

HOUSE COMMITTEE ON HUMAN RESOURCES

April 1, 1999 Hearing Room E

1:00 PM Tapes 50-52

MEMBERS PRESENT: Rep. Jeff Kruse, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Betsy Close-Vice-Chair

Rep. Tim Knopp

Rep. Jerry Krummel

Rep. Mike Lehman

Rep. Bill Morrisette

Rep. Jackie Taylor

MEMBER EXCUSED: Rep. Jackie Winters

STAFF PRESENT: Janet L. Carlson, Administrator

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: HB 3123 Work Session

HB 2106 Work Session

HB 2108 Public Hearing and Work Session

SB 598 Public Hearing and Work Session

HB 2010 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 50, A

006

Chair Kruse

Calls the meeting to order at 1:10 P.M. and opens a work session on HB 3123.

HB 3123 WORK SESSION

010

Janet Carlson

Committee Administrator, summarizes the bill.

022

Rep. Taylor

Comments that she finds it difficult to fully support HB 3123 since the Oregon Board of Dentistry (OBD) supports the bill and the Oregon Dental Association (ODA) opposes the bill. States that she has not been given enough information to strongly oppose the bill either.

035

Rep. Morrisette

Comments that he supports the bill because it does not mandate any action of OBD and it increases flexibility for the board.

042

Rep. Krummel

Comments that this is a good bill and allows the board more flexibility. States that he does not believe there is any language in HB 3123 that allows the board to misuse its power.

055

Rep. Piercy

Hopes that OBD will take into consideration comments and testimony from the opposition when they are making decisions.

059**Rep. Krummel****MOTION: Moves HB 3123 to the floor with a DO PASS recommendation.****VOTE: 8-0****AYE: In a roll call vote, all members present vote Aye.****EXCUSED: 1 - Winters****069****Chair Kruse****The motion CARRIES.****REP. KRUMMEL will lead discussion on the floor.**

070

Chair Kruse

Closes the work session on HB 3123 and opens a work session on HB 2106.

HB 2106 WORK SESSION

072

Carlson

Summarizes the bill and previous issues discussed when the bill was heard

		during the Boards and Licenses Subcommittee public hearing.
083	Rep. Knopp	MOTION: Moves HB 2106 to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Winters
092	Chair Kruse	The motion CARRIES. REP. KNOPP will lead discussion on the floor.
094	Chair Kruse	Closes the work session on HB 2106 and opens a public hearing on HB 2108.
<u>HB 2108 PUBLIC HEARING</u>		
098	Carlson	Summarizes the bill.
110	Chair Kruse	Notes for the committee that they are receiving HB 2108-1 amendments dated 3/25/99 (EXHIBIT A).
125	Jack Clinton	Faculty, Oregon Health Sciences University (OHSU) School of Dentistry, submits and presents written testimony in support of HB 2108 and the proposed ñ1 amendments (EXHIBIT B). Explains that the proposal in HB 2108-1 is also in SB 1294, sponsored by Sen. Verne Duncan. States that the purpose of HB 2108 is to grant a limited license to dentists with full-time faculty appointments at the OHSU school of dentistry.
155	Clinton	Refers to EXHIBIT B, and discusses why HB 2108-1 is necessary.
205	Clinton	Refers to HB 2108-1, page 1, line 13, and states that the word "service" at the end of the line should be changed to "practice".
218	Rep. Close	Asks if OHSU is the only teaching facility in Oregon that teaches dentistry.
223	Clinton	Responds affirmatively.
229	Eugene Kelley	Member, Oregon Board of Dentistry (OBD), and Oral Surgeon, testifies in

		support of HB 2108-1 (EXHIBIT C). States that the ñ1 amendments are a collaborative effort involving OHSU, OBD, and the Oregon Dental Association (ODA). Comments that HB 2108-1 is good for Oregon because it supports the dental school at OHSU to recruit and retain high quality faculty within a fiercely competitive market.
254	Jane Myers	Oregon Dental Association (ODA), submits and presents written testimony in support of HB 2108 and the ñ1 amendments (EXHIBIT D).
266	Chair Kruse	Closes the public hearing on HB 2108 and opens a work session on HB 2108.
<u>HB 2108 WORK SESSION</u>		
273	Rep. Piercy	MOTION: Moves to ADOPT HB 2108-1 amendments dated 3/25/99 as CONCEPTUALLY AMENDED on page 1, in line 13, after "faculty," change "service" to "practice".
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Winters
281	Chair Kruse	The motion CARRIES .
284	Rep. Piercy	MOTION: Moves HB 2108 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Winters, Krummel
297	Chair Kruse	The motion CARRIES . REP. PIERCY will lead discussion on the floor.
298	Chair Kruse	Closes the work session on HB 2108 and opens a public hearing on SB 598.
<u>SB 598 PUBLIC HEARING</u>		

301	Carlson	Summarizes the bill.
319	Eugene Kelley	Oral Surgeon and Member, OBD, testifies in support of SB 598.
340	Jane Myers	ODA, submits and presents written testimony in support of SB 598 (EXHIBIT E) and explains the events that preceded the decision to draft and bring forward SB 598.
370	Rep. Morrisette	Asks for a definition of "maxillofacial".
373	Myers	Responds that the maxillofacial region is on the face. States that Jerry McNerney, DMD, can provide the committee with a more complete definition.
381	Jerry McNerney, DMD.	Woodburn Dentist, Member, ODA, states his support for SB 598 and explains that the maxillofacial area is an area of expertise and an anatomical area that concerns the head and neck regions.
400	Myers	Explains that the oral maxillofacial surgeon is a well-respected specialty group, licensed in dentistry.
<u>TAPE 51, A</u>		
004	Chair Kruse	Closes the public hearing on SB 598 and opens a work session on SB 598
<u>SB 598 WORK SESSION</u>		
005	Rep. Piercy	MOTION: Moves SB 598 to the floor with a DO PASS recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Winters
014	Chair Kruse	The motion CARRIES. REP. MORRISETTE will lead discussion on the floor.
020	Chair Kruse	Closes the work session on SB 598 and opens a public hearing on HB 2010.

HB 2010 PUBLIC HEARING

028	Chair Kruse	Puts the committee at ease at 1:35 PM. while Rep. Carl Wilson is summoned.
029	Chair Kruse	Calls the meeting to order at 1:40 PM.
032	Rep. Carl Wilson	State Representative, House District 49, submits and presents testimony in support of HB 2010 (EXHIBIT F). States that HB 2010 is a bill of "conscience." Explains that HB 2010 prevents pharmacists from losing their jobs or being sued for failure to serve the public in a manner that goes against their consciences, their principles, or their religious beliefs. Asks the question, " Can we compel individuals to take part in an activity that they believe in their heart of hearts ties them to the taking of a human life?" States that he would never ask a member to vote against his or her conscience and core beliefs.
081	Rep. Lehman	Asks if there is a reference in HB 2010 to medications that have the sole purpose of ending human life.
088	Rep. Wilson	Responds negatively.
091	Rep. Lehman	Comments that when discussions surround ethical and religious principles, birth control prescriptions and controlled substances become featured topics. States that HB 2010 could put employers of pharmacies at a disadvantage because they may have pharmacists that are not willing to fill prescriptions based on moral and ethical beliefs. Asks about a solution to this dilemma that employers could face should HB 2010 become law.
103	Rep. Wilson	Agrees that employers will need to find solutions to the dilemma of employees not filling prescriptions that take human life. Believes that the impetus behind the bill was the "Death with Dignity Act" and it anticipates the approval of RU-486, an emergency birth control medication. States that the subject of birth control and related issues are for the committee to work out.
112	Rep. Close	States that she has received two electronic-mail messages from pharmacists who have lost their jobs and asks if this is very widespread in Oregon.
116	Rep. Wilson	Replies that he is aware of a few pharmacists who have lost their jobs because of their conscientious objections to filling prescriptions. States that HB 2010 is a reaction to these situations.
119	Rep. Piercy	Concurs with Rep. Lehman's comments and states that this bill is far broader than may have been intended. States that the bill as written could allow pharmacists to refuse to fill all sorts of prescriptions based on their ethical values and religious belief systems.
129	Rep. Wilson	Agrees that amendments could be drawn to make the bill more specific.

132	Rep. Taylor	States her concern that rural areas have only one pharmacy available within a great distance. Adds that there are levels to a pharmacy: the owner, the operator, and the pharmacist, and all these persons may object to filling out certain prescriptions. States that there are instances of pharmacists who don't fill prescriptions for known substance abusers because of their ethical values. Wonders if this bill is necessary.
160	Rep. Wilson	Replies that there are pharmacists from "chain stores" as well as owners of smaller pharmacies who will testify before the committee and will attempt to address the concerns being raised by committee members.
178	Rep. Taylor	States that if the owner of a pharmacy has a conscientious objection to certain prescriptions being filled in his or her store, then the community being served by that pharmacy would be at a disadvantage.
190	Rep. Wilson	Responds that HB 2010 offers no solution to the case of sole proprietorship in a rural area.
200	Rep. Taylor	Discusses the possibility of a woman being refused medication because a pharmacist has a value system that believes she has acted recklessly and brought her condition upon herself and now must reap what she has sown. Explains that her example is one of a pharmacist imposing his or her value system into the life of another individual.
208	Rep. Wilson	Responds that the reason the bill was brought forward has nothing to do with the example Rep. Taylor has provided.
213	Rep. Piercy	Asks if the bill will allow store owners to hire pharmacists who only follow the owner's personal, ethical, and moral beliefs.
225	Rep. Wilson	Responds that store owners will have opportunities to ask questions during the hiring process. States that the potential exists for an individual owner to hire only those pharmacists that follow his or her ethical and moral beliefs.
240	Tom Holt	Executive Director, Oregon State Pharmacists Association (OSPA), submits and presents written testimony in support of HB 2010 (EXHIBIT G).
249	Michael Canton	President, Oregon Society of Health-System Pharmacists, submits and presents written testimony in support of HB 2010 (EXHIBIT H). Explains that he works for a Catholic hospital where the policy already exists that no prescription, intended to take a human life, will be filled. Explains that there is also a policy that no pregnant pharmacist will fill cancer chemotherapy prescriptions. Explains that the pharmacy made arrangements for other pharmacists to fill those prescriptions. States that scheduling pharmacists is not a big problem. Explains that it is not the intent of the bill to turn patients away at the door and maintains that planning is the key to properly implementing HB 2010.
305	Rep. Piercy	Comments that none of the protections that are being discussed by the witness are in the language of the bill. States that if a pharmacist refuses to fill a

		prescription there is nothing in the bill that requires the pharmacist to find another pharmacist to fill the prescription. Comments that if a law like this is going to be implemented, there must be guarantees that the public will still be served.
320	Canton	States that until pharmacists have received assurance against recrimination there cannot be resolution to this issue.
330	Rep. Piercy	Comments that there could be a situation where a doctor prescribes medication, the patient wants the medication, and there is no source available to fill the prescription.
335	Canton	Responds that there is always the chance that prescriptions will not be filled. States that pharmacists need a way of facilitating a prescription for a patient without compromising their values. Believes that the only way solutions will be found is if pharmacists can feel safe enough to talk openly.
348	Mike Douglas	Newberg Pharmacy Owner, and President, Oregon State Pharmacists Association (OSPA), testifies in support of HB 2010. Explains that his pharmacy is surrounded by Catholic-owned clinics and he has not had to deal with these situations. States that when he is hiring a pharmacist he discusses issues of conscience and morality and allows potential employees to share their feelings around these issues. States that he wants to know, up front, what a pharmacist is comfortable doing as well as what holidays the pharmacist will observe. Discusses his policy for scheduling shifts in his pharmacy. Believes that HB 2010 provides respect to pharmacists.
410	Douglas	States that new medications are coming onto the market that will make this problem even larger. Believes that this issue will be revisited two years from now if there is no resolution during this legislative session.
423	Rep. Lehman	Comments that he hears the witness saying that when an individual is being interviewed for employment, questions of religious beliefs and moral values should be a part of the interview and if the applicant does not have the right answers, then they should not be hired.
TAPE 50, B		
033	Douglas	Responds negatively. States that asking questions regarding issues of faith assist in the planning of work schedules and on-call employees after an individual has been hired.
040	Rep. Lehman	Discusses the hypothetical example of a pharmacist who is a Christian Scientist and won't provide pain medication to patients because of a moral belief that pain medication is wrong. Asks how a pharmacy manager or owner is to accommodate this pharmacist during a regular working shift.
049	Douglas	Responds that if a pharmacist has such a broad category of medications that he or she is not willing to fill, then this person is not the best candidate for a position

		in a pharmacy.
053	Rep. Lehman	Comments that this bill has the potential to violate 2 or 3 state statutes, 4 or 5 federal regulations, and a couple of constitutional provisions.
060	Douglas	Comments that when a pharmacy hires a pharmacist and then fires that pharmacist after learning that he or she won't fill a small number of prescription drugs based on his or her own conscientious objections, that the pharmacy is also violating the rights of the pharmacist. Believes that it is better to have understandings up front of what an individual can and cannot do.
064	Rep. Morrisette	Asks if a pharmacy owner might hire a pharmacist who would be willing to fill any prescription that the owners had a conscientious objection to filling.
072	Douglas	Responds that he would be willing to hire a pharmacist who had no dilemmas about filling prescriptions, regardless of his (the owner's) own beliefs. States that as a pharmacy owner, it is his job to have all his bases covered to the best of his ability.
086	Rep. Morrisette	Comments that he understands that a Catholic hospital pharmacy would have a policy restricting the filling of prescriptions that end human life. Asks if independent pharmacy owners, with the same philosophical beliefs as the Catholic pharmacies, hire pharmacists to fill prescriptions that conflict with the owner's beliefs.
094	Douglas	Responds affirmatively. States that as a Catholic, he would do this.
098	Rep. Close	States her concern that the bill is being labeled as a religious issue. Asks if there are people that would object to filling prescriptions based on moral or ethical reasons and not religious reasons.
103	Douglas	Responds affirmatively. States that the issue of conscientious objection goes beyond a religious belief.
105	Rep. Taylor	Asks if there is already a provision in the "Death with Dignity Act" that allows pharmacists to "opt out" of filling a prescription that is to be used as a means to end a human life.
109	Douglas	Responds affirmatively. States that "employee" pharmacists are still afraid that their jobs are in jeopardy if they opt out. Points out that new abortion drugs have no provisions allowing pharmacists to "opt out." States that many pharmacists object to providing women with drugs that terminate a pregnancy.
123	Rep. Taylor	Refers to EXHIBIT G, page 1, and states her concern for the patient. Does not concur that there is always a pharmacy 20 minutes away. States that it can take weeks to get a relief pharmacist in rural Oregon. Comments that a woman, in crisis, living in a rural community, may not get "the morning after" pill because the pharmacist on duty objects to filling her prescription.

158	Canton	Responds that the scenario described by Rep. Taylor currently takes place. Explains that one solution is for doctors to have medications in their offices that they personally dispense.
176	Rep. Taylor	Comments that getting a doctor appointment, during the weekend, in rural Oregon, is very difficult. States that patients should not have to feel "lucky" if they get a legal prescription filled. Comments that she respects the religious beliefs of medical institutions, but says she sees this bill as a back door approach to making it difficult for the public to access new medications and act on new legislation that certain groups find objectionable.
196	Canton	Responds that the bill is a reaction to pharmacists who have lost their jobs because they would not act in a manner that went against his principles.
201	Rep. Piercy	Asks if Canton knows of pharmacists who have lost their jobs in the pharmacy where he works, for reasons that are similar to issues and concerns discussed by OSPA.
206	Canton	Responds negatively and explains that the Catholic hospital that he works for does not allow prescriptions to be filled that end human life.
209	Rep. Piercy	Asks Douglas if he has had a pharmacist lose his or her job because he or she would not act in a manner that went against his or her principles.
210	Douglas	Responds negatively.
211	Holt	Explains that his association received reports of pharmacists who have lost their jobs as well as complaints from pharmacists who have been pressured to fill prescriptions for fear of losing their jobs.
216	Rep. Piercy	Comments that the bill is putting road blocks in front of the public with legitimate requests to have legal prescriptions filled. States that the presenters have provided testimony indicating their respect for the pharmacists they work with and a lack of conflict regarding this issue. The cases that have been cited have been presented as anecdotes and she needs more concrete evidence that there is a problem.
229	Holt	Responds that the issue is far broader than Rep. Piercy understands. States that the subject of conscientious objection rights for pharmacists was discussed at the national convention. Explains that there are 12 states considering similar legislation and 3 states that have laws protecting pharmacists, including California.
244	Rep. Piercy	States that her advice to pharmacies is to have specific policies stating what medications will be filled on site. Maintains that the bill as written is too broad and could apply to any medication for any reason. Comments that the bill is creating a huge change in law in order to address an issue that is not a large problem in the state.

254	Holt	Respectfully disagrees with the analysis of Rep. Piercy. Calls attention to the ethics statements on page one of his written testimony. Maintains that the issue comes down to whether or not a pharmacist will be protected to act on their most deeply held moral and ethical beliefs. States that "processes" were not included in the bill so that specific logistics could be worked out between pharmacist and employer.
297	Rep. Taylor	Asks if there are current employers doing just what Holt is discussing.
302	Holt	Responds that some employers are working out the logistics of how assisted suicide medication is dispensed and some are not. States that there is a very uneven attempt by employers to respect the beliefs of pharmacists.
318	Rep. Lehman	States that the bill is too broad. Asks if there is any review or oversight of a pharmacist who wants to submit a letter to the employer stating his or her conscientious objections.
330	Holt	Responds that a letter to an employer would spark a discussion of how work schedules would be handled.
334	Rep. Lehman	Relates a situation of a pharmacist working in the pharmacy of a large hospital. The pharmacist is often late, is continually inappropriate with his behavior, and does not get along well with other employees. The pharmacist is put on "disciplinary activation". During this "disciplinary" process he decides he has had a major ethical conversion and submits a letter to his employer stating he will no longer fill certain prescriptions. Comments that the way the bill is written, this employee could not be fired from his job, even if the only prescriptions the pharmacist was willing to fill were ointments and creams.
363	Holt	States that the pharmacist would be able to be fired for other reasons relating to job tardiness and inappropriate behavior.
373	Rep. Lehman	Comments that the bill allows an employee to file a written statement and significantly reduce his or her workload causing the employee to become a financial burden to the employer.
386	Holt	Responds that this is not the intent of the bill and he would be willing to submit amendments that could handle this problem.
390	Rep. Lehman	Describes the situation of a pharmacist who leads his employer to believe that he will fill any prescription submitted to the pharmacy, and then changes his mind after he has been hired, and asks if his employer has the ability to fire the newly-hired pharmacist for "breach of contract".
408	Holt	Responds that an honest conversion in beliefs would be protected by HB 2010, but if the newly-hired pharmacist was lying about a conversion taking place, then there would be grounds for termination.

421	Rep. Lehman	Asks who evaluates the legitimacy of a person's "conversion" of values or beliefs.
430	Holt	Responds that he does not have a concise answer at this time.
TAPE 51, B		
022	Stephen Miller	Portland Pharmacist, submits written testimony (EXHIBIT I) and testifies in support of HB 2010. States for the record his appreciation of the legislators and the work they do during session months. Reads letters on pages two and three of EXHIBIT I .
080	Miller	States that he cannot actively refer an individual, looking to fill a prescription that ends human life, to another pharmacist because he believes he will still be involved in the act of helping them end human life.
095	Rep. Piercy	States that the bill does not speak to Miller's concerns regarding any protected right to opt out of referring a customer to another pharmacist.
097	Miller	Responds that he would like to see pharmacist rights to opt out of referring a customer to another pharmacist included in an amendment.
100	Rep. Taylor	Discusses the need HB 2010 will create for pharmacies to post their policies regarding filling prescriptions on their front doors.
106	Miller	Concurs.
110	Rep. Krummel	Asks why Miller doesn't open his own pharmacy.
114	Miller	States that there is much involved in opening a pharmacy. Explains that when he became a pharmacist 18 years ago there were no drugs that he objected to filling. Medications and laws have changed drastically in the last couple of years. Wonders whether he must consider the changes in his profession as "tough luck" or if employers in the industry have a responsibility to work with their employees.
124	Rep. Taylor	Asks Miller if he had difficulty finding new employment.
125	Miller	Replies that he had a difficult time securing a new position. Explains that he applied at a number of pharmacies and eventually found work with a pharmacy that was sympathetic to his values.
128	Rep. Taylor	Asks how the situation at his job works.

129	Miller	Explains that he has a written agreement with his employer. States that he is referring customers to other pharmacists to the degree that he does not feel he is participating in assisting an individual to end human life.
142	Rep. Taylor	Comments that the burden to fill a prescription then rests on the patient in the instances that Miller is not comfortable with referring.
145	Miller	States that he would refer a patient but will not go out of his way to see that the prescription is filled.
148	Rep. Taylor	Asks how this type of referral is different from his former position.
150	Miller	Replies that his former employer wanted him to go to the trouble of calling another pharmacist, as well as make sure the customer had the prescription filled. States that he could not agree to make sure a prescription was filled since this was a violation of his conscience.
160	Rep. Morrisette	Asks Miller if he is defending his right to be a conscientious objector.
167	Miller	Responds affirmatively.
168	Rep. Morrisette	Comments that the issues of moral conscience are very difficult to create law around and states that he believes individuals have the right to refuse to take action based on their beliefs. States that he is unsure how far this right should go.
178	Miller	Thanks the Representative for his comments.
181	Rep. Lehman	Comments that what Miller is requesting goes out of the boundaries that the pharmaceutical association has set for the requirements and conditions of a conscientious objector.
187	Miller	Concurs.
189	Rep. Krummel	Asks if Miller feels it is his responsibility to advise patients of care that would benefit their health.
201	Miller	Responds affirmatively.
202	Rep. Krummel	Asks if Miller feels it is his responsibility to refer patients to another provider if he cannot help them with care that will be beneficial.
210	Miller	Responds that, to a degree, he will refer customers. States that he has very personal and individual boundaries of how far he will go to help a customer.

222	Rep. Krummel	Comments that he is confused as to the level of objection Miller has regarding referrals for customers.
240	Pat Amedeo	Oregon Community Pharmacy Council (OCPPC), submits written testimony (EXHIBIT J) and testifies in opposition to HB 2010. Explains that OCPC incorporates many "chain" pharmacies in Oregon. States that chain pharmacies are beginning to work with pharmacists as new laws are implemented and new drugs become available. Refers to EXHIBIT J, and discusses diversity among pharmacists and policy making questions that arise when pharmacies investigate ways of allowing pharmacists the right to "conscientiously object". Reminds the committee that there is nothing to stop individually owned pharmacies from creating policies that limit which drugs will be stocked.
340	Rep. Close	Asks if Amedeo has knowledge of anything that was done by an outside organization, on behalf of Miller, when he was discharged.
356	Amedeo	Responds negatively. Assumes that Miller had all the recourses of action that any other employee is offered at the time of discharge. States that there are federal laws that ensure that Miller's rights were protected.
379	Gary Oxley	Fred Meyer Corporation, introduces Mr. Dave Schulberg to the committee.
384	Dave Schulberg	Vice-President and Director of Pharmacy for Fred Meyer Corporation, testifies in opposition to HB 2010. Discusses the situation of a pharmacy having the policy that narcotic prescriptions will not be filled for known addicts. Describes the situation of a person, suspected to be an addict, who has been receiving a large amount of pain medication in a short period of time. States that the policy of the pharmacy could turn the individual away without having the knowledge that he is suffering from terminal pancreatic cancer. States that HB 2010 protects the right of the pharmacy to turn down the needs of the cancer patient without understanding his medical condition. States that turning this patient away in no way serves his best interest.
428	Schulberg	Discusses his participation on the pharmacy task force created to deal with implications resulting from the "Death with Dignity Act." Understands that pharmacy is changing and genetically engineered drugs are going to be available that will cause pharmacy professionals to contend with their ethics and belief systems.
TAPE 52, A		
020	Schulberg	Discusses a memo issued by Fred Meyer, after the "Death with Dignity Act" was passed into law, that stated that employees have a lawful right to refuse services, as stipulated by Oregon law; however, employees have an obligation to refer patients to other pharmacists.
050	Schulberg	Discusses consequences of conscientious objections. States that Fred Meyer could not ask the questions that Mr. Miller thought were appropriate to ask during the hiring process for fear of being sued.

075	Rep. Close	Asks if Fred Meyer allowed Mr. Miller to act on the opt out policy and then fired him when he did.
078	Oxley	Explains that because there are proceedings taking place regarding this issue, he asks Schulberg to make his answer generic.
086	Schulberg	States his high regard for Miller as a person and a pharmacist. Reiterates the policy of Fred Meyer that allows a pharmacist to opt out of filling prescriptions for emergency birth control and assisted suicide medication as long as they refer the patient to a pharmacist that will fill the prescription.
090	Rep. Close	Asks what the consequences are if a pharmacist refuses to refer a patient.
093	Schulberg	Responds that a pharmacist will be released from employment.
105	Chair Kruse	Closes the public hearing on HB 2010 and adjourns the meeting at 3:05 P.M.

Submitted By, Reviewed By,

Diane M. Lewis, Janet L. Carlson,

Administrative Support Administrator

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EXHIBIT SUMMARY

A ñ HB 2108-1 amendment dated 3/25/99, Jeff Gilmour, 2 pp.

B ñ HB 2108 written testimony in support, Jack Clinton, 1 p.

C ñ HB 2108 written testimony in support, Eugene Kelley, 1 p.

D ñ HB 2108 written testimony in support, Jane Myers, 1 p.

E ñ SB 598 written testimony in support, Jane Myers, 3 pp.

F ñ HB 2010 written testimony in support, Rep. Carl Wilson,

G ñ HB 2010 written testimony in support, Tom Holt, 2 pp.

H ñ HB 2010 written testimony in support, Michael Canton, 1 p.

I ñ HB 2010 written testimony in regard, Steve Miller, 6 pp.

J ñ HB 2010 written testimony in opposition, Pat Amedeo, 3 pp.