

# SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 27, 2001  
1:00 PM

Hearing Room B  
Tapes 103 - 105

**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 540 Work Session**  
                                  **SB 286 Work Session**  
                                  **SB 575 Work Session**  
                                  **HB 3040A Public Hearing and Work Session**  
                                  **HB 2263A Public Hearing and Work Session**  
                                  **HB 3078 Public Hearing**  
                                  **HB 2655 Public Hearing and Work Session**  
                                  **HB 2671 Public Hearing and Work Session**  
                                  **HB 3041 Public Hearing and Work Session**  
                                  **SB 392 Public Hearing and Work Session**  
                                  **HB 2652A Public Hearing and Work Session**

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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.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 103, A</b>		
004	Chair Fisher	Calls meeting to order at 1:15 p.m. and opens a work session on SB 540.
<b><u>SB 540 WORK SESSION</u></b>		
020	Ed Patterson	Oregon Association of Hospitals and Health Systems (OAHHS). Testifies on the -4 amendments. States the amendments are a compromise between parties.
056	Sen. Carter	Comments on SB 540.
064	Patterson	Explains the difference between the -3 and -4 amendments.
080	Tom Holt	Board of Pharmacy. Testifies on the -4 amendments. States agreement with the presented amendments.
105	Chair Fisher	Enters a letter from Gary Schnabel ( <b>EXHIBIT A</b> ). Comments on the -4 amendments.
123	Holt	States agreement with Sen. Fisher.
127	Chair Fisher	Continues commenting on the -4 amendments.
132	Holt	Explains the provisions in the -4 amendments.
148	Sen. Carter	Asks about the language of the bill.
160	Holt	Explains the intent.
184	Sen. Carter	<b>MOTION: Moves to ADOPT SB 540-4 amendments dated 04/27/01.</b> <b>VOTE: 5-0</b> <b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>

186	Chair Fisher	The motion <b>CARRIES</b> .
187	Sen. Carter	<b>MOTION: Moves SB 540 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>
195	Chair Fisher	The motion <b>CARRIES</b> .
		<b>SEN. FISHER will lead discussion on the floor.</b>
200	Chair Fisher	Closes the work session on SB 540 and opens a work session on SB 286.
<b><u>SB 286 WORK SESSION</u></b>		
218	Sen. Carter	Comments on the -2 amendments.
248	Jodi Fischer	American Diabetes Association. Testifies on the -2 amendments. Explains the consensus reached.
280	Sen. Carter	<b>MOTION: Moves to ADOPT SB 286-2 amendments dated 04/25/01.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>
285	Chair Fisher	The motion <b>CARRIES</b> .
287	Sen. Carter	<b>MOTION: Moves SB 286 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>
299	Chair Fisher	The motion <b>CARRIES</b> .
		<b>SEN. CARTER will lead discussion on the floor.</b>
301	Chair Fisher	Closes the work session on SB 286 and opens a work session on SB 575 work session.
<b><u>SB 575 WORK SESSION</u></b>		
306	Rick Berkobien	Administrator. Explains SB 575 to the committee.
325	Tom Bessonette	Citizen. Testifies on SB 575.
347	Sen. Carter	<b>MOTION: Moves to ADOPT SB 575-3 amendments dated 04/27/01.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>
350	Chair Fisher	The motion <b>CARRIES</b> .
353	Sen. Carter	<b>MOTION: Moves SB 575 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>
367	Chair Fisher	The motion <b>CARRIES</b> .
370	Chair Fisher	Closes the work session on SB 575 and opens a work session on SB 540.
<b><u>SB 540 WORK SESSION</u></b>		
374	Sen. Shields	<b>MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. GEORGE to BE RECORDED as voting AYE on SB 540.</b>
		<b>VOTE: 5-0</b>
		<b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b>
376	Chair Fisher	The motion <b>CARRIES</b> .
383	Chair Fisher	Closes the work session on SB 540 and opens a public hearing on HB 3040A.
<b><u>HB 3040A PUBLIC HEARING</u></b>		
388	Berkobien	Explains SB 3040A to the committee.

**TAPE 104, A**

000 Rep. Jeff Kruse HD 45. Testifies in support of HB 3040A. Comments on the work group that was convened to work on the bill. Reviews the bill.

043 Chair Fisher Comments on HB 3040A.

052 Tim Nessbitt Oregon AFL-CIO. Testifies in support of HB 3040A **(EXHIBIT B)**. Explains the background of the bill.

114 Rep. Jerry Krummel HD 27. Testifies in support of HB 3040A. Explains what the bill would provide for.

150 Chair Fisher Explains the –A5 amendments.

157 Berkobien Reads the –A5 amendments.

171 John Powell Regence Blue Cross/Blue Shield. Testifies in support of HB 3040A. Comments on the agreement reached.

216 Lisa Trussell Associated Oregon Industries (AOI). Testifies in support of HB 3040A. Explains the intentions of the bill. Comments on the development of administrative rules.

267 Joel Ario Department of Consumer and Business Services. Testifies in support of HB 3040A **(EXHIBIT C)**. States the bill is fragile.

295 Ed Neiburtt Providence Health Plans. Testifies in support of HB 3040A. Reviews HB 3040A.

**TAPE 103, B**

000 Sen. Carter Asks about referrals to specialists.

005 Neiburtt Responds how the process will work.

014 Lynn-Marie Crider Oregon AFL-CIO. Testifies in support of HB 3040A. Reviews HB 3040A.

048 Sen. Carter Asks how will provide the external review.

053 Crider Responds care providers. Continues explains HB 3040A.

138 Sen. George Asks about the –A5 amendments.

142 Crider Explains how the –A5 amendments would work. Continues reviewing the bill.

172 Jim Davis Campaign for Patient Rights. Testifies in support of HB 3040A **(EXHIBIT D)**.

185 Wendy Van Oregon Health Action Campaign. Testifies in support of HB 3040A **(EXHIBIT E)**.

205 Elverdinghe Peggy Anet Health Insurance Association of America. Testifies in support of HB 3040A **(EXHIBIT F)**. Comments on the intention of the bill.

244 Jack McRae Senior Vice-President, LifeWise. Testifies on HB 3040A **(EXHIBIT G)**. Comments on the need for the bill to be clear. Lists concerns with HB 3040A.

282 Chair Fisher Closes the public hearing on HB 3040A and opens a work session on HB 3040A.

**HB 3040A WORK SESSION**

286 **Sen. Carter** **MOTION: Moves to ADOPT HB 3040A-A5 amendments dated 04/27/01.**

**VOTE: 4-0**

**AYE: 4 - Carter, Messerle, Shields, Fisher**

**EXCUSED: 1 - George**

288 **Chair Fisher** **The motion CARRIES.**

290 **Sen. Carter** **MOTION: Moves HB 3040A to the floor with a DO PASS AS AMENDED recommendation.**

**VOTE: 4-0**

306	Chair Fisher	<b>AYE: 5 - Carter, Messerle, Shields, Fisher, George</b> <b>The motion CARRIES.</b> <b>SEN. FISHER will lead discussion on the floor.</b>
316	Chair Fisher	Closes the work session on HB 3040A and opens a public hearing on HB 2263A.
<b><u>HB 2263A PUBLIC HEARING</u></b>		
320	Berkobien	Explains HB 2263A to the committee.
347	Pat Miles	Board of Nursing. Testifies in support of HB 2263A ( <b>EXHIBIT H</b> ). Addresses issues that HB 2263A covers.
399	Brian DeLashmutt	Oregon Nurses Association. Testifies in support of HB 2263A.
410	Chair Fisher	Comments on the role of the Board of Nursing.
<b>TAPE 104, B</b>		
010	Chair Fisher	Closes the public hearing on HB 2263A and opens a work session on HB 2263A.
<b><u>HB 2263A WORK SESSION</u></b>		
011	Sen. Carter	<b>MOTION: Moves HB 2263A to the floor with a DO PASS recommendation.</b> <b>VOTE: 5-0</b>
018	Chair Fisher	<b>AYE: 5 - Carter, George, Messerle, Shields, Fisher</b> <b>The motion CARRIES.</b> <b>SEN. SHIELDS will lead discussion on the floor.</b>
025	Chair Fisher	Closes the work session on HB 2263 and opens a public hearing on HB 3078.
<b><u>HB 3078 PUBLIC HEARING</u></b>		
026	Berkobien	Explains HB 3078 to the committee.
041	Rep. Phil Barnhart	HD 40. Testifies in support of HB 3078. Explains the background of the bill.
064	Susan Latham	Oregon Board of Psychologist Examiners. Testifies in support of HB 3078 ( <b>EXHIBIT I</b> ).
072	Kristine Phillips	Oregon Psychological Association. Testifies in support of HB 3078 ( <b>EXHIBIT J</b> ). States the bill is a housekeeping bill.
100	Justin Burns	Hagen, Dye, Hirschy & DiLorenzo, P.C. Testifies on HB 3078.
110	Mike Farnell	Hagen, Dye, Hirschy & DiLorenzo, P.C. Testifies on HB 3078. Relates the case of Dr. Michael Villanueva ( <b>EXHIBIT K</b> ).
215	Chair Fisher	Proposes an amendment allowing for civil protection.
258	Sen. Carter	Reiterates the role of state boards. Refers to ( <b>EXHIBIT I</b> ).
268	Farnell	Asks about the board standards.
285	Sen. Messerle	Responds the board has adopted a portion of the national rules, but not in their entirety which has caused problems.
296	Chair Fisher	Asserts personal opinion.
332	Sen. George	Gives follow-up to Sen. Messerle.
347	Rep. Barnhart	Provides personal opinion.
380	Chair Fisher	Provides follow-up to Farnell's testimony.
<b>TAPE 104, A</b>		
010	Rep. Barnhart	Provides personal opinion on past issues with the Board of Psychology.
022	Chair Fisher	Gives personal opinion.
046	Chair Fisher	Comments on the role of boards. States the need for protection of individuals.
<b><u>SB 392 PUBLIC HEARING</u></b>		
049	Berkobien	Closes the public hearing on HB 3078 and opens a public hearing on SB 392.
061	Lynn Reed	Explains SB 392 to the committee.
		Office of Medical Assistance Programs. Testifies on SB 392 and

		the -1 amendments. Explains the -1 amendments ( <b>EXHIBIT L</b> ).
094	Chair Fisher	Closes the public hearing on SB 392 and opens a work session on SB 392.
<b><u>SB 392 WORK SESSION</u></b>		
097	Sen. Carter	<b>MOTION: Moves to ADOPT SB 392-1 amendments dated 04/26/01.</b>
		<b>VOTE: 3-0</b>
		<b>AYE: 3 - Carter, Messerle, Fisher</b>
		<b>EXCUSED: 2 - George, Shields</b>
104	Chair Fisher	<b>The motion CARRIES.</b>
106	Sen. Carter	<b>MOTION: Moves SB 392 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 3-0</b>
		<b>AYE: 3 - Carter, Messerle, Fisher</b>
		<b>EXCUSED: 2 - George, Shields</b>
115	Chair Fisher	<b>The motion CARRIES.</b>
		<b>SEN. CARTER will lead discussion on the floor.</b>
125	Chair Fisher	Closes the work session on SB 392 and opens a public hearing on HB 2652A.
<b><u>HB 2652A PUBLIC HEARING</u></b>		
126	Berkobien	Explains HB 2652A.
130	Holt	Testifies in support of HB 2652A. Explains the engrossed version that was passed.
163	Sen. Messerle	Asks how a tie vote, on the council, is broken.
166	Holt	Responds the council works under a consent vote.
174	Jim Anderson	Oregon Medical Association. Testifies on HB 2652A.
200	Chair Fisher	Closes the public hearing on HB 2652A and opens a work session on HB 2652A.
<b><u>HB 2652A WORK SESSION</u></b>		
203	Sen. Carter	<b>MOTION: Moves HB 2652A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0</b>
		<b>AYE: 4 - Carter, George, Messerle, Fisher</b>
		<b>EXCUSED: 1 - Shields</b>
214	Chair Fisher	<b>The motion CARRIES.</b>
		<b>SEN. GEORGE will lead discussion on the floor.</b>
222	Chair Fisher	Closes the work session on HB 2652A and opens a public hearing on HB 2655.
<b><u>HB 2655 PUBILC HEARING</u></b>		
226	Holt	Testifies in support of HB 2655. Gives reasons the bill should be passed.
270	Chair Fisher	Closes the public hearing on HB 2655 and opens a work session on HB 2655.
<b><u>HB 2655 WORK SESSION</u></b>		
273	Sen. Carter	<b>MOTION: Moves HB 2655 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0</b>
		<b>AYE: 4 - Carter, George, Messerle, Fisher</b>
		<b>EXCUSED: 1 - Shields</b>
282	Chair Fisher	<b>The motion CARRIES.</b>
		<b>SEN. GEORGE will lead discussion on the floor.</b>
290	Chair Fisher	Closes the work session on HB 2655 and opens a public hearing

**HB 2671 PUBLIC HEARING**

295 Holt  
330 Chair Fisher  
341 Chair Fisher

on HB 2671.

Testifies in support of HB 2671 (**EXHIBIT M**). Explains what the bill does.  
Provides personal opinion.  
Closes the public hearing on HB 2671 and opens a work session on HB 2671.

**HB 2671 WORK SESSION**

343 Sen. Carter

**MOTION: Moves HB 2671 to the floor with a DO PASS recommendation.**

**VOTE: 4-0**

**AYE: 4 - Carter, George, Messerle, Fisher**

**EXCUSED: 1 - Shields**

**The motion CARRIES.**

**SEN. GEORGE will lead discussion on the floor.**

350 Chair Fisher

Closes the work session on HB 2671 and opens a public hearing on HB 3041.

357 Chair Fisher

**HB 3041 PUBLIC HEARING**

361 Holt  
380 Sen. Carter  
388 Holt  
393 Chair Fisher

Testifies in support of HB 3041 (**EXHIBIT N**). States the bill is a housekeeping bill.  
Asks for clarification.  
Clarifies what the bill does.  
Closes the public hearing on HB 3041 and opens a work session on HB 3041.

**HB 3041 WORK SESSION**

396 Sen. Carter

**MOTION: Moves HB 3041 to the floor with a DO PASS recommendation.**

**VOTE: 4-0**

**AYE: 4 - Carter, George, Messerle, Fisher**

**EXCUSED: 1 - Shields**

**The motion CARRIES.**

**SEN. GEORGE will lead discussion on the floor.**

407 Chair Fisher

**MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. GEORGE to BE RECORDED as voting AYE on HB 3040A and HB 2263A.**

412 Sen. Carter

**VOTE: 4-0**

**AYE: 4 - Carter, George, Messerle, Fisher**

**EXCUSED: 1 - Shields**

**The motion CARRIES.**

Chair Fisher

427 Chair Fisher

Closes the work session and adjourns the meeting at 3:35 p.m.

Submitted By,

Reviewed By,

Andrew Morris,  
Committee Assistant

Rick Berkobien,  
Administrator

**EXHIBIT SUMMARY**

A – SB 540, Letter, Sen. Bill Fisher, 3 pp.

**B – HB 3040A, Written testimony, Tim Nesbitt, 2 pp.**  
**C – HB 3040A, Written testimony, Joel Ario, 2 pp.**  
**D – HB 3040A, Written testimony, Jim Davis, 2 pp.**  
**E – HB 3040A, Written testimony, Wendy VanElverdinghe, 1 p.**  
**F – HB 3040A, Written testimony, Peggy Anet, 2 pp.**  
**G – HB 3040A, Written testimony, Jack McRae, 4 pp.**  
**H – HB 2263A, Written testimony, Pat Miles, 2 pp.**  
**I – HB 3078, Testimony for Janis Cote, Susan Latham, 2 pp.**  
**J – HB 3078, Testimony for Clifford Johannsen, Kristine Phillips, 1 p.**  
**K – HB 3078, Written testimony, Mike Farnell, 2 pp.**  
**L – SB 392, Written testimony for Hersh Crawford, Lynn Read, 2 pp.**  
**M – HB 2671, Written testimony, Tom Holt, 1 p.**  
**N – HB 3041, Written testimony, Tom Holt, 1 p.**