

HOUSE COMMITTEE ON HUMAN RESOURCES

April 08, 1999 Hearing Room E

1:00 PM Tapes 56 - 57

MEMBERS PRESENT: Rep. Jeff Kruse, Chair

Rep. Kitty Piercy, Vice-Chair

Rep. Betsy Close-Vice-Chair

Rep. Tim Knopp

Rep. Jerry Krummel

Rep. Bill Morrisette

Rep. Jackie Taylor

Rep. Jackie Winters

MEMBER ABSENT: Rep. Mike Lehman

STAFF PRESENT: Janet L. Carlson, Administrator

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: HB 2172 Work Session

HB 2115 Public Hearing and Work Session

HB 2704 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 56, A

006	Chair Kruse	Calls the meeting to order at 1:45 P.M. Reminds the committee that they have received agendas and invitations regarding events scheduled for Monday, April 12, and Tuesday, April 13, 1999. Explains that the "School of the 21 st Century" will be the central topic of discussion.
020	Chair Kruse	Opens a public hearing on HB 2704.
<u>HB 2704 PUBLIC HEARING</u>		
023	Rep. Jerry Krummel	House District 27, testifies in support of HB 2704. Explains that amendments are being drafted that will significantly adjust the original bill. States that currently, Oregon has a voluntary registration for athletic trainers and HB 2704 seeks to make registration mandatory. States that he has worked in the area of athletic training for a number of years. Explains that HB 2704 is intended to protect the public from persons who claim to have knowledge of athletic medicine but are not knowledgeable enough to practice safely.
043	Chair Kruse	Closes the public hearing on HB 2704 and opens a work session on HB 2172.
<u>HB 2172 WORK SESSION</u>		
048	Janet Carlson	Committee Administrator, summarizes the bill and discusses issues that were raised in the two previous hearings 2/18/99 and 3/18/99. Explains effects of the ñ3 amendments dated 4/6/99 (EXHIBIT A) and ñ4 amendments dated 4/6/99 (EXHIBIT B). Notes that the ñ4 amendments, provided to the committee, have been conceptually amended. Explains that lines 6-12 of the ñ4 amendments are to be removed and replaced with the ñ3 amendments.
095	Rep. Close	MOTION: Moves to ADOPT HB 2172-3 amendments dated 04/06/99.
101	Rep. Taylor	Asks for a moment to read through the amendments and familiarize herself with them.
109	Chair Kruse	Stands the committee at ease at 1:45 P.M.
114	Chair Kruse	Re-convenes the meeting at 1:50 P.M.
115		VOTE: 6-0 EXCUSED: 3 - Piercy, Krummel ABSENT: 1 - Lehman

116	Chair Kruse	Hearing no objection, declares the motion CARRIED.
117	Rep. Close	MOTION: Moves to ADOPT HB 2172-4 amendments dated 04/06/99.
120	Rep. Morrisette	Asks for the impact of section 7 of the ñ4 amendments regarding "full disclosure" of death records.
128	Charles Stern	Yamhill County Clerk, explains that when a decedent owned land at the time of death, the death certificate is recorded in the deed records. States that the counties have found it necessary to keep deed records open for individuals involved in land research.
142	Rep. Morrisette	Asks if the death certificate, filed with the deed record, shows cause of death.
144	Stern	Responds affirmatively. Explains that older death certificates show cause of death. Understands that the vital records office is providing a "fact of death" certificate to be used by counties.
157	Rep. Morrisette	Asks if the future practice of recording death certificates in deed records will list cause of death.
158	Stern	Responds that the county will file which ever certificate it receives whether it is a full disclosure death certificate or a fact of death certificate.
167	Edward Johnson	State Registrar, Vital Records, Oregon Health Division, explains that cause of death may or may not be listed in deed records.
177	Rep. Close	Asks how the committee should be combining the ñ3 amendments into the ñ4 amendments.
180	Chair Kruse	States that the committee will seek the advice of Ramona Kenady, Chief Clerk of the House, regarding proper motion procedures.
182	Chair Kruse	Asks if there is more discussion required regarding the ñ4 amendments.
		VOTE: 6-0 EXCUSED: 3 - Piercy, Krummel ABSENT: 1 - Lehman
184	Chair Kruse	Hearing no objection, declares the motion CARRIED.

185	Chair Kruse	Puts the committee at ease at 1:55 P.M. Re-convenes the meeting at 2:00 P.M.
186	Rep. Close	MOTION: Moves to CONCEPTUALLY AMEND HB 2172 on page 3, by reinserting "lines 13 and 14 of original bill".
		VOTE: 6-0 EXCUSED: 3 - Piercy, Krummel ABSENT: 1 - Lehman
205	Chair Kruse	Hearing no objection, declares the motion CARRIED.
209	Rep. Close	MOTION: Moves HB 2172 to the floor with a DO PASS AS AMENDED recommendation.
217	Rep. Morrisette	Comments that discussions regarding "right to privacy" and "right to information" were very informative and encourages members to keep in mind the importance of these issues.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 3 - Piercy, Krummel, Lehman NOTE: See tape 57, B, 115. Rep. Piercy votes AYE after HB 2172 work session is reopened by Chair Kruse.
		Chair Kruse The motion CARRIES. CLOSE will lead discussion on the floor.
230	Chair Kruse	Closes the work session on HB 2172 and opens a pubic hearing on HB 2115.
<u>HB 2115 PUBIC HEARING</u>		
244	Carlson	Summarizes the bill.
248	Carol Fleming	Administrator, Board of Licensed Professional Counselors and Therapists, submits and presents written testimony in support of HB 2115 (EXHIBIT C).

		States that HB 2115 proposes to change existing licensing law and three related statutes in an effort to clarify the obligations of mental health providers.
272	Fleming	Refers to EXHIBIT C, Page 2, and walks the committee through each section of HB 2115. Begins with section 1 of the bill.
287	Fleming	Begins her summary of section 2 of the bill as stated in EXHIBIT C, page 2.
315	Fleming	Begins her summary of section 3 of the bill as stated in EXHIBIT C, page 2.
355	Fleming	Begins her summary of section 4 of the bill as stated in EXHIBIT C, page 2.
380	Fleming	Refers to EXHIBIT C, page 3, and summarizes section 5 of the bill.
402	Fleming	Begins summary of sections 6, 7, and 8 of the bill as stated in EXHIBIT C, page 3.
TAPE 57, A		
002	Fleming	Continues by referring to EXHIBIT C, page 3, and explains sections 9 and 10 of HB 2115.
013	Fleming	Begins her summary of section 11 of the bill and explains that this provision was a requirement of legislative counsel.
030	Fleming	Refers to EXHIBIT C, page 1, and explains reasons for proposed amendments, which are attached to EXHIBIT C, page 4. States that the Oregon Mental Health Alliance, the Oregon Psychological Association, and the Board of Licensed Professional Counselors and Therapists all support these amendments.
052	Rep. Knopp	Refers to section 6 of the bill and asks for further clarification of its purpose.
058	Fleming	States that HB 2115, section 6, would amend ORS 109.675 which allows minors to see mental health professionals without initial parental consent. Explains that the board felt that Licensed Professional Counselors and Marriage and Family Therapists were qualified to diagnose and treat minors. Explains that HB 2115 would add Licensed Professional Counselors and Licensed Marriage and Family Therapists to the list of professionals who may lawfully treat and diagnose minors. Explains that the conceptual amendment, EXHIBIT C, page 4, will delete section 6. States that this change came after objections to section 6 were heard from psychologists and their association.
076	Chair Kruse	Asks if the conceptual amendments offered in EXHIBIT C are the only amendments the board is asking the committee to consider.

080	Fleming	Responds affirmatively.
082	Chair Kruse	States that the committee will not consider the ñ1 amendments dated 4/7/99 or the ñ2 amendments dated 4/7/99.
083	Rep. Knopp	Asks if there will be any mandates regarding third party insurance.
087	Fleming	Responds that the board has no intention of introducing any legislation regarding "vendorship."
097	Norene Goplen	Director of Advocacy for Lutheran Family Services of Oregon (LFS), submits and presents written testimony in support of HB 2115 on behalf of Bruce Strade, Executive Director, Lutheran Family Services (EXHIBIT D).
155	Goplen	Continues by referring to EXHIBIT D, page 2, and states that LFS supports the inclusion of licensed professional counselors and marriage and family therapists into ORS 109.675.
170	Rep. Taylor	Asks for a definition of DSM.
172	Goplen	Replies that DSM is an evaluation term for diagnosing mental conditions. States that she is not a counselor and is not sure of the exact meaning of the acronym.
185	Glenn Maynard	President-elect, Oregon Mental Health Counselors Association, Counselor Education Faculty, Portland State University (PSU), submits and presents written testimony in support of HB 2115 (EXHIBIT E). Discusses the competency of Licensed Professional Counselors to provide mental health services to the citizens of Oregon. Explains the responsibilities and working relationships that incorporate this profession.
230	Maynard	Continues by referring to EXHIBIT E, page 2, and explains where services of Licensed Professional Counselors can be accessed.
250	Maynard	Continues by referring to EXHIBIT E, page 3, and states that the practice of not notifying parents of a minor's treatment is rare, but in some cases it is necessary.
269	Rep. Winters	Asks how Licensed Professional Counselors treat youth, who are addicted to methamphetamine.
258	Maynard	<p>Responds that drug treatment depends on a variety of issues. Explains generic treatment action:</p> <ul style="list-style-type: none"> • Provide an assessment.-- extent of problem, substances being used, consequences of drug use for adolescent. • Develop a treatment plan ñ based on assessment, choosing a treatment level. • Bring the family into the process.

		<p>Explains four levels of treatment:</p> <ol style="list-style-type: none"> 1. Outpatient treatment 2. Structured outpatient program 3. Residential treatment 4. Medical inpatient treatment
300	Rep. Winters	Comments that her question comes from her understanding that methamphetamine use is the most predominant and fastest growing "drug of choice" for American youth.
310	Maynard	Concurs that methamphetamine use is devastating in its effects on young people. Reports that studies of drug use in Oregon indicate that the most frequently used substances among teens are alcohol and marijuana.
330	Gordon Lindbloom Ph.D.	Department Chair, Counseling Psychology, Lewis and Clark College, submits and presents written testimony in support of HB 2115 (EXHIBIT F). States that in the last 20 years, all mental health professions have had an exponential growth of knowledge. Explains that a student who receives a masters degree in psychology in 1999 has far more technical knowledge than the student who received a masters degree in 1975.
400	Lindbloom	Explains that Licensed Professional Counselors and Licensed Marriage and Family Counselors are being educated to diagnose and treat a wide variety of mental disorders. States that the length of training, specifically focused on diagnosis and treatment, extends over a four year period of time. Discusses the diversity of expertise within the mental health field and the responsibility required of professionals to know and understand their limits.
TAPE 56, B		
010	Lindbloom	Refers to EXHIBIT F, page 2, and discusses the changes in language used by the mental health profession. States that using outdated language to distinguish the competence of one professional group over another is artificial and creates false assumptions. Maintains that HB 2115 will help the board regulate, evaluate, and supervise 1,300 practicing mental health workers in Oregon.
068	Rep. Winters	Asks about the academic requirements of a Licensed Family Counselor.
075	Lindbloom	Responds that he is not certain of credit requirements and supervised practice time needed to become a family counselor. Explains that this field requires a minimal four year degree.
085	Winters	Asks if a Licensed Professional Counselor and a Licensed Family Therapist would be able to diagnose and treat a self-medicating bipolar individual.
090	Lindbloom	Responds that these professions must be able to recognize this disorder. States that mental health professionals will also consult with colleagues who have specific areas of expertise.

100	Kathleen Walsh	President, Oregon Mental Health Counselors Alliance (OMHC), submits and presents written testimony (EXHIBIT G). States that regarding ORS 109.675, Licensed Professional Counselors and Marriage and Family Counselors are vulnerable to lawsuits and need the protection of HB 2115, page 5, section 6.
140	Rep. Morrisette	Asks who counselors report to, regarding abuse issues of a minor.
144	Walsh	Responds that reporting laws state that if a mental health professional becomes aware that a minor or elderly individual is being emotionally, physically, or sexually abused, they must report this to the protective services division. Explains that the state conducts investigations.
160	Walsh	Respectfully submits to the committee that it is not true that including Licensed Professional Counselors and Marriage and Family Counselors in ORS 109.675 would be an "intrusion," as alluded to by the Psychologists Association.
170	Walsh	Explains that EXHIBIT G contains diagnosis and mental disorders curriculum information from Lewis and Clark College and a copy of the psychologists practice act. States that scope of practice for Licensed Professional Counselors and Marriage and Family Counselors is not only written in statute. Notes that her testimony includes a letter of support from Terri Jo Christenson, Ph.D., LDC.
215	Walsh	Discusses the inconsistencies that exist for Licensed Professional Counselors and Marriage and Family Counselors if they cannot diagnose and treat mental and emotional disorders. States that these professions work with clients who are taking medication. Asks the committee to consider the importance of including these two mental health professions in ORS 109.675.
232	Rep. Taylor	Appreciates the testimony that has been brought before the committee and explains that the problem for legislators is recognizing that, although all mental health providers make unique and valuable contributions, they are represented by numerous associations. Asks if there are attempts to bridge the gaps between associations, so that mental health professionals might present a single front to the legislature.
262	Walsh	Responds that because education is varied and scope of practice differs, there is no one organization that brings together the field of mental health.
278	Robbie Moller	Licensed Professional Counselor, testifies in support of HB 2115 and comments that mental health professionals do come together because they sit in the same training rooms, receiving the same continuing education.
284	Rep. Knopp	Comments that he is still concerned about the issue regarding third party insurance and asks if the issue can be considered closed as to whether amendments, regarding third party insurance, will show up in the Senate committee.
298	Walsh	States that the OMHC has no intention of pursuing any legislation regarding third party insurance. Explains that OMHC is mainly concerned that Licensed

		Professional Counselors and Marriage and Family Counselors don't have legal clarity regarding contact with minors ages 14-18 years.
319	Moller	Comments that when a child approaches a Licensed Professional Therapist, that therapist may be the only individual the child trusts.
343	Walsh	Reminds the committee that the Licensing Board concurs that Licensed Professional Counselors and Marriage and Family Counselors are qualified to diagnose and treat clients. States that the board advocates for the safety of the public.
357	Pamela Lyons-Nelson	Nationally Certified Counselor, submits testimony in support of HB 2115. Discusses how the field and training have changed for licensed counselors in the last twenty-five years and how important it is to recognize the extended scope of practice undertaken by licensed counselors.
395	Carol Carver	Licensed Psychologist, Oregon Psychological Association, testifies in support of HB 2115 as conceptually amended. States that the 1989 counselor licensing bill was drafted because Licensed Professional Counselors and Marriage and Family Counselors with masters degrees did not want to be licensed at the masters level with existing statute. Expresses frustration that the Licensed Professional Counselors have now decided that they want what they have declined in the past.
TAPE 57, B		
020	Carver	States that "diagnosis" is not the same as "appraisal." Explains that the term "diagnosis" is a medical model process and requires more than 3/4 hours of training in appraisal, which is what is required by the Licensed Professional Counselors statute. Discusses "differential diagnosis" and the components of properly diagnosing a patient.
055	Carver	Explains that "appraisal" includes the determination of career interests and vocational aptitudes of clients, assessing relationship functioning, progress in rehabilitation, and assessing parenting skills.
075	Carver	Discusses treatment. Explains that the field of psychology has been based on research of "effective treatment." Statute does not require Licensed Professional Counselors to have the kind of training it takes to effectively treat mental and emotional disorders. States that adolescents don't always like the professionals that they are sent to; however, this does not mean that children should not be referred to therapy.
110	Chair Kruse	Closes the public hearing on HB 2115 and opens a work session on HB 2172 for the purpose of allowing Rep. Piercy to vote.
<u>HB 2172 WORK SESSION</u>		
115		Rep. Piercy is RECORDED as voting AYE on HB 2172.

116	Chair Kruse	Closes the work session on HB 2172 and opens a work session on HB 2115.
<u>HB 2115 WORK SESSION</u>		
120	Rep. Kruse	MOTION: Moves to SUSPEND the rules for the purpose of adopting conceptual amendments.
		VOTE: 7-0 EXCUSED: 2 - Krummel, Lehman
121	Chair Kruse	Hearing no objection, declares the motion CARRIED.
123	Rep. Piercy	MOTION: Moves to CONCEPTUALLY AMEND HB 2115 on page 1, delete line 19 and insert "and record keeping activities, including documentation of counseling treatment or therapeutic services" and on page 2, delete lines 6 and 7, and insert "(e) Record keeping activities, including documentation of counseling treatment or therapeutic services", on page 5, delete lines 25 through 45, on page 6, delete lines 1 through 18 and in line 19, delete "9" and insert "6", on page 7, line 9, delete "10" and insert "7", on page 8, line 9, delete "11" and insert "8".
		VOTE: 7-0 EXCUSED: 2 - Krummel ABSENT: 1 - Lehman
126	Chair Kruse	Hearing no objection, declares the motion CARRIED.
128	Rep. Piercy	MOTION: Moves HB 2115 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 - Krummel ABSENT: 1 - Lehman
168	Chair Kruse	The motion CARRIES.

		KRUSE will lead discussion on the floor.
169		Staff submits written testimony in opposition to HB 2115, as originally written, from Scott Pengelly, Ph.D. (EXHIBIT H).

170 Chair Kruse Closes the work session on HB 2115 and adjourns the meeting at 3:20 P.M.

Submitted By, Reviewed By,

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

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EXHIBIT SUMMARY

- A ñ HB 2172-3 amendments dated 4/6/99, staff, 1 p.**
- B ñ HB 2172-4 amendments dated 4/6/99, staff, 1 p.**
- C ñ HB 2115, written testimony in support w/conceptual amends, Carol Fleming, 4 pp.**
- D ñ HB 2115, written testimony in support, Norene Goplen, 2 pp.**

E ñ HB 2115, written testimony in support, Glenn Maynard, 3 pp.

F ñ HB 2115, written testimony in support, Gordon Lindbloom, 2 pp.

G ñ HB 2115, written testimony in support, Katherine Walsh, 10 pp.

H ñ HB 2115, written testimony in opposition, by staff for Scott Pengelly, 2 pp.