

HOUSE COMMITTEE ON BUSINESS AND CONSUMER AFFAIRS

April 23, 1999 Hearing Room E

8:15 a.m. Tapes 92-94

MEMBERS PRESENT: Rep. Roger Beyer, Chair

Rep. Dan Gardner, Vice-Chair

Rep. Tim Knopp, Vice-Chair

Rep. Jason Atkinson

Rep. Bill Morrisette

Rep. Terry Thompson

Rep. Lynn Lundquist

STAFF PRESENT: Keith Putman, Administrator

Frances Thomas, Administrative Support

MEASURES HEARD: HB 3529 Public Hearing and Work Session

HB 3607 Public Hearing and Work Session

HB 2021 Public Hearing

HB 2592 Public Hearing

HB 3580 Public Hearing

HB 3566 Public Hearing

HB 3288 Public Hearing

HB 3417 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 94, A		

001	Chair Beyer	Calls the meeting to order at 8:15 a.m. and opens a public hearing on HB 3529.
<u>HB 3529 PUBLIC HEARING</u>		
013	Keith Putman	Administrator. Presents overview and introduces the ñ3 amendments (EXHIBIT A).
020	Rep. Karen Minnis	House District 20. Testifies in support of HB 3529. Explains how HB 3529 would modify insurance policy. Introduces Dr. Harseny.
036	Dr. Harseny	Obstetrician/Gynecologist. Testifies in support of HB 3529. Speaks about problems of access to womenís health care.
070	Chair Beyer	Calls a recess on HB 3529 and opens a public hearing on HB 3607.
<u>HB 3607 PUBIC HEARING</u>		
078	Putman	Explains HB 3607 imposes a civil penalty for failure to pay final wages.
085	Rep. Jackie Winters	House District 31. Testifies in support of HB 3607.
096	Paul Connely	Attorney. Testifies in support of HB 3607. Explains inequities in penalties for unpaid wages. States the present cap should be maintained.
135	Putman	Asks for clarification of language.
139	Connely	Answers that line 10 clarifies the language.
146	Putman	States that line 10 would add 100% of wage owed in addition to the penalty.
147	Connely	Explains that HB 3607 simply adds a penalty.
160	Jack Roberts	Commissioner, Bureau of Labor Industries (BOLI). Testifies in support of HB 3607.
200	Roberts	States that the civil penalty is very important as a deterrent.
234	David Nebel	Oregon Law Center. Testifies in opposition to HB 3607. Believes HB 3607 has unclear intent (EXHIBIT B).
297	Rep. Thompson	Comments on employers who could potentially lose their businesses.

315	Nebel	States he is not aware of any such cases.
333	Irv Fletcher	Oregon AFL-CIO. Testifies in opposition to HB 3607 (EXHIBIT C).
352	Chair Beyer	Closes public hearing on 3607 and opens a work session on HB 3607.
<u>HB 3607 WORK SESSION</u>		
359	Rep. Thompson	Asks if any businesses have gone out of business because of penalties.
364	Roberts	Answers it up to the court to determine "willful" intent not to pay wages. Explains that it is rare to impose a penatly.
419	Rep. Knopp	Comments on support.
423	Rep. Thompson	States he will oppose the bill.
440	Rep. Knopp	MOTION: Moves HB 3607 to the floor with a DO PASS recommendation.
446		VOTE: 4-2 AYE: 4 - Atkinson, Knopp, Lundquist, Beyer NAY: 2 - Morrisette, Thompson EXCUSED: 1 ñ Gardner
	Chair Beyer	The motion CARRIES. REP. KNOPP will lead discussion on the floor.
	Chair Beyer	Closes work session on HB 3607 and opens public hearing on HB 3529.
TAPE 93, A		
<u>HB 3529 PUBLIC HEARING</u>		
020	John Powell	Regency Blue Cross Blue Shield. Comments on the -3 amendments and supports them.

042	Diane Holm	Leg Assistant to Rep. Minnis. States support of ñ3 amendment.
043	Chair Beyer	Asks if Rep. Minnis supports the ñ3 amendments.
049	Holm	States that Rep. Minnis does support the ñ3 amendments.
052	Chair Beyer	Closes public hearing on HB 3529 and opens work session on HB 3529.
<u>HB 3529 WORK SESSION</u>		
053	Rep. Knopp	MOTION: Moves to ADOPT HB 3529-3 amendments dated 4/21/99.
		VOTE: 6-0 EXCUSED: 1 - Gardner
	Chair Beyer	Hearing no objection, declares the motion CARRIED.
059	Rep. Knopp	MOTION: Moves HB 3529 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Gardner
	Chair Beyer	The motion CARRIES. REP. MINNIS will lead discussion on the floor.
070	Chair Beyer	Closes work session on HB 3529 and opens public hearing on HB 2021.
<u>HB 2021 PUBLIC HEARING</u>		
074	Chair Beyer	Asks if there is anyone who wants to testify on HB 2021. Closes public hearing on HB 2021 and opens public hearing on HB 2592.

HB 2592 PUBLIC HEARING

078	Chair Beyer	Asks if there is anyone who wants to testify on HB 2592. Closes public hearing on HB 2592 and opens public hearing on HB 3580.
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HB 3580 PUBLIC HEARING

085	Chair Beyer	Asks if there is anyone who wants to testify on HB 3580. Closes public hearing on HB 3580 and opens public hearing on HB 3566.
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HB 3566 PUBLIC HEARING

099	Putman	Presents overview of HB 3566.
120	Rep. Betsy Close	House District 36. Testifies in support of HB 3566. Explains that HB 3566 is being introduced at the request of one of her constituents (EXHIBIT D).
130	Ray Whittemore	State Farm Insurance. Explains that self-employed people have a hard time finding group health insurance (EXHIBIT E).
151	Chair Beyer	How does HB 3566 would change current law.
153	Whittemore	Answers that to get health insurance now individuals must join an association with a group plan. States the problem is that this insurance does not cover family members. States HB 3566 would make group plans available for self-employed people by profession, i.e. contractors.
171	Beyer	Asks about what the common bond would be for the group.
179	Whittemore	Replies.
193	Rep. Lundquist	Asks if the size of a group could be one person.
195	Whittemore	Answers it could.
200	Rep. Lundquist	Discusses other options.
211	Putman	Asks what the disincentives are for joining the state "pool" health insurance.
215	Whittemore	Explains the state pool is expensive and limited.

222	Putman	Continues discussion.
231	Powell	Testifies as neutral on HB 3566. Discusses issues surrounding HB 3566.
312	Powell	Speaks about the adverse selection issue.
320	Rep. Thompson	Explains why high risk industries would not go into the state pool.
330	Powell	Explains high risk industries could be covered under a trust arrangement.
345	Rep. Lundquist	Asks why high risk industries would not go into the state pool.
347	Powell	States that would happen. Speaks about managing high risk health groups.
384	Rep. Lundquist	Asks what the subsidy is for people in the state pool.
434	Mike Dewey	Discusses higher insurance rates.
470	Powell	Explains that Oregon law prohibits exclusive health groups.
TAPE 92, B		
014	Chair Beyer	Closes public hearing on HB 3566 and opens public hearing on HB 3288. Comments on things that the sponsors of HB 3566 want to do before passing the bill out.
<u>HB 3288 PUBLIC HEARING</u>		
027	Putman	Explains HB 3288 relates to Managed Care Organizations (MCO).
050	Don Loving	Public Affairs Coordinator, Oregon American Federation of State, County & Municipal Employees. Testifies in support of HB 3288 and cites errors in HB 3288.
074	Cindy Silva	Oregon Health Sciences University. Testifies in support of HB 3288 (EXHIBIT F).
096	Randi Post	Oregon Nurses Association (ONA). Testifies in support of HB 3288. Speaks to confidentiality issues (EXHIBIT G).
118	Putman	Asks if Post would support an amendment.

123	Rep. Knopp	Closes public hearing on HB 3288 and opens a public hearing on HB 3417.
<u>HB 3417 PUBLIC HEARING</u>		
139	Putman	Presents overview of HB 3417 which eliminates certain restrictions on ability of nurse practitioners to provide compensable medical services and to authorize temporary disability compensation for injured workers.
168	Brian DeLashmutt	ONA. Introduces himself.
170	Jeff Metcalf	Nurse practitioner. Testifies in support of HB 3417. Addresses types of injuries that are common in the nursing profession.
204	Metcalf	Continues testimony.
240	Metcalf	Discusses the problem of being seen by a physician within 30 days of an injury occurrence.
286	Chair Beyer	Asks about the differences between nurse titles.
294	Rep. Judy Uherbelau	House District 52. Testifies in support of HB 3417. Explains different types of nurse titles and what they mean.
325	Rep. Uherbelau	Gives background information for HB 3417. States Rep. Mannix is a co-sponsor of HB 3417. Addresses the lack of available medical care in rural areas.
375	DeLashmutt	Describes legislative history. Testifies in support of HB 3417. Explains the standards for nurse practitioners.
403	DeLashmutt	Gives detailed history of legislation on this issue in relationship to the workers' compensation system.
469	DeLashmutt	Discusses issues surrounding HB 3417.
TAPE 93, B		
022	DeLashmutt	Addresses opposition to HB 3417.
029	Chair Beyer	Asks for an accurate description of what a nurse practitioner does.
035	DeLashmutt	States the duties are defined by the state board. Explains that nurse practitioners may have multiple areas of expertise.

046	Rep. Uherbelau	Explains the duties of a nurse practitioner.
055	Chair Beyer	Asks what the difference is between doctors and nurse practitioners in particular fields of expertise.
062	Metcalf	Describes differences between doctors and nurse practitioners. States there is potential to see 90-95% of what a doctors see, with the exclusion of surgery.
093	Chair Beyer	Comments on testimony.
097	Metcalf	Comments that nurse practitioners' skills depend on training.
101	Chair Beyer	Asks how many nurse practitioners there are in rural Oregon.
109	Metcalf	States about one third are in such areas.
112	Rep. Morrisette	Comments on the difficulty of getting in to see a physician. Explains he, personally, primarily sees a nurse practitioner.
124	Rep. Lundquist	Comments on the history of the exclusion of nurse practitioners.
135	DeLashmutt	Discusses the referral system.
149	Chair Beyer	Asks if HB 3417 has been reviewed by the Management Labor Advisory Committee (MLAC).
152	DeLashmutt	Answers he is not sure.
165	Rep. Uherbelau	Explains HB 3417 was not discussed by MLAC.
179	Arthur Kunis	Oregon AFL-CIO. Testifies in support of HB 3417 because it will increase needed services in rural Oregon (EXHIBIT H).
214	Chris Davie	SAIF Corporation. Gives neutral testimony. Speaks about the intent of HB 3417. Explains it does not give authority to nurse practitioners to write permanent disability. Highlights page 4, line 9 explains what a nurse practitioner can do within workers' compensation system.
256	Putman	Asks for Davie's interpretation of page 2, line 44.
260	Davie	Answers he does not read it to allow nurse practitioners to rate permanent disability.

270	Putman	Points out that nurse practitioners can rate temporary disability.
278	Davie	Agrees. Discusses a possible amendment to HB 3417 to prevent a conflict.
310	Rep. Morrisette	Asks if nurse practitioners refer patients to specialists.
320	Davie	Answers affirmatively.
333	Rep. Morrisette	Clarifies the question.
358		Discussion continues about referrals.
368	Lisa Trussell	Associated Oregon Industries. Testifies in opposition to HB 3417. States HB 3417 has not been before MLAC.
374	Rep. Gardner	Asks if nurse practitioners normally refer patients to specialists.
390	Trussell	Agrees. States there is no problem that needs to be corrected.
419	Bob Shiprack	Oregon Building Council. Testifies in opposition to HB 3417.
453	Shiprack	Addresses the 30 day medical treatment issue.
TAPE 94, A		
024	Rep. Morrisette	Asks where in HB 3417 it addresses rural Oregon deficiencies.
030	Trussell	Answers that page 4 addresses rural communities.
035	Shiprack	Discusses different levels of authority for nurse practitioners. Clarifies that nurse practitioners have full authority in an MCO.
050	Chair Beyer	Closes the public hearing on HB 3417. States the committee will bring back HB 3417 at a later time. Adjourns the meeting at 10:20 a.m.

Submitted By, Reviewed By,

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Administrative Support Administrator

Transcribed By, Transcribed By,

Scott Graham, Jennifer Peck,
Administrative Support Committee Coordinator

EXHIBIT SUMMARY

A ñ HB 3529, proposed ñ3 amendments, staff, 1 p

B ñ HB 3607, written testimony, David Nebel, 1 p

C ñ HB 3607, written testimony, Irv Fletcher, 1 p

D ñ HB 3566, written testimony, Rep. Betsy Close, 1 p

E ñ HB 3566, written testimony, Ray Whittemore, 2 pp

F ñ HB 3288, written testimony, Cindy Silva, 2 pp

G ñ HB 3288, written testimony, Randi Post, 2 pp

H ñ HB 3417, written testimony, Irv Fletcher, 1 p