

HOUSE COMMITTEE ON HEALTH AND PUBLIC ADVOCACY

May 17, 2001
1:30 PM

Hearing Room D
Tapes 126 - 129

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

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

MEASURES HEARD: **HB 2507 Work Session**
 HB 2589 Public Hearing
 HB 2592 Public Hearing
 HB 3024 Work Session
 SB 404 Public Hearing and Work Session
 SB 408 Public Hearing and Work Session
 SB 562A Public Hearing and Work Session
 SB 601 Public Hearing and Work Session
 SB 405 Public Hearing and Work Session
 SB 568A Public Hearing and Work Session
 SB 288A Work Session
 HB 3542 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 126, A		
003	Chair Kruse	Calls the meeting to order at 1:45 p.m. and opens a work session on HB 2507.
<u>HB 2507 WORK SESSION</u>		
010	Rep. Morrisette	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2507.
014	Rep. Tomei	Asks why HB 2507 is being reconsidered.
016	Chair Kruse	Explains that HB 2507 must be referred to the Committee on Ways and Means.
021	Rep. Monnes-Anderson	Explains that she is aware of the need to send the bill to Ways and Means and states that there is agreement among the bill's stakeholders that the bill should go to Ways and Means for additional consideration.
027	Chair Kruse	Comments on the budget concerns attached to HB 2507. VOTE: 9-0
032	Chair Kruse	Hearing no objection, declares the motion CARRIED.
033	Rep. Morrisette	MOTION: Moves to RECONSIDER the vote by which HB

2507 was sent to the floor DO PASS AS AMENDED.

VOTE: 9-0

037 Chair Kruse
038 Rep. Morrisette

Hearing no objection, declares the motion CARRIED.
MOTION: Moves HB 2507 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.

VOTE: 8-1-0

**AYE: 8 - Garrard, Krummel, Lee, Monnes
Anderson, Morrisette, Tomei, Walker C, Kruse**

NAY: 1 – Barnhart

057 Chair Kruse
052 Chair Kruse

The motion CARRIES.
Closes the work session on 2507 and opens a public hearing on HB 2589.

HB 2589 PUBLIC HEARING

071	Diane Lewis	Committee Administrator. Summarizes HB 2589 for the committee.
075	Sid Stuller	Member of Oregon Voice for the Retarded. Presents written testimony in support of HB 2589 (EXHIBIT A).
125	Rep. Barnhart	Asks what differences HB 2589 would make regarding current rules and laws.
135	Stuller	Responds that there have been many misinterpretations of current rules. Relates examples.
158	Rep. Barnhart	Asks if certain practices are allowed under current administrative rules.
161	Stuller	Responds he is unsure. Comments on the rights of guardians of persons with disabilities.
180	Rep. Garrard	Asks if a guardian's power should be equal to that of the Individual Support Plan Team (ISP).
192	Stuller	States his opinion that guardians should make the primary decisions (as written in the Federal statute described in Exhibit A) and that Oregon statute should reflect this.
201	Rep. Tomei	Asks what specific problem the bill is trying to solve.
210	Stuller	Responds the bill will give the same power to guardians of adult mentally retarded developmentally disabled (MRDD) persons that guardians MRDD children currently have.
234	Rep. Krummel	Asks for an example of a situation where the Mental Health and Developmental Disabilities Services Division (MHDDSD) has acted inappropriately.
244	Stuller	Comments on discrepancies in current administrative rule. Discusses the need for guardianship.
276	Rep. Krummel	Asks if every disabled adult has a guardian.
281	Stuller	Responds negatively.
296	Rep. Tomei	Asks if a person must go to court for the purpose of becoming a guardian.
298	Stuller	Responds affirmatively.
312	Rep. Tomei	Asks if residential centers are making decisions without informing guardians.
317	Stuller	Responds affirmatively. States that some group homes have prevented guardians from exercising their rights as guardians.
365	Ralph Rizzuto	President, Oregon Voice of the Retarded. Submits and presents written testimony in favor of HB 2589 (EXHIBIT B).

TAPE 127, A

004	Rep. Garrard	Asks if MHDDSD rules differ from federal rules.
008	Rizzuto	Responds affirmatively.
009	Rep. Walker	States that she has concerns with some of the language in the bill.
024	Rizzuto	Explains that the purpose of the bill is to give guardians the opportunity to be the primary decision makers.
035	James Toews	MHDDSD. Testifies in opposition to HB 2589. Comments on the authority of guardianship. Concurs that problems exist within the division regarding the inclusion of guardians in all decisions that are made for an MRDD person. Explains that the division has been working to resolve these issues. Discusses problems that the division is consistently dealing with regarding state and local staff persons who work in community-based settings with MRDD persons.
095	Rep. Krummel	Asks what training is involved for MHDDSD investigators and case managers.
102	Toews	Explains investigations and training procedures.
118	Rep. Barnhart	Asks if education for agency people needs to be improved.
125	Toews	Responds affirmatively.
161	Chair Kruse	Closes the public hearing on HB 2589 and opens a public hearing on HB 2592.

HB 2592 PUBLIC HEARING

180	Diane Lewis	Committee Administrator. Summarizes HB 2592 for the committee.
199	Sid Stuller	Member of Oregon Voice for the Retarded. Submits and presents written testimony in favor of HB 2592 (EXHIBIT C).
292	Stuller	Continues presenting testimony.
346	Rep. Krummel	Asks why a basic amount of training is required before becoming employed as a community-based caregiver.
372	Stuller	Comments on current practices.
376	Rep. Krummel	Provides his opinion on state involvement in training.
398	Stuller	Responds that if training is mandated without the support of the state to provide the training, no one will apply for care giving jobs.

TAPE 126, B

021	Ralph Rizzuto	President, Oregon Voice of the Retarded. Submits and presents written testimony in support of HB 2592 (EXHIBIT D).
040	Tim Kral	Executive Director, Oregon Rehabilitation Association. Submits and presents written testimony in opposition to HB 2592 (EXHIBIT E).
074	Ellen Lowe	Residential Providers Association. Testifies in opposition to HB 2592. Comments on problems of staff retention.
094	Rep. Morrisette	Asks who should be in charge of training caregivers.
097	Lowe	Responds that currently, there are training requirements outlined in rules. Comments on poor wages that caregivers receive.
127	Rep. Walker	Declares that more training requirements would not resolve the retention issue.
141	Rep. Morrisette	Asks about reasons that caregivers move into other jobs.
146	Kral	Responds that direct care staff move on to other jobs because care facilities cannot pay competitive wages.
160	James Toews	MHDDSD. Testifies in opposition to HB 2592. Comments on problems of recruiting and retaining care providers.
227	Chair Kruse	Closes the public hearing on HB 2592 and opens a work session on HB 3024.

HB 3024 WORK SESSION

233 Diane Lewis Committee Administrator. Summarizes HB 3024 for the committee.

254 Pam Curtis Health and Human Services Policy Analyst, Governor’s office. Testifies in support of HB 3024. Outlines the –2 amendments (**EXHIBIT F**).

278 Madeleine Olson Assistant Administrator, MHDDSD. Testifies in support of the –2 amendments.

283 Rep. Garrard Asks if local counties need to fall “in-line” with the Governor’s Mental Health Alignment Work Group recommendations.

292 Curtis Responds that HB 3017 deals with the issue of local planning. Explains the –3 amendments (**EXHIBIT G**).

307 Rep. Garrard Asks if the governor’s office views the bill as not being a mandate.

313 Curtis Responds affirmatively

325 Rep. Krummel Asks if the –3 amendments are compatible with the –2 amendments.

340 Curtis Responds they are separately compatible to the original bill, but not with each other.

354 Rep. Monnes-Anderson Provides her opinions of the proposed amendments.

TAPE 127, B

009 Rep. Barnhart Asks if the agency already has the authority that is listed in the –3 amendments.

010 Olson Responds affirmatively. States that this authority is not clearly laid out in statute.

039 Rep. Walker Asks if the Oregon Association of Hospitals and Health Systems (OAHHS) has any objection to the –3 amendments.

043 Bob Joondeph Oregon Advocacy Center. Responds negatively.

060 Rep. Walker MOTION: Moves to ADOPT HB 3024-2 amendments dated 05/04/01.

VOTE: 8-0-1
EXCUSED: 1 – Krummel
Hearing no objection, declares the motion CARRIED.
MOTION: Moves HB 3024 to the floor with a DO PASS AS AMENDED recommendation.

066 Chair Kruse
067 Rep. Walker

VOTE: 8-0-1
AYE: 8 - Barnhart, Garrard, Lee, Monnes Anderson, Morrisette, Tomei, Walker C, Kruse
EXCUSED: 1 – Krummel
The motion CARRIES.

080 Chair Kruse

REP. BARNHART will lead discussion on the floor.
Closes the work on HB 3024 and opens a public hearing on SB 404.

085 Chair Kruse

SB 404 PUBLIC HEARING

095 Diane Lewis Committee Administrator. Summarizes SB 404 for the committee.

100 Joan Miller President, Board of Optometry. Testifies in support of SB 404.

113 Wayne Schumacher Executive Director, Oregon Optometric Physicians Association. Testifies in support of SB 404.

120 Chair Kruse Closes the public hearing on SB 404 and opens a work session on SB 404.

SB 404 WORK SESSION

122 Rep. Tomei MOTION: Moves SB 404 to the floor with a DO PASS

recommendation and be placed on the CONSENT CALENDAR.

VOTE: 8-0-1

AYE: 8 – Barnhart, Garrard, Lee, Monnes Anderson, Morrisette, Tomei, Walker C, Kruse

EXCUSED: 1 – Krummel

The motion CARRIES.

Closes the work session on SB 404 and opens a public hearing on SB 408.

132 Chair Kruse
134 Chair Kruse

SB 408 PUBLIC HEARING

137 Joan Miller
160 Chair Kruse

President, Board of Optometry. Testifies in support of SB 408.

Closes the public hearing on SB 408 and opens a work session on SB 408.

SB 408 PUBLIC HEARING

165 Rep. Tomei

MOTION: Moves SB 408 to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.

VOTE: 7-0-2

AYE: 7 – Barnhart, Garrard, Lee, Monnes Anderson, Morrisette, Tomei, Kruse

EXCUSED: 2 – Krummel, Walker C

The motion CARRIES.

Closes the work session on SB 408 and opens a public hearing on SB 562A.

175 Chair Kruse
176 Chair Kruse

SB 562A PUBLIC HEARING

177 Diane Lewis
183 Linda Lee
210 Rep. Morrisette
213 Lee
215 Rep. Morrisette
218 Lee
220 Rep. Monnes-Anderson
229 Rep. Barnhart
231 Lee
233 Rep. Barnhart
246 Chair Kruse

Committee Administrator. Summarizes SB 562A for the committee.

President, Oregon Board of Dentistry. Submits and presents written testimony in support of SB 562A (**EXHIBIT H**).

Asks how services would be different from current practices.

Responds that a dental hygienist would be able to work without the supervision of a dentist.

Asks what improvement the bill would have on prison inmates.

Responds it will allow practitioners more freedom.

Relates a personal example of another practitioner working in an institution with persons who might not receive comprehensive care without the practitioner's services.

Asks if the bill would change the scope of practice of dental hygienists.

Responds it will not change the scope of practice.

Comments on referrals.

Closes the public hearing on SB 562A and opens a work session on SB 562A.

SB 562A WORK SESSION

250 Rep. Tomei

MOTION: Moves SB 562A to the floor with a DO PASS recommendation.

VOTE: 8-0-1

AYE: 8 - Barnhart, Garrard, Krummel, Lee, Monnes Anderson, Morrisette, Tomei, Kruse

EXCUSED: 1 - Walker C

The motion CARRIES.

REP. MONNES ANDERSON will lead discussion on the floor.

Closes the work session on 562A and opens a public hearing

285 Chair Kruse
294 Chair Kruse

SB 601 PUBLIC HEARING

296 Diane Lewis
304 Tom Holt
321 Rep. Monnes-Anderson
325 Holt
329 Rep. Garrard
333 Holt
335 Rep. Krummel
343 Holt
355 Krummel
367 Chair Kruse

on SB 601.

Committee Administrator. Summarizes SB 601 for the committee.
Oregon State Pharmacists Association. Testifies in support of SB 601. Comments on reciprocity issues.
Asks how the board will deal with the issue of pharmacists who come from another country with requirements and standards that are lower than Oregon's.
Responds the board is concerned about those issues and each applicant will be looked at on a case by case basis.
Asks if the minimum standards for Oregon would still have to be met.
Responds affirmatively.
Asks about the requirements to become a licensed pharmacist.
Relates some of the requirements.
Discusses course requirements.
Closes public hearing on SB 601 and opens a work session on SB 601.

SB 601 WORK SESSION

369 Rep. Tomei

MOTION: Moves SB 601 to the floor with a DO PASS recommendation and be places on the CONSENT CALENDAR.

VOTE: 7-0-2

AYE: 7 – Barnhart, Garrard, Krummel, Lee, Monnes Anderson, Tomei, Kruse

EXCUSED: 2 – Morrisette, Walker C

The motion CARRIES.

372 Chair Kruse
394 Chair Kruse

Closes the work session on SB 601 and opens a public hearing on SB 405.

SB 405 PUBLIC HEARING

396 Diane Lewis

Committee Administrator. Summarizes SB 405 for the committee.

TAPE 128, A

001 Gary Schnabel

Executive Director, Oregon Board of Pharmacy. Submits and presents testimony in support of SB 405 (**EXHIBIT J**). Comments on fee increases. Reports that it has been 11 years since there has been a fee increase.

033 Rep. Garrard
035 Schnabel
039 Tom Holt

Asks if the board is at the statutory cap for fees.
Responds almost.
Oregon State Pharmacists Association. Testifies in support of SB 405.

046 Chair Kruse

Closes the public hearing on SB 405 and opens a work session on SB 405.

SB 405 WORK SESSION

050 Rep. Tomei

MOTION: Moves SB 405 to the floor with a DO PASS recommendation.

VOTE: 7-0

AYE: 7 - Barnhart, Garrard, Krummel, Lee, Monnes Anderson, Tomei, Kruse

EXCUSED: 2 - Morrisette, Walker C

The motion CARRIES.

070 Chair Kruse

REP. TOMEI will lead discussion on the floor.

076 Chair Kruse

Puts that committee at ease for a few minutes.

077 Chair Kruse Reconvenes the committee and opens a public hearing on SB 568A.

SB 568A PUBLIC HEARING

081 Diane Lewis Committee Administrator. Summarizes SB 568A for the committee.

085 Tom Holt Oregon State Pharmacists Association. Testifies in support of SB 568A.

090 Rep. Barnhart Asks why the bill is needed.

092 Holt Responds the bill is a technical fix.

098 Rep. Barnhart Asks how the bill deals with a placebo effect.

101 Holt Responds that the wording allows for flexibility.

107 Chair Kruse Closes the public hearing on SB 568A and opens a work session on SB 568A.

SB 568A WORK SESSION

109 Rep. Barnhart **MOTION: Moves SB 568A to the floor with a DO PASS recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 5-0

AYE: 5 – Barnhart, Garrard, Krummel, Monnes Anderson, Kruse

EXCUSED: 4 – Lee, Morrisette, Tomei, Walker C

The motion CARRIES.

115 Chair Kruse Closes the work session on SB 568A and opens a work session on SB 288A.

123 Chair Kruse

SB 288A WORK SESSION

125 Diane Lewis Committee Administrator. Summarizes SB 288A for the committee. Explains the –A3 amendments (**EXHIBIT K**).

150 Rep. Krummel Asks if the –A2 amendments are compatible with the –A3 amendments.

152 Chair Kruse Responds affirmatively.

170 Rep. Krummel **MOTION: Moves to ADOPT SB 288A-2 amendments dated 4/12/01.**

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

177 Rep. Krummel **MOTION: Moves to ADOPT SB 288A-A3 amendments dated 05/14/01.**

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

185 Rep. Krummel **MOTION: Moves SB 288A to the floor with a DO PASS AS AMENDED recommendation and be placed on the CONSENT CALENDAR.**

VOTE: 6-0

AYE: 6 – Barnhart, Garrard, Krummel, Monnes Anderson, Walker C, Kruse

EXCUSED: 3 – Lee, Morrisette, Tomei

The motion CARRIES.

195 Chair Kruse Closes the work session on SB 288A and opens a work session on HB 3542.

200 Chair Kruse

HB 3542 WORK SESSION

210 Rep. Krummel **MOTION: Moves HB 3542 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.**

221 Rep. Barnhart Speaks in opposition to HB 3542 and the Chair’s willingness to move the bill to Ways and Means. Discusses and explains his

292	Rep. Lee	objection. Comments on her conversation with the chair of the Ways and Means sub-committee. States that she is willing to provide a courtesy vote to move the bill as long as Rep. Winters keeps her promise.
311	Rep. Monnes-Anderson	States her opposition to the bill.
346	Rep. Krummel	Provides personal opinion.
374	Chair Kruse	Responds that he is fulfilling a request for the bill by the chair of the Ways and Means Human Services Subcommittee.

**TAPE 129, A
001**

VOTE: 5-2
AYE: 5 – Garrard, Krummel, Lee, Walker C, Kruse
NAY: 2 – Barnhart, Monnes Anderson
EXCUSED: 2 – Morrisette, Tomei
The motion CARRIES.

006 Chair Kruse
007 Chair Kruse
 Closes the work session on HB 3542 and adjourns the meeting at 6:51 p.m.

Submitted By,

Reviewed By,

Rachel Brown,
Committee Assistant

Diane M. Lewis,
Committee Administrator

Transcribed by,

Andrew Morris,
Committee Assistant

EXHIBIT SUMMARY

- A – HB 2589, Written testimony, Sid Stuller, 7 pp.**
- B – HB 2589, Written testimony, Ralph Rizzuto, 2 pp.**
- C – HB 2592, Written testimony and information, Sid Stuller, 16 pp.**
- D – HB 2592, Written testimony and article, Ralph Rizzuto, 2 pp.**
- E – HB 2592, Written testimony, Tim Kral, 1 p.**
- F – HB 3024, -2 Amendments, Staff, 3 pp.**
- G – HB 3024, -3 Amendments, Staff, 1 p.**
- H – SB 562A, Written testimony, Linda Lee, 1 p.**
- I – SB 562A, Written testimony, Paul Cosgrove, 1 p. (*submitted testimony, but did not testify)**
- J – SB 405, Pamphlet, Gary Schnabel, 2 pp.**
- K – SB 288A, -A3 Amendments, Staff, 1 p.**