

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 12, 2001
1:00 PM

Hearing Room B
Tapes 25 - 27

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 HEARD: **SB 404 Public Hearing and Work Session**
 SB 408 Public Hearing and Work Session
 SB 210 Public Hearing
 Introduction of Committee Bills

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 25, A		
004	Chair Fisher	Calls meeting to order at 1:10 p.m. and opens a public hearing on SB 404.
<u>SB 404 PUBLIC HEARING</u>		
006	Rick Berkobien	Administrator. Explains SB 404 to the committee.
024	David Plunkett	Director, Oregon Board of Optometry. Presents testimony in support of SB 404 (EXHIBIT A). Gives the background of SB 404. Relates a possible scenario. Comments on investigating licensees.
057	Joan Miller	President, Oregon Board of Optometry. Testifies in support of SB 404. Comments on the importance of being able to complete investigations, whether or not the optometrist relinquishes their license.
067	Chair Fisher	Asks about public access to information relating to the investigations.
070	Miller	Responds all the information on an investigation is public record and disseminated throughout the country and Canada. Talks about the importance of a permanent record.
083	Chair Fisher	Asks about optometrists that move to another state and how the investigation would affect them.
090	Miller	Responds if the bill is passed, then the investigation could be completed and the findings would be disseminated.
095	Chair Fisher	Asks about reciprocity with other states.
100	Miller	Responds Oregon does not have reciprocity with other states. Explains licensing procedures for Oregon. Discusses hearings and judgements.
128	Plunkett	Clarifies the investigation process.
133	Sen. George	Comments on the authority being requested in SB 404. Asks how many investigations were not completed because of current

146	Miller	law. Responds that there have been two cases in the last nine years where the investigation could not be completed.
166	Sen. Carter	Asks about violations.
179	Miller	Responds that if a violation occurs, licenses can be suspended or revoked.
188	Sen. Carter	Comments on the need for SB 404.
195	Chair Fisher	Closes the public hearing on SB 404 and opens a work session on SB 404.

SB 404 WORK SESSION

196 Sen. Carter

MOTION: Moves SB 404 to the floor with a DO PASS recommendation.

VOTE: 5-0

**AYE: 5 - Carter, George, Messerle, Shields, Fisher
The motion CARRIES.**

SEN. MESSERLE will lead discussion on the floor.

206 Chair Fisher

210 Chair Fisher

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

SB 408 PUBLIC HEARING

214 Berkobien

Explains SB 408 to the committee.

222 Miller

Testifies in support of SB 408. States the bill resolves a fairness issue for optometrists. Comments on reciprocity. Explains licensure requirements for Oregon. States the legislation allows for more people to be licensed in Oregon.

267 Sen. Carter

Asks if the bill would be used for recruitment.

270 Miller

Responds no. Relates a situation.

296 Sen. Carter

Asks about including reciprocity in the bill.

305 Miller

Responds by explaining the specifics of SB 408.

317 Sen. Carter

Asks how other state boards could learn of problems with a local licensee.

327 Miller

Responds that every state board in the nation and Canada is notified.

334 Chair Fisher

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

SB 408 WORK SESSION

337 Sen. Carter

MOTION: Moves SB 408 to the floor with a DO PASS recommendation.

VOTE: 5-0

**AYE: 5 - Carter, George, Messerle, Shields, Fisher
The motion CARRIES.**

SEN. SHIELDS will lead discussion on the floor.

359 Chair Fisher

363 Chair Fisher

Closes the work session on SB 408 and opens a public hearing on SB 210.

SB 210 PUBLIC HEARING

368 Berkobien

Explains SB 210 to the committee. Comments on the -1 amendments.

406 Grover Simmons

Adult Care Providers Association. Presents testimony in support of SB 210 (**EXHIBIT B**). Discusses complaints against adult foster homes.

TAPE 26, A

000 Simmons

Comments on intentionally filing false complaints. Discusses other bills dealing with immunities before the legislature this session. Explains the -1 amendment. States that Senior Disabled Services Division (SDSD) has another amendment

067	Earlene Berry	request that has been agreed on by involved parties. Adult Foster Home Provider, President Adult Care Providers Association. Testifies in support of SB 210 (EXHIBIT C) . Comments on the sources and motives of complaints. States that due process is important. Relates a personal experience.
152	Berry	States that providers need recourse against people intentionally filing false complaints.
164	David Brandt	Adult Foster Care Provider. Testifies in support of SB 210. Comments on his business. Relates a personal experience. States there is a lack of resolution. States that providers are vulnerable to blackmail from previous employees.
243	Sen. Shields	States support for having timely resolution to complaints.
274	Brandt	Comments on the motives of complaints.
311	Sen. Shields	Asks about personal protection versus intimidation.
327	Brandt	Responds that retaliation is not allowed. Comments on the protection of residential rights.
355	Sen. Shields	States concerns over the possibility of intimidation.
384	Berry	States a majority of complaints come from employees that have been fired.
TAPE 25, B		
000	Faye Marie	Adult Foster Care Provider. Testifies in support of SB 210 (EXHIBIT D) . Relates a personal experience. Comments on false claims filed against her business. Discusses accountability.
071	Christine Niemeyer	Adult Foster Care Worker. Testifies in support of SB 210. Comments on the emotional impact of false complaints. Discusses accountability of people making complaints. Relates a personal experience.
150	Niemeyer	Comments on the complaint process. Discusses substantiation of complaints.
203	Gary Lane	Adult Foster Care Provider. Testifies in support of SB 210 (EXHIBIT E) . Relates a personal experience. Comments on complaints made against his business. Discusses his personal fiscal impact due to complaints. Comments on residents behaviors.
340	Cindy Hannum	Manager, Long Term Quality Care, SDSD. Testifies on SB 210. Proposes language changes that allow for people to file complaints anonymously.
378	Sen. Messerle	Asks for clarification on anonymously filing complaints.
390	Hannum	Responds by explaining current law. Relates an example.
TAPE 26, B		
010	Sen. Messerle	Comments on the certification process.
017	Sen. Carter	Asks how the department defends providers who have problems with neighborhoods.
027	Hannum	Responds by explaining current statute. Comments on the investigation process.
043	Sen. Carter	Asks about the time frame for investigation.
050	Hannum	Responds the law requires that investigations are completed within 60 days, but that is not always possible. States that it can take up to six months for resolution.
063	Sen. Carter	Comments on the current process. Asks how ensuring expediency can protect providers.
82	Hannum	Comments on the volume of complaints. States that people make complaints on perceptions. States that SDSD supports the foster home industry.

115	Sen. Shields	Asks who would determine if someone knowingly filed a false complaint.
131	Hannum	Responds that SDDS is not an arbitrator. States that SDDS could be involved in a civil case.
150	Sen. Messerle	Asks how many complaints are filed per year.
156	Hannum	Responds there are about 6,000 complaints are filed each year.
164	Sen. Messerle	Comments on the volume of complaints.
170	Sen. George	Comments on the volume of complaints.
179	Hannum	Describes substantiated versus unsubstantiated.
194	Sen. George	Asks how many providers there are in the state.
198	Hannum	Responds there are over 2,000 foster homes in the state.
204	Chair Fisher	Closes the public hearing on SB 210 and opens a work session to introduce committee bills

INTRODUCTION OF COMMITTEE BILLS

209	Berkobien	Explains LC 2315 to the committee.
225	Sen. Carter	MOTION: Moves LC 2476 BE INTRODUCED as a committee bill.
		VOTE: 5-0
		AYE: 5 - Carter, George, Messerle, Shields, Fisher
226	Chair Fisher	The motion CARRIES.
228	Berkobien	Explains LC 2476 to the committee.
259	Sen. Carter	MOTION: Moves LC 2476 BE INTRODUCED as a committee bill.
		VOTE: 5-0
		AYE: 5 - Carter, George, Messerle, Shields, Fisher
260	Chair Fisher	The motion CARRIES.
261	Berkobien	Explains LC 2285 to the committee.
292	Sen. Carter	MOTION: Moves LC 2285 BE INTRODUCED as a committee bill.
		VOTE: 5-0
		AYE: 5 - Carter, George, Messerle, Shields, Fisher
293	Chair Fisher	The motion CARRIES.
294	Chair Fisher	Closes the work session and reopens the public hearing on SB 210.

SB 210 PUBLIC HEARING

352	Joan Gallelglly	Provider. Testifies in support of SB 210 (EXHIBIT F). Comments on providers that feel intimidated and harassed during the investigation process.
TAPE 27, A		
000	Virgil Dunbar	Provider. Testifies in support of SB 210. Comments on the complaint process. Describes his background.
037	Daniela Fora	Provider. Testifies in support of SB 210 (EXHIBIT G). States there is no recourse for providers after false complaints are made. Relates a complaint that was made in bad faith against her business. Comments on the inequalities in the adult foster home business. Relates a personal experience.
163	Chair Fisher	Closes the public hearing on SB 210 and adjourns the meeting at 3:13 p.m.

Submitted By,

Reviewed By,

Andrew Morris,
Committee Assistant

Rick Berkobien,
Administrator

EXHIBIT SUMMARY

- A – SB 404, Written testimony, David Plunkett, 1 p.**
- B – SB 210, Written testimony, Grover Simmons, 2 pp.**
- C – SB 210, Submitted letters, Earlene Berry, 20 pp.**
- D – SB 210, Submitted testimony, Faye Marie, 11 pp.**
- E – SB 210, Written testimony, Gary Lane, 1 p.**
- F – SB 210, Written testimony, 5 pp.**
- G – SB 210, Copy of complaint and findings, Daniela For a, 12 pp.**