

## HOUSE COMMITTEE ON HUMAN RESOURCES

May 6, 1999 Hearing Room E

1:00 PM Tapes 82 - 85

**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

**MEASURES HEARD:** HB 3414 Public Hearing

**HB 3415 Public Hearing**

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 82, A		
006	Chair Kruse	Calls the meeting to order at 1:35 PM and opens simultaneous public hearings on HB 3414 and HB 3415.

## **HB 3414 AND HB 3415 PUBLIC HEARING**

020	Rep. Judy Uherbelau	House District 52, testifies in support HB 3415. States that patient safety and quality of care are the most important aspects of health care and nursing. Comments on the health care market which caters to the acutely ill. Discusses the level of training for nurses.
075	Teresa Stone, RN	President, Oregon Nurses Association (ONA), presents written testimony in support of HB 3415 ( <b>EXHIBIT A</b> ). Comments on the effects of HB 3415. Discusses the environment in modern hospitals.
150	Stone	Refers to EXHIBIT A, page 3, and discusses opposition to HB 3415. States that a shortage of nurses is starting to occur. Explains that the ONA seeks to improve the environment in hospitals.
200	Stone	Concludes testimony and provides a quote from Florence Nightingale.
215	Bruce Humphries, RN	Bend, OR, presents written testimony in support of HB 3415 ( <b>EXHIBIT B</b> ). States that staffing levels are points of concern for nurses. Discusses how staffing levels are determined.
270	Rep. Lehman	Asks for specific examples of patient care.
275	Humphries	Responds that reductions in staff make it difficult to maintain proper care.
290	Rep. Lehman	Comments that he is hearing Humphries maintain that patients' basic needs are being met, but no "extra" care can occur.
298	Humphries	Responds affirmatively.
300	Rep. Morrisette	Asks about the fiscal impact of the bill for hospitals.
307	Humphries	Responds that hospitals are raising rates and reducing patient levels.
320	Rep. Morrisette	Asks how hospitals will pay for extra staff.
330	Humphries	Responds that certain programs could be cut or reduced.
335	Rep. Krummel	Asks about effects of reducing staff.
340	Humphries	Responds that for the unit he supervises, it would be a 25 percent reduction in nursing staff.

345	Rep. Knopp	Asks about the replacement of registered nursing staff.
350	Humphries	Responds that this is not happening.
385	Rep. Mark Simmons	House District 58, testifies in support of HB 3415. States that his wife is a registered nurse (RN) and has spoken often of frustrations at work created by lack of funding. Comments on economic issues of health care.
420	Rep. Taylor	States that legislators have contributed to the problem by not adequately funding the Oregon Health Plan (OHP).
<b>TAPE 83, A</b>		
020	Rep. Simmons	Responds that OHP is being funded adequately and to the best of the state's ability.
030	Neta Courcey, RN	Eugene, OR, presents written testimony ( <b>EXHIBIT C</b> ) in support of HB 3415. Explains that her department was understaffed and filed a complaint against the hospital through the Health Division. States that the bill would require hospitals to consider patient needs when scheduling staff.
065	Rep. Piercy	Asks if the Health Division responded adequately.
070	Courcey	Responds that Health Division staff responded the best they could, according to current law.
077	Margo Huntsman, RN	Klamath Falls, OR, testifies in support of HB 3415. Discusses how staffing acuity is handled in Klamath Falls. States that her hospital's staff schedule is based on the number of clients treated on the same day in the year prior.
106	Rep. Morrisette	Asks if it is common to have inconsistencies in acuity among hospitals.
111	Huntsman	Responds affirmatively.
115	Jay Strazdas, RN	Medford, OR, testifies in support of HB 3415. Discusses patient care. Explains that the Medford acuity system has not been upgraded and is inconsistent. States there is not a standard for hospitals to follow.
165	Rep. Taylor	Asks how acuity is rated numerically.
175	Strazdas	Discusses acuity rating of patients and patient assignments for nursing staff.
195	Debbie Cassell, RN	Albany, OR, presents written testimony in support of HB 3415 ( <b>EXHIBIT D</b> ).

		Explains staffing at the hospital where she works. States that there are often not enough nurses for the number of patients.
242	Rep. Winters	Asks if it would be more cost-efficient for hospitals to hire more nurses instead of paying overtime.
248	Cassell	Responds affirmatively.
270	Amy Klare	Oregon Federation of Nurses and Health Professionals (OFNHP), presents written testimony in support of HB 3415 ( <b>EXHIBIT E</b> ). States that staffing levels are linked to an increased mortality rate.
315	Klare	Discusses a survey within the Federation of Nurses that showed that the number one problem is staffing by acuity.
340	Kathy Petrin	OFNHP, testifies in support of HB 3415. Discusses problems she has faced during work shifts.
<b>TAPE 82, B</b>		
022	Rep. Morrisette	Asks if other states have laws similar to HB 3415.
030	Petrin	Responds that hospitals in the eastern United States are run better than in the west. States that western hospitals have less staffing on evening and overnight shifts.
048	Klare	Explains that multiple states are reviewing proposed legislation similar to HB 3415.
070	Ed Patterson	Oregon Association of Hospitals and Health Systems (OAHHS), presents written testimony in opposition to HB 3415 ( <b>EXHIBIT F</b> ). Comments on hospital accreditation.
130	Patterson	Explains hospital governing bodies. Refers to EXHIBIT F, page 10, and states that hospitals provide adequate staffing.
200	Patterson	States that staffing by acuity has been practiced for more than 20 years. Discusses complaints that have been received by the state agency.
250	Chris Wilson-Nemes	Director of Nursing, Legacy Meridian Park Hospital, presents testimony in opposition to HB 3415 ( <b>EXHIBIT G</b> ). Comments on hospital's responsibilities to patients. Describes patient acuity.
310	Wilson-Nemes	States that staffing by acuity is not reliable. Comments on how staffing levels are

		determined.
345	Wilson-Nemes	Comments on staff competence.
390	Wilson-Nemes	Discusses staffing history.
<b>TAPE 83, B</b>		
020	Rep. Lehman	Questions patient satisfaction.
025	Wilson-Nemes	Responds that patient satisfaction is on the rise.
030	Rep. Lehman	Asks if there have been changes in patient care.
034	Wilson-Nemes	Explains changes within the past ten years. States that it is difficult to determine staffing through acuity.
043	Rep. Lehman	Asks if staff is informing administrators of needs.
046	Wilson-Nemes	Responds affirmatively.
050	Rep. Lehman	Comments that nurses feel their needs are not being met, which is why the bill was brought forward.
054	Wilson-Nemes	Responds that mandating staffing levels would not be a positive action.
060	Rep. Piercy	Asks for a solution to staffing problems.
070	Gay Andrews	Rogue Valley Medical Center, responds that hospitals are looking at different options to deal with staffing levels. States it would not be beneficial to have standardized guidelines because each hospital is different.
115	Rep. Winters	Suggests that hospitals hire additional nurses, which would save on costs.
130	Andrews	Responds that more nurses need to be hired, but they are not available. States there is a shortage of nurses.
138	Rep. Taylor	Refers to SB 21 from the 1997 legislative session which based medical care on patient need. States that patient acuity is a good way to project staffing levels. Comments on managed care.

195	Rep. Morrisette	Asks if patients know their rights and who to contact if those rights are violated.
205	Wilson-Nemes	Responds that patients are provided with a "Bedside Patient Guide" which provides patient rights and complaint procedures.
225	Rep. Uherbelau	Responds to comments made by opponents to HB 3415. Comments on the increase in malpractice complaints. States that employees fear retaliation from administrators in making complaints.
270	Kathleen Snail	Oregon Health Division (OHD), testifies in regard to HB 3415. States that OHD is neutral on the bill. Comments on OHD administrative rules. Discusses discrepancies among hospitals in Oregon.
300	Snail	Continues testimony.
350	Rep. Lehman	Asks about the responsibilities of OHD.
360	Snail	Responds that the administrative rules deal with staffing levels. Explains that a task force has been formed to clarify definitions in rules relating to staffing levels.
395	Rep. Lehman	Asks about the complaints that OHD receives and its response.
410	Snail	Discusses the minimum standards that hospitals must meet.
<b>TAPE 84, B</b>		
030	Rep. Morrisette	Asks about the repeated complaint of double shifting.
036	Snail	Responds that administrative rules do not address that issue.
039	Rep. Knopp	Comments that he would like the double shifting issue to be resolved through administrative rules. Asks how the legislature could help OHD.
050	Snail	Explains the rule revision process. States that rules cannot be written specific to the size of a hospital because of the issues involved.
063	Rep. Winters	Asks what needs to be done to respond to the nurses requests.
075	Snail	Responds that the Oregon Nurses Association (ONA) could answer that question.

083	Rep. Piercy	Comments that the task force was put in place during the last legislative session and has had only one meeting.
093	Susan King, R.N.	ONA, responds to previous testimony. States that ONA is not asking for a mandate to be enacted. States that the bill allows for flexibility. Explains that the ONA is concerned about quality of care and proper staffing levels.
121	Rep. Krummel	Asks if OHD is sincere in its actions.
135	King	Responds affirmatively. States that the task force is subject to the Health Division, which is a regulatory agency. Comments on the process in which changes could occur.
160	Chair Kruse	Addresses the concerns of ONA.
170	Rep. Knopp	States he would like to see the issue addressed.
180	Rep. Lehman	Discusses the importance of proper staffing levels.
194	Chair Kruse	Closes the hearing on HB 3415 and continues the public hearing on HB 3414.
203	Rep. Uherbelau	Testifies in support of HB 3414. Comments on the current practices of hospitals. States that patient care needs to be considered.
248	Rep. Krummel	Refers to HB 3414, page 2, lines 16-18 and asks if this could create conflicts with contract law.
270	Rep. Uherbelau	Responds negatively. Comments on contracting and ethics.
310	Kenneth Fitzsimon	Administrator, Labor Relations, ONA, presents testimony in support of HB 3414 <b>(EXHIBIT H)</b> . Presents concerns relating to quality of care. States that there are no protective measures for employees who make complaints to the Health Division.
375	Rep. Krummel	Asks if retaliatory responses can be bargained in union agreements.
382	Fitzsimon	Responds negatively. Relates the duties of collective bargainers.
400	Jeannie Bergempal	Service Employees International Union, testifies in support of HB 3414 <b>(EXHIBIT I)</b> . Relates personal experiences.
<b>TAPE 85, A</b>		

035	Helen Moss	OFNHP, testifies in support of HB 3414. Maintains that health care professionals work under the fear of retaliation from hospitals.
060	Chair Kruse	Closes the public hearing on HB 3414 and adjourns the meeting at 4:00 PM.

Submitted By, Reviewed By,

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

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Final Transcription By,

Andrew J. Morris,  
Administrative Support

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#### **EXHIBIT SUMMARY**

A ñ HB 3415, Written testimony, Teresa Stone, 53 pp



**B ñ HB 3415, Written testimony, Bruce Humphries, 2 pp**

**C ñ HB 3415, Written testimony, Neta Courcey, 2 pp**

**D ñ HB 3415, Written testimony, Debbie Cassell, 3 pp**

**E ñ HB 3415, Written testimony, Amy Klare, 2 pp**

**F ñ HB 3415, Written testimony, Ed Patterson, 14 pp**

**G ñ HB 3415, Written testimony, Chris Wilson-Nemes, 3 pp**

**H ñ HB 3414, Written testimony, Kenneth Fizzimon, 2 pp**

**I ñ HB 3414, Written testimony, Jeannie Bergempal, 2 pp**