

# HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

April 10, 2001  
1:30 P.M.

Hearing Room D  
Tapes 77 - 80

**MEMBERS PRESENT:** Rep. Jeff Kruse, Chair  
Rep. Bill Morrisette, Vice Chair  
Rep. Jerry Krummel  
Rep. Laurie Monnes-Anderson  
Rep. Jan Lee  
Rep. Carolyn Tomei

**MEMBERS EXCUSED:** Rep. Bill Garrard, Vice-Chair  
Rep. Phil Barnhart  
Rep. Cheryl Walker

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

**MEASURE/ISSUES HEARD:** HB 2773 – Public Hearing  
HB 2766 – Public Hearing  
HB 3324 – Public Hearing and Work Session  
HB 3225 – Public Hearing and Work Session  
HB 3816 – 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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<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
<b>TAPE 77, A</b>		
005	Chair Kruse	Calls meeting to order at 1:44 p.m. Opens public hearing on HB 3324.
<b><u>HB 3324 - PUBLIC HEARING</u></b>		
007	Diane Lewis	Committee Staff. Provides measure history on HB 3324. Also submits testimony from various citizens in support of HB3324 [EXHIBIT A].
023	Rep. Knopp	House District 54. Provides testimony in support of HB 3324.
060	Rep. Tomei	Refers to material submitted, which mentions that Oregon is only one of three states that do not have a Medicaid waiver to make children eligible for services; asks if the bill addresses this issue.
064	Rep. Knopp	Confirms and states that their intent is to add this to the list of waivers that they will be seeking from the health federal government.
075	Rep. Tomei	Asks if it would be appropriate to add an amendment to the bill asking for the waiver.
077	Rep. Knopp	Responds that he is agreeable to any additions the committee decides is necessary for the bill in order to make the bill a better bill.
120	Theresa Cody	Parent with a disabled child. Presents and submits testimony in support of HB 3324 [EXHIBIT B].
200	Rep. Morrisette	Refers to submitted testimony and asks about the insurance coverage costs of \$124,600.
202	Cody	Responds that the cost is for skilled nursing benefit coverage.
215	Rep. Morrisette	Clarifies the question in how does the amount refer to her and

217	Cody	her needs. Responds that her son is ventilator dependent and is unable to stay in a nursing home.
225	Rep. Morrisette	Reclarifies his question and asks if she has access to the dollar amount.
227	Cody	Responds that she does.
230	Chris Thomas	Parent of a medically fragile child. Presents and submits written testimony in support of HB 3324 [EXHIBIT C].
388	Eric Thomas	Medically fragile teenager. Provides testimony in support of HB 3324.
392	Lewis	Asks Eric to describe his health status.
398	Thomas	Responds that he is healthy.
368	Tina Kitchum	Medical Director for the Office of Developmental Disability Services. Provides testimony in support of HB 3324.
427	Kitchum	Continues testimony on state supplemented insurance.
<b>TAPE 78, A</b>		
009	Chair Kruse	Asks about the federal match rate on the waiver.
011	Kitchum	Responds that they receive the standard match rate, which is approximately 62 percent.
014	Chair Kruse	Asks if they increase the amount of general fund dollars, whether they could increase the amount of matched dollars.
015	Kitchum	Confirms and states that they match the general fund at almost 100 percent within the program.
017	Diane Lewis	Asks about issues surrounding five families who were notified by their insurance that they would no longer be covered.
022	Kitchum	Responds that she is aware of four families and that service coordinators are currently negotiating memos of understanding.
030	Chair Kruse	Asks about the definition 'medically fragile' termed by the Health Care Finance Administration (HCFA).
033	Kitchum	Responds that their agency proposed the term.
035	Rep. Krummel	Asks about the amount that was appropriated during the 1999 session.
038	Kitchum	Confirms that the amount appropriated was at \$1.25 million. [Discussion.]
073	Rep. Tomei	Asks if the committee should provide language to the bill that would ensure a Medicaid waiver.
077	Kitchum	Responds that they currently have the waivers and nothing should be done to bill.
079	Chair Kruse	Clarifies that only the dollars need to be approved in order to get matched funding.
092	Chair Kruse	Closes public hearing on HB 3324; opens work session on HB 3324.

**HB 3324 – WORK SESSION**

096	Chair Kruse	Comments on previous discussion around the issue of creating a task force to study the issues around health care and confirms that they are looking at a broad-based task force during the interim that will look at all the issues.
098	Rep. Tomei	Asks how did they arrive at the \$2.65 million figure.
099	Chair Kruse	Responds that Rep. Knopp came up with the figure.
104	Katherine Weit	Oregon Developmental Disabilities Council. Responds that the figure is approximately half of what they believed would be generated through the insurance pool that was proposed last

203 Rep. Tomei session. [Discussion.]  
 Comments on handout, which recommends that a task force be created to look at health issues. Asks if an amendment should be considered.

200 Weit Responds that there was consensus about creating a task force as a budget note in the Ways and Means committee, but they are agreeable to the interim task force proposed by the chair.  
 [Discussion.]

236 Rep. Krummel **MOTION: Moves HB 3324 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means by prior reference.**

240 Rep. Krummel Agrees with the recommendation for a task force and provides comments on the distinction of administrative duties vs. direct service.

320 Committee Staff **VOTE: 6-0**  
**AYE: In a roll call vote, all members present vote Aye.**  
**EXCUSED: 3 - Barnhart, Garrard, Walker**

325 Chair Kruse **The motion CARRIES.**

328 Chair Kruse Closes work session on HB 3324; opens public hearing on HB 2773.

**HB 2773 – PUBLIC HEARING**

333 Diane Lewis Committee Staff. Provides measure history on HB 2773.

363 Tom Holt Executive Director, Oregon State Pharmacists Association.  
 Submits and presents written testimony in support of HB 2773. Also submits written testimony on behalf of Dr. Charles Bentz and Dr. Stuart Garret, in support of HB 2773. **[EXHIBIT D]**.

458 Holt Continues with testimony on drug therapy practices.

**TAPE 77, B**

030 Holt Continues with testimony on drug therapy practices and collaboration with other institutions.

100 Holt Continues with testimony on prescriber-pharmacist protocols.

140 Rep. Monnes-Anderson Asks if there are other states with similar statute.

142 Holt Responds that he is uncertain as to the exact number, but approximates 40 states to have some form of collaborative practice. [Discussion.]

150 Steven Tomlinson Licensed Pharmacist. Provides testimony in support of HB 2773.

242 Shah Malik Licensed Pharmacist. Provides testimony in support of HB 2773.

293 Rep. Krummel Asks Mr. Malik if there are fees for his services and how they are established.

295 Malik Responds that they are on a cash-basis service at the present time. [Discussion.]

345 Barney Speight Representing Keizer Permanente Hospital. Provides neutral testimony on HB 2773.

425 Speight Continues with testimony on collaboration framework.

**TAPE 78, B**

011 Liz Merten Regional Director, National Association of Chain Drug Stores. Provides testimony in support of HB 2773.

024 Rep. Krummel Comments on cost savings referred to in testimony, and asks how much would be saved.

027 Merten Responds that she cannot name a dollar figure. They would have

		to look at different states and the number of clients that would have the diseases in order to determine what the savings would project. Offers to provide information to the committee.
039	Rep. Krummel	Asks how would a pharmacist be able to practice disease management.
052	Merten	Responds that another bill is being proposed that would increase the number of technicians that the pharmacists can utilize. [Discussion.]
075	Gary Schinabel	Director, Oregon Board of Pharmacy. Provides testimony in support of HB 2773.
108	Carl Heisel	President, Oregon Society of Health Systems Pharmacists. Submits and presents testimony in support of HB 2773 [EXHIBIT E].
159	Rep. Monnes-Anderson	Asks about the process used to track the number of different doctors and patients using protocols.
162	Heisel	Responds that he has three different protocols for different medications and the physicians are signed off on all three protocols. Adds that all of his patient information is in a database were he can access the information, which also allows for data reporting and tracking.
175	Rep. Morrisette	Asks about the types of medical errors involved in protocols.
182	Heisel	Responds that medication errors are a priority and if more protocols are used in drug treatment, medication errors would decrease.
198	Rep. Krummel	Refers to page 2 of the bill relating to unrestrictive license and asks to describe the type of prescription that a pharmacist would use.
204	Heisel	Responds that the protocol agreement between the physician and pharmacist would define what the prescription would be and the only limitation is that it cannot be a controlled substance.
216	Lewis	Asks about the differences in licensure in Oregon and Washington and if the board would have to change license requirements if the bill was implemented.
224	Schinabel	Responds that he does not believe there are any differences in licensure between Oregon and Washington. Adds that education and training curriculum has changed to include a variety of protocol training.
244	Scott Galland	Representing Oregon Medical Association. Provides testimony in opposition to HB 2773.
349	Galland	Continues testimony on practice sites where protocol arrangements are in effect.
404	Ed Patterson	Representing Oregon Association of Hospitals and Health Systems. Provides testimony in opposition to HB 2773.
<b>TAPE 79, A</b>		
043	Rep. Tomei	Asks how the bill would setback the practice of medicine.
046	Patterson	Refers to new language on page 4, section 4, of the bill which states "...to issue and maintain protocols are subject to licensure removal and suspension." Believes this language could be a deterrent in collaborative practices. [Discussion.]
069	Chair Kruse	Invites supporters and proponents of the bill to discuss their concerns and return with proposed amendment language.
073	Chair Kruse	Closes public hearing on HB 2773; opens public hearing on HB

3816.

**HB 3816 – PUBLIC HEARING**

082	Diane Lewis	Committee Staff. Provides measure history on HB 3816 and proposed –1 amendments [EXHIBIT F]. Also submits written material on Ballot Measure 99 [EXHIBIT G].
085	Rep. Dan Gardner	House District 13. Submits and presents testimony in support of HB 3816 [EXHIBIT H].
128	Jim Davis	Representing Oregon State Council of Senior Citizens. Submits and presents testimony in support of HB 3816 [EXHIBIT I].
208	Verna Porter	Retired Registered Nurse. Submits and presents written testimony in support of HB 3816 [EXHIBIT J].
305	Lewis	Asks about the turnover rate for in-home care workers.
308	Davis	Responds that current statistics show a turnover rate of 70 percent for in-home care providers. [Discussion.]
350	Ellie Jenny	In-home client. Provides testimony in support of HB 3816.
360	Beth Marcum	In-home client. Provides testimony in support of HB 3816.
420	Tanaya Brooks	Home care worker. Provides testimony in support of HB 3816.
<b>TAPE 80, A</b>		
040	Brooks	Continues with testimony on in-home care practices.
078	Enid Edwards	Submits and presents testimony in favor of HB 3816 [EXHIBIT K].
122	Committee Staff	Submits testimony on behalf of Human Services Coalition of Oregon [EXHIBIT L], Jill Hewitt [EXHIBIT M] and Elaine Everhart [EXHIBIT N] providing support to HB 3816.
125	Chair Kruse	Closes public hearing on HB 3816; opens work session on HB 3816.

**HB 3816 – WORK SESSION**

130	Rep. Tomei	<b>MOTION: Moves to ADOPT HB 3816-1 amendments dated 04/05/01.</b>
132	Committee Staff	<b>VOTE: 6-0</b>
133	Chair Kruse	<b>EXCUSED: 3 - Garrard, Lee, Walker</b> <b>Hearing no objection, declares the motion CARRIED.</b>
135	Rep. Tomei	<b>MOTION: Moves HB 3816 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
140	Committee Staff	<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
145	Chair Kruse	<b>EXCUSED: 3 - Garrard, Lee, Walker</b> <b>The motion CARRIES.</b>
150	Chair Kruse	Closes work session on HB 3816; opens public hearing on HB 3225.

**HB 3225 – PUBLIC HEARING**

153	Diane Lewis	Committee Staff. Provides measure history on HB 3225.
161	BJ Smith	Government Relations, Clackamas County Public Health. Submits proposed –1 amendments to the measure [EXHIBIT O] and written material in support of HB 3225 [EXHIBIT P].
221	Sen. Susan Castillo	Senate District 20. Provides testimony in support of HB 3225.
275	Marina Stansell	Director, Clackamas County Public Health. Provides testimony in support of HB 3225.
340	Rep. Monnes-	Declares a potential conflict of interest on the bill in that she

364	Anderson Ian Timm	works for Clackamas County Public Health. Executive Director, Oregon Primary Care Association. Submits and provides testimony in support of HB 3225 [EXHIBIT Q].
420	Timm	Continues with testimony on safety net of primary care clinics.
<b>TAPE 79, B</b>		
002	Rep. Morrisette	Asks about the current amount of funding level.
004	Timm	Responds that in the last biennium there was an appropriation of \$1 million, which did not address the need for 350,000 people without health insurance.
010	Rep. Morrisette	Asks how would the proposed \$15 million be distributed.
012	Timm	Responds that they have been working with various state agencies to draw a federal match and their hope is to create a local access plan to strengthen their safety net partnerships with local safety net clinics.
028	Rep. Morrisette	Asks if school-based health centers are part of the safety net and how they are funded.
034	Mary Lou Hennrich	Chief Executive Officer, Care Oregon. Responds that school- based health clinics are funded in a variety of ways through Multnomah County, current biennium state funds and other local funds.
063	Hennrich	Submits and presents testimony in support of HB 3225 [EXHIBIT R].
125	Rep. Morrisette	Asks if there are federal matched funds.
126	Hennrich	Responds that they have been working with the Department of Human Services and other agencies in order to obtain federal funding.
145	Chair Kruse	Closes public hearing on HB 3225; opens work session on HB 3225.

**HB 3225 – WORK SESSION**

160	Rep. Tomei	<b>MOTION: Moves to ADOPT HB 3225-1 amendments dated 04/09/01.</b>
162	Committee staff	<b>VOTE: 6-0</b>
165	Chair Kruse	<b>EXCUSED: 3 - Garrard, Lee, Walker</b>
168	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED. The motion CARRIES.</b>
170	Rep. Tomei	<b>MOTION: Moves HB 3225 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.</b>
172	Committee staff	<b>VOTE: 6-0</b>
175	Chair Kruse	<b>AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Garrard, Lee, Walker</b>
178	Chair Kruse	<b>The motion CARRIES.</b>
178	Chair Kruse	Closes work session on HB 3225; opens public hearing on HB 2766.

**HB 2776 – PUBLIC HEARING**

180	Diane Lewis	Committee Staff. Provides measure history on HB 2766 and submits proposed –1 amendments [EXHIBIT S].
210	Tom Barrows	Representing Northwest Professional Employers Organization. Submits and provides testimony in support of HB 2766 and the proposed –1 amendments [EXHIBIT T].

228	Devin Kidman	President, Professional Employer Resources. Provides testimony in support of HB 2766.
287	Keith McNeilly	Director, AT Management Resources. Provides testimony in support of HB 2766.
299	Chair Kruse	Invites participants to review language in the proposed amendments and return for a subsequent public hearing and work session.
343	Chair Kruse	Adjourns the committee at 4:45pm.

Submitted By,

Reviewed By,

Rachel Brown,  
Committee Assistant

Diane Lewis,  
Committee Administrator

Transcribed by

Nora Carlson

### **EXHIBIT SUMMARY**

- A – HB 3324, written testimony and materials, Committee Staff, 31pp**
- B – HB 3324, written testimony, Teresa Cody, 4pp**
- C – HB 3324, written testimony, Chris Thomas, 4pp**
- D – HB 2773, written testimony, Tom Holt, 5pp**
- E – HB 2773, written testimony, Carl Heisel, 2pp**
- F – HB 3816, proposed –1 amendments, Committee Staff, 1pp**
- G – HB 3816, written materials, Committee staff, 6pp**
- H – HB 3816, written testimony, Rep. Dan Gardner, 2pp**
- I – HB 3816, written testimony, Jim Davis, 2pp**
- J – HB 3816, written testimony, Verna Porter, 2pp**
- K – HB 3816, written testimony and material, Enid Edwards, 2pp**
- L – HB 3816, written testimony, Committee staff, 1pp**
- M – HB 3816, written testimony, Committee staff, 1pp**
- N – HB 3816, written testimony, Committee staff, 3pp**
- O – HB 3225, proposed –1 amendments, BJ Smith, 1pp**
- P – HB 3225, written materials, BJ Smith, 4pp**
- Q – HB 3225, written materials, Ian Timm, 6pp**
- R – HB 3225, written testimony and materials, Mary Lou Hennrich, 6pp**
- S – HB 2766, proposed –1 amendments, Committee Staff, 1pp**
- T – HB 2766, written testimony, Tom Barrows, 1pp**