

# HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

February 13, 2001  
1:30 P.M.

Hearing Room D  
Tapes 18 - 22

**MEMBERS PRESENT:** Rep. Jeff Kruse, Chair  
Rep. Phil Barnhart  
Rep. Bill Garrard  
Rep. Jerry Krummel  
Rep. Jan Lee  
Rep. Laurie Monnes-Anderson  
Rep. Bill Morrisette  
Rep. Carolyn Tomei  
Rep. Cheryl Walker

**MEMBER EXCUSED:**

**STAFF PRESENT:** Diane Lewis, Committee Administrator  
Rachel Brown, Committee Assistant

**MEASURE/ISSUES HEARD:** SJR 8- Public Hearing and Work Session  
HCR 3- Public Hearing and Work Session  
HB 2247- Public Hearing and Work Session  
HB 2249- Public Hearing and Work Session  
HB 2469- Public Hearing and Work Session  
HB 2105- Public Hearing and Work Session  
HB 2498- 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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TAPE/#	Speaker	Comments
<b>TAPE 18, A</b>		
004	Chair Kruse	Calls the meeting to order at 1:35 p.m. and opens a public hearing on SJR 8.
<b><u>SJR 8- PUBLIC HEARING</u></b>		
012	Sen. Gordly	Senate District 10. Testifies in favor of SJR 8. Speaks in honor of Josiah Hill III and his humanitarian work. Reminds the committee that the declared 'Josiah Hill III Day' is this February 20 <sup>th</sup> that is also Mr. Hill's birthday.
042	Sen. Gordly	Acknowledges the work of Josiah Hill III as a health activist and advocate for economic justice. Explains that Mr. Hill worked to make communities aware of the dangers of lead in drinking water and its negative affect on children. States that Mr. Hill was the most influential person ever in this issue area.
114	Bruce M. Watts	Executive director of the Coalition of Black Men. Speaks in favor of SJR 8. Honors Mr. Hill by discussing his many contributions to society. Wishes to bring to light the importance of supporting young black boys in leading positive lives. Describes how Mr. Hill encouraged black men to volunteer in schools. Asserts that Mr. Hill always worked for justice,

169	Lorenzo Poe	especially within the African American community. Honors Mr. Hill's wife, Martha Hill, as an equally strong woman. Founder and chairman of the Coalition of Black Men. Testifies in favor of SJR 8. Speaks of Mr. Hill's heroic efforts in the encouragement of students of color, in his tireless efforts to rid schools of violence, and of his unending work on a variety of health issues.
290	Jennifer Webber	Represents the Oregon Society of Physician Assistants. Submits written testimony in support of SJR 8 ( <b>EXHIBIT A</b> ). Explains that Josiah Hill III was the first formally trained physician assistant to be licensed in the state of Oregon.
312	Ian Timm	Executive director of the Oregon Primary Care Association. Testifies in favor of SJR 8.
319	Chair Kruse	Closes the public hearing on SJR 8 and opens a work session on SJR 8.

**SJR 8- WORK SESSION**

320	Rep. Krummel	<b>MOTION: Moves SJR 8 be sent to the floor with a BE ADOPTED recommendation.</b>
	Chair Kruse	<b>VOTE: 9-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye. Hearing no objection, declares the motion CARRIED. REP. BOWMAN will lead discussion on the floor.</b>
339	Rep. Walker	Appreciates the testimony surrounding SJR 8 and the chance to hear about the life of Josiah Hill III.
353	Chair Kruse	Closes the work session on SJR 8 and opens a public hearing on HCR 3

**HCR 3- PUBLIC HEARING**

360	Sen. Fisher	Testifies in support of HCR 3.
<b>TAPE 19, A</b>		
002	Sen. Fisher	Continues testimony by talking about the life and service of the former Representative Verner J. Anderson.
040	Vice-Chair Morrisette,	Closes the public hearing on HCR 3 and opens a work session on HCR 3.

**HCR 3- WORK SESSION**

043	Rep. Krummel	<b>MOTION: Moves HCR 3 be sent to the floor with a BE ADOPTED recommendation.</b>
	Vice-Chair Morrisette	<b>VOTE: 8-0</b>
		<b>AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Kruse</b>
		<b>The motion CARRIES. REP. KRUSE will lead discussion on the floor.</b>
080	Vice-Chair Morrisette	Closes the Work Session on HCR 3 and opens a Public Hearing on HB 2469.

**HB 2469- PUBLIC HEARING**

085	Gary Allen	Represents the Oregon Dental Health Coalition. Submits and presents written testimony in favor of HB 2469 ( <b>EXHIBIT B</b> ). <ul style="list-style-type: none"> <li>▪ Oregon has a provider shortage due to strict licensure regulations</li> <li>▪ HB 2469 will provide a reasonable means for qualified dentists to be licensed in Oregon without jeopardizing the dental health of Oregon citizens</li> </ul>
128	Allen	Concludes testimony by stating that he supports the –1 amendments.

197	Rep. Tomei	Asks if the Oregon Dental Health Coalition belongs to the Board of Dentistry.
200	Allen	Responds that the Governor selects the board of dentistry and that none of the coalition's members could be on the board unless appointed by the Governor.
207	Rep. Tomei	Asks if members of the Oregon Dental Health Coalition theoretically could be members.
208	Allen	Responds that the coalition members are eligible for the Board and members are selected by the Governor.
213	Rep. Garrard	Asks how the Western regional exam compares with other regional exams.
217	Allen	Responds that there are differences between the four regional exams, but that the differences are subtle.
231	Rep. Monnes-Anderson	States that the Board of Dentistry recognizes two of the four regional exams and asks if HB 2469 would preclude the board's evaluation of the two not yet accepted regional exams. Adds that she is concerned the Board of Dentistry's power would be diminished as a result.
247	Allen	Responds that the evaluation process is painstakingly slow and Oregon continues to lose qualified dentists.
282	Rep. Krummel	Asks if there is a length of time in which someone shadows a new dentist in Oregon.
285	Allen	Responds that there is normally not someone who shadows a new dentists are not shadowed..
304	Clayton Stearns	Represents the Oregon Board of Dentistry. Submits and presents written testimony in opposition to HB 2469 ( <b>EXHIBIT C</b> ). <ul style="list-style-type: none"> <li>▪ The board has an obligation to assure that any person holding a license as a dentist or dental hygienist in Oregon has proven their clinical competency, through successful passage of an examination conducted by fair and objective examiners using proven valid and reliable examination principle.</li> </ul>
400	Rep. Monnes-Anderson	Asks what other regional licenses are accepted by Oregon.
<b>TAPE 18, B</b>		
006	Stearns	Refers to page 2 of his submitted testimony in explaining that all the states colored red on the map are states from which Oregon generally accepts licensure, but that there are exceptions.
018	Rep. Monnes-Anderson	Asks if exams taken in states not colored red on the map are in certain times accepted.
025	Stearns	Responds that there are exceptions taken in certain cases.
030	Rep. Garrard	Asks why the Board of Dentistry is not assisting Oregon in finding more dentists to fill its shortage.
040	Stearns	Responds that the geographical area of recognition has recently doubled. States that Oregon isn't as badly off as other states as far as a shortage of dentists goes, but agrees that the problem does need to be addressed in a rational and reasonable manner.
064	Rep. Krummel	Asks if there is a background check conducted on potential licensees.
067	Stearns	Responds that a background check is performed.
069	Rep. Krummel	Asks how it is possible for a dentist from another state, from which Oregon does not accept licensure, to become licensed in this state.

081	Stearns	Responds that licensure would be completed through thorough testing.
084	Rep. Krummel	Asks what makes Oregon different so those newcomers, leaving established practices in other states, cannot practice without first being extensively tested.
093	Stearns	Responds that licensure in Oregon is a difficult and unusual problem. Asks the question that if a dentist was trained 20 years ago then is that dentist still competent today to practice freely?
107	Rep. Krummel	Asks if there is someone to shadow new dentists in Oregon.
117	Stearns	Responds that there is no shadowing of new dentists in Oregon. Adds that a dentist practices on his or her own without the intervention of any governing body and without review unless complaint is filed against the dentist.
133	Rep. Barnhart	Asks how long the board will take to review regional tests it may consider accepting.
147	Stearns	Responds that he is not privy to this information.
165	Rep. Barnhart	Asks what the timeline is for this review.
170	Stearns	Responds that the board has begun this process but because of the detailed criterion involved in the review, it will take time to come to an agreement. Believes that regional testing agencies need to come to a decision as well and hopefully create a nationwide single exam. Foresees this taking 10 years.
193	Rep. Tomei	Asks if Mr. Stearns is concerned with the lack of oversight of new dentists starting practices in Oregon.
203	Stearns	Responds that he is personally concerned with this issue.
204	Rep. Tomei	Asks what the dental exam consists of that is given to those who wish to practice in Oregon.
206	Stearns	Responds that examination in Oregon is done on “general licensure level” and “specialist licensure level”.
255	James Hicks	Represents the Oregon Dental Health Coalition. Submits and presents written testimony in favor of HB 2469 ( <b>EXHIBIT D</b> ). <ul style="list-style-type: none"> <li>▪ The Oregon Board of Medicare Examiners has had many years experience licensing physicians from other states to practice in Oregon on the basis of their credentials and has witnessed no adverse impact in the health of Oregon’s citizens as a result</li> </ul>
310	Dr. Whitney Payne	<ul style="list-style-type: none"> <li>▪ Free-movement of dentists to Oregon needs to be supported Dental Director for the State of Oregon, Oregon Health Division, Department of Human Services. Submits and presents written testimony in support of HB 2469 (<b>EXHIBIT E</b>).</li> <li>▪ The Health Division believes the change in the dental licensing process will improve access to oral health care by reducing a barrier to recruitment, and thereby increasing the number of dentists in Oregon.</li> </ul>
<b>TAPE 20, B</b>		
020	Rep. Krummel	Asks for a personal opinion from Dr. Payne as to what he thinks about those doctors and dentists that have practiced for years and have not taken an exam or had an evaluation done.
035	Payne	Responds that he believes that obtaining licensure after a clinical practice has been established is an archaic and parochial necessity for dentists in Oregon.
040	Chair Kruse	Closes the public hearing on HB 2469 and opens a public

**HB 2105- PUBLIC HEARING**

043 Damara Paris

hearing on 2105.

Program Manager of the Public Utility Commission of Oregon. Submits and presents written testimony in favor of HB 2105 **(EXHIBIT F)**.

- It is more efficient to have telecommunication access programs for both disabled and low-income people housed under one agency rather than having each program handled by different agencies or organizations
- The State of Oregon, the FCC and Americans with Disabilities Act of 1990 (ADA) have policies or mandates that telecommunications services will be accessible to all

132 Paris

Concludes testimony by stating that HB 2105 will make life easier for those with hearing imparities and for those with low incomes.

160 Rep. Monnes-Anderson

Asks what percentage of the population in the U.S. is deaf.

165 Paris

Responds that 9% of the American population is deaf or hard of hearing.

170 Rep. Monnes-Anderson

Provides a personal anecdote of her deaf sister and their relationship.

181 Bob Williams

Represents Self-Help for the Hard of Hearing in Oregon. Testifies in favor of HB 2105. Gives his hearing history and discusses the instruments he has used to assist his hearing disability. Advocates for hard of hearing people, especially those with cochlear implants like himself, to use cell phones. Believes that more than 10% of the general population has lost a percentage of its hearing.

221 Williams

Asserts that the services HB 2105 supports, help to boost the economy and business sector of the state because the services enable deaf people to use the telephone to make business transactions, etc.

268 Dr. Mitchell Turban

Represents the Oregon Hard of Hearing and Deaf Alliance and Self-Help for Hard of Hearing People in Oregon. Testifies in support of HB 2105. States that he has worked on telecommunications issues in Oregon. Believes that HB 2105 doesn't advocate for special treatment of people with disabilities and is inclusive of the entire population.

310 Turban

Declares that HB 2105 makes provisions for people with disabilities and people that are experiencing economic hardships. Recognizes that the general population has a wide range of needs and if more people can be included in the network that keeps everyone in touch, namely the telephone, then many people's lives will be much improved.

400 Wayne Seely

Represents the Oregon Disabilities Commission and the Deaf and Hard of hearing Access Program. Submits and presents written testimony in support of HB 2105 **(EXHIBIT G)**.

- The telephone is a social device that the majority of us depend on today
- Special equipment is needed in order for hard of hearing people to use the phone and these devices are an extra financial burden. In order to give hard of hearing people

equal access to the phone system, it is important that these devices be provided free of charge

**TAPE 20, A**

017 Seely

Concludes testimony by stating his support of the extension to January 1, 2010, for certain laws relating to access to residential telecommunication services for low-income customers, customers with medical conditions and people with disabilities.

035 Chair Kruse

Closes the public hearing on HB 2105 and opens a work session on 2105.

**HB 2105- WORK SESSION**

040 Rep. Monnes-Anderson

Explains that she as a legislator hates to impose fees on the public but this particular case is exceptionally important since 10% of the population is deaf and HB 2105 would allow deaf people more freedom in their lives.

050 Rep. Barnhart

Adds that it has been the policy of the State of Oregon for many years to promote universal access to telephone services.

154 Rep. Krummel

**MOTION: Moves HB 2105 to the floor with a DO PASS recommendation.**

**VOTE: 9-0**

**Chair Kruse**

**AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**

**REP. MONNES-ANDERSON will lead discussion on the floor.**

064 Chair Kruse

Closes the work session on HB 2105 and re-opens a public hearing on HB 2469.

**HB 2469- PUBLIC HEARING**

067 Dr. Charles Wingard

President of the Oregon Dental Association. Submits written testimony in opposition of HB 2469 (**EXHIBIT H**). Explains that he is not so much opposed to the actual bill as he is in support of the Oregon Board of Dentistry. Believes that the board has been given the responsibility to make decisions and should be allowed to exercise its expertise.

107 Wingard

Recognizes that the shortage of dentists in Oregon is a concern of the Board of Dentistry.

143 Jane Meyers

Representing the Oregon Dental Association. Testifies in opposition of HB 2469. Refers to page four of Mr. Wingard's submitted material in reference to the issue of dentist shortages in Oregon. Believes that the shortage is not as big a problem as has been reported in the past based not on state, but on federal figures.

196 Rep. Morrisette

Refers to page 6, EXHIBIT H, and states that in John Day (Grant County), the figures note that 4 dentists are practicing there but when the Legislative trip was taken in June 2000, the group only found one dentist practicing in that town and he was ready to retire.

226 Meyers

Responds that she thought there was more than one dentist in John Day. Believes that even if licensing were to be opened up completely, it would be difficult to recruit people to the rural parts of Oregon.

257 Rep. Garrard

Asks if Wingard believes there is a shortage of dentists in the state of Oregon, because the shortage issue is at the heart of HB 2469.

273 Wingard

Responds that there is a shortage but that the issue should be handled through the Board of Dentistry.

277	Rep. Lee	Asks if retired military dentists could practice in Oregon.
283	Wingard	Responds that these individuals are in fact qualified and that the pathway to a practice is open providing they take the one-day reasonable exam.
288	Rep. Tomei	Asks about fees paid to the board by licensees and asks if the coalition members heading up HB 2469 are fee payers.
309	Meyers	Responds that the Board of Dentistry operates with the money collected from its licensees and that the coalition members do not pay these fees.
321	Rep. Barnhart	Asks if more unqualified dentists pass regional exams not recognized in Oregon than do dentists that pass the regional exams that are recognized.
337	Wingard	Responds that he doesn't know the answer.
343	Ian Timm	Executive director of the Oregon Primary Care Association. Submits written testimony in support of HB 2469 ( <b>EXHIBIT I</b> ). Explains that the Oregon Primary Care Association is one that works with Safety Net programs that have tried to respond to their communities' dental care needs and have created Safety Net dental clinics that serve the low-income population in Oregon.
<b>TAPE 22, A</b>		
001	Timm	Refers to the map in the handout of submitted material, page 1 that outlines the current federally designated shortage areas of dental health professionals. Believes there's a shortage of dentists in Oregon. States that this bill removes barriers to practice dentistry in Oregon, especially for removing the barrier of dentists from other states wishing to practice in Oregon. References the tables in EXHIBIT I (pages 6-7).
060	Paul Cosgrove	Represents the Oregon Dental Hygienists Association. Testifies in favor of HB 2469. Remarks that dental hygienists licensed by the Board of Dentistry pay fees to the board. Supports the -1 amendments to HB 2469 because it adds hygienists to the group that would benefit from the bill.
086	Dr. Steven Duffin	Member of the Oregon Dental Association. Submits and presents written testimony in support of HB 2469 ( <b>EXHIBIT J</b> ). <ul style="list-style-type: none"> <li>▪ It is important to increase the available pool of dentists and hygienists that are able and willing to serve our states' most medically vulnerable population, citizens covered under the Oregon Health Plan</li> </ul>
123	Duffin	Offers anecdotal information to make his point that the citizens of Oregon deserve to have substantial dental care in their communities.
142	Rep. Morrisette	Asks if there are records kept of people that have tried to apply for licensure and have been rejected.
145	Duffin	Responds that he has been aggressively recruiting dentists from around the country and can attest that the barrier to licensure is a perennial problem.
154	Rep. Barnhart	Reiterates question that if more unqualified dentists pass regional exams not recognized in Oregon than do dentists that pass the regional exams that are recognized.
159	Duffin	Responds that he has looked at all the regional exams and has no reason to think that one test better qualifies someone than do the other tests.
169	Rep. Monnes-	Believes there is a shortage of dentists but doesn't think that this

	Anderson	bill will solve the shortage problem. Comments that if the Board of Dentistry were to accept all the regional exams and allow dentists to move freely from state to state, Oregon would still have a hard time recruiting dentists to work with the low-income population and in rural areas.
205	Duffin	States that “if the door is shut, no one will come through it, but that I can’t predict if there’s anyone on the other side”.
208	Rep. Lee	Supports HB 2469 because she feels that dentists should have the same provisions as physicians.
213	Rep. Barnhart	Makes the point that he’s familiar with boards and their expertise and wonders if it’s necessary for the legislature to, in the case of HB 2469, refuse to acknowledge that expertise. Indicates that there hasn’t been a good explanation as to why the other regional tests aren’t accepted in Oregon.
243	Duffin	States that dentistry has been evolving with its licensure protocols.
259	Cosgrove	Believes the Oregon Board of Dentistry is unique in that it licenses two different kinds of professionals educated separately and distinctly with different roles: the hygienist member and public member, who is a public health dentist.
265	Chair Kruse	Closes the public hearing on HB 2469 and opens a work session on HB 2469.

**HB 2469- WORK SESSION**

167	Rep. Morrisette	<b>MOTION: Moves to ADOPT HB 2469-1 amendments dated 02/09/01.</b>
		<b>VOTE: 9-0</b>
	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>
289	Rep. Monnes-Anderson	Asks for clarification of the amendments.
291	Diane Lewis	Committee Administrator. Explains that the –1 amendments add dental hygienists to the bill.
299	Rep. Barnhart	<b>MOTION: Moves HB 2469 to the floor with a DO PASS AS AMENDED recommendation.</b>
302	Rep. Tomei	Expresses frustration with HB 2469 and adds that she feels reservations in going against the Board of Dentistry’s expertise, but on the other hand she recognizes the need for more dentists in Oregon.
315	Rep. Garrard	Comments that if the bill passes, the actions taken by the committee and then on the floor will send a message to the board that respective action on their part is needed immediately.
334	Rep. Barnhart	Stresses the importance of the board making decisions of this nature for itself.
354	Rep. Krummel	Supports HB 2469 but is hesitant to go against the board’s decision.
389	Rep. Monnes-Anderson	Asks if HB 2469 addresses the issue of licensure from other countries.
399	Dr. Gary Allen	Responds that according to the bill, the person would have to be a graduate of an accredited dental school and the American Dental Association accredits only U.S. dental schools.

**TAPE 20, B**

**002**

**VOTE: 9-0**

**013**

**Chair Kruse**

**AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.**



016 Chair Kruse **REP. GARRARD will lead discussion on the floor.**  
Closes the work session on HB 2469 and opens a public hearing on HB 2247.

**HB 2247- PUBLIC HEARING**

022 Susan Wilson Represents the Health Licensing Office. Submits written testimony in support of HB 2247 (**EXHIBIT K**). Explains that HB 2247 corrects statutory omissions that were dropped during the transfer of regulation of respiratory care therapists from the Oregon Board of Medical Examiners to the Health Licensing Office. Goes on to say that the bill establishes authority rather than implied authority resulting from the dropped provisions occurring during the 1997 transfer of administrative oversight. Mentions proposed –1 amendments that have come from Legislative Council that remove the diversion program referral from section 7 of the bill.

070 Chair Kruse Asks why this bill has a subsequent referral to Ways and Means.  
074 Wilson Responds that the diversion program contracts services that cost \$13,000 per biennia.

082 Rep. Morrisette Asks about the diversion program.  
090 Wilson The diversion program is a program for practitioners with drug or alcohol abuse problems that places the individuals in therapy to put them back under their licensure as a practitioner.

101 Rep. Krummel Asks if the program would continue but not under the auspice of the Health Licensing Office.

104 Wilson Responds that there are diversion programs attached to hospitals and under the guidance of physicians and the diversion program would not continue under the Health Licensing Office.

135 Rep. Krummel Asks how many respiratory therapists there are.  
137 Wilson Responds that there are around 1,000.  
140 Rep. Krummel Asks about their fees.  
141 Wilson Responds that each therapist pays \$100 per year.  
145 Chair Kruse Closes the public hearing on HB 2247 and opens a work session on HB 2247.

**HB 2247- WORK SESSION**

150 Rep. Tomei **MOTION: Moves to ADOPT HB 2247--1 amendments dated 2/5/01.**  
**VOTE: 8-0**  
**EXCUSED: 1 - Lee**

154 Chair Kruse **Hearing no objection, declares the motion CARRIED.**  
155 Rep. Krummel **MOTION: Moves to rescind the referral to the committee on Ways and Means.**  
**VOTE: 8-0**  
**EXCUSED: 1 - Lee**

160 Chair Kruse **Hearing no objection, declares the motion CARRIED.**  
162 Rep. Krummel **MOTION: Moves HB 2247 to the floor with a DO PASS AS AMENDED recommendation.**  
**VOTE: 8-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 1 - Lee**

172 Chair Kruse **The motion CARRIES.**  
175 Rep. Tomei **MOTION: Moves HB 2247 be placed on the CONSENT CALENDAR.**  
**VOTE: 8-0**  
**EXCUSED: 1 - Lee**

183	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>
185	Chair Kruse	Closes the work session on HB 2247 and opens a public hearing on HB 2249.
<b><u>HB 2249- PUBLIC HEARING</u></b>		
190	Susan Wilson	Director of the Health Licensing Office. Submits written testimony in support of HB 2249 ( <b>EXHIBIT L</b> ). Explains that HB 2249 simply fixes terminology that wasn't fixed during the 1999 Legislative Session.
209	Rep. Barnhart	Asks if HB 2249 makes an operational change or changes responsibilities of the agency in any way.
225	Wilson	Responds that when the Respiratory Therapy Board came under the Health Licensing Office, the language surrounding the board was different from the language surrounding other boards within the Health Licensing Office.
245	Rep. Barnhart	Asks if HB 2249 only addresses the Respiratory Therapy Board.
252	Wilson	Responds that this statute would pertain to all of the boards. Explains that HB 2249 conforms the current services to the current model of the agency.
255	Rep. Barnhart	Comments that the change seems significant and asks if the agency consults with the board before taking action.
260	Wilson	Responds that the Health Licensing Office's legislative council brought forth the amendment because current statute have phrases like "in consultation", "recommended by", and sometimes completely by the discretion of the Health Licensing Office. States that Legislative Council suggested that in order not to be in conflict with current statutes, the language needed to be synchronized. Adds that before drafting HB 2249, all the boards were consulted. Provides that currently the Health Licensing Office operates in consultation with the boards and councils currently under its purview and, all the boards within its office do consent to the amendment.
282	Rep. Barnhart	Asks if the boards are willing to give away this authority.
289	Wilson	Responds that the boards don't see it as giving away authority and the boards help balance public protection and are focused on practice standards and meeting certain standards and not actually carrying out the day-to-day functions of enforcement and compliance with the law.
300	Rep. Morrisette	Asks if the change is made due to the confusion in conflicting statute.
309	Wilson	Responds that the change is being made because the overall statutes that the Health Licensing Office regulates under its jurisdiction need to be modified to insure that they fit under the agency model as directed by HB 2465 from the 1999 Legislative Session.
330	Chair Kruse	Closes the public hearing on HB 2247 and opens a work session on HB 2247.
<b><u>HB 2249- WORK SESSION</u></b>		
335	Rep. Krummel	<b>MOTION: Moves HB 2249 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b>
340	Chair Kruse	<b>AYE: In a roll call vote, all members present vote Aye. The motion CARRIES.</b>
344	Rep. Tomei	<b>MOTION: Moves HB 2249 be placed on the CONSENT CALENDAR.</b>

**VOTE: 9-0**

353 **Chair Kruse**  
358 Rep. Krummel

**Hearing no objection, declares the motion CARRIED.**  
Declares a potential conflict of interest as to HB 2247 and HB 2249 due to his status as “licensee” administered by the Health Licensing Office.

390 Chair Kruse

Close the work session on HB 2249 and opens a public hearing on HB 2498.

**TAPE 21, B**  
**HB 2498- PUBLIC HEARING**

006 Kathy Ledesma

Program Manager for Adoption Services at the state office of Services to Children and Families (SCF). Submits written material neither in support nor in opposition to HB 2498 **(EXHIBIT M)**. Discusses the possible interim task force and states that if SCF were to be a part of the task force, the agency would calculate the time required for the task force to determine the cost during the interim and then offer its position as “in support” or “opposed” to the creation of this group. Remarks that the task force is not currently included in the Governor’s budget and SCF will most likely be opposed to HB 2498. Notes that SCF is also neutral on the subject matter of the possible task force.

032 Ledesma

Points out that the issue of embryo adoptions is very complex and it raises social, ethical, scientific, and legal questions. Believes the term ‘embryo adoption’ to be imprecise. States that to SCF’s knowledge, the practice of embryo adoption isn’t currently regulated in existing Oregon statute. Identifies three statutes that may relate to this issue area: ORS 109.239-247, ORS 109.309 and ORS 432. Remarks that the four states that have related legislation are Florida, Virginia, New Hampshire and California.

080 Rep. Morrisette  
083 Ledesma

Asks if embryo adoptions are currently taking place in Oregon. Responds that the research SCF has done documents around 54 embryo adoptions in the United States in 1999.

094 Robin Pope

Represents the Oregon State Bar Standing Committee on Adoption. Submits written testimony neither in favor nor against HB 2498 **(EXHIBIT N)**. Points out that in Oregon there are few doctors who practice as reproductive endocrinologists and there is an even smaller number of lawyers that handle these matters. Believes that it is appropriate that the law catch up with the medical technology of the day.

167 Pope

Concerned and uncomfortable with the use of the term ‘embryo adoption’ and to her knowledge and that of her colleagues in the area, embryo adoption doesn’t happen in Oregon. Wishes instead to use the term ‘assisted reproductive technology’ in order to be inclusive of all of the issues involved. Wants to utilize the expertise of professionals to work on the task force.

185 Rep. Morrisette

Voices concern with the ethical and moral issues at hand and wonders if the internet may be a way of allowing unethical practices to take place.

193 Pope

Responds that this is not ‘embryo adoption’ as it is defined and the action he described is called ‘egg donation’ and ‘sperm donation’. Wonders at the possibility of addressing internet issues in the task force.

208	Chair Kruse	Responds that it will be possible to discuss the internet when the task force meets.
210	Pope	Provides an anecdote in discussing the issue of the internet in relation to embryo adoptions.
214	Rep. Morrisette	Voices concern in the creation of ‘designer babies’.
219	Pope	Suggests amendments to HB 2498 that would more clearly define the members of the task force. Concerned with the financial impact behind HB 2498.
256	Paula Acker	Licensed clinical social worker at Oregon Health Sciences University (OHSU). States that she is neutral on the issue of embryo adoptions. Reiterates that very few people in the United States actually consider embryo donation. Explains that very few couples using in-vitro fertilization techniques choose to donate their embryos to other couples. Submits that success rates aren’t good for the survival of frozen and donated embryos. Provides that couples most often use all of their embryos or if they don’t, they choose to dispose of the remaining embryos.
302	Acker	Acknowledges the five or six times a year at OHSU that the subject of embryo adoption is considered by a couple and when doing so, they are asked to fill out papers similar to adoption papers detailing their social and medical history to be handed over to the recipient couple. Explains that as of now, there is no legal format for embryo donation but that the American Society of Reproductive Medicine sets guidelines for all Endocrinologists to follow. Mentions the ethics panel at OHSU that is made up of doctors and philosophers and religious leaders that discuss issues surrounding reproductive technology.
357	Rep. Morrisette	Asks when a person is considered to be a person.
361	Acker	Responds that the law states that when a baby is born, then he or she is considered to be ‘a person’.
364	Rep. Krummel	Asked what would happen to the embryos a couple had frozen if that couple passed away.
372	Acker	Responds that the embryos are immediately discarded.
<b>TAPE 22, A</b> 002	Susan Cox	Vice-president of Public Policy and External Affairs for Holt International Children’s Services. Submits and presents written testimony in support of HB 2498 ( <b>EXHIBIT O</b> ). <ul style="list-style-type: none"> <li>▪ In recent years the practice of adoption has evolved dramatically from a humanitarian response for children without families, to becoming an adoption industry</li> <li>▪ As technology advances the possibilities in a variety of social practices, embryo adoptions are at the forefront. Child welfare and adoption professionals are increasingly concerned about the potential for fraud and abuse.</li> <li>▪ HB 2498 is a significant effort to assess and evaluate the implications, both known and unknown, of embryo adoptions</li> </ul>
085	Cox	Concerned with the lack of a national clearinghouse or federal policies that control what information is held and what is released regarding donors. Brings to light reasonable questions such as:

- 093 Cox
  - 115 Cox
  - 120 Chair Kruse
- What are reasonable fees for services paid to donor families by those receiving embryos?  
 ▪ What are the liability issues?  
 ▪ What should be the proper training for practitioners?  
 ▪ Who licenses the placement agency or facilitator?
- Refers to the attachments in EXHIBIT O.
- Believes that adoption is a service for children who need families and not a process intended to meet the needs of adults by producing children of preferred genetic characteristics.
- Closes the public hearing on HB 2498 and opens a work session on HB 2498.

**HB 2498- WORK SESSION**

- 124 Chair Kruse
- 146 Rep. Walker
- 160 Chair Kruse
- 165 Rep. Walker
- 169 Chair Kruse
- 171 Rep. Barnhart
- 182 Chair Kruse
- 194 Rep. Barnhart
- 205 Rep. Tomei
- 211 Chair Kruse
- 214 Rep. Monnes-Anderson
- 225 Chair Kruse
- 236 Rep. Morrisette
- 250 Rep. Monnes-Anderson
- 259 Chair Kruse
- 263 Chair Kruse
- Explains his reasoning for the bill and for the –1 amendments. Wishes to mirror a task force that he sponsored in the 1997 Legislative Session that was on adoption.
- Advocates for the use of a scientific term instead of the term ‘embryo adoption’.
- Responds that the task force will look in to this.
- Wishes to suggest to the task force that they come up with new terminology.
- Maintains that the task force will have this decision to make.
- Asks about the specific qualifications that the members of the task force will have and if these qualifications should be listed within the context of the bill.
- Responds that the Speaker of the House and the President of the Senate will appoint the members of the task force.
- Concerned with the number of ethical issues related to this topic that do not exist in the area of adoption.
- Believes this issue to be the most important that the committee has looked at so far and would like to give the issue more thought and discussion before moving ahead.
- Remarks that he would be willing to bring the issue back to committee a second time.
- Asserts that more time is needed on this issue area and asks if a task force is always created only by the Speaker of the House and the President of the Senate.
- Responds that sometimes the Governor has input as to the members of a particular task force.
- Believes the issue is extremely important and supports the creation of a task force.
- Speaks of involving special interest groups.
- Closes the Work Session on HB 2498 and states that more discussion of concerns surrounding this issue will take place at a later time.
- Adjourns the meeting at 5:30 p.m.

Submitted By,

Reviewed By,

Rachel Brown,

Diane Lewis,

Committee Assistant

Committee Administrator

**EXHIBIT SUMMARY**

- A – SJR 8, Jennifer Webber, 1p.**
- B – HB 2469, Gary Allen, DMD, MS, 3pp.**
- C- HB 2469, Clayton Stearns, 2pp.**
- D- HB 2469, James Hicks, 2pp.**
- E- HB 2469, Dr. Whitney Payne, 2pp.**
- F- HB 2105, Damara Paris, 5pp.**
- G- HB 2105, Wayne Seely, 1p.**
- H- HB 2469, Dr. Charles Wingard, 11pp.**
- I- HB 2469, Ian Timm, 13pp.**
- J- HB 2469, Steven Duffin, 2pp.**
- K- HB 2247, Sue Wilson, 6pp.**
- L- HB 2249, Sue Wilson, 3pp.**
- M- HB 2498, Kathy Ledesma, 2pp.**
- N- HB 2498, Robin Pope, 3pp.**
- O- HB 2498, Susan Cox, 14pp.**
- P – HB 2498, -1 amendments, staff, 2pp**