

HOUSE COMMITTEE ON HUMAN RESOURCES

March 23, 1999 Hearing Room E

1:00 PM Tapes 43 - 45

MEMBERS PRESENT: Rep. Jeff Kruse, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Betsy Close

Rep. Tim Knopp

Rep. Jerry Krummel

Rep. Mike Lehman

Rep. Bill Morrisette

Rep. Jackie Taylor

Rep. Jackie Winters

MEMBER EXCUSED:

STAFF PRESENT: Janet L. Carlson, Administrator

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: HB 2541 Public Hearing and Work Session

HB 2936 Public Hearing and Work Session

HB 2922 Public Hearing

TAPE/#	Speaker	Comments
TAPE 43, A		
007	Chair Kruse	Calls the meeting to order at 1:12 P.M. and opens a public hearing on HB 2541.
<u>HB 2541 PUBLIC HEARING</u>		
010	Janet Carlson	Committee Administrator, summarizes the bill.
020	Chair Kruse	Explains proposed changes to HB 2541 that would eliminate sections 3(7)(c), 3(8)(a), 3(8)(b), 4(1) and 4(2) of the bill.
065	Nancy Miller	Director, Citizen Review Board (CRB), State Court Administrator, supports the deletions proposed by Rep. Kruse. Explains that CRB has had concerns regarding the negative position that Services to Children and Families (SCF) has developed regarding "conditional relinquishments." States that language requiring conditional relinquishments to be reviewed, accepted, and approved by SCF, is supported by CRB.
090	Rep. Winters	Asks why SCF is not supportive of conditional relinquishments.
093	Miller	States that there are valid concerns why the agency would want to be careful. Explains that conditional relinquishments are not in policy and rule, they have come about within the culture of adoption agencies. States that SCF is willing to participate in discussions regarding conditional relinquishments.
099	Chair Kruse	Asks if conditional relinquishments could be addressed in rule.
102	Miller	Responds that she is not sure if this issue could be addressed in rule. Comments that statute is much easier for the public and the legal profession to locate.
106	Rep. Piercy	Comments that children bond with the foster families they have been living with and it is very difficult for them to transition to family members who have been SCF-approved after a long consideration. Hopes that conditional relinquishments can prevent some of the emotional trauma that children go through during placement transitions.
123	Miller	Concurs and states that SCF has made great strides to address the problems faced by children in foster care.
130	Rep. Close	Asks about the conditions specified in an average "conditional relinquishment."
132	Miller	Explains that a conditional relinquishment is a document stating that the parent

		(s) will relinquish parental rights to a child if the persons they have specified in the document take custody of their child. States that in conditional relinquishments, parents provide approval for the adoptive parents of their child.
138	Rep. Taylor	Asks about the function of the CRB.
140	Miller	Responds that the CRB trains volunteers to review SCF case planning and SCF decisions.
144	Kathie Stocker	Co-President, Coalition of Oregon Adoption Agencies (COAA), submits a letter of support of HB 2541 from Shari Levine with Open Adoption and Family Services, Inc. (EXHIBIT A) and submits and presents written testimony in favor of HB 2541 and Chair Kruse's proposed deletions (EXHIBIT B). States that COAA believes "the increase, described in HB 2541, will more realistically compensate the member agencies and allow for more placements of the waiting children in our state."
168	James Wheeler	Director, Columbia Adoption Services, submits and presents written testimony in support of HB 2541 (EXHIBIT C). States that his comments were drafted with knowledge of the conceptual amendments proposed by Chair Kruse.
201	Chair Kruse.	Clarifies that the conceptual amendments were created in his office by state and private adoption agency representatives.
208	Rep. Piercy	Asks if there is a fiscal impact statement.
212	Chair Kruse	Responds negatively. States that HB 2541 has a subsequent referral to Ways and Means.
213	Rep. Piercy	States her concern that current state budget discussions may not be able to support HB 2541.
220	Chair Kruse	Explains that the committee can move the bill with a proposed budget note of \$200,000 to fund section 2 of the bill.
230	Rep. Close	Asks if lines 11-32, on page 3, are being removed from the bill for budgetary reasons.
242	Chair Kruse	Responds negatively. States that lines 11-32, on page 3, are current agency practice.
245	Rep. Piercy	Refers to page 1, section 2, and states her concern that an adoption will be disrupted and fees will need to be paid repeatedly until an adoption sticks.
260	Wheeler	States that the bill provides for agencies to be paid the full amount even if there

		is a disruption of a case. Understands from discussions he has had with SCF that a "pro-rated" reimbursement would be supported by the agency.
280	Kathy Ledesma	Manager, Adoptions and Permanency Program Operations Unit, SCF, submits and presents written testimony in regard to HB 2541 (EXHIBIT D). Introduces Linda Guss, Assistant Attorney General. Refers to EXHIBIT D, page 1, and discusses section 2 of the bill regarding fees paid by SCF to Oregon licensed adoption agencies for adoption services they provide to children in SCF custody. Notes for the committee that in EXHIBIT D, page 2, paragraph 2, second sentence, the word "General" funds should read "Total" funds. Explains that, due to funding constraints, SCF is concerned HB 2541 will result in fewer children being placed by private adoption agencies. Refers to EXHIBIT D, page 3, and expresses SCF's opposition to HB 2571, section 2(2).
365	Chair Kruse	Asks if SCF will support the budget note.
368	Ledesma	Responds that SCF deeply values the contributions that agencies make to the placement of children. States that licensed adoption agencies need to be compensated at rates that are fair and reasonable. Explains that SCF does not currently have the funds to do this.
377	Rep. Close	Asks what is a reasonable fee for a private adoption.
380	Ledesma	Responds that SCF provides regulatory oversight to all adoptions in Oregon. Based on disclosure statements, the average cost of an adoption is \$15,000, excluding stepparent adoptions that come with additional filing fees.
396	Rep. Winters	Asks if SCF requires competitive bidding.
405	Ledesma	Responds that SCF has set the fee at \$3,004. Explains that if HB 2541 becomes law the fee will be raised. States that licensed agencies have opted out of performing adoptions because they couldn't afford to do so at the current SCF rate.
415	Rep. Winters	Comments that the fee level should not change the competitive bid process.
420	Ledesma	Responds affirmatively.
TAPE 44, A		
004	Rep. Krummel	Asks about the process of adoption fees.
008	Ledesma	Responds that the average cost for <u>all</u> Oregon adoptions, including foreign adoptions, is \$15,000. Explains that licensed agencies have calculated SCF adoptions to average 149 hours at \$65 per hour.

023	Rep. Krummel	Asks who pays the difference if an adoption costs more than the SCF reimbursement.
025	Ledesma	Responds that the \$15,000 is the average cost of all adoptions in Oregon including private adoptions, foreign adoptions, and SCF adoptions. Explains that an adoption out of SCF costs the family nothing. States that any costs for legal fees, or court filing fees, of SCF adoptions are reimbursed to the family at the time of finalization through the adoption assistance program.
040	Rep. Krummel	Asks about the involvement of Immigration and Naturalization Services (INS) regarding a foreign adoption.
045	Ledesma	Answers anecdotally that there is a great deal of involvement of the INS with a foreign adoption.
052	Rep. Krummel	Asks if the INS is known to drag their feet regarding adoptions.
055	Ledesma	States that the workload for INS regarding foreign adoptions is very large. Explains that the United States is a signatory country but we have not ratified the Hague Convention which will regulate all foreign adoptions that occur through agencies. When regulations are implemented, the process should become more reliable. Promises to provide more information regarding foreign adoptions.
068	Rep. Taylor	Refers to the Kids Can't Wait Packet (EXHIBIT D), and asks about the \$9.8 million over budget that SCF spends on adoption-related activities, as noted in the Joint Legislative Audit Committee report, page 17.
075	Ledesma	States that SCF has an implementation progress report prepared and she would like to come back at a later date and present the report to the committee. Explains that SCF has money allocated for "adoption placement services." Relates that last year SCF place 849 children, 58 of which were placed by adoption agencies. Explains that costs, other than placement, include costs to free a child; i.e., adoption mediation, foster care, counseling, and adoption follow-up.
092	Rep. Morrisette	Asks about the process of stepparent adoption.
095	Ledesma	Responds that last year 599 adoption petitions by stepparents were filed. Explains that the "other" biological parent must agree. States that there are additional filing fees, and in some cases, home study reports are conducted. SCF has the ability to waive the home study requirement if initial documentation indicates a safe and stable environment, free of drugs or other criminal behavior and activity.
115	Rep. Morrisette	Asks about costs of stepparent adoptions.
118	Ledesma	Replies that these costs vary significantly depending on attorney fees, whether home visitations are required, and court filing fees.

125	Rep. Piercy	Asks if SCF is being asked to decrease their budget by four percent.
127	Ledesma	Responds affirmatively.
128	Rep. Piercy	Comments that it is going to be difficult to find the funds for the worthy components of HB 2541 since the agency is being asked to cut four percent from its overall budget. States that historically, SCF has been underfunded to do the things that the state requires. Struggles with an answer to the dilemma of how to support SCF.
138	Ledesma	Concurs with Rep. Piercy's concerns. States that this is why private agencies are very valuable to SCF. Maintains that SCF does not have adequate funding to contract with private agencies the way they need to.
145	Rep. Winters	Asks how the agency prepared for the impact of SB 408, the Adoption and Safe Families Act.
156	Ledesma	Responds that SCF did include in their original budget the amount of \$6,640 per child. States that this amount did not make it into the final budget because of the implementation of SB 408.
164	Rep. Winters	Asks if the "special needs" population will be more difficult to place.
170	Ledesma	Responds that somewhere between sixty-five to eighty percent of children are prevented from returning home because of drug and alcohol abuse. States that this is a very difficult population and it is getting more difficult every year.
183	Ledesma	Continues by reading into the record EXHIBIT D, pages 3 and 4, section 4.
222	Linda Guss	<p>Assistant Attorney General, concurs with Ledesma's testimony and states concerns regarding conditional relinquishments. Explains that several issues are raised regarding conditional relinquishment.</p> <ul style="list-style-type: none"> • Questions raised as to "voluntary" relinquishment. • The extent of conditions placed on adoptive parents and the child. • The effects or consequences of unfulfilled conditions. <p>Explains that statute currently allows parents (both biological and adoptive) to enter into open adoptions.</p>
295	Rep. Winters	Asks about creating a conceptual amendments that deletes section four of the bill.
305	Chair Kruse	States that it is the Chair's intent to delete sections of the bill regarding conditional relinquishments.
313	Rep. Morrisette	Asks what happens when a stepparent wants to legally adopt a child of their

		spouse and the other biological parent is in the picture.
322	Ledesma	Replies that the "other" parent must be notified when the adoption petition is filed and may voice their objections in front of a judge.
328	Rep. Taylor	States that the Chair's deletions leave HB 2541 as a "fee bill." Asks if Ledesma supports the deletions in the bill specified by the Chair.
347	Ledesma	Responds that SCF would prefer to set fees by administrative rule.
363	Kathie Osborn	Juvenile Rights Project, submits testimony in support of the removal of section 4 of the bill. States that they would like to see as many children as possible served by the SCF budget.
385	Chair Kruse	Closes the public hearing on HB 2541 and opens a work session on HB 2541.
<u>HB 2541 WORK SESSION</u>		
388	Chair Kruse	Comments that his conceptual amendments turn HB 2541 into a fee bill. States that HB 2541 was drafted to address concerns that were brought forward during the interim. Explains that fee increases came out of the 1997 Adoption Task Force and would have been unnecessary if they had been included in the governor's budget. States that HB 2541 will require a budget note. Maintains that the adoption system is under a great deal of pressure to provide services to a growing population.
422	Rep. Lehman	Asks if the bill becomes law, and higher fees are paid, will SCF become involved with fewer private agencies.
434	Chair Kruse	Comments that Ways and Means will not move the bill forward without addressing funding concerns.
TAPE 43, B		
015	Rep. Morrisette	Refers to page 1, lines 19-20, and states his opposition to this section. States his concern that SCF would be paying an agency the full fee when an adoption is disrupted. Believes that prorated fees are appropriate for disrupted cases. Concurs with Rep. Lehman's comments that raising fees could directly affect the number of SCF children being served by private agencies.
028	Chair Kruse	Concurs and states that this is why the committee is referring HB 2541 to Ways and Means. If HB 2541 becomes statute, these fees will be addressed in decision packages at the time SCF works their budget.
041	Rep. Lehman	Asks if providing agencies with full fees, even for disrupted adoptions, will

		create an incentive for not pushing to complete adoptions.
047	Chair Kruse	Asks the committee if dropping lines 19-20 on page 1 of the bill will relieve some of the concerns.
050	Rep. Winters	States that she supports the inclusion of language regarding current practice of prorated fees for disrupted adoptions.
054	Ledesma	Explains that SCF bases a prorated fee on the number of hours an agency has dedicated to an adoption case. States that cases exist that require extenuating circumstances including overseeing visits and special transitions for a child.
070	Rep. Piercy	Asks Wheeler if he has a problem with prorating for adoption services.
076	Wheeler	Responds negatively. Explains that current contracts with SCF regarding disrupted adoptions require that agencies be paid half the supervision fee which is at a rate of \$553. States that the definition of "prorate" means payment for the amount of work put into a case regardless of the outcome.
098	Chair Kruse	Asks if Wheeler agrees with the deletion of lines 19-20 on page one of the bill.
099	Wheeler	Responds that he is comfortable with these deletions as long as the legislative intent is still to prorate the cost of services to private agencies.
109	Rep. Piercy	Asks if Wheeler wants specific numbers put in statute or in rule.
117	Wheeler	Responds that he is comfortable with rates being put into rule.
124	Chair Kruse	States that the rates in rule have not changed for a very long time and the only way that he sees SCF providing higher rates to private agencies is by putting them in statute. The interim task force came up with the numbers that are being proposed.
136	Rep. Morrisette	Asks about the fiscal impact of the bill.
	Carlson	Replies that \$400,000 is total funds with \$200,000 of this amount representing general funds.
141	Chair Kruse	States that the budget note will cover \$200,000.
144	Rep. Taylor	States that she supports sending the bill to Ways and Means without recommendation as to passage and with a contingency that the funding is available.

148	Chair Kruse	States that the bill should first be amended.
151	Rep. Morrisette	States that he is willing to pass the bill on to Ways and Means and have them look at it further.
162	Rep. Winters	MOTION: Moves to AMEND HB 2541 on page 1, delete lines 19-20, and on page 3, delete lines 11-32, and on page 4, delete lines 1-8.
		VOTE: 9-0
205	Chair Kruse	Hearing no objection, declares the motion CARRIED.
215	Rep. Lehman	MOTION: Moves HB 2541 WITHOUT RECOMMENDATION as to passage as AMENDED and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
225	Chair Kruse	The motion CARRIES.
228	Chair Kruse	Closes the work session on HB 2541 and opens a public hearing on HB 2936.
<u>HB 2936 PUBLIC HEARING</u>		
240	Janet Carlson	Committee Administrator, summarizes the bill.
252	Tom Bessonette	State Lions Eye Bank, Chairman, submits and presents written testimony in support of HB 2936 and the ñ1 amendments dated 3-16-99 (EXHIBIT E). Defines an enucleator as a person trained to remove donated eyes for transplanting corneas and eye research.
310	Bessonette	Continues by explaining that an Oregon drivers license is no longer sufficient as consent for organ donation. States that authorization from the next of kin must be attained for organ donation.
362	Scott Maguire	Chairman, Lions Sight and Hearing Foundation, submits and presents written testimony in support of HB 2936 (EXHIBIT F).

408	Maguire	States that eye banking is a very frugal business that will end up spending an additional \$23,000 up front if it loses the support of the funeral industry. Refers to EXHIBIT F, page 3, and addresses the issue of next-of-kin.
TAPE 44, B		
015	Mary Jane Hunt	Executive Director, Oregon Donor Program, submits and presents written testimony in support of HB 2936 (EXHIBIT G).
033	Hunt	Refers to EXHIBIT G, fourth paragraph, and discusses "Routine Referrals."
050	Rep. Piercy	Asks if a "D" on a license is consent for the harvesting of any viable organ or is there a process in place that allows a person to designate which organs may or may not be removed.
055	Hunt	Replies that the donor card allows a person to be specific about what organs may be harvested. States that circumstances surrounding a person's death, including their age and medical history, all play a part in whether a person's organs are available for harvest. Explains that the most important point is that people talk with their family about their wishes.
063	Rep. Taylor	States that old eyes have value for research and people should not let age stop them from expressing their wish to be an organ donor.
068	Meguire	Concurs with Rep. Taylor and responds that the Eye Bank of Oregon not only retrieves eyes for transplantation but for medical and scientific research.
075	Rep. Close	Refers to HB 2936, line 9, and asks about the definition of "decedent."
084	Hunt	Explains that donors must be declared "brain dead." The individual is on a life support system that is circulating blood so that organs remain viable for transplant. Individuals who die of cardiac arrest are ineligible for donor harvest.
100	Bessonette	States that the way to make this bill even better is to attach an emergency clause of January 1, 2000.
108	Rep. Lehman	Suggests that an emergency clause would slow down the process of passing the bill; however, an amendment could be drafted in the Senate committee that speaks to an emergency clause.
111	Chair Kruse	Concurs.
112	John Brenneman	Oregon Funeral Directors Association, testifies in support of HB 2936 and the 11 amendments.

124	Chair Kruse	Closes the public hearing on HB 2936 and opens a work session on HB 2936
<u>HB 2936 WORK SESSION</u>		
127	Rep. Lehman	MOTION: Moves to ADOPT HB 2936-1 amendments dated 03/16/99.
		VOTE: 8-0 EXCUSED: 1 - Krummel
131	Chair Kruse	Hearing no objection, declares the motion CARRIED.
133	Rep. Lehman	MOTION: Moves HB 2936 to the floor with a DO PASS AS AMENDED recommendation.
135		VOTE: 8-0 EXCUSED: 1 - Krummel
145	Chair Kruse	Declares the motion CARRIED. MORRISETTE will lead discussion on the floor.
148	Chair Kruse	Closes the work session on HB 2936 and opens a public hearing on HB 2922.
<u>HB 2922 PUBLIC HEARING</u>		
160	Janet Carlson	Committee Administrator, summarizes the bill.
170	Rep. Lehman	Asks why the bill was drafted and if there are specific situations or problems that this bill is addressing.
173	Chair Kruse	Believes that HB 2922 is a matter of principle of why there exists "state funded drug addiction."
176	Robert Miller	Operations Manager, Office of Alcohol and Drug Abuse Programs (OADAP), submits and presents testimony in opposition of HB 2922 (EXHIBIT H). Submits written testimony from Mark Loveless, MD in opposition to HB 2922

		(EXHIBIT I).
205	Miller	Refers to EXHIBIT H, page 2, and discusses the costs and effects of eliminating methadone treatment.
230	Miller	Refers to EXHIBIT H, page 2, and discusses the bill's fiscal impact to OADAP.
267	Miller	Asks that HB 2922 be tabled in committee.
269	Rep. Morrisette	Asks when the methadone program started.
273	Miller	Responds that methadone treatment goes back to 1969.
280	Rep. Winters	Asks if methadone is addictive.
282	Miller	Responds that methadone is a synthetic opiate used as a substitution for heroine. Methadone is used to prevent individuals from going into heroine withdrawal. Explains that heroine is what people are addicted to and methadone keeps them stable.
294	Rep. Winters	Asks for the average length of time that an individual is on methadone before they have "kicked the habit."
298	Miller	States that the length of treatment varies greatly among people addicted to heroine. The average length of treatment is 703 days. Explains that chronic opiate addicts have a brain disease.
318	Rep. Winters	Asks if methadone has uses other than heroine addiction.
320	Miller	States that OADAP uses methadone only with chronic opiate addicts. Explains that methadone is sometimes used by the medical industry for pain control.
328	Rep. Winters	Asks what prison inmates, addicted to heroine, receive for treatment while they are serving their prison sentence.
336	Miller	Explains that there are no methadone treatment programs in Oregon correctional facilities.
350	Chair Kruse	Asks if acquiring methadone is as easy as using some heroine and then seeking out a treatment program that provides methadone.
353	Miller	Responds negatively. Explains that a person must have a history of drug use as well as a history of failed attempts at out-patient, drug-free treatment. States that

		methadone treatment is the last resort.
355	Rep. Close	Asks about rapid detoxification treatment for opiate addicted patients which renders persons unconscious while their bodies detoxify.
371	Miller	Responds that he is aware of this treatment. States that once a person regains consciousness, he or she will still be craving opiates. Maintains that there is no research to indicate the long-term success of "unconscious" detoxification.
394	Rep. Close	Asks if individuals would still need methadone once their body was rid of the drug.
396	Miller	Responds that a person may not need methadone after going through detoxification unconsciously. States that the success of this therapy can only be determined months later when it becomes apparent if a person has stayed away from the drug.
400	Rep. Lehman	Reiterates that addicts have a physical, psychological, and emotional addiction to opiates. Asks what methadone does to remove these forms of addiction.
420	Miller	Responds that methadone is used in conjunction with therapy and counseling. Explains that physical addictions and brain chemistry are not the only issues addressed during treatment. States that methadone keeps patients stable while they are in treatment.
TAPE 45, A		
010	Rep. Lehman	Asks if methadone provides the same euphoric feeling as opiates.
015	Miller	Responds negatively. Explains that methadone does not create the highs and lows of methamphetamine.
020	Rep. Lehman	Asks if methadone is comparable to a nicotine patch.
024	Miller	Responds affirmatively. Explains that methadone is a therapeutic drug that prevents difficult withdrawal symptoms, cravings, and the highs and lows associated with opiate use.
030	Rep. Lehman	Asks if persons on methadone can function normally without acting as though they are under the influence of a drug.
034	Miller	Responds affirmatively.
036	Rep. Winters	Asks what is the most common drug of choice among addicts in the state of

		Oregon.
038	Miller	Replies that he will need to research the answer for Rep. Winters.
040	Rep. Winters	Asks if the other 49 states have methadone treatment programs.
043	Miller	Responds that Montana, Idaho, North and South Dakota do not have methadone programs.
055	Darryl Larson, Circuit Court Judge	Lane County Drug Court, Eugene, submits and presents written testimony in opposition to HB 2922 (EXHIBIT J).
070	Judge Larson	Refers to EXHIBIT J, page 1, and discusses the implications of removing methadone treatment.
088	Judge Larson	Adds to his testimony by stating that the population of hard to place children will grow substantially if this bill is passed.
125	Judge Larson	Refers to EXHIBIT I, Page 2, and discusses the "philosophical position" to remove the state from the business of prescribing drugs to addicts.
164	Judge Larson	Comments on the method of unconscious rapid detoxification. Explains that it has worked well in the short term, however, both cases from his district that used the rapid detoxification method relapsed back into drug use. Discusses the difficulty of treating chronic drug addiction.
185	Rep. Morrisette	Asks how an addict, who has been sent to prison, becomes drug free.
188	Judge Larson	Responds that addicts have most likely gone through withdrawal in jail before they get to prison. Discusses the federal recommendation to implement drug treatment programs in correctional facilities.
214	Rep. Winters	States that historically, people detoxified "cold turkey." Asks for a comparison of past and present drug use and treatment.
224	Judge Larson	Responds that historical data is not reliable. States that research regarding the way methadone works in the brain makes it the treatment of choice for chronic relapse addicts.
232	Chair Kruse	Thanks the presenters and states that his intention for hearing the bill was informational and he will not pursue passage of HB 2922.
247	Chair Kruse	Closes the public hearing on HB 2922 and adjourns the meeting at 3:15 P.M.

Submitted By, Reviewed By,

Diane M. Lewis, Janet L. Carlson,
Administrative Support Administrator

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EXHIBIT SUMMARY

- A ñ HB 2541, written testimony in support, Kathie Stocker, 1 p.**
- B ñ HB 2541, written testimony in support, Kathie Stocker, 1 p.**
- C ñ HB 2541, written testimony in support, James Wheeler, 1 p.**
- D ñ HB 2541, written testimony in regard, Kathy Ledesma, SCF, 177 pp.**
- E ñ HB 2936, written testimony in support, Tom Bessonette, 4 pp.**
- F ñ HB 2936, written testimony in support, Scott Maguire, 3 pp.**
- G ñ HB 2936, written testimony in support, Mary Jane Hunt, 1 p.**
- H ñ HB 2922, written testimony in opposition, Bob Miller, OADAP, 3 pp.**
- I ñ HB 2922, written testimony in opposition, Bob Miller, 3 pp.**
- J ñ HB 2922, written testimony in opposition, Judge Darryl Larson, 6 pp.**