

HOUSE COMMITTEE ON HUMAN RESOURCES

May 13, 1999 Hearing Room E

1:00 PM Tapes 88 - 89

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: SB 407 Public Hearing and Work Session

SB 579 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 88, A		

005	Chair Kruse	Calls the meeting to order at 1:37 P.M. and opens a public hearing on SB 407.
<u>SB 407 PUBLIC HEARING</u>		
018	Carolyn Graf	<p>Manager, Transitional Resource Unit, Services to Children and Families (SCF), submits and presents written testimony in support of SB 407 (EXHIBIT A). Explains that the bill proposes to make the names and addresses of foster care parents confidential. States two reasons why the bill is important:</p> <ul style="list-style-type: none"> • Safety of SCF children. • Safety of foster families.
039	Kathryn Conklin	Clatsop County, Foster Care Parent, submits and presents written testimony in support of SB 407 (EXHIBIT B). Discusses situations of destructive harassment against her family at the hands of the biological parents of the two small children she cares for. States that the children came from an extremely abusive and violent family.
057	Rep. Knopp	Asks how long Conklin has been a foster parent.
058	Conklin	Responds that she has been a foster parent for over twenty years.
059	Rep. Knopp	Asks if there has been an increase in harassment against foster care providers.
062	Conklin	Responds affirmatively. States that, in the last few years, the children she has worked with are coming from homes that have more abuse issues and more drug and alcohol problems.
065	Rep. Winters	Asks how foster parent information is currently accessed.
067	Graf	Responds that information can be disclosed through public records. Explains that foster parents can only keep their names confidential if they submit specific written requests stating a safety risk.
076	Rep. Winters	Asks how foster parents are involved in the reunification of children with their biological or adoptive parents.
084	Graf	Responds that foster parents participate in family unity meetings as well as visitation.
091	Rep. Taylor	Comments on a statistic that states that Clatsop County is second highest in the state for child abuse. Asks Conklin if she would have refused to provide her name to the court system if she had it to do over again.

099	Conklin	Responds affirmatively.
100	Rep. Taylor	Asks if there are ways of protecting foster parents from disclosing their personal information in legal hearings.
104	Graf	Responds that she is not sure of this answer.
108	Rep. Lehman	Asks if SB 407 protects foster parents from disclosing their personal information in the court system or to a judge or attorney.
113	Conklin	Responds that she is not sure of the extent that SB 407 protects her in court. States that next time, she will request that her personal information be written down for the judge and not be read into the record.
119	Richard Mackley	Foster Parent, Lane County, submits and presents written testimony in support of SB 407 (EXHIBIT C). States that he and his wife have been foster parents for 5 years. Discusses their unnerving experiences with the biological mother of their foster children. Explains that his family had to move to get away from the children's mother. Respectfully asks the committee to support SB 407.
146	Rep. Close	Commends the foster parents for the valuable contribution that they have made to the families of Oregon. Comments that she can understand how frightening it might be for parents who lose their children and can't find them. Asks if this bill will take away the rights of the biological parents.
154	Mackley	Responds that he and his wife have chosen to give their information to the father of a child they are currently caring for. Explains that the child's father is doing what it takes to become stable and create a relationship with his child. States that foster parents should be able to make the choice if they want to give out their information to parents who show they are safe and sincere.
168	Rep. Winters	Asks if the Foster Parents Association will have access to information, and if so, will they will be asked to keep the information confidential.
174	Graf	Responds that the Foster Parents Association will continue to be supported in their efforts to support foster families.
187	Debbie Moffet	Foster Parent, Albany, OR, submits and presents letter in support of SB 407 (EXHIBIT D).
240	Linda Terrill	Foster Parent, Amity, OR, Representative, Oregon Foster Parent Western Region (FPWR), testifies in support of SB 407. States that FPWR strongly supports SB 407. Explains that the greatest issue is safety for the children in care.
269	Chair Kruse	Closes the public hearing on SB 407 and opens a work session on SB 407.

SB 407 WORK SESSION

271	Rep. Piercy	MOTION: Moves SB 407 to the floor with a DO PASS recommendation.
275	Rep. Lehman	Comments that SB 407 is a good bill. States his concern that it will not go far enough to protect foster parents in court.
		VOTE: 7-1 AYE: 7 - Knopp, Krummel, Lehman, Piercy, Taylor, Winters, Kruse NAY: 1 - Close EXCUSED: 1 - Morrisette
293	Chair Kruse	The motion CARRIES. LEHMAN will lead discussion on the floor.
294	Chair Kruse	Closes the work session on SB 407 and opens a public hearing on SB 579.

SB 579 PUBLIC HEARING

308	Linda Ludwig	League of Oregon Cities, submits and presents written testimony in support of SB 579 (EXHIBIT E).
316	Mayor Mike Swain	Mayor, City of Salem, testifies in support of SB 579. Discusses the At-Risk Youth Committee that was convened during the interim. Explains that membership of this committee included Rep. Piercy, Rep. Lehman, and Rep. Morrisette. States that SB 579 brings city representation (persons with knowledge of municipal government) to local commissions on children and families.
378	Rep. Taylor	Asks if a former council person or former city mayor would be an appropriate appointment.
380	Mayor Swain	Responds affirmatively.
395	Rep. Piercy	States her avid support of the bill.
407	Rep. Winters	Thanks the proponents for their efforts in bringing the bill forward.

400	Stacey Graham	Stayton City Council, Friends of the Family Community Progress Team, testifies in support of SB 579. Discusses goals of the Commission on Children and Families to include local planning and decision making. Discusses youth peer courts that require collaboration between cities and counties.
TAPE 89, A		
030	Ann Glaze	Manager of Policy and Planning, State Commission on Children and Families, testifies in regard to SB 579. Explains that the state commission members have not taken a position on the bill. Reminds the committee that current statute requires diverse memberships in local commission boards, including municipal governments.
040	Rep. Winters	Asks how many local commissions have municipal representation.
042	Glaze	Responds that some local commissions have local government representation; however, not all of them do. States that she will follow up with an accurate count.
048	Rep. Winters	Comments that local commissions in the Willamette Valley seem to have more municipal representation than the rest of the state.
050	Rep. Knopp	Asks why language referring to county, state or regional governments was not added to the original statute.
058	Glaze	Responds that HB 2004 did not generate discussions at that level of detail. States that HB 2004 proposed to reach as broad an audience as possible. Explains that county government is well represented in local commissions. Maintains that SB 579 proposes to bring city governments that are not currently involved, to the "tables."
072	Graham	Concurs. Discusses the general membership of local commissions and states that at the time HB 2004 was being proposed, municipal governments were looking at issues other than children and families. Explains that as the function of HB 2004 has progressed, it has become apparent that city governments need to play a larger role in their local commission.
092	Rep. Knopp	States his concern that this will lead the way for "government type" groups to ask the legislature for recognition, and may keep commissions from attracting lay persons, who do not generate their incomes from issues related to children and families.
108	Graham	Responds that these concerns are legitimate and states that this is why the language regarding an individual's appointment to the local commission was created to be so broad-based.
118	Chair Kruse	Closes the public hearing on SB 579 and opens a work session on SB 579.

SB 579 WORK SESSION

120	Chair Kruse	Explains SB 579 ñl amendments dated 5/7/99 (EXHIBIT F). Explains that in rural counties there are not as many resources for commission membership. Maintains that removing the time limitation that a member may serve on their local board will better serve rural areas.
148	Rep. Krummel	MOTION: Moves to ADOPT SB 579-1 amendments dated 5/7/99.
		VOTE: 7-1 AYE: 7 - Close, Krummel, Morrisette, Piercy, Taylor, Winters, Kruse NAY: 1 - Knopp EXCUSED: 1 - Lehman
148	Chair Kruse	The motion CARRIES.
150	Rep. Piercy	Comments that the bill asks for people with "knowledge" and not "expertise" or "careers" in the area of municipal government.
161	Rep. Winters	Comments that there are a number of resources that municipal governments will bring to the local commission table.
176	Rep. Krummel	MOTION: Moves SB 579 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-2 AYE: 6 - Krummel, Morrisette, Piercy, Taylor, Winters, Kruse NAY: 2 - Close, Knopp EXCUSED: 1 - Lehman
185	Chair Kruse	The motion CARRIES. REP. PIERCY will lead discussion on the floor.
188	Chair Kruse	Closes the work session on SB 579 and opens a public hearing on SB 314.

SB 314 PUBLIC HEARING

195	Janet Carlson	Committee Administrator, summarizes the bill.
19	Jim Neely	Deputy Administrator, Adult and Family Services Division, testifies in support of SB 314. Discusses the name change of the Public Welfare Review Commission to the Adult and Family Services Division Review Commission. Explains that this change more accurately reflects the work and function of the commission.
215	Rep. Morrisette	Asks if there will be a fiscal impact for adding 3 words to the commission's title.
217	Neely	Responds that the impact will be minimal and can be absorbed by the current budget.
222	Chair Kruse	Closes the public hearing on SB 314 and opens a work session on SB 314.

SB 314 WORK SESSION

225	Rep. Piercy	MOTION: Moves SB 314 to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lehman, Taylor
235	Chair Kruse	The motion CARRIES. MORRISETTE will lead discussion on the floor.
237	Chair Kruse	Closes the work session on SB 314 and opens a public hearing on SB 322A.

SB 322A PUBLIC HEARING

243	Carlson	Summarizes the bill.
250	Louise Shores	Oregon Board of Nursing, submits and presents written testimony in support of SB 322A (EXHIBIT G). Discusses changes in the Oregon Nurse Practice Act proposed by SB 322A.

280	Julie Cartwright	Dean, Oregon Health Sciences University School of Nursing, Ashland, submits and presents written testimony in support of SB 322A (EXHIBIT H).
310	Jo Bell	Oregon Association of Hospitals and Health Systems (OAHHS), testifies in support of SB 322A.
317	Shores	Refers to EXHIBIT G, page 1, and discusses the elimination of the 30-day grace period for renewal of nurses' licenses.
330	Pat Miles	Business Manager, OBN, testifies in support of SB 322A and discusses fee increases to nursing assistant certifications (CNA) as stipulated in EXHIBIT G, page 2.
391	Rep. Krummel	Asks if certifiers will immediately charge the \$40 cap.
394	Miles	Responds that the board has predicted in their budget to raise the CNA renewal fee to \$35 and the certification fees to \$38. States that these fees are the actual costs to OBN for running these programs.
404	Rep. Krummel	Asks about recertification of certified nursing assistants.
412	Miles	Responds that certificates expire on the CNA's birthday of the alternate year that the CNA became certified. Explains that CNAs are sent a renewal form and must fill it out and send it in with the fee. Explains that OBN then checks the renewal application and follows up on whatever is new or suspicious.
TAPE 88, B		
005	Rep. Krummel	Asks for the definition of "foreign" nurses.
010	Shores	Responds that SB 322A would provide for three categories of individuals: <ul style="list-style-type: none"> • Nurses who are educated and practice in another country. • Students in a school of nursing in another country. • Nurses who are licensed in another state and seeking additional experience in Oregon.
035	Chair Kruse	Closes the public hearing on SB 322A and opens a work session on SB 322A.
<u>SB 322 WORK SESSION</u>		
040	Rep. Piercy	MOTION: Moves SB 322A to the floor with a DO PASS recommendation and the SUBSEQUENT REFERRAL to the Committee on Ways and Means BE RESCINDED.

055	Rep. Krummel	Comments that he supports the bill although he has a concern that the doubling of the CNA fee is going to impact lower income people seeking employment in the assistant nursing profession.
065	Rep. Knopp	Concurs with the comments of Rep. Krummel and states that he does not want to hear from OBN for a long time.
069	Rep. Winters	Asks when fees were most recently increased.
070	Carlson	States that fees were last increased in 1989.
076	Rep. Krummel	Comments that fees should be assessed on a more regular basis so that large fee jumps can be avoided.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lehman, Taylor
090	Chair Kruse	The motion CARRIES. KRUMMEL will lead discussion on the floor.
095	Chair Kruse	Closes the work session on SB 322A and opens a public hearing on SB 565.
<u>SB 565 PUBLIC HEARING</u>		
100	Carlson	Summarizes the bill.
105	Tamara Dykeman	Oregon Community College Association, submits and presents written testimony in support of SB 565 (EXHIBIT I).
120	Rep. Winters	Asks if SB 565 will save dollars.
121	Rhonda Webster-Palos	Portland Community College, submits written testimony in support of SB 565 (EXHIBIT J) and responds that SB 565 will save dollars.
130	Rep. Winters	Asks what the colleges will do with saved dollars.

133	Webster-Palos	<p>Responds that there are 3 options:</p> <ul style="list-style-type: none"> • Turn savings back to employees in the form of reduced premiums. • Enhance benefits to employees. • Put dollars back into the college to fund other general fund needs.
140	Rep. Krummel	Asks if schools can aggregate under this statute.
141	Dykeman	Responds affirmatively but states it would be difficult to do at this time because schools have different bargaining systems.
147	Chair Kruse	Closes the public hearing on SB 565 and opens a work session on SB 565.
<u>SB 565 WORK SESSION</u>		
149	Rep. Winters	MOTION: Moves SB 565 to the floor with a DO PASS recommendation.
		<p>VOTE: 8-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 1 - Lehman</p>
157	Chair Kruse	<p>The motion CARRIES.</p> <p>WINTERS will lead discussion on the floor.</p>
159	Chair Kruse	Closes the work session on SB 565 and opens a public hearing on SB 600.
<u>SB 600 PUBLIC HEARING</u>		
165	Carlson	Summarizes the bill and introduces SB 600-A3 amendments dated 5/12/99 (EXHIBIT K) which are proposed by Bruce Bishop, Kaiser Permanente, and SB 600-A4 amendments dated 5/12/99 (EXHIBIT L).
165	Mike Crew	Counsel, Oregon Medical Association (OMA), testifies in support of SB 600A. Explains that the OMA does not support any amendments and would like to see the bill moved out of committee as it stands in its A-engrossed version. States that if the A3 amendments are to be considered by the committee, the OMA submits a written response to those amendments (EXHIBIT M).

211	James S. Hicks, M.D.	Medical Director, Board of Medical Examiners (BME), submits and presents written testimony in support of SB 600A (EXHIBIT N). While discussing "telemedicine," Dr. Hicks explains that the BME defines location of medical practice in terms of where the <u>patient</u> is located, not the location of the physician.
261	Chair Kruse	Asks Hicks if he has seen the ñA3 amendments.
262	Hicks	Responds affirmatively. There are components of the ñA3 amendments that would be agreeable. States that the BME and the OMA are in agreement that the amendments are unnecessary.
273	Chair Kruse	Explains that the ñA4 amendments are proposed by Regence Blue Cross/Blue Shield of Oregon.
276	Chair Kruse	Asks Crew and Dr. Hicks for his opinion of HB 600-A4 amendments.
292	Hicks	Responds that these amendments are not necessary for "patient care."
306	Crew	Comments that the ñA4 amendments bring the relationship of the insurer and an out-of-state physician into the picture. Explains that SB 600A proposes to address the relationship between the patient and the physician exclusively.
322	Rep. Taylor	Comments that patients in her district often travel to Washington state for health care as do Washington citizens seeking health care in Oregon. Asks if SB 600A will change this relationship of cross-state practice.
335	Hicks	Responds that the intent of BME is to affect physicians practicing outside the state who are establishing a non face-to-face relationship with a patient, by electronic or other means.
346	Rep. Krummel	Asks about having prescriptions filled by out-of-state doctors under SB 600A.
350	Hicks	<p>Responds by noting the difference between "prescribing" and "dispensing" medication.</p> <ul style="list-style-type: none"> • Prescribing- - writing down medication for the purpose of acquiring it. • Dispensing- - acting as a pharmacist for profit, i.e. maintaining a stock of drugs in the health provider's office and providing them to patients for financial profit.
392	Rep. Krummel	Asks about receiving a prescription in another state and having it filled in Oregon.
401	Hicks	Responds that this is not within the jurisdiction of the BME and is not covered by SB 600A as it is not "telemedicine." Explains that it is an acceptable practice as long as the pharmacist can be sure the prescription was filled by a reputable doctor.

412	Rep. Krummel	Asks if "telemedicine flies in the face" of face-to-face, hands on medical treatment..
TAPE 89, B		
010	Hicks	Responds affirmatively. Explains that television and interactive video are currently being used as methods to assist in the medical treatment of patients within the state. States that this way of treating patients demands an evolution in the way the public looks at medical care. States that if the BME feels that sufficient clinical material has been collected, and a bonafide attempt at diagnosis is made based on medical history and collected clinical data, then the physician is acting responsibly. Concedes that there are medical situations that require hands on lab work and treatment by a physician.
055	Rep. Krummel	Asks if this bill will add to patient frustration that they have not been "seen" by the physician who is recommending treatment.
073	Hicks	Responds that the bill specifically excludes interaction from physician to physician in the state. States that the in-state physician of the patient is the official "gate keeper" of patient information. Explains that the BME wants someone in the "chain of care" to be subject for review by the BME when Oregon citizens are being treated.
106	Rep. Winters	Asks for further comments on the ñA3 amendments.
115	Crew	Discusses OMA and BME objections to certain sections of the ñA3 amendments, i.e., the issues of "dispensing medication" and "treatment of intractable pain."
141	Rep. Morrisette	Asks if similar amendments were considered in the Senate committee.
143	Crew	Responds negatively and states that he does not know why these amendments have been introduced at this time.
151	Rep. Krummel	Asks if the concern regarding intractable pain is that people become dependent on their pain medication.
160	Hicks	Responds that treating intractable pain does include large doses of pain medication over a long period of time and the concern of patient dependence is always an issue. Discusses the Intractable Pain Act (1995) and the Pain and Symptom Management Task Force (1997-98).
186	Chair Kruse	Closes the public hearing on SB 600A and opens a work session on SB 600A.
<u>SB 600 WORK SESSION</u>		

190	Rep. Taylor	MOTION: Moves SB 600A to the floor with a DO PASS recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Close, Piercy
199	Chair Kruse	The motion CARRIES. KRUMMEL will lead discussion on the floor.

202	Staff	Submits, for the record, written testimony from Bruce Bishop, Kaiser Permanente (EXHIBIT O).
205	Chair Kruse	Closes the work session on SB 600A and adjourns the meeting at 3:10 PM.

Submitted By, Reviewed By,

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

EXHIBIT SUMMARY

- A ñ SB 407, written testimony in support, Carolyn Graf, 4 pp.**
- B ñ SB 407, written testimony in support, Kathryn Conklin, 1 p.**
- C - SB 407, written testimony in support, Richard Mackley, 1 p.**
- D ñ SB 407, written testimony in support, Debbie Moffat, 2 pp.**

E ñ SB 579, written information and testimony in support, Linda Ludwig, 15 pp.

F ñ SB 579-1 amendments dated 5/7/99, staff, 1 p.

G ñ SB 322A, written information and testimony, Louise Shores, 3 pp.

H ñ SB 322A, written testimony in support, Juliana Cartwright, 1 p.

I ñ SB 565, written testimony in support, Tamara Dykeman, 1 p.

J ñ SB 565, written testimony in support, Rhonda Webster-Palos, 1 p.

K ñ SB 600-A3 amendments dated 5/12/99, Kaiser Permanente, 2 pp.

L ñ SB 600-A4 amendments dated 5/12/99, Regence Blue Cross, 1 p.

M ñ SB 600A, written testimony, Mike Crew, 4 pp.

N ñ SB 600A, written testimony, James Hicks, M.D., 2 pp.

O ñ SB 600A, written testimony, Bruce Bishop, 2 pp.