

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 23, 2001 Hearing Room B
1:00 p.m. Tapes 35 - 36

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
Jennifer Simmons, Committee Assistant

MEASURE/ISSUES HEARD: SB 540 Public Hearing
SB 568 Public Hearing
SB 601 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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 35, A		
003	Vice-Chair Carter	Opens meeting at 1:07 p.m. Opens public hearing on SB 540.
		<u>PUBLIC HEARING – SB 540</u>
007	Rick Berkobien	Administrator. Gives overview of the bill.
028	Tom Holt	Oregon State Pharmacists Association. Reads from written testimony (EXHIBIT A).
099	Sen. Carter	Asks if drug testing is performed in addition to the background check.
100	Holt	Answers no.
101	Sen. Carter	Asks if this would be a concern to pharmacists.
103	Holt	Answers that some employers may already perform drug tests on their own.
105	Sen. Carter	Reads written testimony from Dr. Schnable in favor of the bill (EXHIBIT B).
123	Rick Sahli	Regional Pharmacy Director, Providence Health System. Reads from written testimony (EXHIBIT C).
160	Sen. Shields	Asks Sahli to comment further on discharge of employees due to drug use.
166	Sahli	Answers by giving an example of someone refilling personal prescriptions. Says that since this was a minor infraction there was nothing they could do to warn future employers.
178	Shields	Asks what would happen if this bill took effect.
179	Sahli	Answers that they could bring the person in for a disciplinary inquiry. The process would decide what, if any, action to take.
186	Sen. Carter	Asks if this person could have been put on probation rather than discharged.
190	Sahli	Answers that they could have done so, it is at the discretion of the employer.
211	Sen. Messerle	Asks how large of a problem this currently is.

218	Sahli	Answers that it is currently a small problem. Says that in the last ten years about four employees have been discharged.
228	Holt	Says that they have thought through whether or not this was a large enough problem to warrant a change in statute. States that they believe it to be a problem when an employee can divert drugs and then go to any other pharmacy and seek work without the potential employer knowing of the infraction.
249	Ed Patterson	Oregon Association of Hospitals and Health Systems. Reads from written testimony (EXHIBIT D) . Submits hand engrossed version of SB 540 (EXHIBIT E) .
380	Sen Sheilds	Asks if the main concern is the shortage of potential hospital workers.
390	Patterson	Answers that is not their primary concern. Says that they do not see the need to provide additional bureaucracy.
419	Sen. Messerle	Asks why the hospitals would oppose this bill.
431	Patterson	Answers that a hospital pharmacy is different than retail pharmacies. Says that hospital pharmacies are largely run by PHD pharmacists that have a staff of educated employees.
TAPE 36, A		
017	Chair Fisher	Asks why Mr. Patterson thinks that is a good situation for the Board of Pharmacies to be required to provide a license to someone despite theft and consumption of cocaine.
025	Patterson	Answers that the Board of Pharmacies should have the power to do background checks.
054	Chair Fisher	Asks if they should have to be placed on a registry if they have this background.
057	Patterson	Answers that the 1997 legislation made the requirement of the board to place this type of person on the registry.
060	Chair Fisher	Says that he would not have knowingly put the board in a position to have to register people with these backgrounds.
072	Sen. Sheilds	Says that right now an employer has to be proactive in checking on potential employees. Says that this burden should be taken off the employer and placed on the board.
101	Patterson	Says that this bill was supported by his organization at the request of the hospitals. Says that in most hospitals background checks are already performed.
113	Sen. Carter	Says that it sounds like most hospitals already know how to deal with these problems and maybe we should look into directing this bill to individual retailers instead of hospitals.
136	Chair Fisher	Says that he would like to hear from Mr. Johnston.
145	Bill Johnston	Insight WorldWide. Tells the committee about a pre-hire test that his company provides. Gives examples of things that can be found through this test. Submits written material (EXHIBIT F) .
192	Sen. Sheilds	Asks what percent of people try to fool this test.
196	Johnston	Answers that about six percent of people try to fool the test.
190	Sen. Sheilds	Tells the committee about a premarital survey that sounds similar to the test being spoken of.
218	Johnston	Says that these people really want to talk about what they are currently doing.
230	Sen. Messerle	Asks for accuracy percentage of test.
232	Johnston	Answers ninety-eight percent.
242	Sen. Sheilds	Asks why Mr. Johnston is here to testify if he has no position on the bill.
247	Patterson	Answers that he asked Mr. Johnston to come simply to speak

261	Sen. George	about the test that could be used by pharmacies. Says that this test should be presented to legislators before reelection
268	Chair Fisher	Says that he is very interested in the test. Closes public hearing on SB 540 and opens public hearing on SB 568.
<u>PUBLIC HEARING – SB 568</u>		
284	Berkobien	Gives brief overview of the bill.
304	Tom Holt	OSPA. Reads from written testimony (EXHIBIT G) .
357	Chair Fisher	Says that this just warns people that this is a different drug than was prescribed to them.
372	Holt	Responds that Chair Fisher is correct.
384	Lynne-Marie Crider	Research Director, AFL-CIO. Reads from written testimony (EXHIBIT H) .
TAPE 35, B		
011	Marcia Kelley	Women’s Rights Coalition. Reads from written testimony (EXHIBIT I) .
040	Chair Fisher	Says that nothing indicates that the sign is of any value.
042	Kelley	Says that she was pointing out the cost.
059	Chair Fisher	Says that he has had a situation where the brand name drug did help him better than the generic drug.
085	Crider	Says that they cannot give statistics regarding how many people see the current sign.
094	Chair Fisher	Says that he has not heard of anyone that saw the sign at the pharmacy.
109	Sen. Carter	Tells the committee that she does not like to take generic drugs. States that she is in opposition of this bill simply because she believes that the sign should stay in place.
128	Chair Fisher	Asks Senator Carter if she would like to work on some amendments to this bill.
132	Sen. Carter	Answers yes.
143	Chair Fisher	Closes public hearing on SB 568 and opens public hearing on SB 601.
<u>PUBLIC HEARING – SB 601</u>		
175	Berkobien	Explains the purpose of the bill.
190	Chair Fisher	Enters into record written testimony from the Board of Pharmacy (EXHIBIT J) .
190	Tom Holt	OSPA. Reads written testimony (EXHIBIT K) .
228	Chair Fisher	Closes public hearing and opens work session on SB 601.
<u>WORK SESSION – SB 601</u>		
234	Sen. Carter	MOTION: Moves SB 601 to the floor with a DO PASS recommendation.
240		VOTE: 4-0
		EXCUSED: 1 - Shields
	Chair Fisher	Hearing no objection, declares the motion CARRIED.
		SEN. CARTER will lead discussion on the floor. Adjourns meeting at 2:19 p.m.

Submitted By,

Reviewed By,

Jennifer Simmons,

Rick Berkobien,

EXHIBIT SUMMARY

A – written testimony, SB 540, Tom Holt, 2 pp

B – written testimony, SB 540, Dr. Schnable, 1 pp

C – written testimony, SB 540, Rick Sahli, 1 pp

D – written testimony, SB 540, Ed Patterson, 3 pp

E – hand engrossed amendments, SB 540, Ed Patterson, 2 pp

F – written material, SB 540, Bill Johnston, 4 pp

G – written testimony, SB 568, Tom Holt, 1 pp

H – written testimony, SB 568, Lynne-Marie Crider, 3 pp

I – written testimony, SB 568, Marcia Kelley, 1 pp

J – written testimony, SB 601, Board of Pharmacy, 1 pp

K – written testimony, SB 601, Tom Holt, 1 pp