

HOUSE COMMITTEE ON HUMAN RESOURCES

April 15, 1999 Hearing Room E

1:00 PM Tapes 61-62

MEMBERS PRESENT: Rep. Jeff Kruse, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Betsy Close, Vice-Chair

Rep. Jerry Krummel

Rep. Tim Knopp

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 3147 Public Hearing and Work Session

HJR 62 Public Hearing and Work Session

HB 3000 Public Hearing and Work Session

HB 3526 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 61, A		
009	Chair Kruse	Calls the meeting to order at 1:25 P.M. Opens public hearing on HB 3147.
<u>HB 3147 PUBLIC HEARING</u>		
015	Rep. Ken Strobeck	House District 6. Testifies in support of HB 3147. Discusses situations of medically fragile children. States that these children are very expensive. An assessment of costs was conducted. Discusses spreading costs across the insurance industry. Families with medically fragile children are asking for some support. Explains the proposed ñ1 amendments (EXHIBIT A) and the proposed ñ2 amendments. (EXHIBIT B) Recommends that the proposed ñ2 amendments be addressed in Ways and Means.
072	Rep. Lehman	Asks if the committee needs to look at a whole fund for these children.
079	Rep. Strobeck	Responds that this may need to be looked at in an education setting. This bill is more for relief for the families caring for these children
090	Teresa Cody	Submits and presents written testimony in support of HB 3147. (EXHIBIT C) States that insurance is provided on a month-to-month basis for her five-year-old son, William. Reminds the committee that a medically fragile child can happen to any family.
180	Rep. Krummel	Asks for a definition of skilled nursing.
188	Cody	Responds that skilled nurses are RNs and LPNs. These people have skills to deal with special medical equipment and medication.
200	Rep. Winters	Asks about respite care.
209	Cody	Responds that these children require 24-hour care. Families provide at least 8-18 hours of care each day. Families need basic necessities; the ability to be able to sleep at night. A skilled nurse allows a family to spend time together.
230	Juli Lengel	Mother of a medically fragile child. Submits and presents written testimony in support of HB 3147. (EXHIBIT D)
260	Kathleen Huserik	Mother of medically fragile child. Submits and presents written testimony in support of HB 3147. (EXHIBIT E) Explains home care is less expensive than medical foster care. Respectfully asks the committee for help.

328	Chair Kruse	Comments that if presenters need to take a moment during their testimony, it is okay.
350	Sarah McIntyre	Mother of a medically fragile child. Submits and presents written testimony and pictures. (EXHIBIT F)
TAPE 62, A		
013	McIntyre	Explains how the state of Washington's medical coverage differs from Oregon's medical coverage.
022	Eric Thomas	Medically fragile patient. Submits and presents written testimony in support of HB 3147. (EXHIBIT G)
069	Rep. Piercy	Comments that she is used to hearing from parents of children and appreciates hearing from Eric.
075	E. Thomas	States he prefers living at home.
080	Rep. Taylor	Asks if a nurse attends Eric in school.
084	Chris Thomas	Eric Thomas's mother. Explains that a nurse does attend Eric at school; costs paid for by the district.
095	C. Thomas	Submits and presents written testimony in support of HB 3147. (EXHIBIT H) Explains nursing care costs are approximately \$144,000 per year.
138	Rep. Knopp	Asks would the state have to pay for Eric's care, if he was in foster care.
140	C. Thomas	Responds the hospitalization would be covered by the insurance company; medical foster care would be covered by the state.
145	Rep. Krummel	Asks if in-hospital care is paid by the insurance company.
149	C. Thomas	Responds affirmatively.
160	Rep. Krummel	Asks if are costs \$306,000 per year. Asks if the proposed fund will be sufficient to meet families' needs.
175	C. Thomas	Refers committee to expert witness, Dr. Tina Kitchin.
180	Rep. Krummel	Asks if insurance policies have an aggregate/lifetime benefit.

184	C. Thomas	Responds it depends on the individual policy.
190	Rep. Winters	Asks if foster care has skilled nursing.
192	C. Thomas	Responds there are registered nurses and nurses aides; each home is different.
200	Rep. Winters	Asks about the average cost of medical foster care.
201	C. Thomas	Responds that it can cost up to \$19,500 per month.
202	Rep. Winters	Asks if this cost is greater than home care.
204	C. Thomas	Responds it is.
205	Rep. Knopp	Attempts to clarify cost of home nursing care.
207	C. Thomas	Responds it averages \$750 per day for in-home nursing.
225	Dr. William Nichols	Pediatrician, Portland. Submits and presents written testimony in support of HB 3147. (EXHIBIT D) Insurance companies don't want these children on their policies. Believes that there is a "crack" in the health care system.
255	Rep. Taylor	Asks if funds could be leveraged with the Medicaid waiver.
260	Nichols	Responds affirmatively, but families have to impoverish themselves before Medicaid takes effect.
269	Rep. Piercy	Asks for the difference in the development of a child that is in the home and one that is in foster care.
271	Nichols	Discusses the best to worst situations.
279	Rep. Winters	Asks about the children who were sent home to die and began to thrive in their home.
285	Nichols	Responds that in the past the technology was less specific; ventilation was a real problem.
305	Rep. Winters	Asks how thinking has changed regarding hospital stays.
311	Nichols	Responds there has been a movement towards living at home as opposed to

		staying in a hospital.
325	Rep. Piercy	Asks if there are children in foster care and hospitals that would be returned home if HB 3147 passes.
330	Nichols	Responds he does not know exact numbers; most are already at home.
340	Dr. Tina Kitchin	Medical Director, Office of Developmental Disabilities Services. Testifies in support of HB 3147. (EXHIBIT J)
350	Rep. Krummel	Asks about costs. Asks about the adequacy of funds proposed in HB 3147.
377	Kitchin	Responds the figures in the bill are a best guess. States payments for a medically fragile child is not calculated for a 24-hour day. Explains how "scoring" is calculated to determine a level of services.
415	Rep. Krummel	Asks if \$144,000 per year would be the average cost. Asks if there is any flexibility for a child with greater needs.
TAPE 61, B		
005	Kitchin	Responds affirmatively; explains process.
015	Rep. Winters	Asks for further information on flexibility.
020	Kitchin	Responds they currently serve Medicaid-eligible children only. Explains how to apply for "a cap model waiver" through the federal government.
030	Rep. Winters	Asks if they can currently request a waiver, providing the legislature approve it, that would allow Oregon to be in the same position as Washington.
035	Kitchin	Responds affirmatively.
037	Rep. Winters	Asks how many states have the cap waiver.
040	Kitchin	Responds that Oregon is one of three states who do not have the cap waiver.
042	Rep. Winters	Asks why is that the case.
043	Kitchin	Respond she is not sure; can only guess.

045	Rep. Krummel	Asks if the Individuals with Disabilities Education Act (IDEA) of 1997 is part of the funding mechanism.
052	Kitchin	Responds the nurses for medically fragile children are paid from a school district fund. Comments on a discussion with federal agencies.
067	Chair Kruse	Closes public hearing on HB 3147. Opens work session on HB 3147.
<u>HB 3147 WORK SESSION</u>		
068	Rep. Piercy	MOTION: Moves to ADOPT HB 3147-1 amendments dated 04/13/99.
070	Rep. Knopp	Comments on a letter he received from Eric Thomas grandparents. Urges a yes vote.
080	Rep. Close	Asks for and receives clarification of the proposed ñ1 amendments.
092	Chair Kruse	Hearing no objection, the motion CARRIES.
094	Rep. Piercy	MOTION: Moves HB 3147 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways & Means by prior reference.
095	Chair Kruse	Comments on why the committee did not adopt the proposed ñ2 amendments; contains clause regarding tobacco settlement funding. Explains to the insurance company representatives that the Ways & Means Committee can address that issue.
108		VOTE: 9-0 AYE: 9 - Close, Knopp, Krummel, Lehman, Morrisette, Piercy, Taylor, Winters, Kruse
116	Chair Kruse	The motion CARRIES.
125	Chair Kruse	Closes work session on HB 3147. Opens public hearing on HJR 62.
<u>HJR 62 PUBLIC HEARING</u>		
135	Chair Kruse	Discusses provisions of HJR 62; result of task force on Pain and Symptom Management. (EXHIBIT K)

169	Rep. Taylor	Asks how HJR 62 relates to the work done in the interim.
172	Chair Kruse	Responds it relates very well. Refers to a similar Senate resolution.
180	Rep. Winters	Suggests a conceptual amendment which would include the dental profession. (EXHIBIT L)
183	Chair Kruse	Responds the committee will not address that issue at this time.
187	Chair Kruse	Closes public hearing on HJR 62. Opens work session on HJR 62.
<u>HJR 62 WORK SESSION</u>		
188	Rep. Piercy	MOTION: Moves HJR 62 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 8-0 AYE: 8 - Close, Knopp, Lehman, Morrisette, Piercy, Taylor, Winters, Kruse EXCUSED: 1 - Krummel
196	Chair Kruse	The motion CARRIES. Rep. KRUSE will lead discussion on the floor.
198	Chair Kruse	Closes work session on HJR 62. Opens public hearing on HB 3000.
<u>HB 3000 PUBLIC HEARING</u>		
200	Rep. Richard Devlin	House District 24. Testifies in support of HB 3000.
224	Chair Kruse	Notes that the referral to Ways & Means Committee will be rescinded.
238	Rep. Kevin Mannix	House District 32. States that his wife recommends he vote for the bill.
261	Dr. Kathleen Potempa	Dean, School of Nursing, Oregon Health Sciences University (OHSU). Submits and presents written testimony in support of HB 3000. (EXHIBIT M)

300	Sue Davidson	Faculty member, OHSU. Submits and presents written testimony in support of HB 3000. (EXHIBIT N) Invites the members to visit OHSU.
380	Davidson	Describes the difference between a clinical nurse specialist (CNS) and a nurse practitioner. States CNSs are recognized in federal law; no recognition in state law.
TAPE 62, B		
012	Rep. Taylor	Asks if clinical nurse specialists (CNSs) are competent to diagnose diseases.
020	Davidson	Responds that CNSs have the ability to recognize symptoms of a disease. CNSs do not treat a person but assist patients to live with their illness.
042	Rep. Krummel	Asks about educational requirements of a CNS.
050	Potempa	Responds that a Master's Degree in Nursing is required.
055	Nancy Hodges	Clinical Nurse Specialist, Samaritan Counseling Center. Submits and presents written testimony in support of HB 3000. (EXHIBIT O)
090	Davidson	Submits numerous letters of support for HB 3000. (EXHIBIT P)
091	Chair Kruse	Comments those items will become part of the record along with a letter opposing the bill from Dr. John Hoggard (EXHIBIT Q) .
095	Chair Kruse	Closes public hearing on HB 3000. Opens work session on HB 3000.
<u>HB 3000 WORK SESSION</u>		
104	Rep. Lehman	MOTION: Moves HB 3000 to the floor with a DO PASS recommendation.
		VOTE: 6-0 AYE: 6 - Close, Knopp, Lehman, Piercy, Taylor, Kruse EXCUSED: 3 - Krummel, Morrisette, Winters
111	Chair Kruse	The motion CARRIES.

		Rep. PIERCY will lead discussion on the floor.
114	Chair Kruse	Closes work session on HB 3000. Opens work session on HB 3526.
<u>HB 3526 WORK SESSION</u>		
117	Chair Kruse	Explains bill was mis-assigned; committee to move bill to proper committee.
118	Rep. Piercy	MOTION: Moves HB 3526 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Civil Judiciary Committee.
125	Chair Kruse	Hearing no objection, the motion CARRIES.
126	Chair Kruse	Closes work session on HB 3526.
		MOTION: Moves to SUSPEND the rules for the purpose of allowing a member to enter his vote.
127	Chair Kruse	Hearing no objection, the motion CARRIES.
128		MOTION: Moves HJR 62 be sent to the floor with a BE ADOPTED recommendation.
		AYE: Krummel
130		MOTION: Moves to SUSPEND the rules for the purpose of allowing a member to enter his vote.
135	Chair Kruse	Hearing no objection, the motion CARRIES.
137		MOTION: Moves HB 3000 to the floor with a DO PASS recommendation.
		AYE: Krummel
145	Chair Kruse	Adjourns the meeting at 2:55 P.M.

Submitted By, Reviewed By,

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

Final transcription by Joan Diaz, Administrative Support.

EXHIBIT SUMMARY

- A ñ HB 3147, proposed ñ1 amendments, staff, 1 p**
- B ñ HB 3147, proposed ñ2 amendments, staff 2 p**
- C ñ HB 3147, written testimony, Teresa Cody, 3 pp**
- D ñ HB 3147, written testimony, Juli Lengel, 1 p**
- E ñ HB 3147, written testimony, Kathleen Huserik, 2 pp**
- F ñ HB 3147, written testimony, Sarah McIntyre, 5 pp**
- G ñ HB 3147, written testimony, Eric Thomas, 1 p**
- H ñ HB 3147, written testimony, Chris Thomas, 2 pp**
- I ñ HB 3147, written testimony, William Nichols, 3 pp**
- J ñ HB 3147, written material, Tina Kitchin, 14 pp**

K ñ HJR 62, written material, staff, 48 pp

L ñ HJR 62, written material, Jane Myers, 1 p

M ñ HB 3000, written testimony, Kathleen Potempa, 1 p

N ñ HB 3000, written testimony, Sue Davidson, 4 pp

O ñ HB 3000, written testimony, Nancy Hodges, 1 p

P ñ HB 3000, letters of support, Sue Davidson, 12 pp

Q ñ HB 3000, letter (non support), John Hoggard, 1 p