

HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

April 05, 2001
1:30 P.M.

Hearing Room D
Tapes 73 - 76

MEMBERS PRESENT: Rep. Jeff Kruse, Chair
Rep. Bill Garrard, Vice-Chair
Rep. Bill Morrisette, Vice Chair
Rep. Phil Barnhart
Rep. Jerry Krummel
Rep. Laurie Monnes-Anderson
Rep. Cheryl Walker

MEMBER EXCUSED: Rep. Jan Lee
Rep. Carolyn Tomei

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

MEASURE/ISSUES HEARD: HB 2652 – Work Session
HB 2268 – Work Session
HB 2256 – Public Hearing and Work Session
HB 3079 – Public Hearing and Work Session
HB 3771 – 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 73, A

003	Chair Kruse	Calls meeting to order at 1:47 p.m. Opens work session on HB 2652.
<u>HB 2652 – WORK SESSION</u>		
014	Patrick Brennan	Committee Staff. Provides measure history on HB 2652 and submits the proposed –1 [EXHIBIT A] and –2 amendments [EXHIBIT B].
027	Rep. Monnes-Anderson	Voices opposition to increasing the number of commission members from nine to ten on the proposed –2 amendments. [Discussion.]
045	Chair Kruse	Invites discussion on the proposed –1 amendments. [Discussion.]
071	Rep. Krummel	MOTION: Moves to ADOPT HB 2652-1 amendments dated 03/22/01.
073	Committee Staff	VOTE: 7-0
075	Chair Kruse	EXCUSED: 2 - Lee, Tomei Hearing no objection, declares the motion CARRIED.
076	Chair Kruse	Clarifies that the –2 amendments does expand the government, but does not expand the cost.
082	Monnes-Anderson	Comments that it is important to have a pharmacist who has a retail drug outlet.
085	Chair Kruse	Clarifies that all references to pharmacists will be removed from the bill, they are only expanding the number on the board. [Discussion.]
127	Chair Kruse	Invites a council member to provide testimony on the proposed amendments
132	Ruby Houghton	Member, Oregon Health Council. States that it was the intent of

		the council to expand the number of members to include someone from the retail pharmacy environment. [Discussion.]
188	Rep. Barnhart	Asks for clarification on whether the –1 amendments are needed.
191	Houghton	Responds that they are not needed, there is always a physician who serves on the board.
193	Jim Anderson	Representing the Oregon Medical Association. States that in present law, it does not state that a member “will” be a physician and believes that one “should” be in statute.
226	Rep. Barnhart	MOTION: Moves to ADOPT HB 2652-2 amendments dated 03/28/01.
228	Rep. Monnes-Anderson	States that a physician is considered to be a direct provider and asks if this will provide conflict by adding the –1 amendments.
217	Chair Kruse	Clarifies that a physician already serves on the board and one member does not make a majority.
240	Committee Staff	VOTE: 7-0
241	Chair Kruse	EXCUSED: 2 - Lee, Tomei Hearing no objection, declares the motion CARRIED.
245	Rep. Barnhart	MOTION: Moves HB 2652 to the floor with a DO PASS AS AMENDED recommendation.
247	Committee Staff	VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lee, Tomei
250	Chair Kruse	The motion CARRIES. MONNES-ANDERSON will lead discussion on the floor.
258	Chair Kruse	Closes work session on HB 2652; opens work session on HB 2268.
<u>HB – 2268 – WORK SESSION</u>		
260	Patrick Brennan	Committee Staff. Provides measure history on HB 2268 and submits the proposed –2 amendments [EXHIBIT C].
267	Chair Kruse	Reviews that the proposed –2 amendments address the previous concerns with regard to “testing and screening” newborns.
274	Rep. Monnes-Anderson	Asks for clarification on whether the Oregon Health Division will be able to subsidize by taking money earned by the screening and testing of newborns. [Discussion.]
296	Mike Steels	Director, State Public Health Laboratory. States that all tests are done in the public health lab and the money can be used for whatever purpose depending on decisions of the Ways and Means Committee.
330	Rep. Krummel	MOTION: Moves to ADOPT HB 2268-2 amendments dated 04/04/01.
333	Committee Staff	VOTE: 7-0 EXCUSED: 2 - Lee, Tomei
335	Chair Kruse	Hearing no objection, declares the motion CARRIED.
337	Rep. Krummel	MOTION: Moves HB 2268 BE REFERRED to the committee on Ways and Means by prior reference with a DO PASS AS AMENDED recommendation.
339	Committee Staff	VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lee, Tomei

340	Chair Kruse	The motion CARRIES.
352	Chair Kruse	Close work session on HB 2268; opens public hearing on HB 2256.
<u>HB 2268 – PUBLIC HEARING</u>		
354	Patrick Brennan	Committee Staff. Provides measure history on HB 2256. Submits Food Protection Program fact sheet from the Oregon Health Division [EXHIBIT D].
395	Tom Johnson	Administrator, Center for Environment and Health Systems. Submits and provides testimony in support of HB 2256. Also submits three proposed amendments to the bill: -4, -5 and -7 [EXHIBIT E].
441	Johnson	Continues with explanation on the proposed amendments: <ul style="list-style-type: none"> • -4 provides first aid guidance on choking • -5 clarifies language around food handler training • -7 gives civil penalty authority to delegate counties
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044	Dr. Gary Oxman	Representing Coalition of Local Health Officials. Expresses support to HB 2256 and the proposed -4, -5 and -7 amendments.
050	Mike McCallum	President, Oregon Restaurant Association. Submits and presents testimony in support of HB 2256 [EXHIBIT F].
099	Rep. Monnes-Anderson	Asks how long has the food handler program been in existence in Oregon.
102	Johnson	Responds that statewide, since 1995.
106	Rep. Monnes-Anderson	Asks if there has been a decrease in violations since that time.
109	Johnson	Responds that there has been decrease and that education works well.
110	Rep. Barnhart	Refers to material submitted by Mr. Johnson on the top 10 counties fee schedules and asks if the counties not listed charge less for fees.
112	Johnson	Responds that the costs are pretty close across the state.
120	Rep. Garrard	Asks if school district food service cafeterias are automatically included in the county fee schedule.
123	Johnson	Responds that they are not under the current schedule, but do have a requirement for an annual inspection: they are charged a cost for service and not a license fee.
131	Rep. Krummel	Provides concern on line 15, of -4 amendments "...or by the placement of posters in the workplace. Asks if a poster would provide sufficient training on choking.
142	Dr. Oxman	Responds that the requirement is for posters to set a minimum, and there is a requirement for handlers in their food handlers training program. [Discussion.]
185	Chair Kruse	Closes pubic hearing on HB 2256; opens work session on HB 2256.
<u>HB 2256 – WORK SESSION</u>		
196	Rep. Monnes-Anderson	MOTION: Moves to ADOPT HB 2256-4 amendments dated 03/19/01.
198	Committee Staff	VOTE: 7-0
199	Chair Kruse	EXCUSED: 2 - Lee, Tomei
		Hearing no objection, declares the motion CARRIED.
200	Rep. Monnes-	MOTION: Moves to ADOPT HB 2256-5 amendments dated

202	Anderson Committee Staff	03/19/01. VOTE: 7-0 EXCUSED: 2 - Lee, Tomei Hearing no objection, declares the motion CARRIED.
205	Chair Kruse	
207	Rep. Monnes-Anderson	MOTION: Moves to ADOPT HB 2256-7 amendments dated 04/05/01.
209	Committee Staff	VOTE: 7-0 EXCUSED: 2 - Lee, Tomei Hearing no objection, declares the motion CARRIED.
210	Chair Kruse	
212	Rep. Monnes-Anderson	MOTION: Moves HB 2256 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
216	Chair Kruse	Suggests that the motion of a “DO PASS” be removed because the committee had agreed that the bill would allow for an increase, and that those discussions would be held in the context of the health division’s budget. [Discussion.]
310	Committee	Continues with discussion on referral to Ways and Means.
333	Committee Staff	VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lee, Tomei The motion CARRIES.
335	Chair Kruse	
362	Chair Kruse	Closes work session on HB 2256; opens public hearing on HB 3079.

HB 3079 – PUBLIC HEARING

366	Patrick Brennan	Committee Staff. Provides measure history on HB 3079.
380	Bruce Bishop	Representing Oregon Association of Treatment Centers. Provides support of HB 3079.
402	Sarah Watson	Legislative Aide to Rep. Lane Shetterly. Submits and presents support to HB 3079 on behalf of Rep. Shetterly [EXHIBIT G].
432	Stan Gilbert	President, Day and Residential Treatment Services (DARTS). Submits and presents testimony in support of HB 3079.
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010	Gilbert	Continues with testimony on recruiting and retaining issues.
040	Robert Tovey	Director, Cascade Child Treatment Center. Submits and presents testimony in support of HB 3079 [EXHIBIT I].
090	Joe Roszak	Executive Director, Riverside Center. Submits and presents testimony in support of HB 3079 [EXHIBIT J].
130	Chair Kruse	Asks testifiers if they have had an opportunity to review the –1 proposed amendments submitted by Rep. Barnhart [EXHIBIT K].
137	Bruce Bishop	Responds that the amendments would remove the provisions they requested and provides their opposition to the proposed –1 amendments.
140	Rep. Barnhart	Refers to Mr. Gilbert’s testimony that conflicting language could result in increased costs. Asks to describe the types of costs that would be inflicted.
144	Gilbert	Responds that some of the costs would include training, adding new staff, additional psychiatric time and physical plant changes.
155	Rep. Barnhart	Asks about the services the current population receives and services they are likely to receive from other agencies.
170	Gilbert	Responds that their program provides psychiatric treatment

services to severely emotional children. The types of services include: special education, services for families, psychiatric care, social skills training and a variety of other related programs.

180 Rep. Barnhart Asks if their clients are permanently assigned or if they are moved between different levels of services and agencies.

187 Gilbert Responds that children are not enrolled in their programs on a long-term basis: the average length of stay is 10 to 12 months. Their goal is to return the child to a normalize standing.
[Discussion.]

220 Rep. Barnhart Asks if once the children are discharged from the DARTS program, what other programs would they go to.

222 Gilbert Responds that there is a requirement for after-care services.

240 Rep. Garrard Asks for their opinion on the proposed changes to the standards.

244 Gilbert Responds that they are not certain as to why the DARTS standards are being changed. Believes that the state has attempted to standardize programs in order to provide a more unified approach to all mental health continuum of care.
[Discussion.]

304 Rep. Morrisette Asks for clarification that 49 out of 50 people voted to retain the standards, yet the state division moved ahead with their changes.

306 Gilbert Responds that there has been a continual overwhelming support to retain the standards, yet the division disregarded their input.

334 Rep. Monnes-Anderson Asks if other states have implemented the DARTS standards; also asks about the number of other standards nationwide.

350 Gilbert Responds that other states have adopted pieces of the DARTS standards and describes other standards nationwide that are recognized and funded by the federal government.

389 Brad Fields Representing Senator Cliff Trow, Senate District 18. Provides testimony on behalf of Sen. Trow in support of HB 3079.

425 Rich Blum Submits and presents testimony in opposition to HB 3079
[EXHIBIT L].

TAPE 74, B

030 Blum Continues with testimony on assessment of accreditation standards.

071 Rep. Garrard Asks if he was present at the standards meeting and his position on the standards.

073 Blum Responds that he was not present at the meetings, and that his position was neutral given the information he had at the time.

098 Madeline Olson Assistant Administrator, Mental Health Services. Submits testimony in opposition of HB 3079 [EXHIBIT M].

160 Olson Continues with testimony on standards regulating behavior management practices.

190 Rep. Krummel Asks if the argument is a case of different clinicians having different ways of how things should be done, and disagreement on whether it should be in rule or in statute.

195 Olson Responds that in part, people that care about the best interest of children in Oregon can think differently on how this would be accomplished. Adds that the process utilized a variety of best practices that was put into a comprehensive set of standards.

207 Rep. Monnes-Anderson Asks Ms. Olson to describe the process used in developing the Intensive Treatment Services (ITS) rule and who was involved in the process.

211 Olson Responds that the division staffed very large work groups involving a variety of health organizations, which looked at best

328 Rep. Garrard practices throughout the state. Shares his concern over a state agency changing rules and taking away local control -- over the overwhelming objection of local providers.

330 Olson Responds that the process included testimony from many people. Their attempt was to balance what they heard with the need to unify a set of standards for the highest part of the system. [Discussion.]

350 Rep. Barnhart Refers to testimony given that the process has been an attempt to consolidate fragmented requirements. Asks Ms. Olson to explain why it is important to consolidate the fragmented requirements and what would be the effect if this was not done.

360 Olson Responds that currently, there are many providers that provide an array of services and the ITS rule would provide a “known” set of standards that can operate across all levels of care. [Discussion.]

418 Rep. Barnhart States that the proponents to the measure have indicated that there will be a high cost in changing the standards and asks Ms. Olson about the cost in something that is supposed to increase efficiency.

431 Olson Responds that there will be cost as people will need to do things differently around the use of treatment modalities.

TAPE 75, A

013 Callie Schleppard Representing the Oregon Family Support Network. Submits and presents testimony in opposition of HB 3079 [EXHIBIT N].

051 Rep. Monnes-Anderson Comments on the many groups who like the new method, and those that do not; asks how many stakeholders are involved in the new method.

058 Schleppard Responds that there were 10 parents who came and provided testimony and 15 who provided input by letter.

078 Rep. Krummel Asks Ms. Schleppard to describe the term “gender responsiveness” provided in testimony.

080 Schleppard Responds that providers may be responsive to gender by providing programs that are appropriate to girls and different ones for boys: boys and girls don’t necessarily respond to the same type of treatment.

089 Rep. Barnhart Asks how the new rule would fit in with the overall Department of Human Resources’ (DHS) reorganization.

091 Schleppard Responds that this is the essence of DHS reorganization, which is to streamline services: one door for all services.

112 Chair Kruse Announces that he will not hold a work session on the bill due to the concerns raised and he will reschedule a public hearing for a later date.

120 Bruce Bishop Comments that the problem lies in technical balance issues: The broad rules apply to a range of programs, but in the original DARTS program, there are standards that are targeted for specific day treatment programs and applying a broader standards will add unnecessary costs to those programs.

171 Chair Kruse Closes public hearing on HB 3079; opens public hearing on HB 3771.

HB 3771 – PUBLIC HEARING

175 Rep. Deborah Kafoury House District 18. Provides testimony in support of HB 3771.

236 Rep. Greg Smith House District 59. Provides testimony in support of HB 3771.

288 Rep. Morrisette Asks who the provider would be in terms of increased salaries

referred to in handout –1 amendments (**EXHIBIT O**).

290 Rep. Kafoury Responds that the professional registry levels and the proposed Oregon wage supplements ladder is at the bottom of the handout.

314 Chair Kruse Asks Rep. Kafoury if she supports the –1 amendments.

316 Rep. Kafoury Responds that she supports the proposed –1 amendments to HB 3771.

331 Roger Muren Research Director, Sun Seeds Company. Provides testimony in support of HB 3771.

375 Misty Stepper Child Caregiver. Provides testimony in support of HB 3771.

430 Stepper Continues testimony on the importance in helping children and creating positive environment for them.

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020 Stepper Continues with testimony on helping children and urges support to HB 3771.

050 Lori Christy Preschool teacher. Provides testimony in support of HB 3771.

081 Mark Overbeck Executive Officer, Oregon Commission for Child Care. Provides testimony in support of HB 3771.

111 Rep. Morrisette Asks if the Montessori schools are regulated.

114 Overbeck Responds that the childcare division regulates childcare facilities across the state and defers the question to Linda Stern.

120 Rep. Morrisette Asks what schools and childcare facilities would be affected.

128 Linda Stern Licensing Manager, Childcare Division. Provides support of HB 3771. Clarifies that they do regulate Montessori schools: they regulate anything that is more than four hours a day and deals with children under 30 months of age. (They do not certify all Head Start.)

138 Rep. Morrisette Asks if the bill would affect every childcare provider (educational and non-educational).

141 Stern Responds that it would.

146 Rick Bingham Member, Stand for Children. Responds that there is a set of criteria that is written into the bill, which would apply to any type of childcare setting that is licensed and registered, and serving 10 percent of children from low-income families.

161 Rep. Walker Refers to the –1 amendments and observes that the language does not clearly specify who would qualify for funding.

185 Rep. Morrisette Refers Rep. Walker to section 1, subparagraph (4) of the bill, which defines who qualifies for funding.

212 Bingham Clarifies that the bill would create state funds that would need to be matched at the local level. [Discussion.]

265 Rep. Morrisette Asks Mr. Overbeck, if he has been in any discussions about the transfer of the authority for oversight from their agency to the Department of Education.

274 Overbeck Responds that there is proposed legislation that would transfer authority and the commission is planning to take a formal position on the bill.

282 Chair Kruse Closes public hearing on HB 3771; opens work session on HB 3771.

HB 3771 – WORK SESSION

292 Rep. Barnhart **MOTION: Moves to ADOPT HB 3771-1 amendments dated 04/03/01.**

295 Committee Staff **VOTE: 7-0**

295 Chair Kruse **EXCUSED: 2 - Lee, Tomei**

Hearing no objection, declares the motion CARRIED.

299	Rep. Barnhart	MOTION: Moves HB 3771 BE REFERRED to the committee on Ways and Means with a DO PASS AS AMENDED recommendation.
303	Rep. Walker	Refers to section 5 of the bill and asks about match funding for the bill. [Discussion.]
316	Committee Staff	VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lee, Tomei
319	Chair Kruse	The motion CARRIES.
325	Chair Kruse	Adjourns the meeting at 4:20 p.m.

Submitted By,

Reviewed By,

Rachel Brown,
Committee Assistant

Diane Lewis,
Committee Administrator

Transcribed by

Nora Carlson

EXHIBIT SUMMARY

- A – HB 2652, proposed –1 amendments, committee staff, 1pp**
- B – HB 2652, proposed –2 amendments, committee staff, 1pp**
- C – HB 2268, proposed –2 amendments, committee staff, 1pp**
- D – HB 2256, written material, committee staff, 2pp**
- E – HB 2256, written testimony and proposed –4, –5 and –7 amendments, Tom Johnson, 8pp**
- F – HB 2256, written material, Mike McCallum, 1pp**
- G – HB 3079, written testimony from Rep. Lane Shetterly, Sarah Watson, 1pp**
- H – HB 3079, written testimony, Stan Gilbert, 2pp**
- I – HB 3079, written testimony, Robert Tovey, 2pp**
- J – HB 3079, written testimony, Joe Roszak, 2pp**
- K – HB 3079, proposed –1 amendments, Rep. Barnhart, 2pp**
- L – HB 3079, written material, Rich Blum, 1pp**
- M – HB 3079, written testimony, Madeline Olson, 3pp**
- N – HB 3079, written testimony, Callie Schleppard, 1pp**
- O – HB 3771, proposed -1 amendments, committee staff, 3pp.**