

HOUSE COMMITTEE ON HUMAN RESOURCES

May 04, 1999 Hearing Room E

1:00 PM Tapes 78 - 81

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 3538 Work Session HB 2714 Work Session

HB 3408 Work Session HB 2510 Work Session

HB 3264 Work Session HB 2702 Work Session

HB 2010 Work Session HB 2465 Work Session

HB 2178 Work Session HB 2528 Work Session

HB 2537 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 78, A		

006	Chair Kruse	Calls the meeting to order at 1:15 PM and opens a work session on HB 3538
<u>HB 3538 WORK SESSION</u>		
015	Rep. Mark Simmons	House District 58, introduces HB 3538-1 amendments dated 4/26/99 (EXHIBIT A), and testifies in support of the bill. Introduces Dale Mammen.
025	D. Dale Mammen	Attorney at Law, Board Member, Center for Human Development, Inc., submits and presents written testimony in support of HB 3538 (EXHIBIT B). Refers to EXHIBIT B, page 1, and discusses the "public guardianship" task force.
075	Mammen	Refers to EXHIBIT B, page 1, and discusses the target population of HB 3538. Continues by explaining the process of appointing a guardian.
120	Mammen	Refers to EXHIBIT B, page 7, and discusses costs and how they are calculated. States that the fiscal impact on the bill is a reallocation of funds.
155	Tina Kitchin	Assistant Administrator, Office of Developmental Disabilities Services, Mental Health and Developmental Disabilities Services Division (MH/DDSD), testifies in support of HB 3538ñ1.
177	Rep. Close	Asks if HB 3538 takes responsibility for family members out of the hands of relatives and places it in the hands of government.
179	Mammen	Refers to HB 3538, pages 1and 2, and discusses family member obligations and the formation of support teams in the event that family members do not exist.
192	Rep. Close	Asks what happens if a relative does not want to care for a sick or disabled person.
197	Mammen	Replies that this situation is realistic and occurs on occasion. States that this is the reason for support teams and guardians.
200	Kitchin	Explains that guardianship, as defined in HB 3538, does not have anything to do with fiscal responsibility for medical services. Comments that frequently, there is not a family member capable of taking responsibility for the client. Explains that to insure proper care of a client, support teams take responsibility for the client by appointing a health advocate.
230	Bob Joondeph	Director, Oregon Advocacy Center, testifies in opposition to HB 3538 (EXHIBIT C). States that Department of Human Resources (DHR) clients could have their right to make medical decisions removed with this bill. Interprets HB 3538 as singling out clients of DHR. Expresses concern that there are no procedural protections under the bill.

282	Mammen	Responds by referring to HB 3538, page 2, line 4, and discusses clients' rights of objecting to decisions regarding medical services. States that the bill amendments provide additional protection to clients. Reiterates that guardianship is an option, not a requirement.
303	Rep. Piercy	Asks what guarantees are in place for reviewing client ability to reclaim decision making rights.
307	Mammen	Replies that the establishment of a review process would be part of administrative regulations developed by DHR. States that HB 3538 is intended to be enabling legislation to put health advocacy into the rule process.
321	Kitchin	<p>Concurs with Mammen. Discusses safeguards implemented in the process:</p> <ul style="list-style-type: none"> • Appointed guardianship for one-year at a time. • Concurrence among team members regarding appointments and medical decisions.
340	Rep. Piercy	MOTION: Moves to ADOPT HB 3538-1 amendments dated 4/26/99.
		<p>VOTE: 7-0</p> <p>EXCUSED: 2 - Krummel, Morrisette</p>
344	Chair Kruse	Hearing no objection, declares the motion CARRIED.
345	Rep. Piercy	MOTION: Moves HB 3538 to the floor with a DO PASS AS AMENDED recommendation.
		<p>VOTE: 7-0</p> <p>AYE: In a roll call vote, all members present vote Aye.</p> <p>EXCUSED: 2 - Krummel, Morrisette</p>
357	Chair Kruse	<p>The motion CARRIES.</p> <p>REP. SIMMONS will lead discussion on the floor.</p>
360	Chair Kruse	Closes the work session on HB 3538 and opens a work session on HB 3408.

HB 3408 WORK SESSION

383	B.J. Smith	Director, Clackamas County Public and Government Relations, submits letters of support (EXHIBIT D) and testifies in support of HB 3408 and HB 3408-1 amendments dated 3/30/99 (EXHIBIT E). Discusses the problem of disconnected mental health statutes that Clackamas County confronted in 1998. States that HB 3408 will be helpful to other counties by promoting better communication between local community mental health programs and Oregon Health Plan (OHP) operations.
TAPE 79, A		
029	Chair Kruse	Asks if opposition to the bill exists.
030	Smith	Responds negatively. Explains that the Mental Health Integration Task Force has met and talked at length regarding this legislation. Maintains that no one has approached her with concerns other than changing the word "promote" to "support" as proposed in the ñ1 amendments.
038	Rep. Taylor	Asks how HB 3408 will effect OHP.
048	Smith	Responds that OHP has been involved in the collaboration of the bill and is taking a neutral position.
059	Rep. Piercy	MOTION: Moves to ADOPT HB 3408-1 amendments dated 3/30/99.
		VOTE: 8-0 EXCUSED: 1 - Morrisette
060	Chair Kruse	Hearing no objection, declares the motion CARRIED.
061	Rep. Piercy	MOTION: Moves HB 3408 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

067	Chair Kruse	<p>The motion CARRIES.</p> <p>REP. KRUMMEL will lead discussion on the floor.</p>
070	Chair Kruse	Closes the work session on HB 3408 and opens a work session on HB 2240.
<u>HB 2240 WORK SESSION</u>		
085	Rep. Kruse	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2240.
		<p>VOTE: 8-0</p> <p>EXCUSED: 1 - Morrisette</p>
086	Chair Kruse	Hearing no objection, declares the motion CARRIED.
088	Rep. Piercy	MOTION: Moves to RECONSIDER the vote by which HB 2240 was referred to Committee on Ways and Means.
		<p>VOTE: 8-0</p> <p>EXCUSED: 1 - Morrisette</p>
094	Chair Kruse	Hearing no objection, declares the motion CARRIED.
096	Rep. Piercy	MOTION: Moves HB 2240 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 - Morrisette</p>
102	Chair Kruse	<p>The motion CARRIES.</p> <p>PIERCY will lead discussion on the floor.</p>

103	Chair Kruse	Closes the work session on HB 2240 and opens a work session on HB 2241.
<u>HB 2241 WORK SESSION</u>		
105	Rep. Kruse	MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the vote on HB 2241.
		VOTE: 8-0 EXCUSED: 1 - Morrisette
107	Chair Kruse	Hearing no objection, declares the motion CARRIED.
108	Rep. Piercy	MOTION: Moves to RECONSIDER the vote by which HB 2241 was referred to Committee on Ways and Means.
		VOTE: 7-0 EXCUSED: 2 - Knopp, Morrisette
110	Chair Kruse	Hearing no objection, declares the motion CARRIED.
111	Rep. Piercy	MOTION: Moves HB 2241 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-1 AYE: 7 - Knopp, Krummel, Lehman, Piercy, Taylor, Winters, Kruse NAY: 1 - Close EXCUSED: 1 - Morrisette
120	Chair Kruse	The motion CARRIES. REP. PATRIDGE will lead discussion on the floor.
122	Chair Kruse	Closes the work session on HB 2241 and opens a work session on HB 3264.

HB 3264 WORK SESSION

134	Jim Seagraves	Professor, Oregon City, submits and presents written testimony in support of HB 3264 (EXHIBIT F).
185	Seagraves	Refers to EXHIBIT F, pages 2 and 3, and discusses cost comparisons and deductions.
234	Rep. Krummel	Asks if persons making less than \$32,000 annually would be eligible for the voucher program.
237	Seagraves	Responds affirmatively and explains that the voucher can only be used to purchase health insurance.
240	Rep. Krummel	Asks where the funding for the voucher is generated.
241	Seagraves	Refers to EXHIBIT F, page 4, and explains that state and federal governments would provide percentages of funding.
283	Rep. Knopp	Explains that the intent of HB 3264 is to lower health care costs and expand health care coverage. States that Legislative Fiscal has not generated a report regarding costs. Would like to have the Ways and Means Committee review the bill.
289	Rep. Knopp	MOTION: Moves HB 3264 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the Committee on Ways and Means.
		VOTE: 7-1 AYE: 7 - Close, Knopp, Krummel, Lehman, Piercy, Winters, Kruse NAY: 1 - Taylor EXCUSED: 1 - Morrisette
302	Chair Kruse	The motion CARRIES.
304	Chair Kruse	Closes the work session on HB 3264 and opens a work session on HB 2010.

HB 2010 WORK SESSION

313	Janet Carlson	Committee Administrator, summarizes the bill.
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328	Tom Holt	Oregon State Pharmacists Association (OSPA), Oregon Society of Health Systems Pharmacists (OSHSP), testifies in support of HB 2010 and the -2 amendments dated 4/26/99 (EXHIBIT G) and the ñ3 amendments dated 4/26/99 (EXHIBIT H). Explains that the ñ2 amendments narrow the scope of prescriptions allowed in the legislation to only include prescriptions used in assisted suicide and emergency contraception. States that the ñ2 amendments guide employers and pharmacists in the process of "active referral" of a patient to another pharmacist. States that if a pharmacist does not follow provisions in HB 2010-2 or ñ3, then he or she will have no protection. Explains that the ñ3 amendments remove the pharmacy owner and pharmacy operator from the bill.
TAPE 78, B		
001	Rep. Lehman	Comments that the basis for which an employee may refuse to fill a prescription is still very broad. Refers to HB 2010-2 and states that subsection 3 becomes subsection 4, and subsection 5 becomes inconsistent with previous subsections.
009	Holt	Responds that Legislative Counsel (LC) drafted the amendments and assured OSPA that they maintained consistency within the bill.
017	Rep. Lehman	Comments that HB 2010, 2(3) and HB 2010-2, (5) are inconsistent in: <ul style="list-style-type: none"> • Limiting the type of prescriptions allowed to be objected to. • Reasons that a pharmacist would use for not filling a prescription.
026	Holt	Notes that language regarding "actively refer" has been included in the amendments.
030	Rep. Lehman	Maintains that original language in section 3 of the bill is not limited by the amendments regarding <u>types of prescriptions</u> allowed.
035	Holt	Responds that he will be glad to strike language in HB 2010, 2(3), or insert "under this 1999 act" after the word "prescription" in HB 2010, line 15.
060	Rep. Taylor	States that there is a current "opt out" from the Board of Pharmacy concerning prescriptions used for assisted suicide. Maintains that independent pharmacists can create their own policies regarding what they will or will not fill. Discusses birth control provisions and comments that she is not convinced that HB 2010 is necessary.
090	Holt	Responds that HB 2010 brings more clarity to issues regarding assisted suicide prescriptions. Explains that the bill is creating a "proactive atmosphere" for pharmacists regarding emergency birth control and other anticipated products heading for pharmacies around the country. Maintains that if pharmacists want the protections in HB 2010, pharmacists must put their objections into writing before they start work.
141	Rep. Winters	Asks if components of HB 2010 take place in pharmacists' bargaining contracts.

150	Holt	Responds that pharmacists in Oregon do not feel they are treated with the kind of professional and individual respect they deserve. Explains that rights for pharmacists must be put into statute.
170	Rep. Piercy	Asks how HB 2010 will affect the work that has already been done regarding "death with dignity."
176	Holt	Discusses the "opt out" rule for doctors with the Board of Medical Examiners. States that this rule is in SB 491 (1999). Explains that there is no language in rule that speaks to pharmacists having an "opt out." States that the pharmacist "opt out" is only implied.
211	Rep. Krummel	Asks if the responsibility for "active referral" rests with the pharmacist.
220	Holt	Confirms that the responsibility of the pharmacist is to provide "some means" by which a patient can get a prescription filled. States that follow-up of the patient by the pharmacist is not required.
252	Rep. Krummel	Discusses his struggle that this bill may be in violation of contract law. Comments that he has a problem with how this bill deals with the employer and employee relationship.
273	Holt	Responds that the Pharmacy Practices Act contains standards to which HB 2010 would be added. Discusses requirements of pharmacists: <ul style="list-style-type: none"> • Counseling patients. • Reporting knowledge of violations.
290	Rep. Lehman	Asks if an employee has the right to conscientiously object without repercussion in HB 2010.
295	Holt	Responds affirmatively.
298	Rep. Lehman	Asks what happens when an employee states his objections after being hired and beginning work.
300	Holt	Responds that the bill requires that employer and employee have discussions regarding conscientious objections prior to beginning employment.
332	Rep. Piercy	States that current practice, allowing employers to work out guidelines with employees, should suffice.
340	Rep. Close	Reminds the committee that this bill came forward because a pharmacist lost his job after voicing his conscientious objection to filling a prescription. States her support for the bill.

352	Rep. Krummel	Asks if offering a potential employee the right to "conscientious objection" is made part of the hiring process and if a pharmacist turns down the offer, can that same pharmacist return one month later with a change of heart and request the right to conscientiously object.
375	Holt	Responds that prior discussion between employer and employee is preferred.
385	Rep. Morrisette	Reminds the committee that the pharmacist who lost his job did not lose it because he would not fill a prescription, but because he would not actively refer the patient to another pharmacist. Asks if the bill requires that pharmacists actively refer.
406	Holt	Responds that the amendments allow the employer to require that patients be provided with some means by which they get their prescriptions filled.
415	Rep. Lehman	Asks if employers can <u>not</u> hire someone because the applicant has stated that he or she would conscientiously object to filling certain prescriptions.
421	Holt	Responds that the bill is silent on this issue.
427	Rep. Lehman	Asks if contracts between employee and employer will be superseded by law.
440	Holt	Responds that it will take legal professionals to sort through some of the possible problematic situations resulting from HB 2010.
TAPE 79, B		
020	Rep. Winters	Asks about the timeline regarding "active referral" as referenced in the ñ2 amendments.
030	Holt	Responds that the practitioner would be obliged to refer the patient to another pharmacy or call in an "on call" pharmacist. Comments that physicians can dispense medications in their office.
063	Chair Kruse	Puts the committee at ease at 2:40 PM.
064	Chair Kruse	Calls the committee to order at 2:48 PM.
065	Rep. Close	MOTION: Moves to ADOPT HB 2010-2 amendments dated 4/26/99.
		VOTE: 7-2 AYE: 7 - Close, Knopp, Krummel, Lehman, Morrisette, Winters, Kruse

		NAY: 2 - Piercy, Taylor
070	Chair Kruse	The motion CARRIES.
070	Rep. Close	MOTION: Moves HB 2010 to the floor with a DO PASS AS AMENDED recommendation.
076	Rep. Lehman	States his objection to HB 2010, and maintains that the bill is piecing together new employment law that is very intricate and complex. Stresses that the first two years of implementing this legislation will be problematic. Maintains that HB 2010 is "rural insensitive."
102	Rep. Piercy	Concurs with Rep. Lehman. Believes that the bill is part of a social agenda permeating the 1999 legislative session.
110	Rep. Morrisette	States his support of the bill as a "conscience issue." Believes that the issues surrounding the bill will return to the Legislative Assembly in the future.
120	Rep. Taylor	Concurs with Rep. Lehman. Discusses her experience as a rural pharmacist. Explains that when the bill passes from committee she will serve notice of a minority report.
136	Rep. Krummel	Discusses his concerns regarding the bill's implications in contract law. States he will support the bill, but he remains conflicted about the bill's repercussions.
168	Chair Kruse	Believes that HB 2010 is a matter of conscience.
174	Rep. Winters	States her concerns that HB 2010 will damage employee and employer relationships. Maintains that an opt out for pharmacists currently exists regarding assisted suicide drugs and does not believe the bill is necessary.
		VOTE: 5-4 AYE: 5 - Close, Knopp, Krummel, Morrisette, Kruse NAY: 4 - Lehman, Piercy, Taylor, Winters
185	Chair Kruse	The motion CARRIES.
187	Chair Kruse	Reports that Rep. Taylor is joined by Rep. Piercy in serving notice of a possible minority report.

191	Chair Kruse	Closes the work session on HB 2010 and opens a work session on HB 2178.
		*NOTE: Scott Gallant from the Oregon Medical Association submits written testimony in opposition to HB 2010 and the -2 amendments (EXHIBIT BB).
<u>HB 2178 WORK SESSION</u>		
195	Janet Carlson	Committee Administrator, summarizes the bill.
210	Rep. Knopp	States that there have been concerns brought forward by radiologic technicians about the Board of Radiologic Technology regarding rising fees and poor communication. Discusses his involvement in the work group formed to address issues of concern. Explains that he had the ñ1 amendments dated 4/29/99 (EXHIBIT I) drafted which would eliminate the board entirely. Explains that the ñ2 amendments dated 5/4/99 (EXHIBIT J) do several things to alleviate concerns of the boardís members.
245	Elaine Young	Oregon Society of Radiologic Technology, submits written information in support of the ñ2 amendments (EXHIBIT K). Testifies in support of HB 2178 and the ñ2 amendments.
275	Randy Harp	President, Oregon Society of Radiologic Technologists, submits and presents written information in support of HB 2178-2 (EXHIBIT L).
322	Rep. Knopp	Refers to HB 2178, page 3, lines 25-27, and asks about deleted language.
335	Harp	Explains that "Educational Testing Services" duplicates national guidelines. States that the rest of lines 25-27 should remain in the bill.
360	Rep. Knopp	Asks if Harp supports HB 2178-2 for the record.
364	Harp	Responds affirmatively.
366	Rep. Knopp	MOTION: Moves to ADOPT HB 2178-2 amendments dated 5/4/99.
		VOTE: 7-0 EXCUSED: 2 - Close, Morrisette
368	Chair Kruse	Hearing no objection, declares the motion CARRIED.

370	Rep. Krummel	MOTION: Moves HB 2178 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
444	Chair Kruse	The motion CARRIES. KRUMMEL will lead discussion on the floor.
445	Rep. Krummel	Notes the additional written testimony regarding HB 2178 (EXHIBIT M) and states that there are good arguments in support and in opposition. Expresses appreciation for the approval from American Registry of Radiologic Technologists (ARRT).
449	Chair Kruse	Closes the work session on HB 2178 and opens a work session on HB 2537.
TAPE 80, A		
<u>HB 2537 WORK SESSION</u>		
015	Carlson	Summarizes the bill and discusses HB 2537's amendments dated 4/28/99 (EXHIBIT N). Refers to the matrix illustrating Services to Children and Families (SCF) issues and actions (EXHIBIT O). Lists three issues that are addressed by the amendments: <ul style="list-style-type: none"> • Neutral grievance process. • Contact of caseworker with biological parents, children, and foster parents. • Alternatives to visitation.
050	Rep. Winters	Discusses the Human Services Subcommittee activity regarding HB 2537.
060	Nancy Miller	Director, Citizen Review Board (CRB), testifies in regard to HB 2537. Discusses the responsibilities of CRB. States that CRB is neutral on the task force provisions of the bill. Discusses CRB support of the amendments.
112	Diane Lancaster	Assistant Administrator for Office of Programs and Policy, SCF, testifies in regard to HB 2537. Discusses history and activity of various task forces that have reviewed SCF (EXHIBIT P). Discusses reports conducted by the University of Southern Maine. Remarks on the settlement agreement ensuring

		safety issues for children in foster care, and the 1997-98 interim adoption task force which came up with eighty recommendations to SCF.
149	Lancaster	Discusses the ñ4 amendments and reports that SCF supports amendments to ORS 409.194, in section 2, regarding grievance procedures. Explains that SCF supports the intent of section 3, regarding meetings with caseworkers and alternatives for visitation. Voices concern that section 3 is inappropriately creating legislative oversight of case management.
180	Margie Lowe	Assistant Administrator, Management Operations, SCF, discusses HB 2537-4, section 3, (E). States that principles of increased visitation are goals supported by SCF. Explains that there are not enough resources to implement the provisions for "alternative visitation" as found in HB 2537 and the ñ4 amendments. Explains that professionals have reported that children between the ages of 0-6 years need a minimum of four hours of visitation per week, and SCF has resources for only one hour per week. Children between the ages of 7 years and 13 years need at least two hours per week and SCF has resources for one hour per week. Indicates that SCF is using minimal resources to pilot several model programs investigating the best ways to reunify different types of families. Discusses face-to-face contact between biological parents, foster parents, and children. Reports that SCF is successfully facilitating contact in fifty percent of cases. States that HB 2537-4, section 3(E), carries a fiscal impact that SCF cannot fund.
257	Miller	Respectfully disagrees with SCF regarding reports and expectations of face-to-face contact. Explains that Kay Toran, past administrator for SCF, testified that caseloads are down to national standard levels. Maintains that SCF provided information that monthly face-to-face contact is the expectation. Discusses new regulations imposed by the Adoptions and Safe Families Act that require parents to "get their act together" in twelve months. Emphasizes that SCF must upgrade their visitation and face-to-face contact policies if parents only have one year to prove that they are capable of caring for their children.
299	Rep. Winters	Asks about the fiscal impact referred to by Lowe.
302	Lowe	Responds that the fiscal has been done on the original bill. Explains that SCF has sent a revised fiscal report to Legislative Fiscal Office (LFO) regarding the ñ4 amendments. Reports that the fiscal on the ñ4 amendments is approximately \$46 million, of which \$28 million is general fund. Explains that this figure includes all three provisions in the amendments.
350	Chair Kruse	Comments that he rejects the \$46 million fiscal impact specified by SCF. Believes that SCF has the resources to implement provisions in the ñ4 amendments and must reevaluate inefficiencies within its system.
366	Rep. Knopp	Concurs. States that a \$46 million fiscal is outrageous.
375	Rep. Piercy	Takes exception that the fiscal is outrageous. Would like to see reports submitted by SCF to LFO.

384	Chair Kruse	Explains that when all parties were collaboratively working out provisions in the bill, the agency gave the assumption that it could implement provisions with existing resources. Emphasizes that the fiscal SCF has provided the committee today is unexpected and unbelievable.
400	Rep. Lehman	Comments that he supports sending the bill to Ways and Means.
426	Rep. Winters	MOTION: Moves to ADOPT HB 2537-4 amendments dated 4/28/99.
		VOTE: 9-0
429	Chair Kruse	Hearing no objection, declares the motion CARRIED.
432	Rep. Piercy	MOTION: Moves HB 2537 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means.
		VOTE: 9-0 AYE: In a roll call vote, all members present vote Aye.
450	Chair Kruse	The motion CARRIES.
452	Chair Kruse	Closes the work session on HB 2537 and opens a work session on HB 2714.
TAPE 81, A		
<u>HB 2714 WORK SESSION</u>		
024	Carlson	Summarizes the bill and discusses the ñ2 amendments dated 4/28/99 (EXHIBIT Q). Discusses the use of mediation for families involved in Child Protective Services. Explains that the ñ2 amendments require the Judicial Department to: <ul style="list-style-type: none"> • Develop a statewide juvenile dependency mediation program. • Report on expansion of mediation plans to the next Legislative Assembly.
055	Nancy Miller	CRB, submits and presents written testimony in regard to HB 2714 (EXHIBIT R). Expresses concern regarding the intent of SCF to make the mediation implementation process a collaborative effort including; Court Appointed Special Advocate (CASA) workers, juvenile court attorneys, and other juvenile court workers. Supports SCF "negotiated settlement" program. Discusses the

		federally funded Juvenile Court Improvement Project: assessing state court systems.
094	Alice Phalan	Appropriate Dispute Resolution (ADR) Advisor, Office of the State Court Administrator, submits and presents written testimony regarding HB 2714 and the ñ1 amendments (EXHIBIT S). Discusses her experience with dispute resolution. Emphasizes the importance of establishing mediation programs in neutral state agencies.
148	Diane Lancaster	SCF, submits written testimony regarding HB 2714 (EXHIBIT T). States that SCF is in support of mediation and desires that the development of a statewide mediation program be collaborative.
165	Rep. Winters	States her support for HB 2714.
172	Rep. Winters	MOTION: Moves to ADOPT HB 2714-2 amendments dated 4/28/99.
		VOTE: 5-0 EXCUSED: 4 - Close, Knopp, Lehman, Morrisette
175	Chair Kruse	Hearing no objection, declares the motion CARRIED.
178	Rep. Winters	MOTION: Moves HB 2714 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means .
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lehman, Morrisette
190	Chair Kruse	The motion CARRIES.
192	Chair Kruse	Closes the work session on HB 2714 and opens a work session on HB 2510.
<u>HB 2510 WORK SESSION</u>		
235	Rep. Bruce Starr	House District 3, testifies in support of HB 2510 and the ñ3 amendments dated 4/26/99 (EXHIBIT U). Explains that HB 2510 proposes a review of existing law

		regulating public gatherings of 75 to 3,000 people.
257	Rep. Krummel	Asks if HB 2510 is a response to situations that have been problematic in his district.
263	Starr	Responds that concern regarding gatherings in rural areas have been brought to his attention. States his support of public safety.
280	David Fidanke	Executive Director, American Civil Liberties Union, testifies in regard to HB 2510. Discusses mass gathering statute reviewed during the 1985 Legislative Assembly. Discusses concerns regarding state and federal constitutional laws and rights that may be violated under HB 2510.
350	Fidanke	<p>Explains how HB 2510 and the ñ3 amendments exacerbate constitutional problems:</p> <ul style="list-style-type: none"> • Lowering the threshold of time that triggers a need for a permit from 24 hours to 8 hours. • Drawing distinctions between commercial or private purposes for gatherings infringe upon free speech protections, i.e., singling out commercial gatherings for greater regulations. <p>Agrees to work with Rep. Starr to find a way to accomplish his intention for public safety without concern that constitutional rights will be violated.</p>
404	Rep. Krummel	Asks if the definition of "common good" is being defined for the individual or for the public at large.
411	Fidanke	Responds that "common good" has been defined broadly in terms of the federal constitution. States that there have been no issues of defining this term in the Oregon constitution. Explains that anytime a group of citizens gather, restrictions must be very narrow in order to protect public health and sanitation. Maintains that there will be an increase in constitutional challenges if the Legislative Assembly lowers the number of hours or number of people that trigger the requirement for a permit.
TAPE 80, B		
017	Rep. Winters	Asks if there was a specific incidence that caused Rep. Starr to sponsor HB 2510.
020	Rep. Starr	Explains that agricultural individuals in his district conduct gatherings on their property. States that Fidanke did not contact him prior to this hearing. Maintains that farmers do take into account public safety regardless of whether they have acted in opposition to constitutional law.
036	Chair Kruse	Concurs with Rep. Starr.

045	Rep. Krummel	Asks if the Attorney General's office has been contacted regarding the constitutionality of HB 2510.
049	Fidanke	Responds negatively. States that there has been a number of cases involving local ordinances that were adopted pursuant to mass gathering statute. Discusses examples in Lane County and Jackson County.
083	Rep. Piercy	Asks if Starr has had discussions with the county or Legislative Counsel about the constitutionality of HB 2510.
086	Rep. Starr	Responds negatively. States that this is the first time he has heard of constitutional concerns with the bill.
094	Rep. Winters	Asks if she would be affected by HB 2510 if she were to have a business gathering of 75 people or more on her lot located on Silverton Rd. in Salem.
098	Rep. Starr	Responds affirmatively if the gathering was going to take place for more than eight hours.
100	Rep. Close	MOTION: Moves to ADOPT HB 2510-3 amendments dated 4/26/99.
		VOTE: 5-2 AYE: 5 - Close, Knopp, Krummel, Winters, Kruse NAY: 2 - Piercy, Taylor EXCUSED: 2 - Lehman, Morrisette
104	Chair Kruse	The motion CARRIES.
105	Rep. Close	MOTION: Moves HB 2010 to the floor with a DO PASS AS AMENDED recommendation.
110	Rep. Piercy	Comments that she appreciates the intent of the bill. States her concern regarding the constitutionality of the bill and is not certain how her county feels about changing this statute. Regrets that she will be voting no.
115	Rep. Krummel	States that if there are constitutional issues, then opinions from the Attorney General may be warranted. Believes that Rep. Starr should have been notified of concerns prior to the hearing.
129	Rep. Taylor	Discusses her concern regarding HB 2510 because her district has many festivals

		that last many days. States that the bill would require even more hoops for officials in her district to jump through.
140	Rep. Winters	Comments on the importance of regulating public safety. Explains that she will provide a courtesy vote to move the bill, and will check with her county regarding the effect the bill may have.
		VOTE: 5-2 AYE: 5 - Close, Knopp, Krummel, Winters, Kruse NAY: 2 - Piercy, Taylor EXCUSED: 2 - Lehman, Morrisette
149	Chair Kruse	The motion CARRIES. REP. STARR will lead discussion on the floor.
151	Chair Kruse	Closes the work session on HB 2510 and opens a work session on HB 2702.
<u>HB 2702 WORK SESSION</u>		
154	Carlson	Summarizes the bill. Notes that the Oregon Nurses Association has submitted written testimony in support of HB 2702 (EXHIBIT V).
165	Chair Kruse	States that he has received support for HB 2702 from doctors and other health care providers.
185	Rep. Knopp	MOTION: Moves HB 2702 to the floor with a DO PASS recommendation and BE REFERRED to the Committee on Ways and Means.
190	Rep. Taylor	Asks for additional information on the task force proposed in HB 2702.
195	Chair Kruse	Responds that the task force will be looking into the functions and procedures of state boards, as well as finding better efficiencies regarding facility inspections, and information exchange among agencies and providers. Maintains that the task force will be looking at better ways of structuring the system to serve and protect the citizens of Oregon.
		VOTE: 5-1 AYE: 5 - Close, Knopp, Krummel, Piercy, Kruse

		<p>NAY: 1 - Taylor</p> <p>EXCUSED: 3 - Lehman, Morrisette, Winters</p>
264	Chair Kruse	The motion CARRIES.
265	Chair Kruse	Closes the work session on HB 2702 and opens a work session on HB 2465.
<u>HB 2465 WORK SESSION</u>		
270	Carlson	Summarizes the bill and the ñ3 amendments dated 4/28/99 (EXHIBIT W). Discusses reports on health care workforce regulations received from Jo Bell with the Oregon Association of Health Systems (EXHIBITS X and Y).
325	Chair Kruse	Explains that Ways and Means has asked for a "clean bill" and wants all amendments handled in the Human Resources Committee.
331	Ed Patterson	<p>Oregon Association of Hospitals and Health Systems (OAHHS), submits ñ3 amendments summary page (EXHIBIT Z). Discusses two provisions of the bill:</p> <ul style="list-style-type: none"> • Creating a Health Licensing Office. • Creating a Health Licensing Council. <p>States that health licensing regulation has not been structured very well in Oregon. Requests conceptual amendments that eliminate sections of the bill relating to the Health Licensing Council. Refers to HB 2465-3, and states that starting with page 39, line 6, all language be deleted through page 49, line 7. States that this deletion will leave the creation of the Health Licensing Office intact.</p>
TAPE 81, B		
048	Scott Gallant	Oregon Medical Association (OMA), testifies in support of the conceptual amendment.
067	Rep. Piercy	MOTION: Moves to AMEND HB 2465-3 on page 39, from line 6, delete all language through page 49.
075	Rep. Krummel	Asks if this conceptual change will conflict with previous sections of HB 2465-3.
095	Chair Kruse	Explains that a representative from the Health Division can provide testimony after the committee adopts deletions regarding the Health Licensing Office.

		VOTE: 7-0 EXCUSED: 2 - Lehman, Morrisette
100	Chair Kruse	Hearing no objection, declares the motion CARRIED .
105	Sue Wilson	<p>Oregon Health Division, Licensing Office, testifies in support of HB 2465 and proposed conceptual amendments. States that there are redundancies in language of the ñ3 amendments and reads into the record further changes recommended to HB 2465-3:</p> <ul style="list-style-type: none"> • Delete page 12, lines 4-6. • Delete page 12, lines 7-16. • Page 18, line 3, delete phrase "as administrator to the board." • Page 18, line 3, after "The" change "administrator" to "director." States that this language must be made consistent with other references to "administrator" in the amendments. • Delete page 1, lines 16-17.
177	Rep. Piercy	MOTION: Moves to AMEND HB 2465-3 on page 12, delete "lines 4-16," and on page 18, in line 3, delete "as administrator to the board," and on page 1, delete "lines 16 and 17".
		VOTE: 7-0 EXCUSED: 2 - Lehman, Morrisette
194	Chair Kruse	Hearing no objection, declares the motion CARRIED .
200	Rep. Piercy	MOTION: Moves to ADOPT HB 2465-3 amendments dated 4/28/99, as conceptually amended.
		VOTE: 7-0 EXCUSED: 2 - Lehman, Morrisette
205	Chair Kruse	Hearing no objection, declares the motion CARRIED .
209	Rep. Piercy	MOTION: Moves HB 2465 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the Committee on Ways and Means.

		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Lehman, Morrisette
260	Chair Kruse	The motion CARRIES.
262	Chair Kruse	Closes the work session on HB 2465 and opens a work session on HB 2528.
<u>HB 2528 WORK SESSION</u>		
267	Carlson	Summarizes the bill. States that the conceptual amendments are consensus language between adult foster care providers and Senior and Disabled Services Division (SDSD).
280	Chair Kruse	Comments that the conceptual amendments are too large to adopt without first becoming LC draft amendments.
290	Grover Simmons	Adult Care Providers of Oregon, testifies in support of HB 2528 and the conceptual amendments provided in writing to the committee (EXHIBIT AA).
320	Lee Hazelwood	Legislative Coordinator for Governor's Commission, opposes the bill and the conceptual amendments.
335	Chair Kruse	Maintains that there is too much substance to conceptually amend the bill in committee. States that he will speak with the Speaker of the House about this bill and what can be done about bringing it back to committee.
350	Chair Kruse	Closes the work session on HB 2528 and adjourns the meeting at 5:05 P.M.

Submitted By, Reviewed By,

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

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EXHIBIT SUMMARY

A ñ HB 3538-1 amendments dated 4/26/99, Rep. Mark Simmons, 2 pp.

B ñ HB 3538, written testimony, Dale Mammen, 7 pp.

C ñ HB 3538, written testimony, Bob Joondeph, 1 p.

D ñ HB 3408, written testimony, BJ Smith, 18 pp.

E ñ HB 3408-1 amendments dated 3/30/99, BJ Smith, 1 pp.

F ñ HB 3264, written testimony, Jim Seagraves, 4pp.

G ñ HB 2010-2 amendments dated 4/26/99, Tom Holt, 2 pp.

H ñ HB2010-3 amendments dated 4/26/99, Tom Holt, 2 pp.

I ñ HB 2178-1 amendments dated 4/29/99, Rep. Tim Knopp, 1 p.

J ñ HB 2178-2 amendments dated 5/4/99, Rep. Tim Knopp, 2 pp.

K ñ HB 2178, written testimony, Elaine Young, 2 pp.

L ñ HB 2178, written testimony, Randy Harp, 4 pp.

M ñ HB 2178, written testimony, Staff, 9 pp.

N ñ HB 2537-4 amendments dated 4/28/99, staff, 3 pp.

O ñ HB 2537 SCF Matrix, staff, 2 pp.

P ñ HB 2537, written information regarding reports on SCF, Dianne Lancaster, 48 pp.

Q ñ HB 2714-2 amendments dated 4/28/99, staff, 1 p.

R ñ HB 2714, written information summarizing bills, Nancy Miller, 5 pp.

S ñ HB 2714, written testimony regarding mediation, Alice Phalan, 9 pp.

T ñ HB 2714, written information and testimony, Dianne Lancaster, 19 pp.

U ñ HB 2510-3 amendments dated 4/26/99, Rep. Bruce Starr, 4 pp.

V ñ HB 2702, written testimony, staff, 2 pp.

W ñ HB 2465-3 amendments dated 4/28/99, Ed Patterson, 49 pp.

X ñ HB 2465, written report "Reforming Health Care Workforce Regulation," Ed Patterson, 67 pp.

Y ñ HB 2465, written report "Strengthening Consumer Protection: Priorities for Health Care Workforce Regulation," Ed Patterson, 97 pp.

Z ñ HB 2465, written amendments summary, Ed Patterson, 2 pp.

AA ñ HB 2528, written conceptual amendments, Grover Simmons, 3 pp.

BB ñ HB 2010, written testimony, Scott Gallant, 2 pp.