

HOUSE COMMITTEE ON HUMAN RESOURCES

April 29, 1999 Hearing Room E

1:00 PM Tapes 73 - 77

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

Rep. Jackie Winters

STAFF PRESENT: Janet L. Carlson, Administrator

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: HB 2718 Work Session

HB 3038 Work Session

HB 3039 Work Session

HB 3204 Work Session

HB 3246 Work Session

HB 3550 Work Session

HB 2267 Public Hearing and Work Session

HJR 53 Public Hearing and Work Session

HB 3093 Public Hearing and Work Session

HB 3031 Public Hearing and Work Session

HB 3261 Public Hearing

HB 2174 Public Hearing and Work Session

HB 3192 Public Hearing and Work Session**HB 3603 Public Hearing and Work Session****HB 3355 Work Session****HB 2690 Work Session****HB 2703 Public Hearing and 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 73, A		
006	Chair Kruse	Calls the meeting to order at 1:05 P.M and opens a work session on HB 2718.
<u>HB 2718 WORK SESSION</u>		
026	Janet Carlson	Committee Administrator, summarizes the bill.
034	Rep. Knopp	MOTION: Moves HB 2718 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Ways and Means by prior reference.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 4 - Lehman, Morrisette, Piercy, Taylor
140	Chair Kruse	The motion CARRIES.
143	Chair Kruse	Closes the work session on HB 2718 and opens a work session on HB 3038.
<u>HB 3038 WORK SESSION</u>		
045	Carlson	Summarizes the bill.

052	Dr. Gene Stubbs	Child Development Rehabilitation Center (CDRC), Oregon Health Sciences University (OHSU), testifies in support of HB 3038.
067	Rep. Knopp	MOTION: Moves HB 3038 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Ways and Means by prior reference.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Lehman, Piercy, Morrisette
072	Chair Kruse	The motion CARRIES.
074	Chair Kruse	Closes the work session on HB 3038 and opens a work session on HB 3039.
<u>HB 3039 WORK SESSION</u>		
076	Carlson	Summarizes the bill.
080	Rep. Knopp	MOTION: Moves HB 3039 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Ways and Means by prior reference.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Lehman, Piercy, Morrisette
085	Chair Kruse	The motion CARRIES.
088	Chair Kruse	Closes the work session on HB 3039 and opens a work session on HB 3204.
<u>HB 3204 WORK SESSION</u>		
089	Carlson	Summarizes the bill.

092	Chair Kruse	Comments that amendments are anticipated to join the bill in the Committee on Ways and Means.
095	Rep. Knopp	MOTION: Moves HB 3204 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Ways and Means by prior reference.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Piercy, Taylor
102	Chair Kruse	The motion CARRIES.
103	Chair Kruse	Closes the work session on HB 3204 and opens a public hearing on HB 3246.
<u>HB 3246 WORK SESSION</u>		
105	Carlson	Summarizes the bill.
111	Rep. Knopp	MOTION: Moves HB 3246 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Piercy, Taylor
118	Chair Kruse	The motion CARRIES.
		*NOTE: Staff submits 25-page packet of letters in support of HB 3246 (EXHIBIT A).
121	Chair Kruse	Closes the work session on HB 3246 and opens a work session on HB 3550.
<u>HB 3550 WORK SESSION</u>		

130	Carlson	Summarizes the bill and states that there is a conceptual amendment offered by Office of Medical Assistance Programs (OMAP) (EXHIBIT B), which deletes Sections 1(2) and 1(3) of the bill.
147	Rep. Knopp	MOTION: Moves to AMEND HB 3550, delete lines 9 through 21 of the bill.
		VOTE: 7-0 EXCUSED: 2 - Piercy, Taylor
149	Chair Kruse	Hearing no objection, declares the motion CARRIED.
150	Rep. Knopp	MOTION: Moves HB 3550 to the floor as amended WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Piercy, Taylor
157	Chair Kruse	The motion CARRIES.
160	Chair Kruse	Closes the work session on HB 3550 and opens a public hearing on HB 2267.
<u>HB 2267 PUBLIC HEARING</u>		
195	Carlson	Summarizes the bill.
200	Jeff Watkins	Oregon Society of Physician Assistants (OSPA), submits and presents written testimony in support of HB 2267 (EXHIBIT C). Introduces the ñ1 amendments dated 4/26/99 (EXHIBIT D).
240	Chair Kruse	Asks for the educational requirements of physician assistants.
244	Scott Beyer	President, OSPA, responds that physician assistants (PAs) require bachelor degrees. Explains that a growing amount of PAs require masters degrees. States that PAs have between two hundred to two thousand hours of medical experience. Discusses education programs for PAs. Adds that PAs must pass the

		National Board of Medical Examiners (BME) exam before registering with the state they wish to practice in.
274	Rep. Morrisette	Asks why the language being restored to the bill in the ñ1 amendments is important.
280	Beyer	Responds that this language acts as an additional safeguard.
295	Rep. Winters	Asks how physician assistant training differs from the training of a registered nurse.
299	Beyer	Responds that the training for PAs is significantly greater. Explains that PAs are trained in both diagnostic treatment and patient care.
316	Ed Patterson	<p>Oregon Association of Hospitals and Health Systems (OAHHS), testifies in opposition to HB 2267. Explains that the current system of registry and certification by the national board for PAs is sufficient. Discusses issues of concern:</p> <ul style="list-style-type: none"> • The public does not know the difference between a PA and a doctor. • An overconfidence exists in the educational experience of PAs. • Patients are not aware that they should go to the overseeing doctor if they are not satisfied with services from a PA.
360	Patterson	Discusses examples of individuals not understanding the differences between doctors and physician assistants, and how adding licensure to a PA's title will contribute to existing confusion.
408	Rep. Taylor	Relates her understanding that PAs have been licensed by BME since 1971.
412	Patterson	Responds that PAs have never been licensed according to statute.
424	Rep. Taylor	Comments that "licensure" is usually associated with state recognition of a profession's experience and scope of practice. States that this is reasonable. Asks for additional comments on Patterson's objection to the bill.
TAPE 74, A		
020	Patterson	Responds that one of the bill's intents is to create ease of reimbursement of insurance companies, and this can be done without creating licensure for PAs. Explains that physician assistants work under the license of a medical doctor. States that licensure is the highest level of regulation in Oregon. Maintains that PAs should have additional requirements attached to becoming licensed.
052	Rep. Taylor	Comments that dental hygienists are licensed and work under dentists. States that HB 2267 seems to be the same situation.

058	Patterson	Maintains that the public has been done a disservice because there is no structure for discernment among licensure, certification, or registration in the state.
062	Rep. Taylor	Asks if Patterson's objections are against structures of licensing boards in general or is he desiring that insurance reimbursements go through overseeing doctors. Asks Patterson to be more specific in his objection.
070	Patterson	Responds that HB 2267 is a prime example of the problems within the state's structure of certification and licensure.
072	Rep. Morrisette	Comments that written testimony from BME indicates that PA certification is equivalent to licensure. States that BME supports the bill.
080	Patterson	Responds that statute defines licensure as equivocal to practicing by license, certification, or registration. Explains that certification does not equate to practicing by licensure.
088	Rep. Winters	Asks for requirements for becoming a PA.
093	Beyer	Responds that individuals complete two years of school and then take the national BME exam. Explains that individuals then become registered with the state they wish to practice in. States that PA programs are nationally accredited programs.
128	Rep. Winters	Asks if PA programs are standardized throughout the country.
130	Beyer	Responds negatively. Explains that programs vary. States that when an individual appears before a state BME it becomes clear what the state standards are.
140	Rep. Winters	Asks about accredited programs in Oregon.
141	Beyer	Responds that there are two programs: <ul style="list-style-type: none"> • OHSU, Portland - - Bachelors program. • Pacific University, Forest Grove - - Masters program.
145	Rep. Krummel	Asks if abuses regarding PA scope of practice are enabled by unenforced statute.
176	Beyer	Responds that law requires that all PAs will wear a badge indicating their title. States that staff resumes are available to the public in his office. Concurs that the public is not as aware of differences between physician assistants and doctors. Reports that PAs are relatively new in the state of Oregon, and are more familiar and better accepted in the eastern portion of the country.

203	Patterson	Explains that doctors must know the capabilities and limits of the PA. Maintains that the public is ignorant of the difference between a "licensed" physician assistant and a "licensed" doctor. Opposes the inappropriate upgrade in status of PAs from certified to licensed.
229	Rep. Morrisette	Asks why a patient would see a PA over a doctor.
230	Patterson	Submits that patients within an HMO or a health plan are not aware that they will not be seeing a doctor.
240	Rep. Morrisette	Believes that doctors are too busy to see all their patients. Comments that PAs allow doctors to protect their "turf."
256	Rep. Winters	Asks if the issue at hand is in regard to insurance reimbursements.
266	Watkins	Responds that the confusion of "certification" is why insurance companies are delaying payments. Maintains that licensing PAs will expedite this situation.
269	Rep. Winters	Asks if there would be no issue if insurance companies promptly reimbursed certified PAs.
271	Beyer	Responds affirmatively. States that issues go farther than just the insurance issues.
285	Rep. Winters	Concurs with Patterson that licensure is the highest level of regulation. States that there may be a way to deal with the insurance issue without changing the regulatory status of PAs. Maintains that if PAs are interested in being licensed, there should be additional qualifications added to the process.
295	Chair Kruse	Closes the public hearing on HB 2267 and opens a work session on HB 2267.
<u>HB 2267 WORK SESSION</u>		
298	Rep. Lehman	MOTION: Moves to ADOPT HB 2267-1 amendments dated 4/26/99.
		VOTE: 8-0 EXCUSED: 1 - Piercy
306	Chair Kruse	Hearing no objection, declares the motion CARRIED.

308	Rep. Lehman	MOTION: Moves HB 2267 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
324	Chair Kruse	The motion CARRIES. MORRISETTE will lead discussion on the floor.
325	Chair Kruse	Closes the work session on HB 2267 and opens a public hearing on HJR 53.
<u>HJR 53 PUBLIC HEARING</u>		
330	Carlson	Summarizes the bill.
335	Rep. Vicki Walker	House District 41, testifies in support of HJR 53. Relates the story of her attempt at suicide when she was 17 years-old. Discusses the 1995 Governor's task force set up to look into the issue of teen suicide. Discusses the Youth Suicide Prevention Coordinator position and its involvement with community forums around the state. Reports that the 105 th Congress made suicide prevention a national priority.
385	Lisa Millet	Child Fatality and Injury Prevention Manager, Oregon Health Division, submits and presents written testimony in support of HJR 53 (EXHIBIT E).
TAPE 73, B		
002	Nancy Johnson	Parent Survivor of Teen Suicide, testifies in support of HJR 53 and submits written information regarding the Lifekeeper Memorial Quilt (EXHIBIT F). Informs the committee that her 14 year-old son, Christopher, committed suicide on September 16, 1997. Discusses issues and research relating to teens and suicide.
022	Linda Ludwig	Member, Governor's Task Force for Youth Suicide Prevention, testifies in support of HJR 53. States that raising awareness is the first step to prevention.
034	Chair Kruse	Closes the public hearing on HJR 53 and opens a work session on HJR 53.
<u>HJR 53 WORK SESSION</u>		

036	Rep. PIERCY:	MOTION: Moves HJR 53 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
041	Chair Kruse	The motion CARRIES. REP. WALKER will lead discussion on the floor.
043	Chair Kruse	Closes the work session on HJR 53 and opens a public hearing on HB 3093.
<u>HB 3093 PUBLIC HEARING</u>		
050	Carlson	Summarizes the bill.
054	Scott Beyer	President, OSPA, testifies in support of HB 3093. Explains that PAs are trained to work in rural areas and county health clinics. Discusses problems of getting medication to patients in areas that have minimal access to doctors and licensed pharmacists.
071	Jeff Watkins	OSPA, submits written testimony in support of HB 3093 (EXHIBIT G).
082	Tom Holt	Executive Director, Oregon State Pharmacists Association (OSPA), introduces conceptual amendment (EXHIBIT H).
090	Chair Kruse	Closes the public hearing on HB 3093 and opens a work session on HB 3093.
<u>HB 3093 WORK SESSION</u>		
092	Rep. Piercy	MOTION: Moves to AMEND HB 3093 on page 2, in line 2, delete "person or entity," and before "authorized," insert "licensed pharmacist, manufacturing drug outlet or wholesale drug outlet".
		VOTE: 8-0 EXCUSED: 1 - Lehman

104	Chair Kruse	Hearing no objection, declares the motion CARRIED .
105	Rep. Piercy	MOTION: Moves HB 3093 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Lehman
111	Chair Kruse	The motion CARRIES. REP. MORRISETTE will lead discussion on the floor.
114	Chair Kruse	Closes the work session on HB 3093 and opens a public hearing on HB 3031.
<u>HB 3031 PUBLIC HEARING</u>		
115	Carlson	Summarizes the bill.
121	Jane Myers	Oregon Dental Association, submits and presents written testimony in support of HB 3031 (EXHIBIT I). Introduces ñ1 amendments dated 4/26/99 changing the statute of limitation from 2 years to 5 years (EXHIBIT J). Discusses the need for time limits regarding investigations of past alleged complaints against licensees of the board.
157	Rep. Krummel	Asks why proposed time limit went from 2 years in the bill to 5 years in the amendment.
161	Myers	Responds that five years was better supported by board members and legislative members.
170	Rep. Krummel	Asks if language regarding "the date of discovery" was considered instead of language regarding "the date of conduct."
179	Myers	Responds affirmatively. States that it was decided that initiating investigations more than five years after the "date of conduct" was less specific and created additional concerns.
195	Kris Hudson	Public Member, Oregon Board of Dentistry (OBD), submits and presents written testimony in opposition to HB 3031 (EXHIBIT K).

229	Rep. Piercy	Asks what OBD considers a reasonable time limit for investigations.
230	Hudson	Responds that OBD feels that leaving the time limit open-ended is best.
238	Chair Kruse	Asks if OBD thinks it is strange that dentistry is the one profession without a statute of limitations compared to all other sections of law.
242	Hudson	Responds that OBD is silent in this area.
271	Rep. Piercy	Would like information on how other professional limitations compare with the profession of dentistry.
279	Rep. Taylor	Asks if dentists are required to keep their records forever.
280	Hudson	Responds negatively. States that the board requires that dentists keep records on patients for seven years from the last office visit.
286	Chair Kruse	Closes the public hearing on HB 3031 and opens a work session on HB 3031.
<u>HB 3031 WORK SESSION</u>		
291	Rep. Krummel	MOTION: Moves to ADOPT HB 3031-1 amendments dated 4/26/99.
		VOTE: 9-0
298	Chair Kruse	Hearing no objection, declares the motion CARRIED.
300	Rep. Krummel	MOTION: Moves HB 3031 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
312	Chair Kruse	The motion CARRIES. REP. LEHMAN will lead discussion on the floor.

315	Chair Kruse	Closes the work session on HB 3031 and opens a public hearing on HB 3261.
<u>HB 3261 PUBLIC HEARING</u>		
338	Carlson	Summarizes the bill.
350	Rep. Ryan Deckert	House District 8, testifies in support of HB 3261. Introduces panel of support.
363	David Streight	President-elect, Oregon School Psychologists Association (OSPA), submits and presents written testimony in support of HB 3261 (EXHIBIT L).
TAPE 74, B		
010	Streight	Continues by providing the committee with an example of a family that wanted him to see their daughter who was experiencing suicidal delusions in college. Explains that the daughter had been a student in the high school where he works. States that Oregon law would not allow him to continue working with the daughter after she had left high school.
035	Rep. Winters	Asks about licensing requirements of school psychologists.
040	Streight	Responds that school psychologists in Oregon are licensed by the Teacher Standards and Practices Commission (TSPC). Explains that some school psychologists are also licensed by the National Association of School Psychologists.
046	Rep. Winters	Asks if there is confusion among the public regarding the difference between clinical psychologists and school psychologists.
047	Streight	Responds that there is occasional confusion.
056	Rep. Winters	Asks for differences between the two professions.
057	Streight	Replies that training is the greatest difference. States that school psychologists are specifically trained to work with school-age children in a variety of mental health and educational needs. Explains that clinical psychologists have more extensive training and must work with a wider population and more severe disorders.
066	Rep. Close	Asks if school psychologists charge for services if they see clients outside of school hours, and if so, asks about liability issues.
073	Allen Jeppesen	School Psychologist, Reynolds School District, submits and presents written testimony in support of HB 3261 (EXHIBIT M). Responds to questions

		regarding liability by explaining that TSPC has oversight authority over school psychologists and the authority to pull licenses from school psychologists for "malpractice" both in the public and private sector.
090	Rep. Close	Asks if the school district would have been liable if questions had been raised regarding the situation described in EXHIBIT M, page 1.
094	Jeppesen	Responds negatively.
098	Rep. Close	Asks if Jeppesen charged for the time that he worked with the family and their son as described in EXHIBIT M.
099	Jeppesen	Replies that in this particular instance he did not charge.
100	Streight	States that ethical standards of OSPA and the National Association of School Psychologists (NASP) prohibit school psychologists from using any school materials or resources without prior written agreement from the school district. Maintains that the school district should not ever be held accountable for a school psychologist's private practice activities.
111	Rep. Krummel	Asks what a licensed social studies teacher must do to become a school psychologist.
115	Streight	Replies that a social studies teacher who wants to become licensed as a school psychologist will have to go back to school and enroll in an educational specialist degree program. Explains that this program is between a masters degree and a Ph.D. States that school psychologists in Oregon have at least a masters degree, most have a specialists degree, and some have a Ph.D.
125	Jeppesen	Discusses the rigorous practicums and three-year course work study of a school psychologist.
135	Rep. Krummel	Asks for specifics regarding why the bill is necessary.
145	Streight	Responds that school psychologists are the only mental health practitioners in Oregon that are not allowed to practice privately.
152	Rep. Krummel	Comments that school psychologists are not licensed by a board with mental health oversight authority outside of the school setting. Asks if this contributes to the problem.
165	Streight	<p>Responds that he has heard two objections to HB 3261:</p> <ul style="list-style-type: none"> • The use of school facilities - - school psychologists cannot use school resources. • The licensing agency's oversight authority - - people are not aware that

		<p>TSPC has authority to remove licensure from a school psychologist.</p> <p>Explains that the education and qualifications of a school psychologist have not been questioned as they are extensive and sufficient to work with school-age children.</p>
191	Rep. Lehman	Asks if the bill allows for school psychologists to practice privately without going through the process of becoming licensed by a board that oversees private practices.
199	Streight	Responds that school psychologists are able to practice within their lawful scope of practice, i.e. working with school children regarding minor mental health issues and behavior disorders.
205	Rep. Lehman	<p>Comments that he reads the statute to say that a licensed school psychologist will be free of all other restrictions imposed elsewhere to practice privately.</p> <p>Comments that although school psychologists are highly qualified to work with school-age children, HB 3261 will allow school psychologists to work privately with any population. Maintains that the bill releases school psychologists from outside oversight other than TSPC.</p>
217	Streight	Replies that the bill contains language restricting school psychologists to their "lawful scope of practice."
220	Rep. Lehman	Stands corrected. Asks if school psychologists are required to report abuse.
224	Streight	Responds affirmatively.
227	Rep. Lehman	Asks if clinical psychologists are required to report abuse.
228	Streight	Responds affirmatively.
232	Rep. Taylor	Comments that she is uncomfortable with allowing school psychologists to practice privately without additional oversight of private practice. Discusses her additional concerns that school psychologists are provided a "captive audience" as a result of working within a school district. Comments that training does not focus on private practice.
287	Streight	Responds that educational requirements for school psychologists are above adequate standards. States that there are other boards that oversee school psychologists, such as the National Board of Certified School Psychologists, of which he is a member.
320	Chair Kruse	Explains that because of the large number of concerns raised, the committee will not be moving the bill forward. Requests that additional testimony be presented for the record.

330	Don Liedel	School Psychologist, submits and highlight written testimony in support of HB 3261 (EXHIBIT N). Refers to EXHIBIT N, page 1, and discusses effects of SB 918(1995). States that telling a school psychologist that he or she cannot see clients in a private practice setting is like telling a teacher that he or she cannot tutor students after class time. Maintains that licensed school psychologists have the education and training that qualifies them to participate in private practice.
390	Rep. Piercy	Comments that the issues addressed in HB 3261 are worthy of additional investigation. Indicates her support for the intent of the bill and hopes that proponents won't be disheartened by the concerns being raised. States that the bill needs some continued work. Suggests that proponents bring these issues back to the 2001 legislative session.
414	Rep. Lehman	Concurs. Asks proponents to find a better vehicle for allowing school psychologists to practice privately.
425	Streight	Thanks Rep. Piercy and Rep. Lehman and states he will be contacting their offices for suggestions.
TAPE 75, A		
005	Jody Fischer	Oregon Psychological Association (OPA), submits and presents written testimony and information regarding education and scope of practice of school psychologists (EXHIBIT O). Testifies in opposition to HB 3261. State that school psychologists are exempt from provisions of the Board of Psychologist Examiners because they work in a school setting and are considered "supervised." Comments that TSPC should be asked if it is prepared to become a mental health licensing board. Maintains that school psychologists are licensed teachers with an "endorsement."
037	Dr. Scott Pengally	Licensed Clinical Psychologist, former Licensed School Psychologist, testifies in opposition to HB 3261. Explains that after he completed 90 hours of graduate work to become a licensed school psychologist, he went back to school and completed 1,500 hours of graduate work to become a clinical psychologist. States that he then prepared to pass the Oregon Board of Psychologist Examiners exam. Explains that preparing to pass the OBPE exam took two years of preparation and one year of residency. States that he was also required to pass the national written exam and board oral exams. Maintains that licensed clinical psychologists pass rigid ethics requirements on an annual basis. Discusses the "slippery slope" of distinguishing which minor mental health disorders will fall within the scope of practice for school psychologists in private practice.
072	Jim Green	Oregon School Board Association (OSBA), testifies in opposition to HB 3261. States that school psychologists play an important role within the school system. Explains that OSBA is concerned with possible liability issues surrounding the private practice of a school psychologist whose clients were initially contacted within the school setting.
092	Rep. Lehman	Comments that this same scenario is possible in the case of a school psychologist who is also a clinical psychologist and is seeing a child privately from the same school that he or she works in.

097	Green	Responds that a licensed clinical psychologists is required to carry malpractice insurance.
107	Chair Kruse	Closes the public hearing on HB 3261 and opens a public hearing on HB 2174.
<u>HB 2174 PUBLIC HEARING</u>		
113	Tom Johnson	Assistant Administrator, Oregon Health Division, submits and presents written testimony in support of HB 2174 and conceptual amendments (EXHIBIT P). Reports that the Oregon Lodging Association and the Oregon Special Districts Association are in support of the conceptual amendments. Explains that the amendments maintain the existing fee structure (which the state maintains is inadequate) and ability to work with counties regarding public safety inspections.
175	Rep. Morrisette	Asks if OHD is stating it will work with the counties and negotiate fee payments county by county.
180	Johnson	Responds that OHD will sit down and negotiate a prorated amount based on the number of pools in each county. States that there is not one set fee for all counties.
193	Rep. Morrisette	Asks what happens if a county cannot pay the prorated amount.
194	Johnson	Responds that the fee that is prorated has nothing to do with the licensure of pools. Explains that if an agreement regarding fees cannot be reached with the counties, there is a process for litigation that can be put into effect.
205	Rep. Winters	Asks if the "hospitality industry" agrees with the amendments.
208	Johnson	Responds affirmatively.
216	Rep. Taylor	Asks about the effect of HB 2174 to rural counties.
220	Johnson	Emphasizes that with the fee remaining the same, rural counties will continue to receive less regulatory attention.
230	Rep. Taylor	Discusses conversations she has had with constituents who operate pools. States that insurance companies are the institutions that kept pool managers in line.
250	Johnson	Concurs. States that OHD inspections conduct components of an inspection that insurance companies do not.
265	Linda Fleming	Oregon Coalition of Local Health Officials, submits and presents written testimony in support of HB 2174 (EXHIBIT Q).

308	Toby Harris	Oregon Coalition of Local Health Officials, concurs with the testimony of Fleming. States her concern that a two-tiered system will be put in place. Explains that high turnover in the industries operating pools requires continued education. Discusses health statistics regarding pools.
360	Rep. Piercy	Asks how removing the increase in fees will affect programs.
363	Fleming	Responds that county fee programs will not be affected.
370	Doug Brenner	Chair, State Swimming Pool Advisory Committee, submits and presents written testimony in support of HB 2174 (EXHIBIT R). Explains that millions of people use public swimming pools in Oregon and regulating these pools for public safety should be on a par with the food service industry. States his support of the original fee increase.
TAPE 76, A		
014	Rep. Knopp	Asks if it is likely that the 24 delegate counties will raise their fees.
019	Harris	Responds that counties currently have the ability to set their own fees and in some cases have higher fees than the state. Explains that counties must remit written justification and cost analysis to the state for their fee amounts.
038	Chair Kruse	Closes the public hearing on HB 2174 and opens a work session on HB 2174.
<u>HB 2174 WORK SESSION</u>		
039	Rep. Piercy	MOTION: Moves to AMEND HB 2174 on page 1, delete "language beginning with line 9 and ending on page 3, line 4." On page 3, in line 32, after "section," insert "the Oregon Lodging Association, the Special Districts Association, and the League of Oregon Cities shall be included in the discussions ".
		VOTE: 7-0 EXCUSED: 2 - Lehman, Morrisette
071	Chair Kruse	Hearing no objection, declares the motion CARRIED.
074	Rep. Piercy	MOTION: Moves HB 2174 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means by prior reference.

		VOTE: 6-1 AYE: 6 - Close, Krummel, Piercy, Taylor, Winters, Kruse NAY: 1 - Knopp EXCUSED: 2 - Lehman, Morrisette
081	Chair Kruse	The motion CARRIES.
084	Chair Kruse	Closes the work session on HB 2174 and opens a public hearing on HB 3192.
<u>HB 3192 PUBLIC HEARING</u>		
086	Carlson	Summarizes the bill.
100	Rep. Kitty Piercy	House District 39, submits and presents written testimony in support of HB 3192 (EXHIBIT S). Explains conceptual changes to the bill as referred to in her written testimony.
125	James Wheeler	Coalition of Oregon Adoption Agencies and Director, Columbia Adoption Services, submits and presents written testimony in support of HB 3192 and the conceptual changes (EXHIBIT T).
138	Rep. Winters	Asks if there is a fiscal impact on the bill.
140	Wheeler	Responds negatively.
141	Rep. Krummel	Asks for a definition of "putative father."
143	Wheeler	Clarifies that the putative father is the "alleged biological father" in the absence of a paternity test.
158	Kathy Ledesma	Program Manager, Adoptions and Permanency Unit, Services to Children and Families (SCF), submits and presents written testimony in regard to HB 3192 (EXHIBIT U). States that SCF supports the conceptual changes.
		* Staff submits written testimony in support of HB 3192 from Michael Balter, Executive Director, Boys and Girls Aid Society of Oregon (EXHIBIT V).
174	Chair Kruse	Closes the public hearing on HB 3192 and opens a work session on HB 3192.

HB 3192 WORK SESSION

176	Rep. Piercy	MOTION: Moves to AMEND HB 3192 delete "Sections 1-4, and 8 of the bill."
		VOTE: 5-0 EXCUSED: 4 - Knopp, Krummel, Lehman, Morrisette
208	Chair Kruse	Hearing no objection, declares the motion CARRIED.
213	Rep. Piercy	MOTION: Moves HB 3192 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: 3 - Knopp, Lehman, Morrisette
226	Chair Kruse	The motion CARRIES. REP. PIERCY will lead discussion on the floor.
		<u>NOTE:</u> See tape 75 B, 060. Rep. Knopp and Rep. Morrisette vote AYE under suspension of rules.
230	Chair Kruse	Closes the work session on HB 3192 and opens a public hearing on HB 3603.
<u>HB 3603 PUBLIC HEARING</u>		
240	David McGourty Ph.D.	Licensed Psychologist, submits and presents written testimony in support of HB 3603 (EXHIBIT W). Explains that the bill contains two features: <ul style="list-style-type: none">• Make sure specimen donor may obtain laboratory results of urine analysis.• Allow public employee to have independent test of split specimen.
308	Rep. Winters	Asks if the intent of the bill focuses on illegal or legal substances.
311	McGourty	Responds that the original language addressed all substances. Explains that

		amendments focused the bill on illegal substances.
321	Rep. Taylor	Asks if amendments exist.
324	McGourty	Responds that he has not seen amendments. States that the Health Division may propose some changes.
354	Mike Skeels	Director, State Public Laboratory, Oregon Health Division (OHD), submits and presents written testimony and proposed changes in regard to HB 3603 (EXHIBIT X).
365	Skeels	Refers to EXHIBIT X, page 2, and discusses possible problems in the bill and conceptual changes proposed to solve these problems.
454	Chair Kruse	Comments that he supports the concept of the bill and would like to pass it out of committee as "clean as possible."
TAPE 75, B		
018	Rep. Taylor	Asks if proposed changes proposed by OHD are supported by McGourty.
030	McGourty	Responds that Oregon Department of Transportation (ODOT) has worked out the dilemmas regarding split samples and has made it part of their regular on-site testing procedure. Comments that he is amenable to language that will stand the test of time.
040	Chair Kruse	Asks parties to step out and come up with compromise language for conceptual amendments. Comments that he will reopen a work session on HB 3603 if agreements are reached in a timely manner.
049	Chair Kruse	Closes the public hearing on HB 3603.
058	Chair Kruse	MOTION: Moves to SUSPEND the rules for the purpose of allowing Rep. Knopp and Rep. Morrisette to vote on HB 3192.
		VOTE: 8-0 EXCUSED: 1 - Lehman
060	Chair Kruse	Hearing no objection, declares the motion CARRIED.

060	Chair Kruse	Opens a work session on HB 3192.
<u>HB 3192 WORK SESSION</u>		
061		REP. KNOPP and REP. MORRISETTE are RECORDED as voting AYE on HB 3192.
064	Chair Kruse	Closes the work session on HB 3192 and opens a work session on HB 3355.
<u>HB 3355 WORK SESSION</u>		
080	Carlson	Summarizes the bill and introduces the ñ5 amendments dated 4/29/99 (EXHIBIT Y). Explains that the ñ5 amendments incorporate the ñ1, -3, and ñ4 amendments introduced in previous hearings on the bill.
123	Rep. Jo Anne Bowman	House District 19, testifies in opposition to HB 3355 and the ñ5 amendments. Explains that the Oregon Health Plan (OHP) is available to the working poor who do not have extra finances to spend on additional health care fees. Maintains that HB 3355 will add burdens to a hard working population of Oregon.
168	Rep. Krummel	Asks if a scale of co-payments ranging from fifty cents to three dollars will act as a barrier to people seeking medical attention.
177	Rep. Bowman	Responds affirmatively. Explains that OHP clients are minimum wage recipients, working hard to make ends meet.
201	Rep. Krummel	Asks what happens when an individual, who is making just over minimum wage, is offered health care through their work that requires a co-payment.
219	Rep. Bowman	Responds that this kind of health care only covers the worker. Explains that dependents are an additional cost which many families cannot afford, causing children to have no health care coverage. Discusses how OHP is a creative solution to this dilemma.
252	Rep. Morrisette	Asks if Bowman is aware that many OHP clients pay premiums.
259	Rep. Bowman	Responds affirmatively. States that this is an issue that she is taking personally.
283	Rep. Close	MOTION: Moves to ADOPT HB 3355-5 amendments dated 4/29/99.
285	Rep. Piercy	Comments that she opposes the bill and believes that the intent of the bill runs counter productive to other legislation intending to help the working poor in Oregon. Believes that the bill will be expensive to implement.

293	Rep. Taylor	Comments that HB 3355 will not only act as a barrier to health care for poor people, but it is a burden to the state agency and a burden to providers. States that the bill is not practical.
308	Rep. Morrisette	Concurs with Rep. Piercy and Rep. Taylor. States that premiums are being paid by most OHP clients and co-payments are an additional burden.
321	Rep. Winters	Comments that she will provide a courtesy vote.
		VOTE: 5-3 AYE: 5 - Close, Knopp, Krummel, Winters, Kruse NAY: 3 - Morrisette, Piercy, Taylor EXCUSED: 1 - Lehman
328	Chair Kruse	The motion CARRIES.
331	Rep. Close	MOTION: Moves HB 3355 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-4 AYE: 5 - Close, Knopp, Krummel, Winters, Kruse NAY: 4 - Lehman, Morrisette, Piercy, Taylor
346	Chair Kruse	The motion CARRIES. REP. KRUSE will lead discussion on the floor.
348	Rep. Lehman	Serves notice of possible minority report.
348	Rep. Taylor	Joins Rep. Lehman and serves notice of possible minority report.
352	Chair Kruse	Closes the work session on HB 3355 and opens a work session on HB 3603.
<u>HB 3603 WORK SESSION</u>		

362	Tom Holt	Oregon State Pharmacist Association, discusses conceptual amendments regarding controlled substances.
384	Audrene Horton	Oregon Health Division, submits and explains written conceptual amendments (EXHIBIT Z).
TAPE 76, B		
032	McGourty	States his support of the conceptual amendments.
042	Rep. Piercy	MOTION: Moves to AMEND HB 3603, sections 1 and 2, as fully disclosed in EXHIBIT Z.
		VOTE: 7-0 EXCUSED: 2 - Close, Knopp
046	Chair Kruse	Hearing no objection, declares the motion CARRIED.
048	Rep. Piercy	MOTION: Moves HB 3603 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 - Close, Knopp
055	Chair Kruse	The motion CARRIES. REP. LEHMAN will lead discussion on the floor.
057	Chair Kruse	Closes the work session on HB 3603 and opens a work session on HB 2690.
<u>HB 2690 WORK SESSION</u>		
060	Carlson	Summarizes the bill.
075	Tom Holt	Executive Director, Oregon State Pharmacists Association, testifies in support of

		HB 2690 and introduces provisions of the ñ8 amendments dated 4/29/99 (EXHIBIT AA).
137	Rep. Taylor	Refers to HB 2690-8, page 3, (c), and asks why language was changed from "under the direction of a physician" to "within a health care facility."
141	Holt	Responds that the bill was originally intended to allow pharmacists who work in a hospital to administer medication. Explains that this language narrows that intent.
149	Rep. Taylor	Asks if this language change would limit a community pharmacist to administer medications intravenously.
156	Holt	Responds that the provision on page 3, subsection (c), is only intended for pharmacists within a hospital facility.
167	Rep. Taylor	Comments that medical emergencies occur in community pharmacies.
170	Holt	Concurs. Believes that if a medical emergency occurs in a community pharmacy, bystanders will take emergency measures and call 9-1-1. Maintains that page 3, subsection (c), is only referring to pharmacists within hospital settings.
180	Rep. Krummel	Asks if the ñ8 amendments replace the bill.
189	Holt	Responds negatively. Explains that the ñ8 amendments replace section 3 of HB 2690.
190	Rep. Krummel	Refers to HB 2690-8, page 3, subsection (c), and asks if this is necessary since a medical emergency within a health care facility is handled by doctors and nursing staff. Comments that pharmacists are usually used as consultants for drug interactions and drug effects.
214	Holt	Responds that pharmacists in the Providence Health System have requested that subsection (c) remain in the bill.
224	William Comer	Pharmacist, Coram Health Care, states that pharmacists involved with emergency response are more than just a resource for drug interaction information. Explains that pharmacists are very qualified at calculations and are CPR certified. Discusses "code teams" involving pharmacists since 1974. Explains that using certified "code team" pharmacists frees up nursing staff.
289	Rep. Krummel	Comments that pharmacists deal with many activities and responsibilities during a regular day and asks when a pharmacist would make use of HB 2690.
302	Comer	Responds that communities have immunization days at local pharmacies or make

		flu shots available to senior citizens. Comments that HB 2690 can be implemented in many ways including by appointment if the pharmacist is busy or all immunizations are given only in the morning.
330	Rep. Krummel	Asks about health screening and patient medical history.
333	Holt	Responds that the 8 amendments require rules that pharmacists establish protocols. Maintains that the largest demand for pharmacists intravenously administering medication is in the hospital and in-home care settings.
353	Comer	Discusses requirements that pharmacists have medical histories on clients.
367	Rep. Piercy	Refers to page 2, section 3, and the use of the word "may" which does not seem to be restrictive of drug administration in a community pharmacy, but is restrictive for a pharmacist in a hospital setting.
370	Holt	The intent is to restrict drug administration to "an emergency in a health care facility, under the supervision of a doctor."
390	Rep. Piercy	Asks for further clarification.
425	Holt	Responds that community pharmacists may still dispense medication in an emergency, not administer medication.
435	Rep. Close	MOTION: Moves to ADOPT HB 2690-8 amendments dated 4/29/99.
		VOTE: 8-0 EXCUSED: 1 - Morrisette
437	Chair Kruse	Hearing no objection, declares the motion CARRIED.
440	Rep. Close	MOTION: Moves HB 2690 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 8-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Morrisette

452	Chair Kruse	<p>The motion CARRIES.</p> <p>REP.WINTERS will lead discussion on the floor.</p>
457	Chair Kruse	Closes the work session on HB 2690 and opens a public hearing on HB 2703.
TAPE 77, A		
<u>HB 2703 PUBLIC HEARING</u>		
017	Carlson	Summarizes the bill.
024	Stephen Kafoury	Oregon Physical Therapy Association, testifies in support of HB 2703 and the ñ1 amendments dated 4/8/99 (EXHIBIT BB). Discusses situations of licensed physical therapists, who have violated practice standards or laws in other states, getting licenses to practice in Oregon. Explains that there is no current law to restrict this practice and HB 2703 seeks to remedy this. Discusses disciplinary action in the ñ1 amendments and states that the bill as amended brings the Physical Therapy Board into compliance with other boards.
067	Chair Kruse	Closes the public hearing on HB 2703 and opens a work session on HB 2703.
<u>HB 2703 WORK SESSION</u>		
068	Rep. Piercy	MOTION: Moves to ADOPT HB 2703-1 amendments dated 4/8/99.
		VOTE: 9-0
070	Chair Kruse	Hearing no objection, declares the motion CARRIED .
071	Rep. Piercy	MOTION: Moves HB 2703 to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 9-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p>
080	Chair Kruse	The motion CARRIES .

		REP. KNOPP will lead discussion on the floor.
082	Chair Kruse	Closes the work session on HB 2703 and adjourns the meeting at 4:50 P.M.

Submitted By, Reviewed By,

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

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EXHIBIT SUMMARY

A ñ HB 3246, packet of written letters in support, Staff, 25 pp.

B ñ HB 3550 conceptual amendments, OMAP, 1 p.

C ñ HB 2267, written testimony, Jeff Watkins, 5 pp.

D ñ HB 2267-1 amendments dated 4/26/99, Jeff Watkins, 1.

E ñ HJR 53, written testimony, Lisa Millet, 2 pp.

F ñ HJR 53, written testimony, Nancy Johnson, 1 p.

G ñ HB 3093, written testimony, Jeff Watkins, 3 pp.

H ñ HB 3093, written testimony, Tom Holt, 1 p.

I ñ HB 3031, written testimony, Jane Myers, 2 pp.

J ñ HB 3031-1 amendments dated 4/26/99, Jane Myers, 1 p.

K ñ HB 3031, written testimony, Kris Hudson, 1 p.

L ñ HB 3261, written testimony, David Streight, 3 pp.

M- HB 3261, written testimony, Allen Jeppesen, 2 pp.

N ñ HB 3261, written testimony, Don Liedel, 10 pp.

O ñ HB 3261, written testimony, Jody Fischer, 6 pp.

P ñ HB 2174, written testimony, Tom Johnson, 12 pp.

Q ñ HB 2174, written testimony, Linda Fleming, 1 p.

R ñ HB 2174, written testimony, Doug Brenner, 2 pp.

S ñ HB 3192, written testimony, Rep. Kitty Piercy, 1 p.

T ñ HB 3192, written testimony, James Wheeler, 1 p.

U ñ HB 3192, written testimony, Kathy Ledesma, 2 pp.

V ñ HB 3192, written testimony from Boys and Girls Aid Society, staff, 2 pp.

W ñ HB 3603, written testimony, David McGourty, 1 p.

X ñ HB 3603, written testimony, Mike Skeels, 2 pp.

Y ñ HB 3355-5 amendments dated 4/29/99, staff, 5 pp.

Z ñ HB 3603 conceptual amendments, Oregon Health Division, 1 p.

AA ñ HB 2690-8 amendments dated 4/29/99, Tom Holt, 3 pp.

BB ñ HB 2703-1 amendments dated 4/8/99, Stephen Kafoury, 1 p.