

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 7, 2001
1:00 PM

Hearing Room B
Tapes 22 - 24

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 235 Public Hearing**
 SB 245 Public Hearing and Work Session
 SB 246 Public Hearing
 Introduction of committee bill (LC 2574 will be SB 659)

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> |
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| TAPE 22, A | | |
| 004 | Chair Fisher | Calls meeting to order at 1:10 p.m. and opens a public hearing on SB 235. |
| <u>SB 235 PUBLIC HEARING</u> | | |
| 006 | Rick Berkobien | Administrator. Explains SB 235 to the committee. |
| 025 | Susan King | Oregon Nurses Association (ONA). Testifies in support of SB 235. Presents (EXHIBIT A) to the committee. States that have been proposed by the Health Division which the ONA is in agreement with. |
| 041 | Jeff Metcalf | Family Nurse Practitioner. Testifies in support of SB 235. Comments on his practice. States that it is difficult to get death certificates signed in rural areas where doctors are not readily available. Relates a personal experience. Explains the process of having a death certificate signed. |
| 083 | Chair Fisher | Asks if a death certificate must be signed before a body can be transported. |
| 091 | Metcalf | Responds he is unsure. |
| 104 | King | States that bodies are often transferred without a signed death certificate, but many funeral homes do not accept the body without the signed certificate. |
| 120 | Chair Fisher | States the bill could save time and money. |
| 131 | Sen. Carter | Asks why only doctors have been able to sign death certificates. |
| 136 | King | Responds current law states that only physicians may sign death certificates. |
| 140 | Chair Fisher | Asks about practitioners role in assisted suicide. |
| 148 | King | Responds that practitioners are not involved with assisted suicide, and this bill would not change that. |
| 170 | Grant Higginson | Health Division. Presents testimony on SB 235 (EXHIBIT B) . Comments on proposed language changes. Explains the |

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| 229 | Chair Fisher | requirements in filling out death certificates. States there are agreements on the proposed amendments. |
| | | Comments on nurse practitioners and physician assistants and asks if physician assistants could also sign a death certificate. |
| 243 | Higginson | Responds that nurse practitioners work independently and physician assistants work under physicians. |
| 264 | Sen. Carter | Asks if hospice nurses sign death certificates. |
| 268 | Higginson | Responds that is not legal under the current law. |
| 280 | Chair Fisher | Introduces letters provided by King in (EXHIBIT A) . |
| 302 | Chair Fisher | Closes the public hearing on SB 235 and opens a public hearing on SB 245 |

SB 245 PUBLIC HEARING

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| 305 | Berkobien | Explains SB 245 to the committee. |
| 341 | King | Testifies in support of SB 245. Explains the background behind the bill. |
| 373 | Metcalf | Testifies in support of SB 245. Comments on patient care. States that people recover faster when they can receive services in their home. Relates a personal experience. Discusses current procedures. |

TAPE 23, A

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| 000 | Metcalf | Explains home health care. |
| 020 | Chair Fisher | Asks about patients that receive Medicaid services. |
| 025 | Metcalf | Responds he is willing to work with physicians to get approval for Medicaid. Discusses having doctors sign orders after services were delivered. |
| 046 | Sen. Carter | Asks about the financial impact of the bill. |
| 048 | Metcalf | Responds the bill would allow for time and money to be saved. |
| 063 | Carolyn Concia | Geriatric Nurse Practitioner. Testifies in support of SB 245. Comments on her practice of making home visits to people who are homebound. States there are 12,000 people in Multnomah County who are homebound. States there is a delay while patients wait for a doctor to sign orders. |
| 100 | Hersh Crawford | Office of Medical Assistance Programs (OMAP). Presents testimony on SB 245 (EXHIBIT C) . States that SB 245 does not apply to the Medicaid because in order to receive matching funds, a physician must sign the medical orders. States that besides the Medicaid issue, OMAP does not have any issue with the bill. |
| 118 | Chair Fisher | Asks if a physician could sign orders at a later date to receive Medicaid funds. |
| 125 | Crawford | Responds that federal requirements do not call for a physician to authorize services ahead of time. |
| 129 | Sen. Carter | Asks about funds coming from the general fund. |
| 131 | Crawford | Responds if the bill required Medicaid to be included in the bill, then the state could not receive matching funds for services prescribed by nurse practitioners only. States the bill does not intend this, so there will not be a fiscal impact. |
| 145 | Chair Fisher | Comments on the intent of SB 245. Closes the public hearing on SB 245 and opens a work session on SB 245. |

SB 245 WORK SESSION

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| 150 | Sen. Carter | |
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MOTION: Moves SB 245 to the floor with a DO PASS recommendation.

VOTE: 5-0

AYE: 5 – Carter, George, Messerle, Shields, Fisher

178 Chair Fisher

The motion CARRIES.

180 Chair Fisher

SEN. CARTER will lead discussion on the floor.

Closes the work session on SB 245 and opens a public hearing on SB 246.

SB 246 PUBLIC HEARING

195 Berkobien

Explains SB 246 to the committee.

235 King

Testifies in support of SB 246 (**EXHIBIT D**). Gives personal background. Comments on the background of SB 246. States the bill seeks to extend the authority of the Board of Nursing. Comments on commitment to treatment.

315 King

Comments on the scope of practice for nurse practitioners.

328 Sue Davidson

Ph.D., Oregon Nurses Association. Testifies in support of SB 246 (**EXHIBIT F**). States the bill would allow for the Board of Nursing to have influence over curriculum.

398 Metcalf

Reads testimony in support of SB 246 (**EXHIBIT E**). States concerns over the current system.

TAPE 22, B

000 Metcalf

Continues testimony.

027 Chair Fisher

Asks how internet diplomas affect Oregon.

032 Metcalf

Responds that he is unsure, but internet diplomas are becoming a trend.

053 King

States that the ONA supports the Board of Nursing on SB 246. Comments on the board's responsibilities.

075 Chair Fisher

Asks for the financial impact on the board of nursing.

079 King

Responds the board would need consulting fees. Comments on her past work on the board and accrediting undergraduate programs. Comments on current requirements. States the board supports current graduate programs.

150 Kathleen Potempa

Ph.D., Dean, Oregon Health Sciences University (OHSU). Reads testimony against SB 246 (**EXHIBIT G**). Reviews the boards and associations that accredit OHSU's nurse practitioner programs. States that the accreditors have the expertise that is required to make curriculum decisions. States that curriculum changes depending on the needs of the field.

237 Potempa

Continues reading testimony.

280 Carol Howe

Director, nurse-midwifery, OHSU. Reads testimony against SB 246 (**EXHIBIT H**). States OHSU is in the top ten for nurse practitioner programs in the country. Explains the accreditation process. States that OHSU already meets the required standards.

372 Sen. Messerle

Asks about other schools in Oregon that have nurse practitioner programs.

375 Potempa

Responds that the University of Portland also has nurse practitioner programs.

391 Sen. Shields

Asks how the bill affects nurse practitioner programs.

410 Potempa

Responds that it give the board of nursing the power to not allow new program development.

421 Sen. Shields

Asks if the board of nursing would disagree with accrediting entities.

430 Potempa

Responds she is unsure, but accrediting boards and associations are more qualified to make accrediting decisions. States the board members may not have the experience to make accrediting decisions.

TAPE 23, B

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| 014 | Sen. Carter | Asks about people that may enter into a practitioner program, but are not qualified. |
| 021 | Potempa | Responds by explaining the admission process. Comments on the educational requirements. |
| 083 | Sen. Carter | Asks about people who may enter the program without having undergraduate degrees. |
| 095 | Howe | Responds that the students would have to complete an intense three-year program before entering and graduating from the practitioner program. Comments on accreditation. States that a local board may not have an understanding of the national requirements and activities. |
| 133 | Chair Fisher | Asks for the education requirements to be on the Board of Nursing. |
| 134 | Potempa | Responds they are not required to have advanced degrees. States that when a person graduates from a practitioner program, they have seven and a half years of education. |
| 169 | Katharine Parker | Mid-wife. Presents testimony in opposition to SB 246 (EXHIBIT I) . Gives personal background. States disagreement with the proposal. Explains the board wants to prevent OHSU from developing a new program. |
| 270 | Parker | Asks for continued support from the state legislature. |
| 288 | Chair Fisher | Closes SB 246 and opens a work session to introduce committee bills. |

INTRODUCTION OF COMMITTEE BILLS

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| 296 | Berkobien | Explains LC 2574 to the committee. |
| 302 | Sen. Carter | MOTION: Moves LC 2574 BE INTRODUCED as a committee bill. |
| | | VOTE: 3-0-2 |
| | | AYE: 3 - Carter, Messerle, Fisher |
| | | EXCUSED: 2 - George, Shields |
| 305 | Chair Fisher | Hearing no objection, declares the motion carried. |
| 310 | Chair Fisher | Closes the work session to introduce committee rules and reopens the public hearing on SB 246. |

SB 246 PUBLIC HEARING

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| 317 | Fran Hicks | Professor, OHSU. Reads testimony in opposition to SB 246 (EXHIBIT J) . States that current statutes provide sufficient oversight. States that Oregon is a leader in the nation in nursing programs and the bill could change that. |
| 389 | Anita Lee Wynn | University of Portland. Testifies in opposition to SB 246. Comments on people who enter nurse practitioner programs without a lot of experience. Relates a personal experience. States that if the board of nursing became involved, it may take away the flexibility the school has. |

TAPE 24, A

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| 030 | Chair Fisher | Asks if there is a possibility of developing a program to make sure that graduates are capable completing assigned work. |
| 035 | Wynn | Responds no. States that faculty should make decisions about if a student is capable or not or participating in a program. |
| 050 | Sen. Shields | Asks if a nurse practitioner should have a nursing background. |
| 063 | Wynn | Responds it would be helpful, but it is not necessary. |
| 094 | Hicks | States that 25 percent of nurses by 2007 will be second career people. |
| 114 | Pamela Harris | Dean, Linfield-Good Samaritan School of Nursing. Presents testimony against SB 246 (EXHIBIT K) . States agreement with |

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| 133 | Brian DeLashmutt | previous testimony. Representing the ONA. Testifies in support of SB 246. Reviews the language in SB 246. States the board would not be involved with more than approving curriculum. States that the board should be able to have the same role in graduate programs that it has in undergraduate programs. States the bill is not about a particular program, but covers future programs. |
| 190 | Chair Fisher | Asks why it has taken so long for this issue to come up. |
| 195 | DeLashmutt | Responds the issue came up when a new program was proposed at OHSU. Reviews the function of the board of nursing. |
| 217 | Chair Fisher | Asks if other professions do not need a law like this, why should this be pursued. |
| 228 | DeLashmutt | Responds there is only one medical and dental school in the state. |
| 248 | Chair Fisher | States he does not want to hold back the educational process. |
| 255 | Sen. Shields | Asks if the issue should be litigated. |
| 263 | DeLashmutt | Responds that if the committee does not pass the bill he will seek other avenues, such as the attorney general, to change the statute. |
| 272 | Sen. Shields | Suggests working on a compromise. |
| 293 | Chair Fisher | Enters letters against SB 246 into the record (EXHIBIT L). Adjourns the meeting at 3:24 p.m. |

Submitted By,

Reviewed By,

Andrew Morris,
Committee Assistant

Rick Berkobien,
Administrator

EXHIBIT SUMMARY

- A – SB 235, Letters, Susan King, 5 pp.**
- B – SB 235, Written testimony, Grant Higginson, 2 pp.**
- C – SB 245, Written testimony, Hersh Crawford, 1 p.**
- D – SB 246, Letters, Susan King 2 pp.**
- E – SB 246, Written testimony and letter, Jeff Metcalf, 2 pp.**
- F – SB 246, Written testimony, Sue Davidson, 2 pp.**
- G – SB 246, Written testimony, Kathleen Potempa, 2 pp.**
- H – SB 246, Written testimony, Carol Howe, 2 pp.**
- I – SB 246, Written testimony, Katharine Parker, 2 pp.**
- J – SB 246, Written testimony, Fran Hicks, 2 pp.**
- K – SB 246, Written testimony, Pamela Harris, 1 p.**
- L – SB 246, Letters, Staff, 2 pp.**