

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 09, 2001
1:00 PM

Hearing Room B
Tapes 46 - 48

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

MEMBER EXCUSED:

STAFF PRESENT: **Rick Berkobien, Administrator**
 Cheryl Young, Committee Assistant

MEASURES HEARD: **HCR 3 Work Session**
 SB 210 Work Session
 HB 2247A Public Hearing and Work Session
 HB 2248A Public Hearing and Work Session
 HB 2249 Public Hearing and Work Session
 SB 105 Public Hearing and Work Session
 SB 512 Public Hearing and Work Session
 SB 659 Public Hearing

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.

TAPE/#	Speaker	Comments
TAPE 46, A		
005	Chair Fisher	Opens Meeting at:1:12 p.m. Opens Work Session on HCR 3
HCR3, WORK SESSION		
007	Staff	Summarizes bill HCR 3-1
017	Chair Fisher	Asks for Motion for amendment.
018	Sen. Messerle	MOTION: Moves HCR 3 be sent to the floor with a BE ADOPTED AS AMENDED WITH a DO PASS recommendation.
019		
021	Sen. Carter	Makes comments regarding former State Representative Anderson.
040	Chair Fisher	Refers to Representative Anderson being a dentist and the upcoming dental bill to be heard.
055		VOTE: 4-0 EXCUSED: 1 - Sen. George Hearing no objection, declares the motion CARRIED. SEN. FISHER will lead discussion on the floor.
	Chair Fisher	Hearing no objection, declares the motion CARRIED. SEN. FISHER will lead discussion on the floor.
056	Chair Fisher	Closes Work Session on HCR 3. Open Work session SB 210
SB 210, WORK SESSION		
060	Staff	Summarizes SB 210
077	Sen. Shields	Asks for clarification on line 38 of bill.
089	Sen. Carter	MOTION: Moves SB 210-2 to the floor with a DO PASS

		recommendation.
	Chair Fisher	Hearing no objection, declares the motion CARRIED.
089	Sen. Messerle	States for the record that he does not like this amendment, but will not hold up the bill, and has been told there is another bill coming from the House that he can address his concerns to.
095	Chair Fisher	Closes work session on SB 210. Opens Public Hearing on SB 105
SB 105, PUBLIC HEARING		
105	Staff	Summarizes SB 105.
117	Jane Myers	Director, Government Affairs for the Oregon Dental Association. Testified that the bill will clear up and resolve some issues. Speaks in favor of the bill. Submits written testimony. (EXHIBIT A).
160	Dr. Lee Watson	Licensee in Oregon. Feels that the bill is a good idea. This bill helps both the dentists and the citizens of Oregon. Speaks in favor of this bill.
195	Chair Fisher	States that he thinks this bill would be great for families of disabled or deceased dentists, and supports this bill.
220	Dr. Clayton Stearns	Practicing dentist in Salem. Speaks in favor of this bill. Submits written testimony. (EXHIBIT B).
266	Sen. Carter	Asks how the current law works.
273	Stearns	Responds.
280	Sen. Carter	States that if the owner of the practice is deceased and the inheritor of the practice is not a licensed dentist, then how does that affect how the current law works.
291	Stearns	Responds to question and clarifies
301	Sen. Carter	Notes that if a person is deceased and a person is not a licensed dentist and they want to keep the practice, there is that period of time when someone licensed has to be hired to operate and maintain the dental office. States that according to what was said earlier this is something that needs to be fixed.
312	Chair Fisher	Comments that he doesn't think it needs to be fixed because this allows a 12-month exemption to the law. It just allows an adjustment period of no longer than 12 months.
324	Sen. Carter	States that technically, they do not own it.
325	Chair Fisher	States that there are many bills with exceptions where it is just one exception to the time when you would have to fulfill number 2. He feels that it is perfectly proper.
332	Sen. Messerle	States that he has the same problems as Sen. Carter has, that 12 months is too short. As testified, it could take much longer. It is understood that it could be extended, but, as long as there are licensed dentists operating in the clinic, why is there a need for the owner to be a dentist.
348	Chair Fisher	States that there are some major problems with the bill and that it was not looked upon as timely to be able to take all that into consideration. States that he will lend his support during the interim, if he is put on that committee.
361	Sen. Carter	Likens the situation to the Local Government who makes things more complicated than they need to be.
369	Chair Fisher	Responds that they cannot do that now.
372	Sen. Carter	Asks if they are non-profits.
373	Chair Fisher	Responds that law does not set it up. It points out the overall problems and they need to have at least a small portion of this

		fixed now, but to go back and fully rewrite it at this time is too time consuming.
383	Bruce Bishop	On behalf of Kaiser Foundation Health Plan of the Northwest. Speaks in favor of SB 105 as written. Speaks of some concerns regarding wording of the current statute. Urges the committee to consider amendments to the bill. Submits written testimony. (EXHIBIT C).
464	Chair Fisher	Asks if they would support this if the committee cannot arrive at a reasonable time frame. States that he has a loyalty to people who bring a bill and that he is not unwilling to attempt something more, but he was the sponsor and did it for particular folks and reasons. He does not wish to be arbitrary over their wishes.
482	Bishop	Responds.
Tape 47,A		
039	Sen. Carter	Requests further clarification of the present law.
053	Chair Fisher	Agrees with Sen. Carter that there needs to be work on the major bill. Invites Ms. Myers to return to answer questions.
060	Jane Myers	Clarifies some points and misunderstandings in this bill.
095	Sen. Carter	States that there is a difference between a corporation and a licensed dentist. States that this bill is confusing to her.
110	Chair Fisher	Agrees. Because it is not set up to do that with our law it puts a strain on the unexpected happenings. States that this bill answers that, but foresees not getting any answer to this.
130	Sen. Shields	States that he will support the ideas behind this bill. Asks why he should care who owns a practice if only a licensed dentist is going to do the work. It would solve the problem as well as eliminate about 750 words in the ORS.
145	Chair Fisher	Describes the processes that need to be gone through. Because of the time constraints that the committee is under he is willing to compromise and get LC to redraft this. This bill could go over to the House from here and be amended there. States that he recognizes there is a problem with the whole law.
168	Sen. Messerle	States that we make more problems than there really is. Notes that if the bill could be cleaned up to the point that has been stated by others, and as long as a licensed dentist is running the operation, why do we care beyond that.
185	Myers	Responds to questions.
216	Chair Fisher	Comments regarding the municipal aspect of the bill.
224	Bishop	With the suggestion that he made a gross misinterpretation of the bill, he disagrees and continues with statement.
267	Clayton Stearns	Speaks about the problems of ownership of dental practices.
328	Sen. Shields	States that he spoke with someone about a possible problem with OHSU because they own their dental clinic, and they are not dentists.
337	Stearns	Responds regarding an exemption to educational institutions.
339	Sen. Shields	Feels that the bill can be made simpler.
348	Chair Fisher	With the time constraints, he does not feel that they can get all the people and testimony together in a timely fashion. There are going to be a great many people who will want to have some input, and if it can be arrived at, it is his feeling that they apply the amendment to this bill today and get it on its way to the

House.

375 Sen. Messerle Suggests they could possibly save some time in the process if a short amount of time was given for them to work out something before the bill is shipped out.

382 Chair Fisher Replies that it's been delayed because they've tried to work together and they did come to an arrangement with the idea of working towards settling the whole problem.

389 Sen. Messerle States that it's the first time he's heard this proposal.

391 Chair Fisher States that he's been working behind the scenes trying to conserve his committee time as much as possible. He recognized there was an overall problem and has told both sides that he would work with them on the problem at a later date. Closes Public Hearing on SB 105. Open Work session on SB 105.

SB 105, WORK SESSION

413 Sen. Shields **MOTION: Moves SB 105-1 to the floor with a DO PASS AS AMENDED recommendation.**

415 Sen. Shields Relates a story, and comments on creating difficulty with this bill. States that this bill should be passed onto the House to make it more efficient.

439 Sen. Carter States that she is supporting this bill only by courtesy to the Chair. States that she has had many calls from dentists and Kaiser Hospital with concerns.

449 Chair Fisher States that he wants to work on this, and promises in every respect that they will work on the larger problem and try to incorporate it into this bill.

474 Sen. Shields States that he wants to be on record in joining Sen. Carter in taking a simple task and making it difficult. He feels it can be done more simply, but to support the Chair and move this bill along, he will vote for it. It is his hope that when it gets to Rep. Kruses' committee, we can take quick and serious look at making it much simpler that it is now.

489 Sen. Messerle Restates for the record, he supports this bill as a courtesy to the Chair, but is also concerned that they are really not helping out the estates, the widows or families. Is hopeful they will see a compromise bill come back.

500 Chair Fisher States that he echoes that sentiment. He would like to see a much more reasonable law, so promises to honor their courtesies and to the group that brought it forward and work as hard as he can to see that something is done this session to make it better for everyone concerned.

517 Chair **VOTE: 4-0**
AYE: In a roll call vote, all members present vote Aye.
EXCUSED: 1 - Sen. George The motion CARRIES.
SEN. FISHER will lead discussion on the floor.

Tape 46,B

046 Chair Fisher Closes Work Session on SB 105. Opens Public Hearing on HB 2247, HB 2248, and HB 2249.

HB 2247, HB 2248, HB 2249 PUBLIC HEARING

053 Staff Summarizes HB2247, HB 2248, and HB 2249.

068 Sue Wilson Director, Health Licensing Bureau. Would like some of the language rewritten from the 1999 Session on HB 2247. Asks for support on the passage of this bill. Submits written testimony. **(EXHIBIT D).**

103 Chair Fisher Asks if this request refers to all three bills.

104 Wilson Clarifies. Continues testimony on HB 2248 and speaks in favor of this bill. Submits written testimony. **(EXHIBIT E)**.

130 Sen. Carter Asks if this is basically combining the three agencies to the Health Licensing Office.

142 Wilson Responds and continues testimony on HB 2249. States that this bill makes uniform the laws not fixed in the 1999 session. Speaks in support of this bill. Submits written testimony. **(EXHIBIT F)**.

150 Sen. Shields Asks if there is support from others in the medical field on for these bills.

153 Wilson Yes

154 Sen. Shields Notes that none of them felt it necessary to be here today.

155 Wilson Responds.

161 Chair Fisher States that he and Rep Kruse have worked together on these bills, and has made it a practice of not sending him things that aren't finished up. States that they do that out of respect each other's committee time. Closes Public Hearing on HB 2247, 2248, and 2249. Opens Work Session on HB 2247.

180 Chair Fisher Closes Work Session HB 2247. Opens Work Session on HB 2249

WORK SESSION, HB 2249

183 Sen. Carter **MOTION: Moves HB 2249 to the floor with a DO PASS recommendation.**

185 **VOTE: 4-0**

190 Chair **EXCUSED: 1 - Sen. George**
Hearing no objection, declares the motion CARRIED.
SEN. CARTER will lead discussion on the floor.

192 Chair Fisher Closes Work Session on HB 2249. Opens Work Session on HB 2248A.

195 Sen. Carter **MOTION: Moves HB 2248A to the floor with a DO PASS recommendation.**

198 **VOTE: 4-0**

202 Chair **EXCUSED: 1 - Sen. George**
Hearing no objection, declares the motion CARRIED.
SEN. SHIELDS will lead discussion on the floor.

207 Chair Fisher Closes Work Session on HB 2248A. Opens Work Session on HB 2247A.

209 Sen. Carter **MOTION: Moves HB 2247A to the floor with a DO PASS recommendation.**

212 **VOTE: 4-0**

216 Chair **EXCUSED: 1 - Sen. George**
Hearing no objection, declares the motion CARRIED.
SEN. MESSERLE will lead discussion on the floor.

219 Chair Fisher Closes Work Session on HB 2247A. Opens Public Hearing on SB 512

SB 512, PUBLIC HEARING

225 Staff Summarizes SB 512.

254 Jim Carlson Representing the Oregon Health Care Association and the Oregon Center for Assisted Living. Discusses quality improvement plan for nursing home care in the state.

269 Margaret. Carley Deputy Director and Legal Counsel for Oregon Health Care. Discusses bill and amendments. Submits written testimony. **(EXHIBIT G)**.

334 Chair Fisher Asks for clarification the - 2 amendments that should have been

		the - 3 amendments that she spoke of.
339	Carley	Responds
340	Jim Carlson	Clarifies information regarding the - 4 amendment, and the general fund impact.
363	Chair Fisher	Asks if the charge would be a one-time fee.
364	Carlson	Responds it would be an on going yearly license fee..
371	Carley	Briefly discusses the sunset proposal and fee.
373	Sen. Carter	Asks if they have started on their HIPA request.
377	Carlson	Responds to question.
394	Sen. Carter	Makes a recommendation that the committee prepare a letter, because we have put nursing homes in the forefront. Because of money cutbacks people are closing their doors. "Since we, the people, are part of this problem, we should be part of the solution". Urges granting this request.
419	Chair Fisher	States they did do letters to Washington during the interim on rural health issues. States that he is very supportive of this effort and that he will bring the suggestion before the full committee.
435	Dan Kaplan	Deputy Administrator at Senior and Disabled Services Division. Speaks in opposition of this bill. Submits written testimony. (EXHIBIT H).
470	Sen. Carter	Asks what kinds of fees they are requesting in HB 2468.
476	Kaplan	Responds.
496	Sen. Carter	Asks how he wants the committee to deal with this issue in SB 512.
Tape 47,B		
037	Chair Fisher	Responds to Sen. Carter that the House Bill mentioned brings an added fee of much or more than what this bill being discussed poses. Gives an explanation of what fund reductions have done, and what the advantages and disadvantages might be.
052	Carlson	States that the organization does not support HB 2468, but they do support restorations to continuing service level funding for the division.
063	Chair Fisher	Apologizes to May for cutting her off at an earlier meeting. Refers to Phyllis Rand's letter stating opposition to the bill.
096	Phyllis Rand	Governor's Commission on Senior Services. States that they drafted this letter from the original bill and have not seen or known about the amendments. States that she will take the amendments back to the commission and then get back to the committee.
107	Chair Fisher	States that he wanted her to speak regarding the actual finance plan, and that the funds need to be put in by Ways and Means to authorize the spending of them.
115	Rand	States the commission's concerns.
124	Sen. Carter	Asks Mr. Kaplan if the monies in HB 2648 will fill the hole that is in his budget.
130	Dan Kaplan	Responds to question.
139	Sen. Carter	Asks what the total reduction amount in his budget this session is.
141	Kaplan	Responds and clarifies.
1555	Sen. Carter	States that "this is obscene".
156	Chair Fisher	Closes Public Hearing on SB 512. Opens Work Session on SB 512. Declares a potential conflict of interest in the nursing home industry.
173	Sen. Carter	MOTION: Moves SB 512-3 to the floor with a DO PASS AS

AMENDED recommendation.

VOTE: 4-0

EXCUSED: 1 - Sen. George

Hearing no objection, declares the motion CARRIED.

176	Chair Sen. Carter	Asks for a discussion regarding the -4 which has a dollar amount and the -5 that does not. Asks what the expediency is in either one of the two.
180	Chair Fisher	Responds that there is some discussion regarding how much money they want. There are two amendments drafted and the Ways and Means Committee will probably be the deciding factor on how much to money to award. There will also be other opportunities for further cost projections to be done.
186	Sen. Carter	Since Ways and Means are going to be the discretionary unit to talk about this, it appears the one with no dollar amount makes the most sense, and send the one with the lower figure so they won't go below that. .
196	Sen. Shields	States that he likes the -4 better.
206	Sen. Carter	MOTION: Moves SB 512-4 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Ways and Means.
219		VOTE: 4-0
		EXCUSED: 1 - Sen. George
221	Chair	Hearing no objection, declares the motion CARRIED.
225	Chair Fisher	Closes Work Session on SB 512. Opens Public Hearing on SB 659.
SB 659, PUBLIC HEARING		
227	Staff	Summarizes SB 659.
243	Chair Fisher	Announces sub-committee for hearing purposes.
250	Sen. Mae Yih	Representing District 19. Testifies on behalf of SB 659. Submits written testimony. (EXHIBITS I and J).
349	Chair Fisher	Asks if the Senator also has an amendment.
351	Yih	Responds that Legislative Counsel prepared the amendment.
358	Chair Fisher	States that since they just got amendment before the meeting. They will not open a work session today, but will give folks a chance to review it and bring it back up for a further hearing in the future.
367	Sen. Yih	Asks for the committee to get data from each county for any progress reports for the past eight years, including current performance records and their goals for the future.
392	Sen. Shields	Asks if Mickey Lansing can't get that kind of information for them.
400	Sen. Yih	Asks that they get the Oregon Commission on Children and Families to make a report to the committee.
408	Sen. Shields.	States that he wants to see that report to see who is doing well and who's not. Wants to differentiate between those using the money wisely and those who are not.
415	Sen. Yih	Agrees.
452	Sen. Carter	States that she wants Senator Yih to know she admires her work and hopes that she is encouraged to continue. Wishes to applaud her publicly.
463	Chair Fisher	Asks Ms. Lansing if it is possible to get some of the information that Senator Yih requested.
476	Mickey Lansing	State Commission with Children and Families. Responds that

they will provide that information to the committee. Expands on response.

Tape 48,A

062	Sen. Carter	States that she is under the impression that no performance measurements were shown at all.
065	Lansing	Responds that they do have performance measurements. Expands on response.
097	Sen. Carter	States that she feels it's important that as we make laws in this state that we don't try to imbalance the state because of one, and that we might need to issue a warning to that one piece of it.
101	Chair Fisher	States that he is very interested in having further conversation on this at a later date.
127	Lansing	States that they appreciate Sen. Yih's efforts, and supports her in any way they can.
135	Chair Fisher	Closes sub-committee hearing on SB 659. Adjourns committee at 3:12.

Submitted By,

Reviewed By,

Cheryl Young,
Committee Assistant

Rick Berkobien,
Administrator

EXHIBIT SUMMARY

- A – SB 105, written testimony, Lee Watson, Jr. DMD, and Jane Myers, 1p.**
- B – SB 105, written testimony, H. Clayton Stearns, DMD, 1p.**
- C – SB 105, written testimony, Bruce A. Bishop, 2pp.**
- D – HB 2247-A, written testimony, Susan K. Wilson, 2pp.**
- E – HB 2248-A, written testimony, Susan K. Wilson, 2pp.**
- F – HB 2249, written testimony, Susan K. Wilson, 2pp.**
- G – SB 512, written testimony, Margaret Murphy Carley, 15pp**
- H – SB 512, written testimony, Dan Kaplan. 1p.**
- I – SB 659, written testimony, Senator Mae Yih, 6pp.**
- J – SB 659, written testimony, Senator Mae Yih, 2pp.**