

SENATE COMMITTEE ON HUMAN RESOURCES

June 11, 2003
1:00 PM

Hearing Room B
Tapes 51 – 52

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**
 Ryan Sherlock, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3508 – Work Session**
 HB 3609 – Work Session
 HB 2120A – Public Hearing and Work Session
 HB 2165A – Public Hearing and Work Session
 HB 2251A – Public Hearing and Work Session
 SB 891 – 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 51, A		
009	Chair Fisher	Calls the meeting to order at 1:09 p.m., and opens a work session on HB 3508.
<u>HB 3508 – WORK SESSION</u>		
025	Jane Myers	Director of Government Affairs, Oregon Dental Association. Submits written testimony (EXHIBIT A) in support of HB 3508.
075	Chair Fisher	Thanks Ms. Myers for her testimony.
080	Sen. Burdick	Asks that the Health division address the interpretations presented by Ms. Myers.
085	Chair Fisher	Indicates his perception that the testimony of Ms. Myers should be sufficient.
090	Sen. Burdick	Further indicates her wish that the Health Division be allowed to address the topic.
091	Chair Fisher	Refers to submitted testimony from Ms. Myers, indicating this should be enough in describing the x-ray procedure.
100	Sen. Brown	Asks whether the Chair feels it's appropriate to allow the Health Division to respond to Ms. Myers testimony.
105	Gail Shibley	Oregon State Health Division. Offers testimony regarding HB 3508, pointing out the discrepancies in the referenced article.
155	Chair Fisher	Comments on the perceived discrepancies.
160	Shibley	Further comments on the discrepancies and continues with testimony regarding HB 3508.
195	Chair Fisher	Comments on the licensing process, and the failure of the Health Division in addressing these concerns.
205	Shibley	Points out the Health Division does not do the licensing, rather

the licensing is done by the Health Boards, and in this case, the Oregon Board of Dentistry.

210 Chair Fisher Points out that the Health Division controls the licensing requirements, whether or not they actually administer the licensing process.

215 Sen. Brown Points out that due to this bill, dental assistance would more easily obtain x-ray credential than dentists or hygienists.

220 Shibley Acknowledges. Points out her efforts to reduce requirements in licensing and training.

245 **Sen. Clarno** **MOTION: Moves HB 3508 to the floor with a DO PASS recommendation.**

250 **VOTE: 4-2**
AYE: 4 - Clarno, Morrisette, Starr C., Fisher
NAY: 2 - Brown, Burdick
Chair Fisher **The motion CARRIES.**
CHAIR FISHER will lead discussion on the floor.

255 Chair Fisher Closes the work session on SB 3508, and opens a work session on SB 3609.

HB 3609 – WORK SESSION

260 Marjorie Taylor Committee Administrator. Offers a description of HB 3609, and introduces the proposed -3 amendments (**EXHIBIT B**).

275 Frank Fryer Private Citizen. Offers testimony in support of HB 3609, and the proposed -3 amendments.

305 Chair Fisher Thanks Mr. Fryer for his testimony and work with veteran services.

320 **Sen. Morrisette** **MOTION: Moves to ADOPT HB 3609-3 amendments dated 05/08/03.**

325 **VOTE: 4-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Brown, Clarno
Chair Fisher **The motion CARRIES.**

335 **Sen. Morrisette** **MOTION: Moves HB 3609 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

340 **VOTE: 4-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Brown, Clarno
Chair Fisher **The motion CARRIES.**

345 Chair Fisher Closes the work session on HB 3609, and opens a public hearing on HB 2120A.

HB 2120A – PUBLIC HEARING

350 Janet Carlson Marion County Commissioner. Offers testimony in support of HB 2120A with reference to a Local Planning Workgroup outline (**EXHIBIT C**), and the Local Coordination Comprehensive Plans document (**EXHIBIT D**). Comments on the support for the bill on the house side, and points out the support for eliminating the referral to Ways and Means.

TAPE 52, A

005 Donna Middleton Director, State Commission on Children and Families. Offers testimony in support of HB 2120A.

010 Gordon Fultz Association of Oregon Counties. Offers testimony in support of HB 2120A.

025	Chair Fisher	Closes the public hearing on HB 2120A, and opens a work session on HB 2120A.
<u>HB 2120A – WORK SESSION</u>		
030	Sen. Morrisette	MOTION: Moves HB 2120A to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
035		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Brown Clarno The motion CARRIES. SEN. MORRISETTE will lead discussion on the floor.
	Chair Fisher	
040	Chair Fisher	Closes the work session on HB 2120A, and opens a public hearing on HB 2165A.
<u>HB 2165A – PUBLIC HEARING</u>		
045	Marjorie Taylor	Committee Administrator. Offers a description of HB 2165A.
055	Chair Fisher	Calls witnesses to the stand.
065	Kathleen Haley	Oregon Board of Medical Examiners. Offers written testimony (EXHIBIT E) in support of HB 2165A.
090	Chair Fisher	Clarifies wording in the proposed amendments.
100	Bruce Bishop	Oregon Association of Hospitals and Health Systems. Offers testimony in support of HB 2165A, and indicates his support for the proposed –A5 amendments (EXHIBIT F).
115	Sen. Burdick	Asks for a clarification of specific statute which would be changed by the bill.
120	Bishop	Offers an explanation for the proposed changes by the amendments.
130	Scott Gallant	Oregon Medical Association. Offers his groups support for the bill and the proposed –A5 amendments.
135	Chair Fisher	Closes the public hearing on HB 2165A, and opens a work session on HB 2165A.
<u>HB 2165A – WORK SESSION</u>		
140	Sen. Morrisette	MOTION: Moves to ADOPT HB 2165A-5 amendments dated 06/11/03.
145		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Clarno The motion CARRIES.
	Chair Fisher	
150	Sen. Morrisette	MOTION: Moves HB 2165A to the floor with a DO PASS AS AMENDED recommendation.
155		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Brown, Clarno The motion CARRIES. SEN. BURDICK will lead discussion on the floor.
	Chair Fisher	
160	Chair Fisher	Closes the work session on HB 2165A, and opens a public hearing on HB 2251A.
<u>HB 2251A – PUBLIC HEARING</u>		
165	Marjorie Taylor	Committee Administrator. Offers a description of HB 2251A.
175	Grant Higginson	State Public Health Officer, Oregon Department of Human Services. Offers written testimony (EXHIBIT G) in support of HB 2251A.
290	Scott Gallant	Oregon Medical Association. Offers testimony in support of HB

2251A.

305 Chair Fisher Comments on the possible misuse of the declaration ability.
320 Higginson Acknowledges the concerns of the Chair, but points out there would be no declaration of a public health crisis without a problem of proper magnitude.

345 Gallant Comments on the measures built into the legislation which would help ensure the proper use of the declaration of public health crisis.

380 Sen. Burdick Refers to the witness's mention of the SARS epidemic pointing out the disproportionate response in relation to the problem. Asks what would ensure individual civil liberties were upheld during a public health crisis.

395 Higginson Points out the current lack of concern for SARS in the state. Comments on the declaration option in regards to the civil rights of individuals.

420 Gallant Points out a provision in the bill which allows a timeline for the declaration, and points out that if there were such need, the governor could declare a state of emergency.

435 Higginson Comments on the involvement of the American Civil Liberties Union (ACLU) in producing the bill.

TAPE 51, B

010 Chair Fisher Asks whether any of others in the audience would like to testify on HB 2251A. Closes the public hearing on HB 2251A, and opens a work session on HB 2251A.

HB 2251A – WORK SESSION

020 Sen. Morrisette **MOTION: Moves HB 2251A to the floor with a DO PASS recommendation.**

025 **VOTE: 4-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 2 - Brown, Clarno
The motion CARRIES.
STARR will lead discussion on the floor.

030 Chair Fisher Close the work session on HB 2251A, and opens a public hearing on SB 891.

SB 891 – PUBLIC HEARING

035 Marjorie Taylor Committee Administrator. Offers a description of SB 891, introduces the proposed -7 amendments (**EXHIBIT H**), and introduces the proposed -9 amendments (**EXHIBIT I**).

040 Stephen Kafoury Oregon Physical Therapy Association. Offers testimony in support of SB 891 and the proposed -7 amendments. Comments on the problems with the -9 amendments.

110 Ricci Susick Oregon Physical Therapy Association. Submits written testimony (**EXHIBIT J**) in support of SB 891, and the proposed -7 amendments.

150 Chair Fisher Asks how Mr. Kafoury interprets the -9 amendments as faulty.
155 Kafoury Further comments on the -9 amendments.
160 Susick Offers her interpretation of the impact of the -9 amendments.
165 Kafoury Concurs, and further discusses.
170 Susick Offers an example of the ill effects on patients.
175 Sen. Starr Comments on his personal experience regarding an injury and the subsequent physical therapy.

210 Chair Fisher Recesses the full committee meeting and reopens the meeting as a subcommittee (with Sen. Starr, Sen. Morrisette, and Chair Fisher in attendance).

220	John Powell	State Farm Insurance Company. Offers testimony regarding SB 891, in opposition to the proposed -7 amendments, and in support of the proposed -9 amendments.
255	Peggy Anet	Health Insurance Association of America (HIAA). Testifies regarding SB 891, in opposition to the proposed -7 amendments, and in support of the proposed -9 amendments.
295	Leonard Hagen	Regence Blue Cross/Blue Shield. Offers testimony regarding SB 891, in opposition to the proposed -7 amendments, and in support of the proposed -9 amendments.
340	Chair Fisher	Asks whether Mr. Powell's companion has any comments.
345	Powell	Identifies his companion as a State Farm lawyer who advised him on the legal matters of the bill.
350	Hagen	Points out they are not looking for a change in current statute.
355	Chair Fisher	Asks Mr. Kafoury and Ms. Susick to address the testimony offered by the previous witnesses.
360	Kafoury	Comments on the opinions offered by the witnesses.
375	Chair Fisher	Indicates his perception that the Personal Injury Protection (PIP) programs cannot change contracts as a matter of law.
380	Kafoury	Points out the bill was drafted attempting to limit any affect on any PIP programs.
430	Susick	Points out that current statute holds that PIP have always been exempt from the direct access rules.
445	Kafoury	Explains that there are no exemptions regarding workers comp.
460	Chair Fisher	Comments on his intentions regarding the bill.
TAPE 52, B		
015	Chair Fisher	Indicates he would like Charlie Cheek from Legislative Counsel to address the discrepancies in testimony.
020	Committee	Discusses the schedule for the committee.
030	Chair Fisher	Recesses the subcommittee meeting.
RECESS		
035	Chair Fisher	Calls the meeting back to order as a full committee.
040	Kafoury	Explains that he thinks the best thing to do so late in the session would be to move the bill out of committee as amended with the -9 amendments.
045	Chair Fisher	Closes the public hearing on SB 891, and opens a work session on SB 891.
<u>SB 891 – WORK SESSION</u>		
050	Sen. Brown	MOTION: Moves to ADOPT SB 891-9 amendments dated 06/11/03.
055		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 – Burdick, Clarno The motion CARRIES.
060	Chair Fisher Sen. Brown	MOTION: Moves SB 891 to the floor with a DO PASS AS AMENDED recommendation.
065		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Burdick, Clarno The motion CARRIES. CHAIR FISHER will lead discussion on the floor.
065	Chair Fisher	Closes the work session on SB 891. Notes that this will be the last meeting for the Senate Committee on Human Services, and thanks the members for their work on the committee. Adjourns

the meeting at 2:45 p.m.

EXHIBIT SUMMARY

- A – HB 3508, written testimony, Jane Myers, 6 pp.**
- B – HB 3608, -3 amendments, Staff, 1 p.**
- C – HB 2120A, Local Planning Workgroup overview, Janet Carlson, 1 p.**
- D – HB 2120A, Local Coordinated Comprehensive Plans, Janet Carlson, 20 pp.**
- E – HB 2165A, written testimony, Kathleen Haley, 2 pp.**
- F – HB 2165A, -A5 amendments, Staff, 1 p.**
- G – HB 2251A, written testimony, Grant Higginson, 3 pp.**
- H – SB 891, -7 amendments, Staff, 3 pp.**
- I – SB 891, -9 amendments, Staff, 1 p.**
- J – SB 891, written testimony, Ricci Susick, 7 pp.**