rays is very minimal in comparison to a chest film and the assistants are trained on the dangers of radiation.
350	Sen. Morrisette	Stated an experience last Friday where the dentist's assistant x-rayed a tooth, but it was the wrong tooth and had to be done again.
375	Rep. Anderson	Notes there is no excuse for filming the wrong tooth and it is a small amount of radiation.
380	Sen. Brown	Asks where he was on the issue of fluoride.
390	Rep. Anderson	States he is much in favor of prevention and asks how many hours in their training.
398	Chair Fisher	Notes there are twenty hours for application for x-rays.
402	Fletcher	States in clinical practice training they are working with instructors and dentists that that may need to add more hours for instruction.
422	Chair Fisher	Asks how long does it take to be an assistant.
423	Fletcher	States nine to ten months and they have to pass both exams and comments every state uses this exam.

443	Rep. Anderson	Comments on the error on an x-ray and notes the amount of radiation used for a full mouth.
TAPE 48, B		
043	Myers	Answers the Chairs question on the schools for dentistry and indicates the Board determines the standards for safety training.
070	Sen. Morrisette	Notes there are mixed messages from the community and asked if their association is split.
102	Myers	States the Dental Association is thoroughly behind this bill.
133	Gail Shibley	Testifies in opposition of HB 3508 submitting written testimony and explains the amount of radiation that is used in x-raying the mouth and that the hours of instruction of radiation machines have been reduced (EXHIBIT G).
331	Sen. Starr	States being concerned on the high intensity exposure figures in comparison.
343	Shibley	Responds to the need to discuss these figures and those reporting the numbers on exposure comparisons.
375	Sen. Starr	Notes working for a dentist makes it easy to locate where the x-rays are needed.
381	Shibley	Answers these are very legitimate concerns on how radiation is transmitted.
390	Sen. Brown	Notes the health care crisis here in Oregon and states the limited amount of those that perform these procedures.
392	Shibley	Answers to the concerns on health care issues and notes many requests each month for dental assistants and the concern of making health care available.
367	Chair Fisher	States this is a new look at dentist assistants and notes the amount of radiation today that the body is exposed to in comparison to past years.
456	Sen. Morrisette	Notes the reason to have a public hearing to listen to those speaking to the bills and the intensity of the radiation that there are conflicts of these figures.
TAPE 49, B		
045	Chair Fisher	Asks Rep. Anderson for verification of these figures.
046	Rep. Anderson	Answers he will get these figures for another meeting.
047	Chair Fisher	Closes a public hearing on HB 3508 and opens a work session on HB 3609.
<u>HB 3609 – PUBLIC HEARING</u>		
050	Marjorie Taylor	Summarizes HB 3609 and states this bill has a subsequent referral and -3 amendments.
061	Rep. Farr	District 14. Testifies in favor of HB 3609 and states this bill provides a program for veterans their dependents and spouses, which is one that they deserve.
101	Rep. Gallegos	District 29. Testifying in favor of HB 3609 and explains giving this program in the form of a grant to help those that are currently receiving state services to get in to the Veteran's programs.
123	Sen. Brown	Notes the one pilot program is in Washington County.
124	Gallegos	Answers Multnomah and Washington counties have been tracking the data moving those people off state funding and on the Veteran's roles.
130	Sen. Brown	Asks if there is opposition to the bill.
145	Rep. Smith	District 52. Testifies in favor of HB 3609 and states what ever we can do for veterans anyone should do, that it will create cost savings.
159	James Toews	Senior and Disability Programs, Department of Human Services

		(DHS). Testifies in favor of HB 3609 and states there is a revised fiscal on his bill.
198	John Mangis	Department of Veteran's Affairs. Testifies in favor of HB 3609 and states anything for the veterans should be done but the funds will have to be worked out.
212	Sen. Brown	Notes there first concern is it should be statewide.
213	Mangis	Answers in agreement that moving veterans off public assistance is a plus.
231	Sen. Brown	Asks if this bill that is in statue is not necessary, then why is it not happening now.
242	Mangis	States the dollars for veterans has not kept up since 1989.
269	Sen. Morrisette	Notes this bill covers spouses and dependents.
270	Mangis	Indicates all Oregon law is to assist Oregon's veterans.
280	Sen. Morrisette	Asks why can we not do this statewide.
273	Toews	States not being able to figure out a formula that they need to know the upfront amount.
301	Chair Fisher	Closes a public hearing on HB 3609 and states the need for another hearing on this bill and opens a public hearing on HB 2631.

HB 2631 – PUBLIC HEARING

303	Marjorie Taylor	Summarizes HB 2631.
348	Rep. Johnson	District 38. Testifies in favor of HB 2631 and states there is no opposition to this bill and explains the bill is regarding two mammogram reports on his wife and the lab sending them to the wrong doctor (EXHIBIT H and EXHIBIT I).

TAPE 50, A

001	Rep. Johnson	Continues.
054	Chair Fisher	Asks if he is in favor of the -5 amendments.
061	Rep. Johnson	Answers the bill could not pass without the -5 amendments.
065	Catherine Otto	Member, Oregon Association for Clinical Laboratory Science. Testifies in favor of HB 2631 and explains the law being discussed only addresses laboratory exams not mammograms (EXHIBIT J).
100	Elizabeth Smith	Oregon Association for Clinical Laboratory Science. Testifies in favor of HB 2631 and states the bill would require seven days from receiving results of a test to be able to extend the results to the patient.
067	Chair Fisher	Asks if the time frame could be longer than seven days.
069	Smith	Answers yes, but having to wait for the results and then seven days is not something they can do.
074	Chair Fisher	Asks if Rep. Jensen would come up and inform the committee on the amendments.
109	Rep. Jensen	District 5. States he has made a commitment to approve the amendments on the bill.
129	Tim Martinez	Oregon Medical Association. Testifies in agreement with Rep. Jensen in having the amendments adopted.
130	Chair Fisher	Closes a public hearing on HB 2631 and opens a work session on 2631.

HB 2631 – WORK SESSION

141	Sen. Starr	MOTION: Moves to ADOPT HB 2631-5A amendments dated //03.
143	Chair Fisher	VOTE: 4-0 EXCUSED: 2 - Sen. Brown, Sen. Burdick Hearing no objection, declares the motion CARRIED.

145	Sen. Starr	SEN. STARR will lead discussion on the floor. MOTION: Moves HB 2631A to the floor with a DO PASS AS AMENDED recommendation.
046		VOTE: 4-0 EXCUSED: 2 - Sen. Brown, Sen. Burdick Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
159	Chair Fisher	Closes the public hearing on HB 2631 and adjourns committee meeting at 3:09

EXHIBIT SUMMARY

- A – HB 2324, written testimony, Rolf Olson,**
- B – HB 2410, written testimony, Dr. Kohn, 3 pp**
- C – HB 3157, written testimony, Paul Cosgrove, 1 p**
- D – HB 3156, written testimony, Gail Shibley, 2 pp**
- E – HB 3122, written testimony, Bret Simon, 2 p**
- F – HB 3508, written testimony, Jane Myers, 6 pp**
- G – HB 3508, written testimony, Gail Shibley, 2 pp**
- H – HB 2631, prepared material, Rep. Johnson, 1 p**
- I – HB 2631, prepared material, Rep. Johnson, 1 p**
- J – HB 2631, written testimony, Catherine Otto, 1 p**