

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 5, 2001
1:00 PM

Hearing Room B
Tape 42 - 43

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

MEASURES HEARD: SB 786 Public Hearing
SB 210 Public Hearing
SB 413 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 42, A		
004	Chair Fisher	Calls meeting to order at 1:08 p.m. and opens a public hearing on SB 786.
SB 786 PUBLIC HEARING		
007	Rick Berkobien	Administrator. Explains SB 786 to the committee.
025	Steve Marks	Senior Policy Advisor, Governor's office. Testifies in support of SB 786 (EXHIBIT A). Explains the background of including minorities on health and licensing boards. Gives the history of the Racial and Ethnic Health Task Force assembled by the governor. Describes the recommendations of the task force.
116	Sen. Avel Gordly	Senate District 10, Co-Chair Racial and Ethnic Health Task Force. Reads testimony in Support of SB 786 (EXHIBIT B). Comments on the representation of minorities. Relates statistical data. Describes existing disparities.
222	Sen. Gordly	Describes the make-up of the task force. Comments on data collection. Reviews SB's 784 through 792.
310	Sen. Gordly	Comments on current practices. States the bill could be enacted using existing funds.
380	Chair Fisher	Enters letters in opposition to SB 786 (EXHIBIT I).
390	Rep. Jo Ann Bowman	House District 19. Testifies in support of SB 786 (EXHIBIT C). Explains the background of the Racial and Ethnic Health Task Force. Explains the agenda of the task force. Discusses federal grants.
TAPE 43, A		
000	Rep. Bowman	Explains the criteria for deciding which issues to pursue. Comments on the fiscal impact of SB 786.
054	Sen. Carter	Comments on the fiscal impact statement of SB 786.
082	Sen. Messerle	Discusses problems facing rural areas.
104	Sen. Gordly	Comments on under served communities in Oregon.
124	Sen. Carter	Explains past legislation.

139	Sen. George	Comments on the budgets for all the health boards.
160	Ruby Haughton	Legislative Director for CareOregon, Racial and Ethnic Health Task Force member. Reads testimony in support of SB 786 (EXHIBIT D) . Explains how information was compiled for the task force. Gives statistical data.
245	Sharon Hill	Legislative Aide, Sen. Gordly. Testifies in support of SB 786. Discusses under served areas. States the Board of Nursing is the only board that has kept ethnic data. Comments on the task force package.
328	Chair Fisher	Closes the public hearing on SB 786 and opens a public hearing on SB 210.

SB 210 PUBLIC HEARING

340	Berkobien	Explains SB 210 and the proposed amendments.
382	David Nebel	Oregon Law Center, Quality Long Term Care. Testifies in opposition to SB 210 (EXHIBIT E) . Disputes the need for SB 210. States the bill could discourage people from making legitimate complaints against adult foster homes.

TAPE 42, B

029	May Dasch	Oregon Alzheimer's Association. Testifies in opposition to SB 210 (EXHIBIT F) . Comments on the fear of retaliation against residents by providers.
057	Chair Fisher	Asks why the provider should be less liable than the clients should.
064	Dasch	Responds it is hard to tell what happens behind closed doors. States the bill would allow for intimidation. Comments on intentionally filling false complaints.
084	Chair Fisher	Comments on filling false complaints.
088	Dasch	States that false complaints are a rarity.
095	Chair Fisher	States that providers and clients should be equally responsible.
101	Sen. Carter	Asks why the new language would threaten state agencies.
108	Nebel	Responds that providers could use the bill to their advantage.
130	Sen. Carter	Asks why people are concerned.
133	Nebel	Responds that clients are very vulnerable. States that providers can assert their rights through current law.
160	Chair Fisher	Comments on the court costs.
171	Nebel	States the bill does not help with fairness.
184	Chair Fisher	Discusses good faith.
195	Nebel	Comments on current law. Refers to page two line nine of SB 210.
224	Chair Fisher	Enters a letter from DHS into the record (EXHIBIT H) .
253	Phyllis Rand	Capitol Coordinator, Governor's Commission on Senior Services. Testifies in opposition to SB 210 (EXHIBIT G) . Comments on the role of the governor's commission. Relates a personal experience. Comments on current administrative rules.
321	Chair Fisher	Discusses complaints against providers. Explains the reason for the SB 210. States the bill creates a better atmosphere.
393	Rand	Relates a personal experience.
412	Chair Fisher	States the bill is directed at people who knowingly make false complaints.
432	Sen. Messerle	Provides personal opinion.
455	Sen. George	Comments on false complaints made by people who have Alzheimers.

TAPE 43, B

009	Nebel	Responds that a person with Alzheimers would not be
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013	Sen. George	responsible. States the bill is directed at people who knowingly make false complaints.
025	Nebel	States that current law covers the concerns of providers.
042	Sen. George	States the bill is very clear on actions of providers.
058	Cindy Hannum	Senior Disabled Services Division, Long Term Quality. Comments on the importance of being able to make anonymous complaints. States the current law has served the department very well.
102	Sen. George	Comments on the complaint process.
108	Hannum	States the department is concerned about current statute language being removed.
125	Sen. George	Comments on the right to face accusers.
137	Hannum	Discusses the reluctance to report problems because of the fear of retaliation.
170	Sen. Shields	Asks about presented statistics.
184	Hannum	Responds by explaining the burden of proof.
208	Chair Fisher	Comments on substantiated complaints.
218	Sen. George	Provides personal interpretation of (EXHIBIT H) .
237	Hannum	Explains how SB 210 would be implemented.
251	Sen. Messerle	Provides personal opinion.
268	Hannum	Explains license monitoring. Comments on the investigation process.
281	Chair Fisher	Closes the public hearing on SB 210 and opens a work session on SB 413.
<u>SB 413 WORK SESSION</u>		
291	Berkobien	Explains SB 413 and the -1 amendments to the committee.
314	Sen. Shields	MOTION: Moves SB 413 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0
		AYE: 4 - George, Messerle, Shields, Fisher
		EXCUSED: 1 - Carter
338	Chair Fisher	The motion CARRIES.
		SEN. SHIELDS will lead discussion on the floor.
344	Chair Fisher	Closes the work session SB 413 and adjourns the meeting at 2:59 p.m.

Submitted By,

Reviewed By,

Andrew Morris,
Committee Assistant

Rick Berkobien,
Administrator

EXHIBIT SUMMARY

- A – SB 786, Written testimony and report, Steve Marks, 103 pp.**
- B – SB 785, Written testimony, Sen. Avel Gordly, 5 pp.**
- C – SB 786, Written testimony, Rep. Jo Ann Bowman, 2 pp.**
- D – SB 786, Written testimony, Ruby Haughton, 1 p.**
- E – SB 210, Written testimony, David Nebal, 2 pp.**
- F – SB 210, Written testimony, May Dasch, 1 p.**

G – SB 210, Written testimony, Phyllis Rand, 2 pp.

H – SB 210, Letter from DHS, Sen. Fisher, 2 pp.

I – SB 786, Letters, Sen. Fisher, 2 pp.