

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 9, 2001
1:00 PM

Hearing Room B
Tapes 79 - 82

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

MEMBER EXCUSED: **Sen. Gary George**

STAFF PRESENT: **Rick Berkobien, Administrator**
 Andrew Morris, Committee Assistant

MEASURES HEARD: **SB 30 Public Hearing**
 SB 369 Public Hearing
 SB 567 Public Hearing
 SB 819 Public Hearing
 SB 730 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 79, A		
004	Chair Fisher	Calls meeting to order at 1:08 p.m. and opens a public hearing on SB 30.
<u>SB 30 PUBLIC HEARING</u>		
005	Rick Berkobien	Explains SB 30 to the committee.
025	Mark Bigger	Legislative Aide to Sen. George. Testifies in support of SB 30 (EXHIBIT A) .
043	Edward Peterson	Consumer. Testifies in support of SB 30. Relates a personal experience.
116	Chair Fisher	Asks if the care was paid for privately.
117	Peterson	Responds affirmatively.
130	Jane-Ellen Wiedanz	Senior and Disabled Services Division. Testifies in opposition to SB 30 (EXHIBIT B) . States that SB 30 would eliminate oversight that SDS D provides.
147	Chair Fisher	Asks what the problem exists if someone pays privately.
151	Wiedanz	Responds that there would not be any way to monitor treatment of clients. Comments on current federal regulations.
171	Sen. Carter	Asks about home investigations.
178	Wiedanz	Explains the process for initiating investigations.
187	Sen. Carter	Asks for clarification on SDS D's interest.
194	Wiedanz	Responds by explaining the interest of SDS D.
200	Chair Fisher	Asks about current regulations.
210	Wiedanz	Responds she is unsure.
215	Sen. Carter	Comments on nursing home care versus adult foster home care.
222	Wiedanz	Gives definitions of nursing home care and adult foster care.
228	Meredith Cote	Long Term Care Ombudsman. Testifies in opposition to SB 30. Comments on the need for licensing facilities.

252	Chair Fisher	Clarifies SDS D's role.
261	Cote	Continues testimony.
288	Chair Fisher	Discusses nursing home care versus adult foster home care.
294	Cote	Relates a possible scenario.
305	Chair Fisher	Relates personal opinion.
315	Cote	Comments on her long term care responsibilities.
322	Sen. Shields	Provides personal opinion.
330	Chair Fisher	Comments on the government's role in personal lives.
355	Cote	Provides further comments.
363	Sen. Messerle	Asks if a compromise can be reached.
377	Wiedenz	Responds to Sen. Messerle's question.
384	Sen. Messerle	Asks what the difference is for a single resident or multiple residents.
391	Wiedenz	Responds by relating possibilities.
406	Sen. Messerle	Asks about current rules.
412	Wiedenz	Responds she will get him a copy of the current rules.
422	David Nebel	Oregon Law Center. Testifies in opposition to SB 30. Gives reasons why the bill should be not be passed.
TAPE 80, A		
000	Nebel	Continues testimony.
015	Chair Fisher	Relates a possible scenario.
024	Nebel	Comments on elderly abuse.
036	May Dasch	Oregon Alzheimer's Association. Testifies in opposition to SB 30 (EXHIBIT D).
065	Jaqueline Zimmer	Oregon Association of Area Agencies on Aging and Disabilities. Testifies in opposition to SB 30 (EXHIBIT C). Relates a possible scenario.
102	Chair Fisher	Asks how this bill would increase fiscal responsibility.
116	Sen. Messerle	Asks what the bill would encompass.
119	Chair Fisher	Responds it concerns 24-hour care.
128	Sen. Shields	Refers to (EXHIBIT A). Asks if the situation could have been handled differently.
144	Zimmer	Responds she is unsure. States the association's goal is voluntary compliance. Comments on problems with in-home care.
172	Chair Fisher	Comments on the background of the bill.
181	Zimmer	Comments on respite care.
185	Chair Fisher	Provides personal opinion.
195	Sen. Carter	Asks about respite care options.
196	Chair Fisher	Comments on respite care.
218	Sen. Carter	Comments on differences in philosophy. Asks for further background clarification.
230	Peterson	Responds by further explaining the background of SB 30. Comments on the state's role in the situation.
270	Sen. Carter	Discusses the background of SB 30.
297	Peterson	Responds to Sen. Carter's comments.
307	Sen. Carter	Provides further comments.
314	Chair Fisher	Comments on interference of the state government.
331	Sen. Carter	Discusses protecting the interest of constituents.
345	Chair Fisher	Comments on the rights on individuals.
357	Peterson	Provides personal opinion.
374	Cote	Comments on long term care issues. Explains the difficulty of knowing who does and does not need protection.
416	Sen. Carter	Asks how the issue can be resolved using a "hands off"

426	Zimmer	approach. Responds she is unsure. States a willingness to work with Peterson.
441	Sen. Carter	Asks Zimmer to make an agreement to work with Peterson.
448	Zimmer	Responds a willingness to work with Peterson.
TAPE 79, B		
000	Zimmer	Continues response to Sen. Carter.
013	Chair Fisher	States that Mr. Peterson would like to remain independent.
018	Peterson	Asks for independence.
025	Sen. Shields	Asks for clarification.
033	Peterson	Further clarifies the background of SB 30.
061	Chair Fisher	Closes the public hearing on SB 30 and opens a public hearing on SB 369.
<u>SB 369 PUBLIC HEARING</u>		
069	Berkobien	Explains SB 369 to the committee.
090	Dugan Petty	Department of Administrative Services. Testifies in support of SB 369 (EXHIBIT E). Explains the need for SB 369. Explains how the bill would be used.
149	Tim Kral	Oregon Rehabilitation Association. Testifies in support of SB 369 (EXHIBIT F). States the bill is a housekeeping issue.
170	Sandra Bishop	Fair Competition Alliance (FCA). Testifies in opposition to SB 369 (EXHIBIT G).
185	Jerry Egger	Fair Competition Alliance. Reads testimony in opposition to SB 369 (EXHIBIT H).
212	Sen. Carter	Asks about the make-up of the FCA.
214	Egger	Describes the make-up of the FCA.
226	Chair Fisher	Enters a letter into the record (EXHIBIT I). Opens SB 567.
<u>SB 567 PUBLIC HEARING</u>		
230	Berkobien	Explains SB 567 to the committee.
255	Chair Fisher	Comments on SB 567 as written.
270	Lynn Read	Office of Medical Assistance Programs (OMAP). Testifies in opposition to SB 567 (EXHIBIT J). Explains why OMAP is opposed to SB 567.
311	Sen. Messerle	Asks about durable items.
317	Read	Responds that items that are reusable are listed as durable.
328	Sen. Messerle	Comments on services provided to local people and businesses.
351	Chair Fisher	Comments on the intention of the bill.
373	Jane Boren	Business Owner. Testifies in support of SB 567 (EXHIBIT K). Explains the background of SB 567.
TAPE 80, B		
000	Boren	Gives idea for an amendment. States that her company would have to lay off half of the employees and face closure if SB 567 is not passed.
060	Chair Fisher	Provides comments on the fiscal impact of SB 567.
072	Sen. Shields	Comments on the economic affects relating to SB 567.
086	Tom Holt	Oregon State Pharmacists Association. Testifies in support of SB 567 (EXHIBIT L). Comments on the administrative rules that OMAP developed.
118	Ellie Jenny	Consumer. Testifies in support of SB 567. Comments on the client impact of the administrative rules that were made. States that without the bill, clients would lose options.
140	Chair Fisher	Closes the public hearing on SB 567 and opens a public hearing on SB 819.

SB 819 PUBLIC HEARING

143	Berkobien	Explains SB 819 to the committee.
177	Read	Testifies on the –3 amendments (EXHIBIT M). Gives a sectional analysis of the –3 amendments.
270	Read	Continues testimony.
317	Karen Whitaker	Office of Rural Health. Testifies on section five of the –3 amendments. Explains critical access to hospitals.
381	Lynn-Marie Cridder	Oregon AFL-CIO. Testifies in opposition to the –3 amendments (EXHIBIT N).

TAPE 81, A

000	Cridder	Continues testimony.
043	Frank Baumeister	Oregon Medical Association (OMA), M.D. Testifies in opposition to the –3 amendments (EXHIBIT O). Comments on the original intent of SB 819.
095	Scott Gallant	Oregon Medical Association. Testifies in support of SB 819 and in opposition to the current form of the –3 amendments (EXHIBIT P). Gives ideas for changes to SB 819.
157	Chair Fisher	Enters a letter into the record (EXHIBIT Q).
163	Alison Little	COIHS, Deschutes County. Testifies in support of SB 819. Comments on a prescription drug formulary. Enters a letter for the record (EXHIBIT S).
189	Sen. Carter	Reads a letter from a constituent (EXHIBIT R).
217	Holt	Comments on the –3 and –4 amendments.
273	Gary Schnabel	Executive Director, Board of Pharmacy. Testifies in support of the –3 amendments. Explains the reason for supporting the –3 amendments.
303	Chair Fisher	Closes the public hearing on SB 819 and opens a public hearing on SB 730.

SB 730 PUBLIC HEARING

307	Berkobien	Explains SB 730 to the committee.
331	Chair Fisher	Enters a letter into the record (EXHIBIT T).
340	Abby Hoffar	Oregon Midwifery Council. Testifies in support of SB 730 (EXHIBIT U). Explains licensing procedures. Gives reasons why the bill is needed.

TAPE 82, A

000	Hoffar	Explains the –1 amendments.
063	Hoffar	Continues testimony.
137	Donalda Dodson	Oregon Health Division. Reads testimony on SB 730 (EXHIBIT V).
161	Chair Fisher	Asks if midwives to have to obtain individual prescriptions from physicians.
168	Hoffar	Responds affirmatively.
172	Chair Fisher	Asks if midwives can share prescriptions.
174	Hoffar	Responds no.
190	Jim Lace	M.D. Testifies in opposition to SB 730 (EXHIBIT W). Gives reasons he is opposed to SB 730. Comments on the importance of education, regulation, and oversight.
261	Chair Fisher	Asks if Lace would be in agreement to allowing access to medications.
265	Lace	Responds it is up to the Obstetricians.
275	Jim Anderson	OMA. Testifies in opposition to SB 730. Comments on the –1 amendments.
366	Holt	Testifies on SB 730. Comments on scopes of practice in prescribing authority. States concern about the –1 amendments.

TAPE 81, B

000	Chair Fisher	Provides personal opinion.
056	Anderson	Comments on Legislative Counsel's position in regards to SB 730.
085	Chair Fisher	Closes the public hearing on SB 30 and adjourns the meeting at 4:04 p.m.

Submitted By,

Reviewed By,

Andrew Morris,
Committee Assistant

Rick Berkobien,
Administrator

EXHIBIT SUMMARY

- A – SB 30, Written testimony, Mark Bigger, 4 pp.**
- B – SB 30, Written testimony, Jane-Ellen Wiedanz, 2 pp.**
- C – SB 30, Written testimony, Jacqueline Zimmer, 1 p.**
- D – SB 30, Written testimony, May Dasch, 1 p.**
- E – SB 369, Written testimony, Dugan Petty, 2 pp.**
- F – SB 369, Written testimony, Tim Kral, 1 p.**
- G – SB 369, Written testimony, Sandra Bishop, 2 pp.**
- H – SB 369, Written testimony, Jerry Egger, 1 p.**
- I – SB 369, Letter, Sen. Bill Fisher, 2 pp.**
- J – SB 567, Written testimony, Lynn Read, 2 pp.**
- K – SB 567, Information, Jane Boren, 4 pp.**
- L – SB 567, Written testimony, Tom Holt, 1 pp.**
- M – SB 819, Written testimony, Lynn Read, 5 pp.**
- N – SB 819, Written testimony, Lynn-Marie Crider, 8 pp.**
- O – SB 819, Written testimony, Frank Baumeister, 9 pp.**
- P – SB 819, Written testimony, Scott Gallant, 4 pp.**
- Q – SB 819, Letter, Sen. Bill Fisher, 3 pp.**
- R – SB 819, Letter, Sen. Margaret Carter, 1 p.**
- S – SB 819, Written testimony, Alison Little, 2 pp.**
- T – SB 730, Letter, Sen. Bill Fisher, 1 p.**
- U – SB 730, Administrative rules, Abby Hoffar, 3 pp.**
- V – SB 730, Written testimony, Donalda Dodson, 1 p.**
- W – SB 730, Written testimony, Jim Lace, 2 pp.**