

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 4, 2001
1:00 PM

Hearing Room B
Tapes 112 - 115

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 894 Work Session**
 SB 927 Work Session
 SB 917 Work Session
 SB 819 Work Session
 HB 3078 Work Session
 HB 2672A Work Session
 SB 418 Work Session
 SB 885 Work Session
 SB 30 Work Session
 SB 553 Work Session
 SB 906 Work Session
 SB 144 Work Session
 HB 3145A 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.

TAPE/#	Speaker	Comments
TAPE 112, A		
004	Chair Fisher	Calls meeting to order at 1:15 p.m. and opens a work session on SB 894.
<u>SB 894 WORK SESSION</u>		
011	Lori Long	Department of Consumer and Business Services. Testifies on SB 894 (EXHIBIT A). Comments on the workgroup that was convened.
033	Kevin Earls	Oregon Association of Hospitals and Health Systems. Gives a sectional analysis of the -2 amendments to SB 894.
132	John Powell	Regence Blue Cross/Blue Shield. Testifies on SB 894 and the -3 amendments.
165	Long	Comments on the presented amendments.
174	Rick Berkobien	Administrator. Clarifies the amendments.
186	Powell	Continues testimony.
194	Holly Robinson	Legislative Counsel. Explains the language in the -3 amendments.
204	Earls	Follows-up to Robinson's comments.
211	Robinson	Comments on federal law.
251	Earls	Discusses the background of SB 894. Enters letters into the record (EXHIBIT B).

266 Chair Fisher
280 Chair Fisher

Enters letters into the record (**EXHIBIT C**).
Closes the work session on SB 894 and opens a work session on SB 927.

SB 927 WORK SESSION

290 Sen. Carter

MOTION: Moves SB 927 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.

VOTE: 5-0

**AYE: 5 - Carter, George, Messerle, Shields, Fisher
The motion CARRIES.**

327 Chair Fisher
333 Chair Fisher

Closes the work session on SB 927 and opens a work session on SB 917.

SB 917 WORK SESSION

336 Berkobien

Explains SB 917 and the -1 amendments (**EXHIBIT D**) to the committee.

355 Chair Fisher
388 Sen. George

Comments on SB 917.

MOTION: Moves to ADOPT SB 917-1 amendments dated 05/03/01.

VOTE: 3-2

AYE: 3 - George, Messerle, Fisher

NAY: 2 - Carter, Shields

The motion CARRIES.

390 Chair Fisher
394 Sen. George

MOTION: Moves SB 917 to the floor with a DO PASS AS AMENDED recommendation.

VOTE: 3-2

AYE: 3 - George, Messerle, Fisher

NAY: 2 - Carter, Shields

The motion CARRIES.

405 Chair

SEN. FISHER will lead discussion on the floor.

408 Chair Fisher

Closes the work session on SB 917 and opens a work session on SB 819.

SB 819 WORK SESSION

412 Berkobien

Explains SB 819 to the committee. And -8's (**EXHIBIT E**)

TAPE 113, A

024 Sen. Carter

MOTION: Moves to ADOPT SB 819-8 amendments dated 05/02/01.

VOTE: 5-0

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

The motion CARRIES.

037 Chair Fisher
024 Sen. Carter

MOTION: Moves SB 819 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.

VOTE: 5-0

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

The motion CARRIES.

037 Chair Fisher
039 Chair Fisher

Closes the work session on SB 819 and opens a work session on HB 3078.

HB 3078 WORK SESSION

045 Berkobien

Explains HB 3078 and the -1 amendments (**EXHIBIT F**) to the committee.

062 Rep. Barnhart

HD 40. Testifies in opposition to the -1 amendments. Gives reasons to oppose the -1 amendments.

090	Sen. George	States the –1 amendments can clarify current law.
096	Rep. Barnhart	Relates a possible scenario. Comments on psychological treatment.
151	Sen. Carter	Asks about the –1 amendments.
157	Rep. Barnhart	Responds he does not support the –1 amendment. Comments on the –1 amendment.
171	Chair Fisher	Provides personal opinion. Comments on the best interest of the child.
205	Rep. Barnhart	Comments on the treatment of children.
248	Chair Fisher	Calls a recess at 2:01 p.m.
250	Chair Fisher	Calls meeting back to order at 2:06 p.m.
266	Dr. Jana Zeedyk	Comments on HB 3078.
300	Dr. Michelle Whitehead	Ph.D. Chair, Board of Psychologist Examiners. Testifies on HB 3078 (EXHIBIT G). Comments on the –1 amendment.
395	Sen. George	Asks how many problems have been reported in the area of the –1 amendments.
405	Zeedyk	Responds not many.
TAPE 112, B		
004	Sen. Carter	Comments on the administrative rules.
011	Zeedyk	Relates a hypothetical situation.
019	Sen. Carter	Asks if the –1 amendment could cause problems in the future.
023	Whitehead	Responds affirmatively.
025	Dr. Susan Patchin	Board of Psychologist Examiners. Testifies in support of the HB 3078.
042	Sen. Carter	Asks about the affects of reprimands on record.
045	Patchin	Responds it depends on the level of reprimand.
057	Zeedyk	Explains the reprimand process.
070	Whitehead	Comments on letters of reprimand.
087	Sen. Shields	Asks how many people check on psychologists records.
093	Whitehead	Responds not many.
103	Chair Fisher	Refers to (EXHIBIT G). Asks about the adoption of administrative rules and ethics.
112	Whitehead	States that the appropriate ethics have been adopted.
138	Zeedyk	Explains ethical standards.
155	Whitehead	Comments on legislative guidance.
177	Chair Fisher	Closes the work session on HB 3078 and opens a work session on SB 30.

SB 30 WORK SESSION

183	Berkobien	Explains SB 30 to the committee.
228	Sen. George	MOTION: Moves SB 30 to the floor with a DO PASS recommendation.

VOTE: 3-2

AYE: 3 – George, Messerle, Fisher

NAY: 2 – Carter, Shields

249	Chair Fisher	The motion CARRIES.
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SEN. FISHER will lead discussion on the floor.

252	Chair Fisher	Closes the work session on SB 30 and reopens the work session on HB 3078.
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HB 3078 WORK SESSION

265	Justin Burns	Attorney. Testifies in support of the –1 amendment. States the bill corrects a misinterpretation. States the bill is retroactive. Comments on the background of the –1 amendment.
320	Mike Farnell	Attorney. Comments on psychological examinations. Relates a situation with the Board of Psychological Examiners.

383 Sen. Carter Comments on the presented scenario.
 401 Farnell Discusses the impact of reprimands.
TAPE 113, B
 000 Farnell Continues testimony.
 015 Sen. Messerle Comments on the intention of HB 3078.
 024 Farnell Discusses civil liability.
 034 Burns States the amendment is already in place with administrative rules.
 044 Rep. Barnhart Provides personal opinion.
 096 Chair Fisher Comments on board responsibility. Asks if the whole psychological commentary has been adopted by the board.
 120 Whitehead Responds affirmatively.
 144 Zeedyk Comments on the American Psychological Association's (APA) commentary.
 160 Chair Fisher Asks if the rules are all in print.
 163 Zeedyk Responds she is unsure.
 182 Rep. Barnhart Comments on the APA's commentary.
 199 Zeedyk Reads from the administrative rules. Relates a possible scenario.
 220 Whitehead Reviews administrative rules.
 244 Zeedyk Continues reviewing administrative rules.
 277 **Sen. Carter** **MOTION: Moves to ADOPT HB 3078-1 amendments dated 05/03/01.**

VOTE: 2-2

AYE: 2 – Messerle, Fisher

NAY: 2 – Carter, Shields

EXCUSED: 1 – George

The motion FAILS.

304 Chair Fisher
308 Sen. Shields **MOTION: Moves HB 3078 to the floor with a DO PASS recommendation.**

360 Chair Fisher Calls a recess at 3:08 p.m.
 363 Chair Fisher Calls the meeting back to order at 3:09 p.m.

VOTE: 2-2

AYE: 2 – Carter, Shields

NAY: 2 – Messerle, Fisher

EXCUSED: 1 – George

The motion FAILS.

381 Chair Fisher
 385 Chair Fisher Closes the work session on HB 3078 and opens a work session on HB 2672A.

HB 2672A WORK SESSION

388 Sen. Carter **MOTION: Moves HB 2672A to the floor with a DO PASS recommendation and BE REFERRED to the committee on Rules and Redistricting.**

VOTE: 4-0

AYE: 4 – Carter, Messerle, Shields, Fisher

EXCUSED: 1 – George

The motion CARRIES.

395 Chair Fisher
 400 Chair Fisher Closes the work session on HB 2672A and opens a work session on SB 418.

SB 418 WORK SESSION

416 Sen. Shields **MOTION: Moves SB 418 to the floor with a DO PASS recommendation.**

TAPE 114, A

VOTE: 4-0

AYE: 4 – Carter, Messerle, Shields, Fisher

002	Chair Fisher	EXCUSED: 1 – George The motion CARRIES. SEN. CARTER will lead discussion on the floor.
003	Chair Fisher	Closes the work session on SB 418 and opens a work session on SB 885.
<u>SB 885 WORK SESSION</u>		
004	Sen. Dukes	SD 1. Explains the –1 amendments (EXHIBIT H).
038	Scott Gallant	Oregon Medical Association (OMA). Testifies in opposition to SB 885.
077	Sen. Dukes	Reviews the intentions of SB 885. Comments on chronic pain.
113	Gallant	Gives reasons why the association disagrees with SB 885.
134	Sen. Dukes	Comments on continuing education.
143	Chair Fisher	Asks about pain management programs.
148	Sen. Dukes	Explains how the program would work for different practitioners.
163	Chair Fisher	Comments on the potential fiscal impact.
177	Sen. Dukes	Responds how continuing education would be incorporated.
196	Sen. Messerle	Relates a possible scenario.
200	Sen. Dukes	Explains how the bill will work.
268	Gallant	Comments on the intent of SB 885.
287	Sen. Dukes	Explains what the bill will do.
322	Gallant	Comments on the affects of the –1 amendments.
329	Sen. Dukes	Reiterates the intent of SB 885.
345	Sen. Messerle	States a need for clarification.
350	Sen. Dukes	Explains SB 885.
370	Gallant	Comments on the issues surrounding SB 885.
378	Sen. Messerle	Asks for the OMA’s issues with the bill.
383	Gallant	Explains the OMA’s position.
TAPE 115, A		
000	Sen. Carter	MOTION: Moves SB 885 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Rules and Redistricting.
		VOTE: 4-0
		AYE: 4 - Carter, Messerle, Shields, Fisher
		EXCUSED: 1 – George
005	Chair Fisher	The motion CARRIES.
007	Chair Fisher	Closes the work session on SB 885 and opens a work session on SB 553.
<u>SB 553 WORK SESSION</u>		
016	Sen. Shields	Comments on SB 553.
028	Sen. Carter	MOTION: Moves SB 553 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules and Redistricting.
045	Sen. Carter	Withdraws the motion to move SB 553 to Rules and Redistricting.
053	Chair fisher	Closes the work session on SB 553 and opens a work session on SB 906.
<u>SB 906 WORK SESSION</u>		
056	Sen. Carter	MOTION: Moves SB 906 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules and Redistricting.
		VOTE: 4-0

<p>072 Chair Fisher 074 Chair Fisher</p> <p><u>HB 3145A WORK SESSION</u> 077 Sen. Carter</p> <p>085 Chair Fisher 087 Chair Fisher</p> <p><u>SB 144 WORK SESSION</u> 088 Sen. Carter</p> <p>097 Chair Fisher 098 Chair Fisher</p> <p><u>SB 894 WORK SESSION</u> 103 Sen. Shields 104 Sen. Carter</p> <p>115 Chair Fisher 116 Sen. Carter</p> <p>126 Chair Fisher</p> <p>130 Chair Fisher</p>	<p>AYE: 4 - Carter, Messerle, Shields, Fisher EXCUSED: 1 – George The motion CARRIES. Closes the work session on SB 906 and opens an work session on HB 3145A.</p> <p>MOTION: Moves HB 3145A to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Rules and Redistricting.</p> <p>VOTE: 4-0 AYE: 4 - Carter, Messerle, Shields, Fisher EXCUSED: 1 – George The motion CARRIES. Closes the work session on HB 3145A and opens a work session on SB 144.</p> <p>MOTION: Moves SB 144 to the floor with a DO PASS recommendation and BE REFERRED to the committee on Judiciary.</p> <p>VOTE: 4-0 AYE: 4 - Carter, Messerle, Shields, Fisher EXCUSED: 1 – George The motion CARRIES. Closes the work session on SB 144 and opens a work session on SB 894.</p> <p>Serves notice of possible minority reports on SB 30 and SB 917. MOTION: Moves to ADOPT SB 894-4 amendments dated 05/04/01 (EXHIBIT I).</p> <p>VOTE: 3-0 AYE: 3 - Carter, Messerle, Fisher EXCUSED: 2 - George, Shields The motion CARRIES. MOTION: Moves SB 894 to the floor with a DO PASS AS AMENDED recommendation.</p> <p>VOTE: 3-0 AYE: 3 - Carter, Messerle, Fisher EXCUSED: 2 - George, Shields The motion CARRIES. SEN. FISHER will lead discussion on the floor. Closes the work session on SB 894 and closes the committee at 3:51 p.m.</p>
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Submitted By,

Reviewed By,

Andrew Morris,
Committee Assistant

Rick Berkobien,
Administrator

EXHIBIT SUMMARY

- A – SB 894, Written testimony, Lori Long, 3 pp.**
- B – SB 894, Letters, Kevin Earls, 15 pp.**
- C – SB 894, Letters, Sen. Bill Fisher, 4 pp.**
- D – SB 917, -1 amendments, Staff, 5 pp.**
- E – SB 819, -8 amendments, Staff, 10 pp.**
- F – HB 3078, -1 amendments, Staff, 2 pp.**
- G – HB 3078, Written testimony and information, 102 pp.**
- H – SB 885, -1 amendments, Sen. Joan Dukes, 5 pp.**
- I – SB 894, -4 amendments, Staff, 7 pp.**