

HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

March 22, 2001
1:30 P.M.

Hearing Room D
Tapes 57 - 60

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, Committee Administrator
Rachel Brown, Committee Assistant

MEASURE/ISSUES HEARD: HB 2652 – Public Hearing and Work Session
HB 2655 - Public Hearing and Work Session
HB 2671 - Public Hearing and Work Session
HB 3041 - Public Hearing and Work Session
SB 0409 - Public Hearing and Work Session
SB 0410A - Public Hearing and Work Session
HB3078 - 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 57, A

003	Chair Kruse	Opens meeting at 1:45 pm. Opens a public on HB 2652
<u>HB 2652 – PUBLIC HEARING</u>		
008	Diane Lewis	Provides measure history on HB 2652.
010	Tom Holt	Executive Director, Oregon State Pharmacists Association. Submits written testimony in support of HB 2652 [EXHIBIT A]. Also proposes amendment language to page 1, line 10 of the bill [EXHIBIT B].
044	Garrard	Asks if having a 10-member council would cause problems.
047	Ross Dwinell	President of Western Benefits and Vice Chair, Oregon Health Council. Responds that it would not present a problem. [EXHIBIT C].
056	Rep. Walker	Asks about the occupations of the current 9 members.
058	Dwinell	Identifies the various occupations.
070	Chair Kruse	Refers the committee to the Standard Measure Summary for a detailed list of occupations.
072	Ruby Houghton	Member, Oregon Health Council. Provides testimony in support of proposed amendment language to HB 2652.
077	Chair Kruse	States that he will not conceptually amend the bill and that the bill, including the amendments, will be brought back to the committee for rehearing.

082	Rep. Tomei	Asks for clarification on amendment language.
084	Chair Kruse	Details proposed amendment language to committee staff.
100	Chair Kruse	Closes HB 2652 and opens a public hearing on HB 2655.
HB 2655 – PUBLIC HEARING		
105	Diane Lewis	Committee Staff. Provides measure history on HB 2655
103	Tom Holt	Executive Director, Oregon State Pharmacists Association. Provides testimony in support of HB 2655.
124	Rep. Monnes-Anderson	Asks about the similarities between the role previously discussed in HB 2652 and HB 2655.
130	Holt	Responds that the two bodies are distinct but that there has been some overlap in the policy area.
139	Rep. Monnes-Anderson	Asks if there are different people on each board or is there sharing.
142	Holt	Responds that there is no overlap between 2 bodies
144	Monnes-Anderson	Comments on need to look carefully in having different councils and commissions competing against each other.
151	Rep. Tomei	Asks why is there a request for two pharmacists.
154	Holt	Responds that this is to keep the commission at an odd number.
163	Rep. Monnes-Anderson	Asks if the rest of commission agree on the number.
169	Chair Kruse	Announces that the chair of the commission will be providing testimony.
172	Dr. Frank Baumeister	Chair, Health Resource Commission. Submits and provides testimony in support of HB 2655. States that pharmacist participation in the commission process are welcome [EXHIBIT C].
220	Baumeister	Continues testimony on their technology assessment program.
298	Rep. Morrisette	Asks Dr. Baumeister to provide the committee with a copy of his testimony.
307	Rep. Monnes-Anderson?	Refers to language in line 19 of the bill, "...council shall have a pharmacist engage in the practice of pharmacy at a retail drug outlet." Asks if the other pharmacist would be retired.
313	Baumeister	Responds that he does not believe it would make a difference, as long as it is an individual involved in the profession of pharmacy. [Discussion.]
340	Rep. Monnes-Anderson	Asks what percentage of the cost of the health plan is due to pharmaceutical drugs.
340	Holt	Responds that the percentage would be at 30 percent and growing.
350	Rep. Garrard	Asks about the types of issues that are voted upon.
355	Baumeister	Identifies technology as an example and adds that a protocol is established to determine whether a study is feasible.
?405	Rep. Morrisette	Asks if they are involved in the area of medical errors and reporting deficiencies.
413	Baumeister	Responds that they do not.
430	Rep. Tomei	Observes that there are only three physicians on the commission and if this is the standard.
440	Baumeister	Responds that the recent vacancy by the fourth member has yet to be replaced. [Discussion.]
470	Chair Kruse	Closes public hearing on HB 2655 and opens a work session on HB 2655.

**HB 2655 – WORK SESSION
TAPE 58, A**

025 Rep. Krummel MOTION: Moves HB 2655 to the floor with a DO PASS

		recommendation.
032	Rep. Tomei	Provides concern with having two members (pharmacists) serve on the commission. [Discussion.]
100	Committee	Continues discussion on having two members serve on the commission.
153	Committee	Continues discussion on the increased costs in pharmaceuticals.
180		VOTE: 8-1 AYE: 8 - Barnhart, Garrard, Krummel, Lee, Morrisette, Tomei, Walker C, Kruse NAY: 1 - Monnes Anderson The motion CARRIES. REP. MORRISETTE will lead discussion on the floor.
	Chair	
175	Chair Kruse	Opens an informational meeting on the pharmaceutical industry.
	<u>INFORMATIONAL SESSION</u>	
190	Holt	Refers to handout submitted earlier [EXHIBIT A] which provides overview on pharmacists and their role.
250	Rep. Krummel	Asks if the report is based on an annual number of prescriptions.
260	Holt	Responds that it is based on a one-year period. Continues with overview on resolving third-party claims.
320	Holt	Continues with overview on management of drug therapy.
364	Rep. Morrisette	Comments on a bill he is sponsoring on electronic prescribing, which includes permissive language to allow electronic transmission along with written and verbal.
420	Holt	Continues with overview on electronic prescribing and elements of costs
520	Rep. Krummel	Comments on the shift in the role of the pharmacist' referred to in overview and asks if this is occurring because of new mandating laws requiring their involvement. and asks if
	TAPE 57, B	
053	Holt	Responds that there was some impetice after the Budget Act of 1990, which required pharmacists to council their patients.
059	Rep. Krummel	Asks how difficult it is to get a pharmacist to open a pharmacy.
063	Holt	Responds that it is an extremely challenging economic environment for pharmacists: net margins are in the two to three percent range. [Discussion.]
130	Committee	Continues discussion on the cost of prescription drugs.
149	Rep. Garrard	Asks why there is an apparent shortage of pharmacists.
138	Holt	Responds that there is strong competition with the technical industry for science students; as well as the length of education. [Discussion.]
173	Chair Kruse	Closes informational hearing and opens public hearing on HB 2671
	<u>HB 2671 – PUBLIC HEARING</u>	
177	Diane Lewis	Committee Staff. Provides measure history on HB 2671.
177	Tom Holt	Executive Director, Oregon State Pharmacists Association. Submits and provides testimony in support of HB 2671 [EXHIBIT D].
215	Chair Kruse	Asks for clarification that the bill basically gives the board of pharmacy the flexibility to make decisions that are appropriate to the situation. Also asks about the technician ratio in hospitals.
220	Holt	Agrees and states that in institutional pharmacies the technician ratio is 3:1.
223	Rep. Barnhart	Asks if the pharmacist is responsible for the work that goes on in

229	Holt	the pharmacy. Also asks if he felt that he was unable to supervise the technicians, could they use the board's technicians. Agrees and states that it would be the pharmacist's responsibility to deal with the staffing issue. [Discussion.]
269	Rep. Morrisette	Asks about training requirements.
271	Holt	Responds that technicians are not required by statute to have specific training, but the pharmacy is responsible for providing appropriate training to that practice.
286	Rep. Tomei	Asks how can they be sure they will get adequate service from a pharmacy chain.
295	Holt	Responds that the market operates very strongly toward providing adequate service. [Discussion.]
325	Garrard	States that the bill basically allows the Board of Pharmacy to set their own ratio; make their own choices and asks if they would make the right choices.
331	Holt	Responds that the board represent a variety of practice settings and believes that they do have the best interest of the public.
346	Chair Kruse	Invites Board of Pharmacy to provide testimony.
386	Gary Schnovel	Executive Director, Board of Pharmacy. Provides testimony in support of HB 2671.
415	Rep. Morrisette	Asks about their complaint process.
425	Schnovel	Responds that they follow up with every consumer complaint and the most common error is the dispensing of the wrong drug.

TAPE 58, B

018	Rep. Tomei	Asks for confirmation that the board takes the technician ratio very seriously and that the safety of the consumer comes first.
058	Schnovel	Responds that he was a compliance director for six years and responsible for all investigations, and confirms that they look seriously at technician ratios. [Discussion.]
070	Rep. Tomei	Asks if the board has a process to make the public aware that they have a complaint process; also shares concern about their policing practices.
071	Schnovel	Responds that the board has struggled in their policing practices, and advertisement of their services, which are due to limited resources. [Discussion.]
	Chair Kruse	Closes public hearing on HB 2671 and opens work session on HB 2671.

HB 2671 – WORK SESSION

129	Rep. Morrisette	MOTION: Moves HB 2671 to the floor with a DO PASS recommendation.
140	Rep. Barnhart	MOTION: Moves HB 2671 be placed on the CONSENT CALENDAR.
		VOTE: 8-0
		AYE: 8 - Barnhart, Garrard, Krummel, Lee, Monnes Anderson, Morrisette, Walker C, Kruse
		ABSTAINED: 1 - Tomei
145	Chair Kruse	The motion CARRIES.
		REP. MORRISETTE will lead discussion on the floor.
146	Chair Kruse	Closes work session on HB 2671 and opens a public hearing on HB 3041.

HB 3041 – PUBLIC HEARING

148	Diane Lewis	Committee Staff. Provides measure history on HB 3041.
145	Tom Holt	Executive Director, Oregon State Pharmacists Association. Submits and provides testimony in support of HB 3041

[EXHIBIT E].

177 Gary Schnovel Executive Director, Board of Pharmacy. Provides his support to HB 3041.

182 Morrisette Asks about the requirements to show that a pharmacist took a continuing education course.

170 Schnovel Responds that any program used has to provide the pharmacist with a certificate of attendance. [Discussion.]

221 Committee Continues with discussion on continuing education requirements and related costs.

262 Chair Kruse Closes public hearing on HB 3041 and opens a work session on HB 3041.

HB 3041 – WORK SESSION

270 Rep. KRUMMEL MOTION: Moves HB 3041 to the floor with a DO PASS recommendation.

283 Rep. Barnhart MOTION: Moves HB 3041 be placed on the CONSENT CALENDAR.

VOTE: 9-0

284 Chair Kruse Hearing no objection, declares the motion CARRIED. REP. KRUMMEL will lead discussion on the floor.

285 Chair Kruse Closes work session on HB 3041 and opens a public hearing on HB 3078

HB 3078 – PUBLIC HEARING

288 Diane Lewis Committee Staff. Provides measure history on HB 3078.

297 Rep. Phil Barnhart District 40. Provides testimony in support of HB 3078.

347 Janis Cote Executive Director, Board of Psychologist Examiners. Submits and provides testimony in support of HB 3078 [EXHIBIT F].

384 Rep. Monnes- Anderson Asks why the bill needs to be in statute.

361 Cote Responds that the jurisdictional grant of authority needs to be given by statute and the rule simply fulfills that grant.

369 Rep. Barnhart Clarifies that the current statute states that the board has jurisdiction over a licensee.

400 Rep. Lee Refers to the disciplinary process outlined in her testimony and asks what is dual relationship.

420 Cote Responds that this is when a professional has a personal relationship outside the professional relationship with a client.

425 Clifford Johannsen Licensed Psychologist. Submits and provides testimony in support of HB 3078 [EXHIBIT G].

TAPE, 59A

009 Rep. Krummel Asks how many other states have this type of statute.

012 Johannsen Responds that he does not know the answer. [Discussion.]

030 Chair Kruse Closes public hearing on HB 3078 and opens a work session HB 3078.

HB 3078 – WORK SESSION

035 Rep. Barnhart MOTION: Moves HB 3078 to the floor with a DO PASS recommendation.

040 Rep. Barnhart Declares a potential conflict of interest because he is a licensee of the board.

VOTE: 8-0

EXCUSED: 1 - Morrisette

045 Chair Kruse Hearing no objection, declares the motion CARRIED. REP. BARNHART will lead discussion on the floor.

050	Chair Kruse	Closes work session on HB 3078 and opens a public hearing on SB 409.
<u>SB 409 – PUBLIC HEARING</u>		
059	Diane Lewis	Committee Staff. Provides measure history on SB 409.
079	Carol Fleming	Administrator, board of Licensed Professional Counselors and Therapists. Submits and provides testimony in support of SB 409.
125	Pamela Lyons-Nelson	Licensed counselor. Provides testimony in support of SB 409.
133	Rep. Monnes-Anderson	Asks what happens if a person cannot complete their education plan.
142	Fleming	Responds that the registered internship is not a license, it is a status while a person is working toward licensure and puts them under their board of authority and practice standards. If they are not able to complete the process (90-day window), they are placed on hold for a year and if they drop out and return they will have to pay the application fee.
155	Rep. Krummel	Asks for clarification that licensing is not mandatory
158	Fleming	Confirms that it is not mandatory; the law does not require a counselor or a therapists to be licensed. [Discussion.]
192	Rep. Krummel	Asks about the current number of licensed (and unlicensed) professional counselors and therapists.
184	Fleming	Responds that to date, there are 1,333 licensees (approximately 1,000 counselors and 300 therapists). Adds that they do not have the figures on the number of unlicensed professionals.
200	Chair Kruse	Closes public hearing on SB 409 and opens a work session on SB 409.
<u>SB 409 – WORK SESSION</u>		
202	Rep. Barnhart	MOTION: Moves SB 409 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
207		VOTE: 8-0
218	Chair Kruse	EXCUSED: 1 - Morrisette Hearing no objection, declares the motion CARRIED. REP. BARNHART will lead discussion on the floor.
220	Chair Kruse	Closes work session on SB 409 and opens a public hearing on SB 410A.
<u>SB 410A – PUBLIC HEARING</u>		
220	Diane Lewis	Committee Staff. Provides measure history on SB 410A.
231	Carol Fleming	Administrator, board of Licensed Professional Counselors and Therapists. Provides testimony in support of SB 410A.
307	Fleming	Continues testimony on contracting services.
380	Pamela Lyons-Nelson	Licensed counselor. Provides testimony in support of SB 410.
413	Rep. Garrard	Asks if they are removed from the jurisdiction of the health department, who would they be accountable to.
415	Fleming	Identifies the Governor and the Legislature.
423	Chair Kruse	Asks for clarification that the bill is basically a move for logistical reasons.
TAPE 60, A		
001	Fleming	Agrees and it is the distance that is creating time delays for them.
003	Rep. Monnes-Anderson	Asks about the number of members currently on the board.
004	Fleming	Responds that

009	Rep. Monnes-Anderson	Asks
011	Fleming	Responds that
014	Monnes-Anderson	States that midwives becoming licensed, they pay fees, can you foresee...
022	Fleming	Economic advantages to being licensed. Slow and steady increase of licensees.
037	Rep. Walker	Asks about submitted material.
045	Fleming	Transfer money out of account,
059	Rep. Krummel	Fees portion taking out of statute
058	Fleming	Technically taking them out of statute doesn't raise fees but
074	Rep. Monnes-Anderson	Establishes account within general fund?
081	Fleming	General fund is
092	Monnes-Anderson	Fiscal
094	Fleming	
096	Chair Kruse	
		Closes public hearing on SB 410A and opens a work session on SB 410A.
<u>SB 410A – WORK SESSION</u>		
106	Rep. Krummel	Doesn't support bill because...Has hard time taking the fees out of statute. Fees go overboard.
131	Chair Kruse	Explains that the necessity is removed for going through the process twice.
140	Rep. Walker	Concerned that since licensure is not mandatory, there will be those not paying, but practicing anyway. Adjourns at 4:10 p.m.

Submitted By,

Reviewed By,

Rachel Brown,
Committee Assistant

Diane Lewis,
Committee Administrator