

COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

May 10, 2001
1:30 PM

Hearing Room D
Tapes 117 - 119

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

MEMBER EXCUSED:

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

MEASURE/ISSUES HEARD: HB 3339 – Public Hearing and Work Session
SB 162A – Public Hearing and Work Session
SB 270 – Public Hearing and Work Session
Session
SB 272 – Public Hearing and Work Session
SB 245 – Public Hearing and Work Session
SB 267A – Public Hearing and Work Session
SB 288A – Public Hearing
SB 331A – Public Hearing and Work Session
SB 371 – Public Hearing
SB 385- 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/#	Speaker	Comments
TAPE 117, A		
004	Chair Kruse	Calls the meeting to order at 1:41p.m.
006	Diane Lewis	Committee Administrator. Makes announcements for future committee meetings.
Discussion by the committee about committee shutdown, and the end of the Legislative Session.		
042	Chair Kruse	Opens a public hearing on HB 3339.
<u>HB 3339 – PUBLIC HEARING</u>		
043	Diane Lewis	Committee Administrator. Gives background information on HB 3339.
051	Chair Kruse	Explains that the –1 amendments are to “gut and stuff” the bill (EXHIBIT A) .
060	Andrea Easton	Legislative Assistant to Chair Kruse. Testifies in favor of HB 3339 and the –1 amendments. Explains that the bill is the outcome of the 2000 and 2001 flu seasons and the delay in the obtaining of vaccinations.

087	Katy King	Intergovernmental Relations Liaison for the Oregon Health Division. Submits written testimony in support of HB 3339 (EXHIBIT B) . Believes that the bill assures access to flu vaccines, immune products and other medications for high-risk groups.
126	Chair Kruse	Notes that the Child Development Clinic of the Centers for Disease Control and Prevention requires the Health Division to do pandemic planning.
129	Bruce Bishop	Aventis Pasteur, Vaccine and Biological Product Manufacturer. Submits and presents written testimony in favor of HB 3339 (EXHIBIT C) .
142	Rep. Krummel	Asks about what constitutes “shortages” and “emergencies”.
159	Bishop	Responds that the original bill would have established standards but that the –1 amendments authorize the Health Division to come up with a flexible plan that would fit each crisis situation.
175	Rep. Walker	Speaks directly to Section 2 of the –1 amendments and asks for clarification of the description of the vaccine and whether or not they are the ‘antiviral’ type of medications.
187	King	Responds that HB 3339 was developed to include many different vaccines, and not just vaccines for the flu.
196	Rep. Walker	Shares concern that the broad definition of vaccines may not include every patient’s ailment.
202	King	Responds that the provisions in the bill would only be implemented in the case of an extreme shortage or delay in vaccines.
213	Rep. Walker	Believes that the terms “immune products” and “chemoprolactic medications” are too broad.
218	Rep. Monnes-Anderson	Comments that she likes the –1 amendments more than the original bill. Asks who will be responsible for “imposing civil penalties”.
234	King	Responds that the Health Division will develop these penalties along with other stakeholders and will only be used in extreme cases.
256	Rep. Monnes-Anderson	Offers personal anecdote to describe the difficulty of the flu vaccine shortage during the 2001 flu season.
272	King	Notes that there was a crisis across the entire country and that people pulled together in order to deal most effectively with the problem.
290	Chair Kruse	Points out that HB 3339 is for purpose of implementing an early warning system.
299	Rep. Lee	Comments that clinics were not able to obtain the vaccines because large chain-store pharmacies were buying up all the vaccines.
304	Rep. Barnhart	Speaks to the importance of proper implementation and asks if this may be a solution that is worse than the problem it is trying to solve.
318	King	Responds that the intent of the Health Division is a proper implementation that will not result in the necessity of the civil penalties.
337	Chair Kruse	Comments that it is safe to assume that 99% of vaccine distributors will follow proper guidelines, but that punitive rules are important for 1% of the time.
344	Lewis	Asks how many people die from influenza each year.
342	King	Responds that 20,000 persons die each year nationally.

361 Rep. Barnhart Remarks that influenza has the potential for being a huge problem in a given year and reminds the committee of the 1918 flu pandemic.
371 King Responds that the 1918 flu pandemic took 20,000,000 lives worldwide.
377 Chair Kruse Closes the public hearing on HB 3339 and opens a work session on HB 3339.

HB 3339 – WORK SESSION

380 Rep. Morrisette **MOTION: Moves to ADOPT HB 3339-1 amendments dated 5/9/01.**

381 **VOTE: 8-0**

EXCUSED: 1 – Krummel

382 Chair Kruse **Hearing no objection, declares the motion CARRIED.**

383 Rep. Morrisette **MOTION: Moves HB 3339 AS AMENDED to the floor with a DO PASS recommendation.**

385 **VOTE: 8-0**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 – Krummel

390 Chair Kruse **The motion CARRIES.**

REP. KRUSE will lead discussion on the floor.

TAPE 118, A

012 Chair Kruse Closes the work session on HB 3339 and opens a public hearing on SB 162A.

SB 162A – PUBLIC HEARING

017 Diane Lewis Committee Administrator. Gives background information on SB 162A.

019 Kathleen Haley Executive Director, Board of Medical Examiners. Submits and presents written testimony in favor of SB 162A (**EXHIBIT D**).

034 Rep. Garrard Asks what is “the emergency”.

036 Haley Responds that there is no emergency but she feels all members of the board should be paid the same amount, and hopes that this change can be made promptly.

045 Chair Kruse Comments that without the emergency clause, action is not taken on a ‘new law’ until January 1 of the year after the legislature meets.

048 Rep. Lee Asks where the money comes from that will pay the board members more equitably.

050 Haley Responds that the money comes from the licensing fees.

054 Chair Kruse Closes the public hearing on SB 162A and opens a work session on SB 162A.

056 Rep. Barnhart **MOTION: Moves SB 162A to the floor with a DO PASS recommendation.**

057 **VOTE: 7-0**

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 2 - Walker, Krummel

060 Chair Kruse **The motion CARRIES.**

061 Rep. Barnhart **MOTION: Moves SB 162A be placed on the CONSENT CALENDAR.**

062 **VOTE: 7-0**

EXCUSED: 2 - Walker, Krummel

065 Chair Kruse **Hearing no objection, declares the motion CARRIED.**

066 Chair Kruse Closes the work session on SB 162A and opens a public hearing on SB 270.

SB 270 – PUBLIC HEARING

073	Diane Lewis	Committee Administrator. Gives background information to SB 270.
080	Kathleen Haley	Executive Director, Board of Medical Examiners. Submits and presents written testimony in favor of SB 270 (EXHIBIT E).
092	Rep. Tomei	Asks what percentage of people in the diversion program are self-referred.
095	Haley	Responds that 5 or 10 percent are self referred.
098	Chair Kruse	Closes the public hearing on SB 270 and opens a work session on SB 270.

SB 270 – WORK SESSION

100	Rep. Barnhart	MOTION: Moves SB 270 to the floor with a DO PASS recommendation.
102		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 3 - Walker, Krummel, Morrisette
105	Chair Kruse	The motion CARRIES.
107	Rep. Barnhart	MOTION: Moves SB 270 be placed on the CONSENT CALENDAR.
108		VOTE: 6-0
		EXCUSED: 3 - Walker, Krummel, Morrisette
112	Chair Kruse	Hearing no objection, declares the motion CARRIED.
116	Chair Kruse	Closes the work session on SB 270 and opens a public hearing on SB 272.

HB 272 – WORK SESSION

118	Diane Lewis	Committee Administrator. Summarizes HB 272 and the –1 amendments (EXHIBIT F).
125	Kathleen Haley	Executive Director, Board of Medical Examiners. Submits and presents written testimony in favor of SB 272 (EXHIBIT G).
144	Chair Kruse	Closes the public hearing on SB 272 and opens a work session on SB 272.

SB 272 – WORK SESSION

145	Rep. Barnhart	MOTION: Moves SB 272 to the floor with a DO PASS recommendation.
147		VOTE: 7-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 2 - Krummel, Morrisette
150	Chair Kruse	The motion CARRIES.
151	Rep. Barnhart	MOTION: Moves SB 272 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.
153		VOTE: 7-0
		EXCUSED: 2 - Krummel, Morrisette
154	Chair Kruse	Hearing no objection, declares the motion CARRIED.
158	Chair Kruse	Closes the work session on SB 272 and opens a work session on SB 235A.

SB 235A – PUBLIC HEARING

165	Diane Lewis	Committee Administrator. Gives background information on SB 235A.
170	Liz Von Wellsheim	Nurse Practitioners of Oregon (NPO). Testifies in favor of HB 235A. Believes that since the nurses are those that are closest to the people that have died, they should have the ability to sign the death certificate rather than chasing down a doctor who is most likely not involved directly with the patient.
184	Chair Kruse	Closes the public hearing on SB 235A and opens a work session

on SB 235 A.

SB 235A – WORK SESSION

186 Rep. Monnes-Anderson

187

191 Chair Kruse

201 Chair Kruse

SB 245 – PUBLIC HEARING

203 Diane Lewis

214 Liz Von Wellsheim

223 Rep. Barnhart
225 Von Wellsheim

241 Rep. Monnes-Anderson

251 Rep. Garrard
253 Susan Kinj

261 Chair Kruse

SB 245 – WORK SESSION

265 Rep. Monnes-Anderson

275 Rep. Walker

284 Von Wellsheim

297

304 Chair Kruse

309 Chair Kruse

SB 267A – PUBLIC HEARING

311 Diane Lewis

352 Joel Ario

396 Rep. Monnes-Anderson

401 Ario

MOTION: Moves SB 235A to the floor with a DO PASS recommendation.

VOTE: 8-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Morrisette

The motion CARRIES.

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

Closes the work session on SB 235A and opens a public hearing on SB 245.

Committee Administrator. Gives background information to SB 245.

Nurse Practitioners of Oregon (NPO). Testifies in favor of SB 245. Speaks to the enabling effect of SB 245, for nurse practitioners.

Asks about this practice not being allowed federally.

Responds that with SB 245, the hope is to set a national precedence.

Offers personal anecdote in order to show her support of the bill.

Asks about Medicaid reimbursement losses as a result of the bill. Nurse Practitioners of Oregon (NPO). Responds that SB 245 should have no effect on Medicaid reimbursements.

Closes the public hearing on SB 245 and opens a work session on SB 245.

MOTION: Moves SB 245 to the floor with a DO PASS recommendation.

Shares her concern that the federal matching dollars will cover some of the charges incurred and the patients will be left with a bill that they can not pay.

Responds that no home health care agency will accept a nurse practitioner's signature if the patient is a Medicare patient.

VOTE: 8-0

AYE: In a roll call vote, all members present vote Aye.

EXCUSED: 1 - Morrisette

The motion CARRIES.

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

Closes the work session on SB 245 and opens a public hearing on SB 267A.

Committee Administrator. Summarizes SB 267A.

Insurance Administrator, Department of Consumer and Business Services (DCBS). Submits and presents written testimony in regard to HB 287 (**EXHIBIT H**).

Asks for definition of a "capitalization requirement."

Responds that when an insurance company seeks admission to Oregon, the Department of Consumer and Business Services

(DCBS) requires that it have a minimum amount of money on hand to start the business.

TAPE 117, B

005	Rep. Monnes-Anderson	Asks if all businesses must have the cash on hand.
007	Ario	Responds negatively and explains that only businesses that provide insurance must abide by the rule.
013	Rep. Barnhart	Comments on the objective of the bill.
018	Rep. Garrard	Asks about the confidentiality clause.
022	Charles Nicolaff	Deputy Administrator, DCBS. Responds that health care service contractors are being added under the guidance of the department and confidentiality is important because some of the information being handled is proprietary in nature.
038	Rep. Barnhart	Asks for a description of the decision-making process that resulted in the bill.
043	Nicolaff	Responds that there was an advisory committee process that was involved in the overall process.
048	Rep. Barnhart	Asks who are the involved stakeholders.
050	Nicolaff	Responds that the stakeholders are the insurance companies who are currently licensed and those who might become licensed in the future.
063	Rep. Barnhart	Asks if DCBS represents the businesses that buy insurance and the consumer that buys the insurance.
067	Nicolaff	Responds affirmatively.
077	Chair Kruse	Closes the public hearing on SB 267A and opens a work session on SB 267A.

SB 267A – WORK SESSION

079	Rep. Barnhart	MOTION: Moves SB 267A to the floor with a DO PASS recommendation.
081		VOTE: 8-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 1 – Walker
085	Chair Kruse	The motion CARRIES.
		REP. BARNHART will lead discussion on the floor.
090	Chair Kruse	Closes the work session on SB 267A and opens a public hearing on SB 287.

SB 287 – PUBLIC HEARING

106	Diane Lewis	Committee Administrator. Summarizes SB 287.
111	Jim Beyer	Oregon Student Assistant Commission. Testifies in favor of SB 287. Believes that the bill is simply a “housekeeping bill”.
125	Rep. Krummel	Asks how long the new doctors must stay in rural area before they are allowed to leave so as to have their loans repaid.
128	Beyer	Responds that the minimum is for three years.
134	Rep. Krummel	Asks if all the student loans are paid.
142	Beyer	Responds that the commission reimburses up to \$200,000 of the entire loan amount.
157	Rep. Walker	Offers personal anecdote to illustrate the enormity of some students’ loans.
165	Rep. Monnes-Anderson	Asks how many years the department requires a nurse practitioner to stay in an area.
166	Beyer	Responds that the minimum for a nurse practitioner is two years.
171	Chair Kruse	Close the public hearing on SB 287 and opens a work session on SB 287.

SB 287 – WORK SESSION

175	Rep. Barnhart	MOTION: Moves SB 287 to the floor with a DO PASS recommendation.
183		VOTE: 8-0
		AYE: In a roll call vote, all members present vote Aye.
189	Chair Kruse	EXCUSED: 1 - Tomei
		The motion CARRIES.
		REP. MORRISETTE will lead discussion on the floor.
189	Chair Kruse	Closes the work session on SB 287 and opens a public hearing on SB 288A.
<u>SB 288A – PUBLIC HEARING</u>		
191	Diane Lewis	Committee Administrator. Summarizes SB 288A and the –A2 amendments.
206	Dave McTeague	Executive Director, Oregon Board of Chiropractic Examiners. Submits and presents written testimony in favor of SB 288A (EXHIBIT J). Presents three important changes that the bill will make: <ul style="list-style-type: none"> • Discourage unlicensed practice of chiropractic, clarify unlicensed practice penalties as a Class A Misdemeanor ▪ Repeal Shurman case provisions, adopt Board of Medical Examiner language ▪ Peer Review Committee terms ▪ Repeal archaic late fine provisions ▪ Allow student interns from all chiropractic colleges
261	Lewis	Mentions the request for amendments that has been submitted to Legislative Council.
270	Rep. Lee	Asks about Section 2A of the –A2 amendments.
282	McTeague	Responds that he cannot answer the question at this time.
286	Mark Bigger	Legislative Assistant from Sen. George’s office. Testifies in favor of SB 288A. Speaks directly to the –A2 amendments.
313	Rep. Monnes-Anderson	Asks if Mr. McTeague can conceive of any situation to investigate without an official complaint.
321	McTeague	Responds affirmatively.
342	Rep. Monnes-Anderson	Asks if Mr. McTeague would state for the record that an investigation might occur without an official complaint.
345	McTeague	Responds affirmatively.
348	Rep. Barnhart	Asks if the amendments make a “practical change” to the board’s authority.
346	Bigger	Responds that the amendments just “affirm current law”.
360	Rep. Tomei	Refers to lines 12-17 of the original bill and asks if someone has let their license lapse but have paid their fees before a 12-month period occurs, they do not have to take the test.
381	McTeague	Responds affirmatively.
383	Rep. Tomei	Asks if the bill actually addresses the necessity of a test “after 12 months”.
388	McTeague	Responds that the second line in Second 3 addresses this issue.
395	Rep. Tomei	Asks if the issue is addressed directly.
TAPE 118, B		
012	McTeague	Responds that the assumption is made that the test would be taken after 12 months.
025	Rep. Garrard	Asks about the seriousness of the problem of unlicensed chiropractors in the state of Oregon.
031	McTeague	Responds that the issue is “not huge but it is nagging”.

035	Rep. Garrard	Asks if there would be a way to allow the public the knowledge that a chiropractor is or is not licensed in the state.
042	McTeague	Responds that the Oregon Board of Chiropractic Examiners is constantly providing the service of licensing verification.
050	Rep. Barnhart	Believes that there is already a mandate in statute to address Rep. Tomei's concerns that it is unclear whether it is necessary to be tested after the 12-month period.
063	Chair Kruse	Asks if Mr. McTeague supports the –A2 amendments.
070	McTeague	Responds affirmatively.
072	Chair Kruse	Asks Mr. Bigger if he supports the committee's suggestions for the –A2 amendments.
074	Bigger	Responds affirmatively.
076	Rep. Barnhart	Asks Chair Kruse what suggestions he is referring to.
074	Diane Lewis	Responds that the addition would be the "birth date license renewal" that has been sent to Legislative Council.
082	Chair Kruse	Closes the public hearing on HB 288A and opens a public hearing on SB 331A.

SB 331A – PUBLIC HEARING

084	Diane Lewis	Committee Administrator. Summarizes SB 331A.
The committee discusses the need for sending SB 331A to the committee on Ways and Means.		
110	Brian DeLashmalt	Oregon Nurses Association. Testifies in favor of SB 331A. Remarks that he is confused why the bill must be sent to Ways and Means.
181	Chair Kruse	Closes the public hearing on SB 331A and opens a public hearing on SB 371A.

SB 371A – PUBLIC HEARING

191	Diane Lewis	Committee Administrator. Summarizes SB 371A.
200	Dan Kennedy	Department of Administrative Services (DAS). Submits and presents written testimony in favor of SB 371 (EXHIBIT K).
230	Rep. Barnhart	Asks if the Senate gave up its right to confirm.
233	Kennedy	Responds affirmatively.
238	Vice-Chair Garrard	Closes the public hearing on SB 371 and opens a work session on SB 371.

SB 371 – WORK SESSION

240	Rep. Monnes-Anderson	MOTION: Moves SB 371 to the floor with a DO PASS recommendation.
242		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
		EXCUSED: 3 - Krummel, Lee, Kruse
251	Vice-Chair Garrard	The motion CARRIES.
		REP. MORRISETTE will lead discussion on the floor.
260	Vice-Chair Garrard	Closes the work session on SB 371 and opens a public hearing on SB 385.

SB 385 – PUBLIC HEARING

264	Diane Lewis	Committee Administrator. Summarizes SB 385.
275	Barry Kast	Administrator, Mental Health and Developmental Disabilities Services Division submits written testimony regarding SB 385 (EXHIBIT M).
296	Vice-Chair Garrard	Closes the public hearing on SB 385 and opens a work session on SB 385.

SB 385 – WORK SESSION

300	Rep. Barnhart	MOTION: Moves SB 385 to the floor with a DO PASS
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304		recommendation. VOTE: 9-0
310	Vice-Chair Garrard	AYE: In a roll call vote, all members present vote Aye. The motion CARRIES. REP. LEE will lead discussion on the floor.
320	Chair Kruse	Closes the work session on SB 385 and opens a work session on SB 331.
<u>SB 331 – WORK SESSION</u>		
321	Chair Kruse	Explains that Harvey Matthews, Legislative Director, has instructed the committee to send the bill to Ways and Means so that they can then send it to the floor.
333	Rep. Tomei	MOTION: Moves SB 331A to the committee on WAYS and MEANS with a DO PASS recommendation.
335		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lee
339	Chair Kruse	The motion CARRIES.
341	Chair Kruse	Closes the work session on SB 331 and adjourns the meeting at 3:40 PM.

Submitted By,

Reviewed By,

Rachel Brown,
Committee Assistant

Diane M. Lewis,
Committee Administrator

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EXHIBIT SUMMARY

- A – HB 3339, -1 proposed amendments, staff, 2pp.**
- B – HB 3339, written material, Katy King, 2pp.**
- C – HB 3339, written material, Bruce Bishop, 1p.**
- D – SB 162A, written material, Kathleen Haley, 1p.**
- E – SB 270, written material, Kathleen Haley, 1p.**
- F – SB 272, -1 proposed amendments, staff, 1p.**
- G – SB 272, written material, Kathleen Haley**
- H - SB 267A, written material, Joel Ario, 4pp.**
- I – SB 288A, proposed –A2 amendments, Sen. George, 3pp.**
- J – SB 288A, written material, Dave McTeague, 3pp.**
- K – SB 371, written material, Dan Kennedy, 1p.**
- L – SB 371, written material, Barry Kast, 1p.**