## HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

March 15, 2001 Hearing Room D 1:30 p.m. Tapes 50 - 54

MEMBERS PRESENT: Rep. Jeff Kruse, Chair

Rep. Bill Garrard, Vice-Chair

Rep. Bill Morrisette, Morrisette, Vice Chair

Rep. Phil Barnhart Rep. Jerry Krummel

Rep. Laurie Monnes-Anderson

Rep. Jan Lee

Rep. Carolyn Tomei Rep. Cherryl Walker

**MEMBER EXCUSED:** 

STAFF PRESENT: Diane Lewis, Administrator

Rachel Brown, Administrative Support

**MEASURE/ISSUES HEARD:** HB 2625 – Public Hearing

HB 2263 – Public Hearing and Work Session HB 3051 – Public Hearing and Work Session

HB 2520 – Work Session HB 2515 – Work Session HB 2516 – 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
<b>TAPE 50, A</b>		
004	Chair Kruse	Opens the meeting at 1:43 p.m. and opens public hearing on HB 2625.
HB 2625 – P	PUBLIC HEARING	
009	Diane Lewis	Committee Staff. Provides measure history on HB 2625.
019	Dr. Patricia Peterson	Public Citizen. Submits and provides testimony in support of HB 2625 [ <b>EXHIBIT A</b> ].
040	Unidentified woman	Public Citizen. Provides testimony in support of HB 2625.
042	Lewis	Receives and submits testimony on behalf of Mary VanNatta-Gail [EXHIBIT B].
088	Dr. Laurence Skolnik	Hypnotherapist. Provides testimony in support of HB 2625.
120	Skolnik	Continues with testimony and illustrates the hypnosis process.
170	Skolnik	Presents a news report video [Aired May 19, 1996, Channel 6 KOIN TV News] that illustrates how to choose a hypnotherapist.
230	Skolnik	Continues with testimony and provides personal anecdotes from his practice.
243	Skolnik	Presents a video [provided by KATU Channel 2 News], which illustrates no drug dentistry with the use of hypnotherapy.
317	Skolnik	Continues with testimony on why he supports HB 2625.
360	Skolnik	Continues with testimony on "lead vs. guide" hypnotherapy practices.
408	Rep. Krummel	Asks what other states have licensing requirements for

410 430 435	Skolnik Rep. Krummel Skolnik	hypnotherapists. Identifies the states of Florida, Indiana, Texas, and Washington. Asks if there is a national certifying body for therapists. Responds that there is a National Guild of Hypnotherapists and
440 442 <b>TAPE 51, A</b>	Rep. Krummel Skolnik	identifies other boards that he currently serves on. Asks if he works with other medical providers. Identifies Dr. Patricia Peterson.
010	Krummel	Refers to section 2 of the bill and asks why certain professionals are being excluded from the board.
019	Skolnik	Responds that they may not have the specific-type training for hypnotherapy.
026	Rep. Krummel	Refers to section 9 of the bill and asks what would happen to a person who practiced hypnotherapy without a license if the bill becomes law.
031	Skolnik	Responds that they would be subject to the provisions of the law.
039	Rep. Walker	Asks if licensure would be voluntary or mandatory.
040	Skolnik	Responds that it would be mandatory.
051	Rep. Walker	Asks whether a person who is participating in therapy situations
031	Rep. Warker	could be presumed to have a license.
056	Skolnik	Responds that he does not know how to answer the question.
058	Rep. Barnhart	Asks Dr. Skolink to provide his credentials; also asks if he is
030	Rep. Barmart	licensed with other health boards.
060	Skolnik	
000	SKOIIIK	Provides credentials and states that there is currently no
075	D 14	licensing for hypnotherapy in Oregon.
075	Rep. Monnes-	Asks Dr. Skolink if he has any training in mental health.
	Anderson	
083	Skolnik	Responds that there are assessment programs to recognize what
		they cannot do and to provide appropriate referral.
090	Rep. Garrard	Asks if the bill would require that membership in Oregon to be
		strictly voluntary.
092	Skolnik	Responds that membership would be voluntary, but not
		licensing.
096	Rep. Garrard	Comments that there is general criticism that voluntary boards "are not going to do anything but spend people's time and
100	G1 1 1	taxpayer money."
100	Skolnik	Responds that their proposal is to have four of the board
		members be members of the association with no compensation.
103	Rep. Tomei	Asks about the process for obtaining a degree in hypnotherapy.
105	Skolnik	Responds that at the present time, it is not available.
		[Discussion.]
131	Rep. Morrisette	Asks about the various names used in advertising.
133	Skolnik	Describes the difference between a hypnotist vs. a
		hypnotherapist.
153	Chair Kruse	Refers to the substantial fee involved in licensing and directs Dr.
		Skolink to determine if members would be willing to pay the
1.5.4	<b>.</b>	fee.
154	Lewis	Committee Staff. Submits testimony on behalf of Dr. Paul
1.7.6	G	Feldman against HB2625 [EXHIBIT C].
156	Susan Wilson	Director of the Health Licensing Office. Submits and provides testimony against HB 2625 [ <b>EXHIBIT D</b> ]. States that she would support of the bill provided changes were added to bill
		language.

203	Chair Kruse	Asks Ms. Wilson if she would work with Dr. Skolnik on proposed amendment language.
205	Wilson	Agrees.
206	Rep. Barnhart	Refers to page 3 of the bill which refers to exceptions for licensing and asks why she believes it is voluntary.
218	Wilson	Responds that one of their discussions is to include amendment language to make it clear that it would be mandatory.
229	Rep. Barnhart	Asks Ms. Wilson to provide her position on whether the bill should be voluntary or mandatory.
232	Wilson	States that her position would be for mandatory licensure.
238	Rep. Barnhart	Refers to page 2 of the bill and asks about training requirements.
262	Wilson	Responds that competency standards are generally outlined
		within the law as it relates to the practice.
268	Rep. Morrisette	Asks about titles used for people who pratice hypnotherapy.
272	Wilson	Responds that in previous discussions, they determined that
		there is no way to pursue enforcement action on titles.
300	Chair Kruse	Closes public hearing on HB 2625 and opens work session on
		HB 2515.
HB 2515 – WC	ORK SESSION	
308	Lewis	Provides measure history on HB2515 and submits the proposed
		-1 amendments [ <b>EXHIBIT E</b> ] and the proposed -2 amendments [ <b>EXHIBIT F</b> ].
319	Chair Kruse	Explains the purpose of the proposed –2 amendments which
		provides appropriation towards the rural health care trust fund.
		[Discussion].
346	Committee	Discussion on the –2 amendments and the proposed amount
		being allocated from the general fund.
450	Committee	Continues discussion on the –2 amendments and the allocation of dollars.
Tape 50, B		
026	Rep. Monnes-	Provides concern toward creating a fund for rural clinics and
	Anderson	voices her objection to the −2 amendments.
039	Rep. Barnhart	Voices concern on the dollar amount being allocated, when
		there are other items that are significantly under-funded.
058	Committee	Continues discussion on the -2 amendments and the allocation
		of dollars.
100	Committee	Continues discussion on the -2 amendments and the allocation
		of dollars.
200	Rep. Morrisette	MOTION: Moves HB 2515 to the floor with a DO PASS AS
		AMENDED recommendation and BE
		REFERRED to the committee on Ways and
		Means.
202	Chair Kruse	VOTE: 7-2
		AYE: 7 - Garrard, Krummel, Lee, Monnes Anderson,
		Morrisette, Walker C, Kruse
		NAY: 2 - Barnhart, Tomei
208	Chair Kruse	The motion CARRIES.
		MORRISETTE will lead discussion on the floor.
• 4.0	C1 1 77	
210	Chair Kruse	Closes work session on HB 2515 and opens work session on HB
TTD 6544	DI GEGGGG	2516.
HB 2516 – WC	ORK SESSION	

214	Lewis	Submits and provides measure history on HB 2516 and the
238	Chair Kruse	proposed –3 amendments [ <b>EXHIBIT G</b> ]. Clarifies that the bill would have to be rescinded because a referral to the Ways and Means Committee was mistakenly put
221	Rep. Barnhart	on the wrong bill.  Refers to previous testimony on the issue of whether organizations should be publicly operated. [Discussion].
248	Karen Whittaker	Director of Office of Rural Health. States her opposition to the —1 amendments submitted at the 2/1/01 meeting.
308	Rep. Tomei	Observes that the inclusion of the -1 amendments, would result in half of the rural district hospitals to not be eligible for benefits.
355	Rep. Monnes- Anderson	Asks if most of the funding for rural hospitals come from Medicaid.
358	Whittaker	Responds that it varies from hospital to hospital.
370	Rep. Morrisette	MOTION: Moves HB 2516 to the floor with a DO PASS
		recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
372	Chair Kruse	The motion CARRIES.
398	Rep. Morrisette	MOTION: Moves to ADOPT HB 2516-3 amendments dated 3/13/01.
400		VOTE: 9-0
402	Chair Kruse	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. REP. MORRISETTE will lead discussion on the floor.
411	Olasia Waran	GI 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
411	Chair Kruse	Closes work session on HB 2516 and opens public hearing on HB 3051.
<u>HB 3051 – PU</u>	BLIC HEARING	
HB 3051 – PU TAPE 51, B	BLIC HEARING	HB 3051.
<u>HB 3051 – PU</u>		HB 3051.  Committee Staff. Submits and provides measure history on HB 3051 and proposed –1 amendments [EXHIBIT H]. Also submits written testimony on behalf of Ken Rutledge
HB 3051 – PU TAPE 51, B	BLIC HEARING	Committee Staff. Submits and provides measure history on HB 3051 and proposed –1 amendments [EXHIBIT H]. Also submits written testimony on behalf of Ken Rutledge [EXHIBIT I]. Chair, Oregon Health Care Purchasers Coalition. Provides
HB 3051 – PU TAPE 51, B 001	BLIC HEARING Lewis	Committee Staff. Submits and provides measure history on HB 3051 and proposed –1 amendments [ <b>EXHIBIT H</b> ]. Also submits written testimony on behalf of Ken Rutledge [ <b>EXHIBIT I</b> ]. Chair, Oregon Health Care Purchasers Coalition. Provides testimony in support of HB 3051. Refers to testimony on various studies, and asks why should there be an additional study (paid for by the state) when the data
HB 3051 – PU TAPE 51, B 001	BLIC HEARING  Lewis  Phil Griffin	Committee Staff. Submits and provides measure history on HB 3051 and proposed –1 amendments [EXHIBIT H]. Also submits written testimony on behalf of Ken Rutledge [EXHIBIT I].  Chair, Oregon Health Care Purchasers Coalition. Provides testimony in support of HB 3051.  Refers to testimony on various studies, and asks why should there be an additional study (paid for by the state) when the data is already available.  Chief Medical Director of the Inner Hospital Positions Association. Responds that they have multiple members from various organizations who are duplicating services, and their
HB 3051 – PU TAPE 51, B 001 003	BLIC HEARING  Lewis  Phil Griffin  Rep. Walker	Committee Staff. Submits and provides measure history on HB 3051 and proposed –1 amendments [EXHIBIT H]. Also submits written testimony on behalf of Ken Rutledge [EXHIBIT I]. Chair, Oregon Health Care Purchasers Coalition. Provides testimony in support of HB 3051. Refers to testimony on various studies, and asks why should there be an additional study (paid for by the state) when the data is already available. Chief Medical Director of the Inner Hospital Positions Association. Responds that they have multiple members from various organizations who are duplicating services, and their hope is to look across the state and figure out best practices. Textronic Benefits Manager. Provides testimony in support of
HB 3051 – PU TAPE 51, B 001 003 045	BLIC HEARING  Lewis  Phil Griffin  Rep. Walker  Dr. Gary Ericson	Committee Staff. Submits and provides measure history on HB 3051 and proposed –1 amendments [EXHIBIT H]. Also submits written testimony on behalf of Ken Rutledge [EXHIBIT I].  Chair, Oregon Health Care Purchasers Coalition. Provides testimony in support of HB 3051.  Refers to testimony on various studies, and asks why should there be an additional study (paid for by the state) when the data is already available.  Chief Medical Director of the Inner Hospital Positions Association. Responds that they have multiple members from various organizations who are duplicating services, and their hope is to look across the state and figure out best practices.

201	Rep. Garrard	Voices concern with the Oregon Health Plan Policy and Research office to sponsor studies of health care utilization and improvements.
206	Santa	Responds that he is not certain of Rep. Garrard's specific concerns, but believes they have good relations with most health care providers.
219	Rep. Walker	States that the bill itself establishes an account and refers to language about "moneys being appropriated" and expresses concern about no limitations and on-going studies, investigations and projects.
243	Santa	Responds that this has also been a concern of theirs, which they have attempted to address in the fiscal impact statement. Adds that if resources were allocated, they would oppose them.
261	Rep. Walker	Asks who would benefit, if their group is not going to do the studies.
270	Santa	Responds that the only activity they would get involved in would be if the activities would benefit the patient.
282	Rep. Barnhart	Observes that the bill appears to task the agency as being a standards organization and asks for clarification on how they would carry out their objectives.
295	Santa	Responds that his interpretation of the bill is that they would bring together groups doing similar studies together to set standards: they would not set the standards.
342	Rep. Lee	Asks if section 4 of the bill is being removed for appropriations, whether the appropriating moneys language should be removed from the relating to clause.
345	Chair Kruse	Agrees.
354	Lewis	Offers to consult with Legislative Counsel.
358	Rep. Monnes- Anderson	Comments on the complaints received from constituents who are not able to get coverage on certain diagnosis.
360	Santa	Responds that their office does provide staff support to the Health Services Commission so they aware of the controversies.
420	Dave Fiskum	Representing Providence Health Systems and PacifiCare. Submits and provides testimony in support of HB 3051 [EXHIBIT K].
428	Chair Kruse	Asks Mr. Fiskum whether his clients would benefit from the bill.
433	Fiskum	Responds that they would not: their interest is in participating in a process of producing better data in which to make better decisions.
459	Chair Kruse	Closes public hearing on HB 3051 and opens work session on HB 3051.
	ORK SESSION	
TAPE 52, A	D I	MOTION. M 4. CONCEPTUALLY AMEND UP 2051
025	Rep. Lee	MOTION: Moves to CONCEPTUALLY AMEND HB 3051 on page 1, line 3, in the RELATING TO clause, delete "appropriating money".
028	Chair Kruse	Hearing no objection, declares the motion CARRIED.
031	Rep. Barnhart	MOTION: Moves HB 3051 to the floor with a DO PASS AS AMENDED recommendation.

032	Rep. Barnhart	MOTION: Moves HB 3051 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
044	Rep. Krummel	Asks for clarification that since language "appropriating moneys" is being removed from the bill, whether the bill should be moved to Ways and Means.
045	Chair Kruse	Clarifies that anything that may impact revenue needs to be reviewed by the Ways and Means Committee. [Discussion.]
074	Chair Kruse	VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
080	Chair Kruse	Hearing no objection, declares the motion CARRIED. REP. BARNHART will lead discussion on the floor.
084	Chair Kruse	Closes work session on HB 3051 and opens a work session on HB 2520.
<u>HB 2520 – WC</u>	ORK SESSION	
087	Lewis	Committee staff. Provides measure history on HB 2520 and submits proposed –2 amendments [ <b>EXHIBIT L</b> ].
092	Chair Kruse	Clarifies that the -2 amendments include language that was in the -1 amendments.
098	Rep. Walker	Voices concern on private funding for health district: since the rural fund was just approved and if a lot of moneys are put into some of these, the districts may come under the requirement of having to report more money coming into them from a public entity.
122	Rep. Krummel	Clarifies that although a lot of the health districts do receive some property tax dollars, the amount is very low. [Discussion.]
155	Ed Patterson	Represents the Oregon Association of Hospitals and Health Systems. States that the bill has to do strictly with property tax levys to support health districts, so it is dealing with property taxes – not with other sources of revenue.
171	Rep. Lee	Refers to Section 2 of the bill, which shows that all of those entitites have been exempted from the law, because they don't fall under the public budget law - but do fall under the audit provisions of the state. [Discussion.]
210	Committee	Continues discussion on audit provisions of health districts
280	Committee	Continues discussion on audit provisions of health districts.
275	Chair Kruse	Announces that he will invite Legislative Counsel to speak on the issue of audit provisions. Closes work session on HB 2520 and opens public hearing on HB 2263.
HB 2263 – PU	BLIC HEARING	
280	Lewis	Committee Staff. Provides measure history on HB 2263 and
310	Joan Bouchard	submits proposed –1 amendments [ <b>EXHIBIT M</b> ]. Submits and provides testimony in support of HB 2263
		[EXHIBIT N].
411	Rep. Monnes- Anderson	Asks if a new graduate who has worked for two/three years and wants to take time off to have a family would be eligible to go on inactive status.
415	Bouchard	Responds affirmatively.
437	Rep. Garrard	Comments that nurses are the unsung heroes and expresses appreciation for the nurses who are stepping forward in order to

452 454	Rep. Walker Bouchard	increase accountability. Asks about the fee for an inactive license. Responds that a survey was done on other state boards of nursing who have inactive licenses, which are running about \$15 to \$20.
TAPE 53, A 023	Maureen Whitman	Retired Nurse. Submits and provides testimony in support of proposed –1 amendments to HB 2263 [ <b>EXHIBIT O</b> ]. Also submits testimony on behalf of Karla Jagow-Bell, who could not be present to testify [ <b>EXHIBIT P</b> ].
064	Patricia deGarmo	Nurse Practitioner. Submits and provides testimony in support of the proposed –1 amendments to HB 2263 [ <b>EXHIBIT Q</b> ].
080	Rep. Monnes- Anderson	Refers to page 1, line 6 of the proposed amendment language "who surrenders" and voices her concern that the intent of the language could be misread.
099	Chair Kruse	Directs Mr. Delodge to ensure that the intent is clear.
102	Brian DeLashmutt	Representing Oregon Nurses Association. Responds that he has similar concerns about how it was written, but believes the record reflects that this is the intent.
105	Chair Kruse	Closes public hearing on HB 2263 and opens work session on HB 2263.
<u>HB 2263 – WC</u>	ORK SESSION	115 <b>22</b> 03.
107	Rep. Monnes- Anderson	MOTION: Moves to ADOPT HB 2263-1 amendments dated -03/15/01.
110	Rep. Monnes- Anderson	MOTION: Moves HB 2263 to the floor with a DO PASS AS AMENDED recommendation.
	Anderson	A VIENDED recommendation.
115	Chair Kruse	VOTE: 7-0
	Chair Kruse	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee
115 123		VOTE: 7-0
<b>123</b> 125	Chair Kruse Chair Kruse Chair Kruse	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.
123 125 <u>HB 2520 – WC</u>	Chair Kruse Chair Kruse Chair Kruse Chair Kruse ORK SESSION (Re-opene	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d)
<b>123</b> 125	Chair Kruse Chair Kruse Chair Kruse	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.
123 125 <u>HB 2520 – WC</u>	Chair Kruse Chair Kruse Chair Kruse Chair Kruse ORK SESSION (Re-opene	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax
125 HB 2520 – WC	Chair Kruse  Chair Kruse  Chair Kruse  Chair Kruse  ORK SESSION (Re-opene  Chair Kruse	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax requirements imposed on local health districts. Announces that because there is not a quorum to vote on HB 2520, he will close the work session and open a public hearing
123  125  HB 2520 – WC 132  135	Chair Kruse Chair Kruse Chair Kruse Chair Kruse  ORK SESSION (Re-opene Chair Kruse Holly Robinson  Chair Kruse	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax requirements imposed on local health districts. Announces that because there is not a quorum to vote on HB
123  125  HB 2520 – WC 132  135	Chair Kruse Chair Kruse Chair Kruse Chair Kruse  ORK SESSION (Re-opene Chair Kruse Holly Robinson  Chair Kruse	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax requirements imposed on local health districts. Announces that because there is not a quorum to vote on HB 2520, he will close the work session and open a public hearing on HB 3040.
123  125  HB 2520 – WC  132  135  144  HB 3040 – PU	Chair Kruse Chair Kruse Chair Kruse Chair Kruse  ORK SESSION (Re-opene Chair Kruse Holly Robinson  Chair Kruse	EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax requirements imposed on local health districts. Announces that because there is not a quorum to vote on HB 2520, he will close the work session and open a public hearing on HB 3040.  Committee Staff. Provides measure history on HB3040 and submits proposed –2 amendments [EXHIBIT R]. President of the Oregon AFL-CIO. Submits and provides
125 HB 2520 - WC 132 135 144 HB 3040 - PU 148 159	Chair Kruse Chair Kruse Chair Kruse Chair Kruse  Chair Kruse Chair Kruse Holly Robinson Chair Kruse  BLIC HEARING Lewis Tim Nesbitt	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax requirements imposed on local health districts. Announces that because there is not a quorum to vote on HB 2520, he will close the work session and open a public hearing on HB 3040.  Committee Staff. Provides measure history on HB3040 and submits proposed –2 amendments [EXHIBIT R]. President of the Oregon AFL-CIO. Submits and provides testimony on HB 3040 [EXHIBIT S].
123  125  HB 2520 – WC 132  135  144  HB 3040 – PU 148  159 227	Chair Kruse Chair Kruse Chair Kruse Chair Kruse  Chair Kruse Chair Kruse Holly Robinson Chair Kruse  BLIC HEARING Lewis Tim Nesbitt Chair Kruse	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax requirements imposed on local health districts. Announces that because there is not a quorum to vote on HB 2520, he will close the work session and open a public hearing on HB 3040.  Committee Staff. Provides measure history on HB3040 and submits proposed –2 amendments [EXHIBIT R]. President of the Oregon AFL-CIO. Submits and provides testimony on HB 3040 [EXHIBIT S]. Asks Mr. Nesbitt if he supports the proposed –2 amendments.
125 HB 2520 - WC 132 135 144 HB 3040 - PU 148 159	Chair Kruse Chair Kruse Chair Kruse Chair Kruse  Chair Kruse Chair Kruse Holly Robinson Chair Kruse  BLIC HEARING Lewis Tim Nesbitt	VOTE: 7-0 EXCUSED: 2 - Rep. Krummel, Rep. Lee Hearing no objection, declares the motion CARRIED. REP. MONNES-ANDERSON will lead discussion on the floor.  Closes work on HB 2263 and re-opens work session on HB 2520.  d) Asks if the bill changes audit requirement under property tax law. Representing Legislative Counsel. Responds that the answer is no, it will have no impact on any of the property tax requirements imposed on local health districts. Announces that because there is not a quorum to vote on HB 2520, he will close the work session and open a public hearing on HB 3040.  Committee Staff. Provides measure history on HB3040 and submits proposed –2 amendments [EXHIBIT R]. President of the Oregon AFL-CIO. Submits and provides testimony on HB 3040 [EXHIBIT S].

289	Lisa Trussell	Representing Associated Oregon Industries. Provides testimony in support of HB 3040.
334	Senator Rick Metsger	District 14. Submits and provides testimony in support of HB 3040 [EXHIBIT T].
388	Senator Tony Corcoran	District 22. Provides testimony in support of HB 3040,
400	Lewis	Committee Staff. Submits testimony on behalf of State Representative Diane Rosenbaum [ <b>EXHIBIT U</b> ].
420	Joel Ario	Insurance Administrator, Department of Consumer and Business Services. Submits and provides testimony in support of HB3040 [EXHIBIT V].
450	Ed Neiburt	Director of Regulatory Affairs for Providence Health Plan. Provides testimony in support of HB 3040.
<b>TAPE 52, B</b>		Trovides testimony in support of TIB 50 to.
030	Neiburt	Continues testimony on standing referrals for specialty care.
093	Rep. Morrisette	Asks Mr. Neiburt where a person would go to get a second opinion.
095	Neiburt	Responds that the bill states that you could get a second opinion
073	relouit	from another primary care physician in the plan and if the plan does not have a physician they would allow you to go outside of the plan.
111	Lynn Marie Crider	Research Director, Oregon AFL-CIO. Provides testimony in support of HB 3040.
199	Crider	Continues testimony on disputes involving continuity of care.
262	Crider	Continues testimony on independent review organizations.
336	Rep. Morrisette	Asks how the word will get out to the general public about
	•	changes in the bill.
347	Crider	Responds that existing language in Section 15 describes what the insurer has to say in its policy. Among the things it must state in the bill as amended is that the insurer must explain the external review process (refers to page 13, line 29 through 31).
366	Neiburt	Clarifies that they have made provisions in the current law for full disclosure.
372	Rep. Walker	Asks who would serve on the independent organization review board.
374	Crider	Responds that this would consist mostly of private entities.
386	Neiburt	Responds that a good example would be Providence Health Care
		Systems, who already contracts on a voluntary basis.
409	Rep. Walker	Asks how the dispute would be paid.
415	Crider	Responds that the insurer will pay for it.
416	Rep. Morrisette	Asks for clarification on whether the department selects the
110	rep. Monisette	insurer.
430	Neiburt	Clarifies that on a case by case basis, the department will assign one of their contracted review organizations to a case, which
440	Crider	also gives the department the chance to compare the contractors.  Adds that there is a provision in the bill to complete a performance reassessment of contractors every two years.
<b>TAPE 53, B</b>		<u>,</u>
024	Rep. Monnes- Anderson	Refers to page 4, section 14 of the bill and asks for clarification on whether an insurer is bound by the decision of the review
		board, if the insurer does not like the decision.
029	Crider	Responds that if the insurer has declared at the outset in its plan that it will not be bound, then it has chosen to allow any individual that may be aggrieved to sue.

047	Rep. Monnes-	Asks if the insurer has any input on who would serve on the
055	Anderson Crider	review board.  Responds that the department will make a random selection and if the first selection is not acceptable to the insurer, the insurer
054	Rep. Monnes-	can opt for the second selection. Asks if the insurer is okay with this.
034	Anderson	ASKS II the history is okay with this.
058	Neiburt	Clarifies that all insurers will be required to have an external
		review process because state laws requires it. Adds that what
		state law cannot do is compel an insurer to waive its rights to a
075	Rep. Barnhart	jury trial.  Asks if the bill specifies what the measure of damages would be.
079	Crider	Responds that bill states that the damages are losses resulting
077	Ciraci	from the adverse decision: losses from the failure to provide the
		service.
086	Rep. Barnhart	Asks if there are any provisions for attorney fees.
088	Crider	Responds negatively.
089	Rep. Morrisette	Asks if the bill allows for punitive damages.
090	Crider	Responds that the bill does not specifically allow punitive
084	Dan Marriaatta	damages.
088	Rep. Morrisette Neiburt	Asks if other states have something similar. Responds that about half of the states have one or more types of
000	relouit	patient protections, but that the work group customized this for
		Oregon.
096	Rep. Barnhart	Asks if in the hearing process, what kind of an award would be
	•	allowed.
104	Crider	Responds that the award would include not only the cost of
		procedure, but compensation for the failure to get the procedure
100	D D 1 4	in a timely fashion.
108 114	Rep. Barnhart Crider	Asks if there is a measure of the value of the kinds of damages.
114	Cildei	Responds that she is reluctant to expound beyond the language of the bill referred to in section 13 of the bill.
135	Committee	Discussion on the specification of damages in the bill.
181	Wendy	Associate Director, Oregon Health Action Campaign. Submits
	VanElverdinghe	and provides testimony in support of HB 3040 [ <b>EXHIBIT W</b> ].
195	Jim Davis	Chair, Campaign for Patient Rights. Submits and provides
		testimony in support of HB 3040 [EXHIBIT X].
287	Ellen Lowe	Patient Rights Work Group participant. Provides testimony in
200	DI :1 C : CC	support of HB 3040.
289	Phil Griffin	Chair, Oregon Health Care Purchasers' Coalition. Provides
340	Peggy Anet	testimony in support of HB 3040. Representing Health Insurance Association of America (HIAA).
340	reggy Anet	Submits and provides testimony in support of the concept of HB
		3040, and also shares on concerns relating to policy and
		technical language included in the bill. [EXHIBIT Y].
420	Anet	Continues testimony on privacy issues related to external review
		organizations.
462	Rep. Monnes-	Asks how their concerns would be relayed to the work group.
477	Anderson	
477	Griffin	Responds that this is the first they have heard about the concerns
<b>TAPE 54, A</b>		raised, which will be reviewed.
030	Crider	Responds that a number of the issues raised by Ms. Anet had
030	Cituci	responds that a number of the issues faised by ivis. Affet had

		been discussed, but there were others that were not and that her
		impression is that some of the issues could be addressed in the
020	D 17 1	Senate committee.
039	Rep. Krummel	Asks Ms. Anet as to why their organization was not part of the work group.
041	Anet	Responds that there were a set number of entities invited to
		participate and HIAA was not – they wanted to keep the group
046	Dan Vrummal	small.  Asks how much of the insurance market share does HIAA has.
050	Rep. Krummel Anet	Responds that HIAA members are the third largest providers of
030	Tillet	individual coverage in the states.
052	Rep. Tomei	Asks who are the providers of the insurance.
054	Anet	Identifies, Mutual of Omaha, Aetna and John Alden Insurance.
065	Rep. Garrard	Asks Ms. Anet whether she attempted to present her concerns to the work group.
068	Anet	Responds that she had raised concerns, but the process was to
		feed them through the carriers and she chose to provide public
		testimony.
080	Chair Kruse	Closes the public hearing on HB 3040. Opens work session on
		НВ 3040.
	WORK SESSION	
088	Rep. Morrisette	MOTION: Moves to ADOPT HB 3040-2 amendments dated 03/15/01.
091	Rep. Krummel	MOTION. Mayor IID 2040 to the floor with a DO DASS AS
091	Kep. Krummer	MOTION: Moves HB 3040 to the floor with a DO PASS AS AMENDED recommendation.
099	•	AMENDED recommendation.
	Rep. Barnhart	
	•	AMENDED recommendation.  States his appreciation to the work group and the work that was
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099	Rep. Barnhart	AMENDED recommendation.  States his appreciation to the work group and the work that was done on the bill.  VOTE: 8-0  EXCUSED: 1 - Lee  Hearing no objection, declares the motion CARRIED.
099 <b>125</b>	Rep. Barnhart  Chair Kruse	AMENDED recommendation.  States his appreciation to the work group and the work that was done on the bill.  VOTE: 8-0  EXCUSED: 1 - Lee  Hearing no objection, declares the motion CARRIED.  CHAIR KRUSE will lead discussion on the floor.
099	Rep. Barnhart	AMENDED recommendation.  States his appreciation to the work group and the work that was done on the bill.  VOTE: 8-0  EXCUSED: 1 - Lee  Hearing no objection, declares the motion CARRIED.
099 <b>125</b> 128	Rep. Barnhart  Chair Kruse	AMENDED recommendation.  States his appreciation to the work group and the work that was done on the bill.  VOTE: 8-0  EXCUSED: 1 - Lee  Hearing no objection, declares the motion CARRIED.  CHAIR KRUSE will lead discussion on the floor.  Closes work session on HB 3040 and reopens work session on
099 <b>125</b> 128	Rep. Barnhart  Chair Kruse  Chair Kruse	AMENDED recommendation.  States his appreciation to the work group and the work that was done on the bill.  VOTE: 8-0  EXCUSED: 1 - Lee  Hearing no objection, declares the motion CARRIED.  CHAIR KRUSE will lead discussion on the floor.  Closes work session on HB 3040 and reopens work session on HB2520.  MOTION: Moves to ADOPT HB 2520-2 amendments dated
099 <b>125</b> 128 <u>HB 2520 –</u>	Rep. Barnhart  Chair Kruse  Chair Kruse  WORK SESSION	AMENDED recommendation.  States his appreciation to the work group and the work that was done on the bill.  VOTE: 8-0  EXCUSED: 1 - Lee  Hearing no objection, declares the motion CARRIED.  CHAIR KRUSE will lead discussion on the floor.  Closes work session on HB 3040 and reopens work session on HB2520.  MOTION: Moves to ADOPT HB 2520-2 amendments dated 0303/07/01.  MOTION: Moves HB 2520 to the floor with a DO PASS AS
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Submitted By, Reviewed By,

Rachel Brown, Diane Lewis,
Committee Assistant Committee Administrator

## Transcribed by

## Nora Carlson

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## **EXHIBIT SUMMARY**

- A HB 2625, written testimony, Dr. Patricia Peterson, 1pp
- B HB 2625, written testimony of Mary VanNatta-Gail, committee staff, 1pp
- C HB 2625, written testimony of Dr. Paul Feldman, committee staff, 1pp
- D HB 2625, written testimony, Susan Wilson, 2pp
- E HB 2515, proposed –1 amendments, committee staff, 1pp
- F HB 2515, proposed –2 amendments, committee staff, 1pp
- G HB 2516, proposed –3 amendments, committee staff, 2pp
- H- HB 3051, proposed -1 amendments, committee staff, 1pp
- I HB 3051, written testimony of Ken Rutledge, committee staff, 2pp
- J HB 3051, written testimony, John Santa, 2pp
- K HB 3051, written testimony, David Fiskum, 3pp
- L HB 2520, proposed –2 amendments, committee staff, 1pp
- M HB 2263, proposed –1 amendments, committee staff, 1pp
- N HB 2263, written testimony, Joan Bouchard, 2pp
- O HB 2263, written testimony, Maureen Whitman, 2pp
- P HB 2263, written testimony of Karla Jagow-Bell, Maureen Whitman, 1pp
- Q HB 2263, written testimony, Patricia deGarmo, 1pp
- R HB 3040, proposed –2amendments, committee staff, 5pp
- S HB 3040, written testimony, Tim Nesbitt, 2pp
- T HB 3040, written testimony, Senator Rick Metsger, 2pp
- U HB 3040, written testimony of Diane Rosenbaum, committee staff 1pp
- V HB 3040, written testimony, Joel Ario, 2pp
- W HB 3040, written testimony, Wendy VanElverdinghe, 1pp
- X HB 3040, written testimony and report, James Davis, 3pp
- Y HB 3040, written testimony, Peggy Anet, 2pp