

# SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

January 29, 2001  
1:00 PM

Hearing Room B  
Tapes 15 - 16

**MEMBERS PRESENT:** Sen. Bill Fisher, Chair  
Sen. Margaret Carter, Vice-Chair  
Sen. Gary George  
Sen. Frank Shields  
Sen. Ken Messerle

**STAFF PRESENT:** Rick Berkobien, Administrator  
Andrew Morris, Committee Assistant

**MEASURE/ISSUES HEARD:** SB 44 Public Hearing and Work Session  
Quality Initiative for Nursing Home Care  
Introduction of Committee Bills

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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 15, A</b>		
004	Chair Fisher	Calls meeting to order at 1:13 p.m. and opens a public hearing on SB 44.
<b><u>SB 44 PUBLIC HEARING</u></b>		
010	Chair Fisher	Comments on the -1 amendments ( <b>EXHIBIT A</b> ).
012	Chair Fisher	Closes the public hearing on SB 44 and opens a work session a work session on SB 44.
<b><u>SB 44 WORK SESSION</u></b>		
015	Chair Fisher	Explains the -1 amendments.
<b>023</b>	<b>Sen. Shields</b>	<b>MOTION: Moves to ADOPT SB 44-1 amendments dated 01/19/01.</b>
027	Sen. Carter	Asks if the bill is necessary.
032	Chair Fisher	Responds by explaining the reasons for the bill.
037	Sen. Shields	Comments on the background of SB 44. Discusses the language proposed in the -1 amendment. <b>VOTE: 3-0</b> <b>AYE: 3 - Carter, Shields, Fisher</b> <b>EXCUSED: 2 - George, Messerle</b>
<b>062</b>	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>064</b>	<b>Sen. Shields</b>	<b>MOTION: Moves SB 44 to the floor with a DO PASS AS AMENDED recommendation.</b> <b>VOTE: 5-0</b> <b>AYE: 5 - Carter, George, Messerle, Shields, Fisher (Senators George and Messerle voted later in the meeting)</b>
<b>074</b>	<b>Chair Fisher</b>	<b>The motion CARRIES.</b> <b>SEN. FISHER will lead discussion on the floor.</b>
077	Chair Fisher	Closes the work session on SB 44 and opens an informational meeting on the Quality Initiative for Nursing Home Care.
<b><u>QUALITY INITIATIVE FOR NURSING HOME CARE</u></b>		
083	Jim Carlson	Oregon Health Care Association. Comments on nursing home

		facilities. Explains that most regulations are federal rules that do not allow for flexibility in the state rules.
099	Sen. Carter	Asks if most of the nursing home regulations are federal rules.
107	Carlson	Responds affirmatively. States that the state rules shadow the federal requirements. Comments on the survey process and the development of a new process. Explains the Oregon Quality Initiative. Discusses the program that has been developed as described in LC 2284.
180	Carlson	Continues explaining the demonstration project program under LC 2284.
193	Sen. Carter	Asks what would happen if a nursing home was found to be out of compliance.
209	Carlson	Responds by explaining safeguards. Comments on survey intervals.
233	Sen. Carter	Asks how many nursing homes in Oregon have a five-year record of not having any violations.
240	Carlson	Responds he does not have the five-year data, but that about 10 percent of nursing homes are deficiency free. States that under the program, some nursing facilities would have increased surveys.
270	Sen. Shields	Comments on available resources. Asks how the oversight would be conducted on nursing facilities that are checked once a year.
290	Carlson	Responds by explaining safeguards. Comments on the rate of surveys. States the program would allow for more freedom. Comments on the fiscal impact.
330	Sen. Carter	Asks about state agencies feelings on this.
335	Carlson	Responds there is agreement with involved parties.
351	Sen. George	Comments on government regulations.
387	Carlson	States the program could allow for a positive outcome. Explains the make-up of the survey teams. Comments on quality improvement and technical assistance.
427	Sen. Carter	Asks for role of the association in the project.
440	Carlson	Responds by explaining training sessions and conferences the association puts on.
<b>TAPE 16, A</b>		
000	Carlson	Comments on peer sharing.
009	Chair Fisher	Comments on personal experiences. Discusses the roles of the surveyors.
036	Carlson	Gives reasons for proposed changes.
064	Margaret Murphy-Carley	Deputy Director, Legal Counsel, Oregon Health Care Association. Presents <b>(EXHIBIT B)</b> to the committee. Explains specific changes the demonstration project would make. Comments on revisions to the project since it was inception.
112	Murphy-Carley	Reviews <b>(EXHIBIT B)</b> .
180	Murphy-Carley	Continues reviewing <b>(EXHIBIT B)</b> . Comments on survey cycles.
255	Murphy-Carley	Explains classifications. Comments on proposed changes to the survey process. States the project would help in determining fiscal data.
302	Sen. Messerle	Asks for incidents that would change the survey cycle.
313	Murphy-Carley	Responds by explaining situations that would change the cycle. States the ombudsman role would stay the same in the program.
345	Carlson	Comments on federal surveys.

349	Sen. Messerle	Asks if patient services would be surveyed.
357	Murphy-Carley	Responds that if there were a complaint about staffing, then the situation would be looked at. Comments on administrative rules.
380	Sen. George	Asks about the fiscal impact.
386	Carlson	Responds an option would be to raise fees.
406	Sen. George	Comments on incentives.
424	Murphy-Carley	States the less frequent surveys are incentives for improved performances.

**TAPE 15, A**

000	Chair Fisher	Comments on the survey process.
027	Rick Berkobien	Administrator. Asks if components of the survey could be changed after implementation.
035	Murphy-Carley	Responds they are not sure if they could change the components without affecting the whole program.
058	Chair Fisher	Comments on licensure that does not have to be renewed every year.
080	Chair Fisher	Closes the informational meeting and opens a work session to introduce committee bills.

**COMMITTEE BILL INTRODUCTION WORK SESSION**

<b>091</b>	<b>Sen. Carter</b>	<b>MOTION: Moves LC 2284 BE INTRODUCED as a committee bill.</b>
		<b>VOTE: 4-0</b>
		<b>AYE: 4 - Carter, George, Messerle, Fisher</b>
		<b>EXCUSED: 1 – Shields</b>
<b>100</b>	<b>Chair Fisher</b>	<b>The motion CARRIES.</b>
101	Sen. Carter	States support for the demonstration project.
109	Chair Fisher	<b>Declares a potential conflict of interest.</b>
<b>117</b>	<b>Sen. Carter</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of allowing Sen. George and Sen. Messerle to vote on SB 44.</b>
		<b>VOTE: 4-0</b>
		<b>AYE: 4 - Carter, George, Messerle, Fisher</b>
		<b>EXCUSED: 1 – Shields</b>
<b>119</b>	<b>Chair Fisher</b>	<b>The motion CARRIES. (Please see SB 44 Work Session for final vote)</b>
133	Chair Fisher	Closes the work session and adjourns the meeting at 2:20 p.m.

Submitted By,

Reviewed By,

Andrew Morris,  
Committee Assistant

Rick Berkobien,  
Administrator

**EXHIBIT SUMMARY**

**A – SB 44, -1 Amendments, Staff, 1 p.**

**B – Oregon Quality Initiative Demonstration Project, Margaret Murphey-Carley, 13 pp.**

**C – LC 2284, Staff, 2 pp.**