

**HOUSE COMMITTEE ON HUMAN RESOURCES**

**May 18, 1999 Hearing Room E**

**1:00 PM Tapes 90 - 93**

**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 822 Work Session SB 288 Work Session**

**SB 236 Work Session SB 1290 Work Session**

**SB 676 Work Session SB 824 Work Session**

**SB 1232 Work Session SB 582 Work Session**

**SB 744 Work Session SB 2528 Work Session**

**SB 588 Work Session SB 421 Work Session**

**SB 724 Work Session**

TAPE/#	Speaker	Comments
<b>TAPE 90, A</b>		
006	Chair Kruse	Calls the meeting to order at 1:25 PM and opens a work session on SB 822.
<b><u>SB 822 WORK SESSION</u></b>		
018	Art Keil	Oregon Association of Naturopathic Physicians, submits and presents written testimony in support of SB 822 ( <b>EXHIBIT A</b> ). Explains that SB 822 does not add substances to the naturopathic formulary.
055	Clyde Jensen, Ph.D.	President, National College of Naturopathic Medicine, submits and presents written testimony in support of SB 822 ( <b>EXHIBIT B</b> ). Explains that his doctorate is in pharmacology. Discusses training and qualifications of naturopathic physicians.
114	Jensen	Refers to EXHIBIT B, page 3 and discusses three reasons why health care will be improved by SB 822.
135	Jensen	Refers to EXHIBIT B, pages 3 and 4 and discusses concerns regarding the implementation of SB 822.
166	Rep. Morrisette	Asks if legislation similar to SB 822 exists in other states.
168	Jensen	Responds that there are 11 states that license naturopathic physicians. Explains that the ability to administer substances by injection does not occur in any of those states.
179	Rep. Morrisette	Asks if SB 822 is supported by the National Naturopathic Association.
175	Jensen	Responds that he is not sure what steps the Oregon State Naturopathic Association has taken to gain national support. Explains that he works closely with the national organization and is confident that administering substances by injection is nationally supported.
188	Rep. Close	Asks how emergency medical technician (EMT) training is different from naturopathic physician training.
193	Jensen	Responds that the number of hours regarding the pre-clinical stage of training for naturopathic physician is double that of an EMT; however, the clinical, "hands on experience" regarding administration of drugs is less than that of an EMT (see

		EXHIBIT B, pages 1 and 2).
214	Rep. Lehman	Asks if "administer" means prescribing or injecting a drug.
216	Jensen	Responds that administer means to actually inject a substance into a patient.
221	Rep. Lehman	Asks if naturopaths can prescribe the medications that they would be injecting.
224	Jensen	Responds affirmatively. Discusses the naturopathic formulary.
234	Rep. Knopp	Asks why none of the 11 states who license naturopaths allow naturopaths to inject substances.
240	Jensen	Replies that Oregon has become the model for this type of policy change.
247	Rep. Knopp	Asks if Jensen is a member of the American Naturopathic Medical Association.
248	Jensen	Responds negatively.
255	Rep. Taylor	Asks if there is an amendment to SB 822 regarding Schedule-2 drugs.
258	Keil	Responds that he was told that the Oregon Medical Association is intending to submit amendments regarding Schedule-2 drugs.
263	Don Walker	Naturopathic physician, Portland, submits and presents written testimony in support of SB 822 ( <b>EXHIBIT C</b> ).
324	Rep. Krummel	Asks where the naturopathic formulary list resides.
326	Walker	Responds that it is in the administrative rules of the Board of Naturopathic Physicians.
330	Rep. Krummel	Asks for a copy of the formulary list.
333	Walker	Promises to provide the list to the members.
337	Chair Kruse	Explains that amendments for SB 822 were submitted to Legislative Counsel and are not ready at this time. Closes the work session on SB 822 and opens a work session on SB 236.
<b><u>SB 236 WORK SESSION</u></b>		

340	Kevin Shuba	Assistant Attorney General, Department of Justice, testifies in regard to SB 236. Explains that SB 235 from the 1997 legislative session was implemented to create uniform confidentiality health care regulatory boards. States that some unintended results manifested which SB 236 proposes to resolve. Summarizes sections 2, 3, 4, 5, and 6 of the A-engrossed version of the bill. Notes for the committee that the ñA11 amendments dated 5/18/99 ( <b>EXHIBIT D</b> ) are mostly technical in nature.
<b>TAPE 91, A</b>		
005	Rep. Taylor	Asks why so many amendments were necessary to get the bill right.
008	Shuba	Responds that he is not sure.
010	Chair Kruse	Explains that there was confusion in the Senate Committee while the bill was in process. States that the ñA11 amendments are necessary "to make the bill into what the Senate Committee thought it was voting on."
015	Scott Gallant	Oregon Medical Association (OMA), testifies in support of the bill and the ñA11 amendments. Explains that the ñA11 amendments contain a provision for regulatory boards to make available information on their Internet Web pages. States that this provision is the most recent addition to the bill and was introduced by Sen. Kate Brown. Comments that all parties affected by the bill were included in discussions.
042	Rep. Piercy	Asks if there is known opposition to SB 236..
044	Gallant	Responds negatively.
047	Rep. Morrisette	Refers to SB 236, page 1, section 3, and asks why language was added allowing release of information, when necessary, for a full and proper investigation. Asks what constitutes a " full and proper investigation."
054	Shuba	Responds that original law did not allow regulatory boards to disclose background information during an investigation. States that sometimes background information is provided to witnesses in order to obtain current information from them.
064	Rep. Piercy	<b>MOTION: Moves to ADOPT SB 236-A11 amendments dated 5/18/99.</b>
		<b>VOTE: 7-0</b>  <b>EXCUSED: 2 - Lehman, Winters</b>

068	Chair Kruse	Hearing no objection, declares the motion CARRIED.
069	Rep. Piercy	<b>MOTION: Moves SB 236A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Lehman, Winters</b>
076	Chair Kruse	The motion CARRIES.   <b>REP. KRUMMEL will lead discussion on the floor.</b>
077	Chair Kruse	Closes the work session on SB 236A and opens a work session on SB 676.
<b><u>SB 676 WORK SESSION</u></b>		
080	Rep. Al King	House District 44, testifies in support of SB 676. Discusses the requirement that Cottage Grove Hospital receive a type-B rating in order for it to financially survive. States that SB 676 will make this possible. Maintains that the hospital is central to the survival of the community.
100	Sen. Ted Ferrioli	Senate District 28, testifies in support of SB 676. Describes his concerns that rural hospitals are being reimbursed at fifteen percent below their cost basis. Explains his anger when he learned that some urban hospitals are reimbursed at rates running as high as one hundred and fifteen percent. Discusses demographic indicators that create the differential rates. Explains how SB 966 (1997) proposed to bring all hospital reimbursement rates to one-hundred percent. Explains that SB 966 (1997) was passed with a large majority in the House and Senate and was vetoed by the governor. States that SB 676 is another attempt at leveling the playing field of hospital reimbursements and contains a few modifications from SB 966 (1997).
145	Rep. Piercy	Asks for the concerns that were raised by opposition on the Senate floor.
151	Sen. Ferrioli	Responds that a few of his colleagues "just flat didn't understand what the bill did." Explains that a few concerns were raised about how class A and B funding for hospitals is decided as a formula. Maintains that legislators who had these concerns still voted yes. Believes that SB 676 will create a valuable data base of information.
165	Rep. Piercy	<b>MOTION: Moves SB 676A to the floor with a DO PASS recommendation.</b>

		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 - Taylor, Winters</b>
175	Chair King	<b>The motion CARRIES.</b>  <b>REP. KING will lead discussion on the floor.</b>
177	Sen. Ferrioli	Thanks the committee for the time given to SB 676.
179	Rep. King	Thanks Sen. Ferrioli for bringing the bill forward. Thanks the committee for its effort.
182	Chair Kruse	Closes the work session on SB 676 and opens a work session on SB 1232.
<b><u>SB 1232 WORK SESSION</u></b>		
190	Sen. Ted Ferrioli	Senate District 28, testifies in support of SB 1232 and explains the problems faced by nurse practitioners and physician assistants when changes in radiological certification occurred. Explains that SB 1232 proposes to solve these problems.
208	Jeff Watkins	Oregon Society of Physician Assistants (OSPA), submits and presents written testimony in support of SB 1232 ( <b>EXHIBIT E</b> ). Comments that the testimony of Sen. Ferrioli is accurate and well said.
214	Brian Delashmutt	Oregon Nurses Association (ONA), testifies in support of SB 1232.
225	Rep. Krummel	<b>MOTION: Moves SB 1232 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 8-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Winters</b>
235	Chair Kruse	<b>The motion CARRIES.</b>

		<b>REP. KRUMMEL will lead discussion on the floor.</b>
240	Sen. Ferrioli	Thanks the committee for its time and effort in hearing SB 1232.
245	Chair Kruse	Closes the work session on SB 1232 and opens a work session on SB 744.
<b><u>SB 744 WORK SESSION</u></b>		
255	Sen. Kate Brown	Senate District 7, submits and presents written testimony in support of SB 744 ( <b>EXHIBIT F</b> ).
273	Sen. Ginny Burdick	Senate District 6, testifies in support of SB 744. Discusses the health benefits of breastfeeding.
<b>310</b>	<b>Rep. Knopp</b>	<b>MOTION: Moves SB 744 to the floor with a DO PASS recommendation.</b>
314	Rep. Close	Concurs with previous testimony. Comments that she nursed each of her four children for 2 years and they have had minimal need for medical attention.
		<b>VOTE: 9-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
<b>348</b>	<b>Chair Kruse</b>	<b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
361	Chair Kruse	Closes the work session on SB 744 and opens a work session on SB 588.
<b><u>SB 588 WORK SESSION</u></b>		
365	Sen. Kate Brown	Senate District 7, submits and presents written testimony in support of SB 588 ( <b>EXHIBIT G</b> ). Explains that the bill continues the insurance mandate for mammograms and gynecological exams. States that the bill makes one very important change to existing law. Explains that the baseline age for mammograms has gone from forty-five years to forty years. Thanks the insurance industry for working so amicably with her office and other proponents of the bill.
399	Rep. Piercy	Thanks the proponents for bringing the bill forward. Comments on the

		importance of the bill's provisions.
405	Rep. Winters	Concurs and supports the legislature's continued support of women's health care.
408	Sen. Brown	Explains that the A3 amendments dated 5/14/99 ( <b>EXHIBIT H</b> ) add the six year sunset clause that had been adopted as an amendment by the Senate committee, but through a technical error was not engrossed into the bill.
432	Rep. Piercy	<b>MOTION: Moves to ADOPT SB 588-A3 amendments dated 5/14/99.</b>
		<b>VOTE: 9-0</b>
435	Chair Kruse	<b>Hearing no objection, declares the motion CARRIED.</b>
438	Rep. Piercy	<b>MOTION: Moves SB 588 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 9-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
452	Chair Kruse	<b>The motion CARRIES.</b>  <b>REP. PIERCY will lead discussion on the floor.</b>
455	Chair Kruse	Closes the work session on SB 588 and opens a work session on SB 724.
<b>TAPE 90, B</b>		
<b><u>SB 724 WORK SESSION</u></b>		
040	Sen. Frank Shields	Senate District 9, testifies in support of SB 724.
055	Diana Madarieta	Oregon Acupuncturist Association, testifies in support of SB 724. States that current statute makes it illegal for anyone to practice acupuncture without a license. Explains that the bill allows interns to practice acupuncture under the supervision of a licensed practitioner. States that the bill is protection for interns to "practice" without a license.



065	Sen. Shields	Comments that the bill is necessary and logical.
070	Rep. Krummel	Asks if there is an acupuncture school in Oregon.
071	Madarieta	Responds affirmatively. Reports that the Oregon College of Oriental Medicine is located in Sen. Shields' district.
074	Rep. Krummel	Asks if the bill is exempting interns from the Medical Practices Act.
076	Madarieta	Responds negatively. States that SB 724 exempts interns from needing a license to practice acupuncture.
<b>083</b>	<b>Rep. Piercy</b>	<b>MOTION: Moves SB 724A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
<b>092</b>	<b>Chair Kruse</b>	<b>The motion CARRIES.</b>  <b>REP. MORRISETTE will lead discussion on the floor.</b>
095	Chair Kruse	Closes the work session on SB 724 and opens a work session on SB 288.
<b><u>SB 288 WORK SESSION</u></b>		
125	Greg Malkasian	Manager, Compliance Section, Workers' Compensation Division, submits and presents written testimony in support of SB 288A ( <b>EXHIBIT H</b> ). Summarizes the bill and discusses the "Rehabilitation Premium Refund Program (RPRP)" Explains that the bill involved collaboration and support from the Oregon Rehabilitation Association.
208	Rep. Lehman	Asks how much money is going into the workers' benefit fund each year.
214	Malkasian	Responds that he is not sure. States that the funds are supported by a combined 4.2 cents per hour per worker. His best guess is \$130 million.
220	Rep. Lehman	Asks if RPRP is set up like a trust fund.

223	Malkasian	Responds that this program is a service that provides funds to injured workers.
229	Rep. Lehman	Asks how much money is currently in the fund.
230	Malkasian	Responds that he does not have the fund balance with him, but he will provide it to the committee. Estimates that the fund currently exceeds \$130 million.
236	Rep. Lehman	Asks if there are investment returns on the funds.
240	Malkasian	Responds affirmatively.
244	Bob Mink	Deputy Director, Department Human Resources (DHR), testifies in support of SB 288A. Explains that there will be meetings involving all parties affected by changes to RPRP as the provisions of SB 288A are implemented.
258	Rep. Lehman	Asks if DHR would prefer that the money came out of the current fund.
261	Mink	Responds that the concepts in SB 288 are in the governor's budget and DHR supports this. States his wish that funding currently existed for a long-term solution.
267	Rep. Piercy	Asks if the bill includes provisions for reporting.
270	Mink	Responds affirmatively. Explains that reports will be provided to the Emergency Board of the 2001 legislative session.
274	Rep. Morrisette	Asks if the money will remain the same during the 1999-2001 biennium.
278	Malkasian	Responds affirmatively and states that funds will be matched by federal funds and will be made whole for the next biennium.
285	Rep. Morrisette	Asks if stable funding will drop in the 1999-2001 biennium.
288	Malkasian	Replies that SB 288A provides for the creation of a development plan that will best meet the needs of future facilities.
302	Rep. Winters	Asks if all parties are in agreement to the bill as it is currently written.
304	Malkasian	Responds that all parties agree with the concept of the bill. Explains that there may be some parties that want to amend the bill slightly. States that the bill will be revisited in the 2001 legislative session when the distribution plan is reviewed.

329	Roger Martin	Goodwill Industries of Oregon, testifies in regard to SB 288A. States that SB 288A is a major policy decision which will change a 30 year old law. Discusses the history of workers' compensation insurance. Addresses his concern that the second biennium involves incorporating a large number of agencies into the fund that are not currently included.
383	Martin	Introduces and explains the 1999 amendments dated 5/18/99 ( <b>EXHIBIT K</b> ). Explains that the 1999s will keep seventy-five percent of funds going to agencies currently involved in RPRP. Explains that there is concern that DHR has a different set of formulas and reasons for reimbursing agencies and organizations. Agrees that there is a lot of money in the fund, but explains that there has been a drain on the fund from programs provided through community colleges and employment training programs. Requests that the committee hold the bill and continue investigating the future of RPRP before there are major policy changes.
430	Rep. Lehman	Asks how much money is in the fund.
435	Martin	Replies that he is not sure.
<b>TAPE 91, B</b>		
018	Al Soenneker	Executive Director, Riverside Training Centers and President, Oregon Rehabilitation Association (ORA). States that "SB 288 is taxing employers to pay for basic costs of human services programs." Explains how consensus was reached among the organizations and political offices regarding RPRP funding and its future. Questions whether SB 288A is the appropriate funding mechanism. States that ORA is supporting passage of the bill and maintains that the organization will be sitting at the head of the planning table when discussions begin.
054	Rep. Piercy	Asks if discussions have occurred regarding the spending of funds on people who are disabled because of work as opposed to people who are disabled for other reasons and want to work.
058	Soenneker	Responds that questions have been asked in the Management Labor Advisory Committee (MLAC) regarding percentages of people served by ORA who are injured workers as opposed to people who are disabled for other reasons. Explains that a rehabilitation facility must be available for all of the people and not just for injured workers.
067	Rep. Piercy	Comments that discussions must continue regarding the funding of training for disabled people who want to work. Believes that SB 288A creates a good forum for these discussions.
075	Soenneker	Concurs.
077	Rep. Taylor	Asks what happens after the next two biennia.

080	Soenneker	Responds that the program will then be "cut loose." States that if rehabilitation facilities are to survive, there needs to be a general fund backfill.
<b>088</b>	<b>Rep. Piercy</b>	<b>MOTION: Moves SB 288A to the floor with a DO PASS recommendation.</b>
091	Rep. Lehman	<p>States his opposition to SB 288A and discusses his considerations:</p> <ul style="list-style-type: none"> <li>• The bill will be cutting loose the most vulnerable citizens of a very good program that will be required to fight for general funds. Future legislators may not remember where the program proposed in SB 288 originated.</li> <li>• No one is screaming about the issues of workers' compensation insurance. This bill is being lobbied by a small minority.</li> <li>• Testimony has not indicated that the fund is in trouble and has not been able to provide accurate account balances.</li> </ul>
116	Rep. Morrisette	Concurs. States his opposition to the bill.
120	Karen Smith	Policy Analyst for Senate Majority Office. Explains that Sen. Gene Derfler and the Senate Committee on Public Affairs believed that the interim is the best time to work on issues of workers' compensation. States that the Senate committee did not want to "see anything locked in statute" for the next biennium.
134	Rep. Piercy	Asks if the decision to remove funds for disabled people cannot be made without SB 288A.
143	Smith	Responds that the bill does away with the workers' compensation benefit fund and transfers that money to DHR.
145	Rep. Piercy	Asks for confirmation that MLAC cannot make this decision without this bill.
149	Smith	Responds affirmatively.
153	Rep. Piercy	Asks if rehabilitation facilities and organizations are in agreement that this is good legislation for moving the process forward.
155	Smith	Responds affirmatively.
156	Rep. Lehman	Comments that he has been given a note that there is \$222 million currently in the fund.
160	Chair Kruse	Comments that he has been provided with information that there is \$121 million. Asks for clarification.
168	Malkasian	Responds that the Information Management Division reports that in June 30,

		1999 there will be \$121.7 million in the fund. Explains that "the \$8 million that is an anticipated expenditure for the next biennium out of the worker benefit fund is one element of many expenditures out of the fund. SB 288A will eliminate that funding source." Explains that injured workers will continue to receive their benefits.
189	Rep. Morrisette	Asks for the balance in June 1998, and for the balance in June 2000.
193	Malkasian	Responds that the 1998 balance was \$133.8 million and the projected balance for June 2000 is \$126.5 million. Discusses the 4.2 cents increase from 3.2 cents per hour in 1998. Explains that expenditures justified the need for the increase.
210	Rep. Morrisette	Asks if once \$9 million dollars has been added to the plan, DHR will continue the plan with general fund dollars and it will no longer be a part of workers' compensation.
219	Malkasian	Responds that the idea "is to use the balance of money in the 2001-2003 biennium in a manner that reduces the impact to the state of Oregon." Discusses budget figures for the next biennium.
240	Rep. Lehman	Asks how much will the 4.2 cents go down if everything stays the same, and expenditures are removed.
242	Malkasian	Responds that there is a factor used for planning purposes and he will provide it to the committee.
255	Rep. Lehman	Asks if the program would continue as it always has if SB 288A is not passed.
265	Malkasian	Responds that the number of qualifying facilities and expenditures will grow.
275	Rep. Lehman	Comments that the projected growth will not put the program under stress of "going under."
281	Malkasian	Replies that the issue of the fund balance is impacted by the expenditure requirements.
293	Bob Shiprack	Co-Chair, Management Labor Advisory Committee (MLAC), testifies in regard to SB 288A and explains that MLAC reviewed the entire program of the workers' benefit fund. Discusses the purpose of the fund and why MLAC felt it was necessary to revise the benefit fund policies. Reports that the program in question pays for workers' compensation insurance premiums. MLAC discovered problems with inefficiencies and expenditures.
370	Rep. Morrisette	Asks if only DHR is eligible for federal matching funds.

384	Gary Weeks	Director, DHR states that the federal match is approximately sixty percent.
387	Rep. Morrisette	Asks if Weeks sees any funding problems as the program is transferred.
389	Weeks	Responds that with the transfer funds that follow the program and the federal matching funds, there should be no problems with continuing the program. Explains that DHR may not be able to guarantee the seventy-five percent rebate. States that DHR is looking at how to keep the most vulnerable of rehabilitation organizations alive.
402	Rep. Morrisette	Asks if the program will need to rely on general fund dollars as the program grows.
406	Weeks	Responds that this may not be necessary. Explains that DHR has received a four-year commitment from the workers' compensation organization to work out the details. Discusses the worries he has for the future of workers' compensation in Oregon. States that an evaluation of the 70 rehabilitation facilities is going to be necessary to see which ones should no longer receive reimbursements and funding.
<b>TAPE 92, A</b>		
018	Rep. Krummel	Comments that Weeks is telling the committee to "pass the bill or else."
020	Weeks	Explains that he is forecasting the actions of another department that has the statutory authority to review programs and remove funding.
033	Rep. Krummel	Maintains his conclusion that the committee has been given an ultimatum: " pass the bill, because if you don't, there is a state agency that will axe a number of rehabilitation facilities."
035	Rep. Winters	Asks for details regarding the four-year glide path.
038	Weeks	Responds that in the next biennium, DHR is expecting to be able to compensate all facilities that are currently being served. Explains that assessments of the 2001-2003 biennium will be taking place during the next couple of years. States that assessments and plans will be put before the 2001 legislature for their review.
050	Rep. Winters	Asks if Title-XIX dollars will be used.
052	Weeks	Responds that DHR will be using Medicaid match dollars.
053	Rep. Krummel	Asks if there is a connection between workers' compensation premiums and workers' compensation benefits.

059	Weeks	Responds that organizations receive seventy-five percent rebate on their workers' compensation premium. Explains that the connection to the "premium" is only a distribution mechanism.
076	Rep. Krummel	Asks if thirty years ago, the reimbursement program was a way to subsidize facilities, and this is no longer the most appropriate way to support rehabilitation facilities.
084	Weeks	Responds affirmatively. Explains that thirty years ago there was no workers' compensation insurance. Maintains that the system is completely different now.
095	Rep. Lehman	Comments that the legislative body can decide to establish a public policy link between funds and institutions. States that this should take care of policy arguments. Asks if there are other reasons to move in the direction of SB 288.
107	Weeks	Concurs that the assembly has the power to make public policy choices. Comments that if the legislative body establishes such a public policy, then it must look at statute directing the Workers' Compensation Division to make decisions regarding eligibility for reimbursements.
118	Malkasian	Assures the committee that statute defines "eligible institutions." Explains that for a facility to qualify for reimbursement, it must be nonprofit and provide training, employment, and employment opportunities. Assures the committee that it is not the department's intent to remove eligible facilities from reimbursement.
160	Rep. Piercy	Comments that she is moved by the fact that so many facilities have met and discussed this issue and are in support of the provisions in the bill. Restates her motion that SB 288A be sent to the floor with a do pass recommendation.
		<b>VOTE: 6-3</b>  <b>AYE: 6 - Close, Knopp, Piercy, Taylor, Winters, Kruse</b>  <b>NAY: 3 - Krummel, Lehman, Morrisette</b>
175	Chair Kruse	<b>The motion CARRIES.</b>  <b>REP. KRUSE will lead discussion on the floor.</b>
180	Chair Kruse	Closes the work session on SB 288A and opens a work session on SB 1290.
<b><u>SB 1290 WORK SESSION</u></b>		

184	Sen. Charles Starr	Senate District 5, testifies in support of SB 1290. Discusses the importance of recognizing how government policies and rules impact families. Explains that the family impact statement bill will help to remind agencies about the importance of Oregon's families and will serve as protection against the implementation of any future policies and regulations that may be harmful to families. States that SB 1290 intends to improve the internal management of Oregon state agencies.
228	Rep. Taylor	Refers to SB 1290, lines 10 and 11, and asks about the conflict the state may run into if it is charged with protecting the rights and lives of children and then must implement rules and policies that strengthen the rights of parents.
240	Sen. Starr	Responds that SB 1290 in no way intends to interfere with the function of Services to Children and Families (SCF) or the processes that terminate parental rights in child abuse and neglect cases.
249	Rep. Morrisette	Comments that there may be a compelling interest of the state to decide who has claim to the rights for educating children.
258	Sen. Starr	Responds that SB 1290 does not intend to remove the state's compelling interest in the education of its citizens. States that parents have the right to home school their children.
264	Chair Kruse	Comments that the bill asks agencies to examine and consider provisions listed in the bill as they draft and implement new policies and rules. Maintains that SB 1290 is not retroactive.
285	Rep. Knopp	<b>MOTION: Moves SB 1290 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 9-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
304	Chair Kruse	<b>The motion CARRIES.</b>  <b>REP. KNOPP will lead discussion on the floor.</b>
306	Chair Kruse	Closes the work session on SB 1290 and opens a work session on SB 824.
<b><u>SB 824 WORK SESSION</u></b>		
320	Lisa Gilliam	Schering-Plough, submits written testimony in support of SB 824 and information regarding non-sedating antihistamines ( <b>EXHIBIT L</b> ).



365	Hersh Crawford	Director, Oregon Medical Assistance Programs (OMAP), testifies in regard to SB 824. Discusses reasons why OMAP has not required prior authorization for non-sedating drugs. Explains that these drugs can be prescribed for conditions that are and are not covered under the Oregon Health Plan (OHP). States that the bill prohibits OMAP from requiring prior authorization when non-sedating antihistamines and nasal inhalers are prescribed by an allergist for the treatment of conditions that are not covered under OHP.
393	Rep. Morrisette	Asks for comparison of non-prescription, over-the-counter drugs and prescription medication.
398	Crawford	Responds that SB 824 only refers to non-sedating antihistamines that can only be purchased with a prescription.
409	Gilliam	Explains that there are no non-sedating antihistamines available "over-the-counter." States that all the over-the-counter antihistamines have sedating properties in their ingredients, some are less in effect than others.
<b>TAPE 93, A</b>		
010	Rep. Taylor	Asks how prior authorization is required for other medications in OHP.
012	Crawford	Explains that prior authorization is required for drugs that treat conditions which are not covered under OHP. States that this is a limited group of medications.
021	Rep. Taylor	Asks if prior authorization has been removed from a medication before.
022	Crawford	Responds that there are tens of thousands of drugs that do not require prior authorization. Lists the kinds of medications that require prior authorization: <ul style="list-style-type: none"> <li>• Ulcer medications.</li> <li>• Antihistamines and nasal inhalers.</li> <li>• Anti-fungal medications.</li> <li>• Weight loss drugs.</li> <li>• Oral nutritional supplements.</li> <li>• Cosmetic medications.</li> </ul>
029	Rep. Taylor	Clarifies that prior authorization has nothing to do with the viability of a drug as a treatment for a condition.
033	Crawford	Concurs. Explains that prior authorization has to do with medications that treat conditions that are not covered by OHP.
050	Rep. Winters	<b>MOTION: Moves SB 824A to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 8-0</b>

		<p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 1 - Lehman</b></p>
051	Rep. Taylor	Asks if the bill has a fiscal impact.
052	Crawford	Responds negatively.
	<b>Chair Kruse</b>	<p><b>The motion CARRIES.</b></p> <p><b>REP. KRUSE will lead discussion on the floor.</b></p>
071	Chair Kruse	Closes the work session and puts the committee at ease at 3:45 P.M. Calls the meeting back to order at 4:05 PM and opens a work session on SB 582.
<b><u>SB 582 WORK SESSION</u></b>		
080	James Hicks	Medical Director, Oregon Board of Medical Examiners (OBME), Member, Pain Management Task Force, testifies in support of SB 582.
120	Rep. Krummel	Asks for the definition of "acknowledged specialist".
122	Hicks	Responds that BME defines an "acknowledged specialist" as a person who is qualified to treat the body system or area.
132	Rep. Krummel	Asks if the bill requires that an acknowledged specialist be someone who has sufficient expertise in pain management, thus limiting who may administer controlled substances that treat intractable pain.
142	Hicks	Responds affirmatively.
145	<b>Rep. Piercy</b>	<b>MOTION: Moves SB 582A to the floor with a DO PASS recommendation.</b>
		<p><b>VOTE: 6-0</b></p> <p><b>AYE: In a roll call vote, all members present vote Aye.</b></p> <p><b>EXCUSED: 3 - Winters, Lehman, Close</b></p>

154	Chair Kruse	<p><b>The motion CARRIES.</b></p> <p><b>REP. MORRISETTE will lead discussion on the floor.</b></p>
157	Chair Kruse	Closes the work session on SB 582A and opens a work session on HB 2528.
<b><u>HB 2528 WORK SESSION</u></b>		
162	Grover Simmons	Association of Adult Care Providers of Oregon (AACP), submits and presents written testimony in support of HB 2528 ( <b>EXHIBIT M</b> ). Explains that this bill does not have a cost impact and has the support of Senior and Disabled Services Division (SDSD).
175	Rep. Piercy	Comments that she has not been convinced that there is a need for this bill and she will oppose it.
179	Rep. Morrisette	Asks who proposed the bill.
182	Simmons	Explains that the Association of Adult Care Providers of Oregon, representing 1,950 adult foster care homes in Oregon, has brought the bill forward. Discusses legislation similar to HB 2528 that came before the Human Resources Committee during the 1997 legislative session.
205	Rep. Taylor	Asks if HB 2528 creates a 14-point provider bill of rights that is not to be posted but given to staff and long-term care ombudsman.
211	Simmons	Responds affirmatively. Explains that SDSD did not support posting the bill of rights in a care facility. Refers to EXHIBIT M and summarizes the provider rights stipulated in the bill.
263	Rep. Morrisette	Asks why the vast majority of providers were not involved in the drafting of the bill.
272	Simmons	Responds that SDSD reported that in 1997 there were 2,200 foster homes in Oregon. States that in 1999 there are approximately 1,950 working foster homes. Explains that about 400 foster care homes are active members in AACP. States that AACP speaks for many more foster homes than just the ones that are active members.
289	Rep. Piercy	Comments that she understands that there are problems that providers are reacting to for them to draft HB 2528. Believes that provider rights must be drafted in rule and statute and not be created as a "bill of rights." States that "rights" are usually provided to individuals with the least amount of power, and not to those who direct clients and oversee weaker individuals.

314	Simmons	Responds that these specific provider rights have come from issues and problems occurring against providers on multiple occasions among all providers of adult foster care. Maintains that AACP supports the patient bill of rights.
356	Rep. Taylor	Asks if providers currently have the right to an attorney.
358	Simmons	Responds affirmatively. Explains that agencies use intimidation to get providers to go along with their procedures.
365	Rep. Piercy	Asks which items on the provider rights list are not currently enjoyed by providers.
372	Simmons	Responds that there are providers in the hearing room who can testify that they have been repeatedly treated without respect. Discusses instances where providers are requested to provide services beyond the signed contract.
414	Rep. Lehman	Asks if HB 2528 designates consequences for persons who violate this bill of rights.
416	Simmons	Responds negatively. Refers to HB 2528-1 amendments dated 5/7/99 ( <b>EXHIBIT N</b> ), page 1, lines 8-10, and explains that this language was requested by the Attorney General's Office.
<b>TAPE 92, B</b>		
010	Rep. Lehman	Comments that language in the n1 amendments could still infringe upon patient rights.
018	Simmons	Responds that nothing in HB 2528 will take existing rights away from patients.
028	Rep. Krummel	States that any time an individual is provided a "right," there is a responsibility that goes with it. Asks about provider responsibilities that go with these rights.
043	Simmons	Responds that providers have internal personnel processes that they must report to.
052	Rep. Krummel	Comments that these rights sound like common courtesies. Supports the philosophy that providers be provided "rights." Maintains that providers also have responsibilities to live by the philosophies that they are requesting.
067	Simmons	Responds by discussing the process that is implemented when an ombudsman is disrespectful to a provider.
082	Rep. Krummel	Asks about the situation of family members requesting additional services for the

		resident, from a foster home, and wonders why a provider needs a state law to back out of their contract or say no to a family's request for extra services.
088	Simmons	Responds that this bill will eliminate the "surprise" services that families expect after a contract has been signed.
107	Rep. Taylor	Comments that this bill may have little effect on regulating agencies and may be a source of consternation for patients and their families. Regrets that provider concerns have not been addressed adequately. Expresses her concern that providers are being treated unfairly, but is not convinced that the bill is necessary.
152	Chair Kruse	Closes the work session on HB 2528 and opens a work session on SB 421
<b><u>SB 421 WORK SESSION</u></b>		
158	Grover Simmons	AACP, submits and presents written testimony in support of SB 421 ( <b>EXHIBIT O</b> ). Discusses problems of unsubstantiated complaints against adult foster care providers, how complaints are taken, processed, and handled by the state.
237	Rep. Morrisette	Asks if the state can document files containing unsubstantiated complaints as "unsubstantiated" without SB 421.
238	Simmons	Responds affirmatively. States that the agency has not been properly documenting complaints, but is willing to make their reporting process more specific.
248	Rep. Krummel	Refers to EXHIBIT O, page 2, and asks if language in the second paragraph is proposed to replace language on page 1, line 16 of the bill, or will it be added to language on page 1, line 16 of the bill.
276	Simmons	Responds that language in his testimony summarizes comments of SDSD.
299	Rep. Lehman	Asks if the first portion of the bill, regarding revising the process of filing false complaints, would be enough for providers. States that he is not comfortable with language regarding false complaints.
309	Simmons	Responds negatively. Explains that the essence of the bill deals with immunity for filing false complaints against adult foster homes.
322	Rep. Lehman	Has trouble with language of "good faith."
330	Simmons	Comments that words "knowingly" and "intentionally" are the operative words.

343	Rep. Morrisette	Asks if a provider has the right to sue anyone claiming false complaints.
350	Simmons	Responds negatively.
370	Chair Kruse	Closes the hearing on SB 421 and adjourns the meeting at 4:50 P.M.

Submitted By, Reviewed By,

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

-  
-  
-

#### **EXHIBIT SUMMARY**

**A ñ SB 822, written testimony, Art Keil, 3 pp.**

**B ñ SB 822, written testimony, Clyde Jensen, 4 pp.**

**C ñ SB 822, written testimony, Don Walker, 4 pp.**

**D ñ SB 236-A11 amendments dated 5/18/99, Staff, 1 p.**

**E ñ SB 1232, written testimony, Jeff Watkins, 1 p.**

**F ñ SB 744, written testimony and information, Sen. Kate Brown, 11 pp.**

**G ñ SB 588, written testimony and information, Sen. Kate Brown, 14 pp.**

**H ñ SB 588-A3 amendments dated 5/14/99, Sen. Kate Brown, 1 p.**

**I ñ SB 588, written testimony of Womenís Rights Coalition, Sen. Kate Brown, 4 pp.**

**J ñ SB 288, written testimony, Greg Malkasian, 2 pp.**

**K ñ SB 288-A9 draft amendments dated 5/18/99, Roger Martin, 1 p.**

**L ñ SB 824, written testimony, Lisa Gilliam, 4 pp.**

**M ñ HB 2528, written testimony, Grover Simmons, 2 pp.**

**N ñ HB 2528-1 amendments dated 5/7/99, Grover Simmons, 2 pp.**

**O ñ SB 412, written testimony, Grover Simmons, 2 pp.**