

**HOUSE COMMITTEE ON HUMAN RESOURCES**

**SUBCOMMITTEE ON BOARDS AND LICENSES**

**March 16, 1999 Hearing Room E**

**1:00 P.M. Tapes 4 - 7**

**MEMBERS PRESENT: Rep. Knopp, Chair**

**Rep. Jeff Kruse**

**Rep. Jerry Krummel**

**Rep. Mike Lehman**

**Rep. Jackie Taylor**

**MEMBER EXCUSED:**

**STAFF PRESENT: Cletus B. Moore, Jr., Administrator**

**Kevin E. Wells, Administrative Support**

**MEASURE/ISSUES HEARD: Informational Meeting: Oregon Board of Radiologic Technology**

**HB 2106 Public Hearing and Work Session**

**HB 2107 Public Hearing**

**HB 2108 Public Hearing and Work Session**

**HB 2115 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 4, A		

003	Chair Knopp	Calls meeting to order at 1:00 p.m.
<b><u>INFORMATIONAL MEETING</u></b>		
008	Glen Plam	Board Chair, Oregon Board of Radiologic Technology (OBRT).
009	Lianne Thompson	<p>Executive Officer, OBRT. Discusses history of OBRT fees and services (<b>EXHIBIT A</b>). Explains different licenses and their renewal:</p> <ul style="list-style-type: none"> <li>• Radiologic Technologists (RT), 2 to 4 years of higher education</li> <li>• Limited Permit (LP), some trade school training</li> </ul> <p>Discusses birthmonth renewal of licenses; good for everyone. Discusses implementation issues of switching to birthmonth renewal:</p> <ul style="list-style-type: none"> <li>• One time higher fee and longer period of licensure</li> <li>• 1999 Legislature to set new fee levels (RT &amp; LP).</li> </ul>
052	Thompson	Explains HB 5027, which sets licenses and limited permits fees at \$5 per month for permanent and temporary RTs and LPs. Reviews services and innovations that simplify the process for practitioners. Explains how the \$5 per month fee was set ( <b>EXHIBIT B</b> ). Outlines budget concerns at various fee levels. States need for adequate cash reserve. Discusses staff levels and the importance of full time staff.
081	Chair Knopp	Asks why OBRT does not have adequate funding for the 1997-1999 biennium; what happened to cause the shortfall in this biennium.
089	Thompson	Explains the budget shortfall. States that changes in renewal process and the budget period resulted in oversights; the oversights caused the shortfall. Explains that there was a reduction in revenue due to charging fees per the month. Notes the board spent down its cash reserves to keep fees low in previous bienniums. Suggests that miscalculations in spending down cash reserves resulted in poor fiscal management. States that the situation is now being reversed.
112	Chair Knopp	Asks how long Thompson has been in her position at OBRT.
113	Thompson	States three months when the oversights came to light.
115	Chair Knopp	Asks about the national registry, the American Registry of Radiologic Technology (ARRT). Asks if it duplicates OBRT's efforts to monitor continuing education.
121	Thompson	Defers to Plam.
123	Plam	Comments that there is no requirement to join the national board. Adds that the national board has no enforcement authority. States that ARRT is not a licensing board. Stresses OBRT programs are necessary.

132	Chair Knopp	Asks if ARRT registry is in fact voluntary, since there are ramifications for letting registration with ARRT lapse.
139	Plam	States that the state of Oregon does not require ARRT registration. Explains that many people licensed in Oregon are not registered with ARRT.
143	Rep. Kruse	Asks what happens to people who may want to move to another state at some point in the future.
146	Plam	Replies that he is not sure what happens in such moves. Notes that in most states they have to pass a state examination and ARRT registration would be irrelevant.
149	Rep. Kruse	Asks if there is reciprocity with other states.
151	Plam	States that there is reciprocity with states with equivalent standards, though not with California because of discrepancies in standards.
156	Rep. Taylor	Asks for clarification if ARRT membership is a prerequisite for reciprocity.
160	Plam	Explains that ARRT is a national registry; it is not a requirement for reciprocity or licensure.
168	Chair Knopp	Asks if there is an initial requirement to be registered with ARRT to get a license in Oregon.
170	Plam	States that is one mechanism, but there are other mechanisms; ARRT registration is not required in any way.
177	Chair Knopp	Asks for a list of the other mechanisms for licensure.
179	Plam	States that Limited Permits are another popular mechanism, none of which are related to ARRT.
182	Chair Knopp	Asks if there are duplication services that could be eliminated.
189	Thompson	States that the ARRT is looking into ways to streamline its processes based on states with licensure are doing. Notes that OBRT has required continuing education for over 20 years while ARRT has only required it for 2 years. Stresses that ARRT does not cover the standards established in Oregon.
206	Chair Knopp	Asks if OBRT is limiting job availability.
213	Thompson	Explains that RTs feel overworked and disrespected. Explains that OBRT is

		trying to satisfy their needs within their budget. Adds that the labor market is very tight for RTIs right now.
229	Plam	Explains that LPis do not hold jobs that RTis are generally interested in themselves.
238	Rep. Taylor	Asks if continuing education is a requirement for licensure. Asks for clarification on how OBRT evaluates these courses.
248	Thompson	Explains OBRTis involvement with continuing education and how they evaluated training programs. Notes that OBRT oversees courses run by others to ensure that they satisfy continuing education requirements. Comments that OBRT is trying to focus on outreach and service programs.
259	Rep. Taylor	Asks if ARRT provides continuing education programs.
261	Plam	States ARRT does not provide any continuing education programs.
264	Rep. Taylor	Refers to the past budget shortfall. Asks why a 6-month cash reserve is needed by OBRT.
274	Thompson	Explains that OBRT is a public agency, but is also a small business. Explains that they "must be ready to enforce at any time." States the result is that there will be unexpected situations that require substantial cash reserves. Stresses that they try to work efficiently.
289	Rep. Krummel	Asks if ARRT provides continuing education at the annual meeting.
291	Plam	Explains the ARRT is only a registry and the American Society of Radiologic Technology has annual meetings, but they are distinctly different organizations.
304	Rep. Krummel	Asks if people who do not want to be part of the society have to register to reap the benefits of being registered with ARRT.
310	Plam	Explains that difference between professional associations and registries. Notes that many organizations offer continuing education.
321	Rep. Krummel	Asks if continuing education is necessary.
322	Plam	Emphasizes that continuing education is essential.
329	Rep. Krummel	Asks for clarification about the proposed fee increase and length of licensure. Asks if the fee increases occurred without authorization.

353	Thompson	Discusses the decisions behind the proposed changes. Notes that changes are authorized by administrative rule need only be reviewed by the legislature. Explains that OBRT was in a situation where they had to act. Describes how they tried to help RTIs with the changes.
<b>TAPE 5, A</b>		
004	Rep. Krummel	Asks how the continuing education issue is going to be resolved.
013	Thompson	Explains that license fees are paid before hand and continuing education is completed after licensure. Discusses how continuing education can be monitored.
027	Plam	Emphasizes that ARRT requirements are different; satisfying their rules does not satisfy the standards of the state of Oregon.
037	Rep. Krummel	Agrees with Plam about the differences between standards. Comments that ARRT is a very respected association that is viewed with confidence in the profession. Notes that many states require compliance with ARRT to be licensed; it is a measure of competence.
052	Chair Knopp	Asks about accusations that OBRT over spent its budget.
054	Thompson	Suggests that overspending is a misapprehension. Notes that over spending is an impossibility with the accountability system they have in place. Describes how overspending is prevented.
065	Chair Knopp	Asks if the problem is that mismanagement occurred under previous administration.
071	Plam	Explains that the spending down to avoid asking for a fee increase precipitated the financial problems of OBRT.
074	Chair Knopp	Asks for further clarification on the spending down of the cash reserves. States that the ensuing fee increase was an increase of 67%.
082	Plam	States that the fee increase was a response to a demand for more services.
085	Thompson	Comments that there is a divergence of opinion concerning OBRT policy. Stresses that OBRT serves the people of Oregon not RTIs.
092	Chair Knopp	Asks for comments on the Governor's budget concerning OBRT.
097	Thompson	Explains what the Governor's budget provides for OBRT. States that the need for

		a fee increase has existed for quite sometime, but there has been reluctance to ask for it. Stresses that permanent staff provide fiscal stability, rather than cycling through temporary staff.
128	Rep. Krummel	Asks how often OBRT meets a year.
132	Thompson	States that the whole board meets quarterly. Explains that committees meet more regularly than that.
142	Rep. Krummel	Asks how many calls a day, a week, a month are received.
145	Thompson	Responds that she has not asked staff for that information.
146	Rep. Krummel	Asks how many people are staffing OBRT.
151	Thompson	Answers OBRT is staffed at 2.4 FTE or 3 people.
152	Rep. Krummel	Asks if costs could be abated if OBRT worked collaboratively with ARRT.
161	Thompson	States that consolidation could jeopardize quality of service. Describes efforts to keep investigative and legal costs down.
179	Chair Knopp	Closes Informational Meeting.
<b><u>PUBLIC HEARING HB 2106</u></b>		
186	Cletus Moore	Reviews HB 2106; increases fines imposed Board of Dentistry (BOD).
210	JoAnn Bones	Executive Director, BOD. Supports HB 2106.
212	Kris Hudson	Vice-Chair, BOD. Supports HB 2106. Explains the bill increases the maximum fine to \$5,000 and allows the BOD to administratively penalize people who practice without a license. Explains that more and more people are practicing without license. States there is currently no recourse against those who practice without license.
248	Rep. Kruse	Asks how many cases of unlicensed practitioners a year they handle.
250	Bones	States 3 cases in the last year or so and anticipate 3 to 5 a year now.
257	Rep. Kruse	Asks if most of those cases involve hygienists.

260	Bones	States that more dentists practice without than hygienists.
264	Chair Knopp	Asks if the proposed fine is per incident or cumulative.
271	Bones	States that it could be per incidence
277	Chair Knopp	Asks if they will pursue cases per incidence or per client.
282	Hudson	Notes that in such cases the person fined should not have been practicing at all. Explains that there are practical concerns in deciding punishment: can they pay the fine?
288	Rep. Taylor	Asks if they would treat volunteers the same as those who accept payment for services.
295	Hudson	Discusses how BOD would evaluate such a case. Notes that most often a "slap on the wrist" is sufficient. Emphasizes that BOD is not looking to profit from fines. Reiterates that the larger fine gives BOD more options in working with practitioners.
325	Rep. Krummel	Asks for clarification on if there is a statute prohibiting practicing without license.
337	Bones	States that ORS 679.020 covers that concern. Restates that HB 2106 covers civil cases, an administrative action, which aids in dealing with practitioners who violate standards.
357	Rep. Krummel	Asks if HB 2106 will give BOD the authority that it wants.
383	Bones	States HB 2106 was designed specifically for their needs.
395	Rep. Taylor	Agrees that BOD should have the authority to deal with those who practice dentistry without license. Asks if it was an oversight that BOD was not given that authority.
402	Bones	Agrees that it may have the case, but that it may not have been necessary in the past.
<b>TAPE 4, B</b>		
003	Jane Myers	Oregon Dental Association (ODA). Supports HB 2106 ( <b>EXHIBIT D</b> ).
031	Chair Knopp	Asks if ODA supports HB 2106 because they believe it will increase BODis

		ability to enforce statute.
032	Myers	Replies that the assertion is correct.
036	Chair Knopp	Closes Public Hearing HB 2106
<b><u>WORK SESSION HB 2106</u></b>		
037	Rep. Lehman	<b>MOTION: Moves HB 2106 to the full committee with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
045	Chair Knopp	<b>The motion CARRIES.</b>
049	Chair Knopp	Closes Work Session HB 2106.
<b><u>PUBLIC HEARING HB 2107</u></b>		
052	Hudson	Supports HB 2107. Explains it allows BOD to assess its cost of investigation in additions to fines ( <b>EXHIBIT E</b> ).
073	Rep. Krummel	Asks for clarification on what costs are currently included; disciplinary proceedings but not investigation.
080	Hudson	Responds in the affirmative.
081	Rep. Krummel	Asks why ODA opposes HB 2107.
087	Hudson	Explains that hygienists support the bill, but dentists do not because they think they pay enough in fees already.
093	Rep. Lehman	Asks if there have been uncontested disciplinary actions.
096	Hudson	Explains that often people sign consent orders, which state that they agree with BOD's findings and with the disciplinary actions.
101	Rep. Lehman	Asks if people would be obligated to pay for legal fees even if they sign consent



		orders.
109	Bones	States that the intention was to assess cost of investigation only at the end of a contested proceeding.
112	Rep. Lehman	States concern that HB 2107 gives BOD a considerable negotiation tool when dealing with dentists.
119	Hudson	Stresses it was not the intention to use HB 2107 as a bargaining tool.
132	Rep. Lehman	Asks if the \$1,000 limitation on civil penalties would still apply.
138	Bones	Notes that HB 2106 and HB 2107 stand-alone and do not limit one another. Explains that cases where investigation costs would be assessed as part of the disciplinary action are unusual.
152	Rep. Lehman	Asks if the fine would be \$5,000 plus investigative costs.
155	Bones	States that is correct.
160	Rep. Lehman	Suggests that a conflict may exist between the bills.
165	Bones	Points to a clause that allows BOD to administer any other disciplinary action that is deemed proper.
176	Rep. Kruse	States that there is no conflict. Expresses concern about increasing two related civil penalties at once. Asks about the status of HB 5026
187	Bones	Explains it passed out of Ways and Means already.
190	Rep. Kruse	Asks if the increased budget gives them more resources.
185	Bones	Explains that the funds are discretionary and not absolute.
187	Rep. Kruse	Asks if the budget provides for a new investigation position.
188	Bones	States that the budget does provide for a new investigator.
200	Rep. Taylor	Asks what professions are covered by BOD.
205	Hudson	States BOD oversees dental hygienists and dentists.

207	Rep. Taylor	Asks if costs of investigations are spread across all licensees. Asks what percentage of violations is by hygienists contrasted with the percentage of violations by dentists.
216	Hudson	States that less than 10% of violations are committed by hygienists.
220	Rep. Taylor	Asks if hygienists, who commit 10% of violations, pay half of the costs of BOD investigations.
224	Anderson	Explains that hygienists pay about 25% of the fees, and therefore 25% of the costs of BOD.
230	Myers	Opposes HB 2107 ( <b>EXHIBIT D</b> ). States that it would reduce the ability of dentists to ask for fair hearings.
248	Rep. Taylor	Asks for her perspective on hygienists, who commit 10% of violations, paying for 25% of the disciplinary costs.
256	Myers	Replies that she is unsure about the information that has been presented.
267	Chair Knopp	Closes Public Hearing HB 2107.
<b><u>PUBLIC HEARING 2108</u></b>		
276	Moore	Reviews HB 2108. Explains that it revises unnecessary statute.
290	Bones	Supports HB 2108 ( <b>EXHIBIT F</b> ). Explains why the bill is needed. Notes that the bill revises archaic language and requirements in existing statute. Discusses the process for revoking license. Stresses that it is redundant and should be handled in a streamlined fashion.
340	Myers	Supports HB 2108 ( <b>EXHIBIT D</b> ). Expresses concerns that fair standards be enacted by BOD to control unwarranted examinations.
356	Rep. Krummel	Asks for clarification that Myers is not proposing an amendment.
365	Myers	States that no amendment is being proposed, rather that administrative rule can establish reasonable standards.
370	Chair Knopp	Closes Public Hearing HB 2108.
<b><u>WORK SESSION HB 2108</u></b>		

373	Rep. Kruse	<b>MOTION: Moves HB 2108 to the full committee with a DO PASS recommendation.</b>
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
Chair Knopp		<b>The motion CARRIES.</b>
393	Chair Knopp	Closes Work Session HB 2108.
<b><u>PUBLIC HEARING HB 2115</u></b>		
<b>TAPE 5, B</b>		
015	Moore	Explains HB 2115 modifies definitions relating to licensed professional counselors and therapists (LPCT) and authorizes the Oregon Boards of licensed Professional Counselors and Therapists (BLPCT) to investigate professional violations.
020	Carol Fleming	Administrator, BLPCT. Supports HB 2115. Submits written testimony <b>(EXHIBIT G)</b> . Reviews history and practice of BLPCT.
060	Fleming	Explains HB 2115 came out of BLPCT's experiences over the past 4 years. Discusses details of the bill <b>(EXHIBIT G)</b> .
110	Fleming	Continues discussion of HB 2115. Stresses that BLPCT is not trying to change policy. States that the bill is intended to clarify existing statute.
165	Fleming	Urges passage of HB 2115.
172	Rep. Kruse	Asks who supervises internships.
175	Fleming	Explains interns are supervised by BLPCT licensees.
179	Rep. Kruse	Asks for clarification regarding civil actions: can penalties be assessed now or is this a new provision.
183	Fleming	States that BLPCT can assess civil penalty against those who practice without license, but not against licensees themselves.

196	Rep. Kruse	Asks why the BLPCT wants exemptions to their proposed disclosure requirements.
205	Fleming	Explains that BLPCT wants more options at their disposal, so they can act most appropriately in each situation.
225	Rep. Kruse	States concern that they are listing, in statute, what must be included in a disclosure statement and allowing exemptions to be created through administrative rule at the same time. States that the requirements and exemptions should be in the same section of law.
234	Rep. Taylor	Asks if section 8 expands the scope of practice LPCTís.
250	Fleming	Explains that the section does not apply to everyone; it does not expand the scope of practice. States that people must be trained to do diagnosis to diagnose patients in practice.
264	Rep. Krummel	Asks how community health and developmental disabilities programs and personnel are described in HB 2115.
273	Fleming	States they are listed by their titles.
276	Rep. Krummel	Asks if there will be further legislation to amend who is included in the list of people licensed to do diagnosis (ORS 109.675).
295	Fleming	Responds that she knows of no further legislation. Explains that HB 2115 does not add diagnosis as a practice.
315	Rep. Krummel	Asks if there would be an unintended expansion of scope of practice.
333	Fleming	States it would not expand scope of practice for LPCTís, in her view.
335	Rep. Krummel	Notes that there is strong opposition to HB 2115 among doctors because it expands the scope of practice among LPCTís.
370	Fleming	Explains the reasoning behind HB 2115. Comments on the debate.
<b>TAPE 6, A</b>		
018	Ada Molinoff Hawkinson	Clinical Psychologists. Opposes HB 2115.
030	Carol Carver	Secretary, Oregon Psychological Association (OPA). Opposes HB 2115

		<b>(EXHIBIT H).</b> Asks that the bill be amended: delete Section 1, subsections 6 & 7; delete Section 6, subsections 1, 7 & 8.
050	Rep. Lehman	Asks if she proposes deleting all of the new language in Section 1, subsection 6.
052	Carver	Responds affirmatively. States that OPA is not against counselors creating records, but that there are already provisions requiring counseling records. States that OPA opposes language that creates a requirement to maintain "psychological" records
064	Rep. Lehman	Asks if there is an objection to only deleting the word "psychological."
066	Carver	States that she would prefer that the records be called "counseling record" because "psychological" is a technical word. Points to ORS 675.010 subsection 4 to show that "psychology" is diagnosing and treating behavioral or emotional disorders and is distinct from "counseling." Reiterates the "counseling records" is acceptable, but "treatment records" is not. Expresses preference for deleting entire section.
079	Rep. Lehman	Asks for distinction between clinical social workers and LPCT.
082	Carver	Explains that the distinction centers on the qualification to diagnose. States that OPA does not believe those children 14 and over need parental consent to see a LPCT.
109	Molinoff Hawkinson	Opposes HB 2115. Discusses concern that LPCTs are not qualified to diagnose and treat mental illnesses. Explains training of psychologists. Discusses the expertise needed for diagnosis. Notes the widely diverse ability and training levels of LPCTs. A comment that once people are licensed to diagnose and treat it is difficult to check their practice.
155	Molinoff Hawkinson	Asks that information be gathered concerning the training of LPCTs and their credentials. Suggests that diagnosis and treatment of mental and emotional disorders and chemical dependency be listed outside the scope of LPCT practice.
188	Rep. Krummel	Asks what LPCTs do if they are not qualified to diagnose or treat.
198	Molinoff Hawkinson	Responds that LPCTs deal with certain categories of problems: parent-child problems, bereavement, occupational difficulties, and assessing school abilities and phase of life problems. Notes that these are filed under a separate category in the diagnostic manual.
223	Peggy Anet	Health Insurance Association of American. Supports HB 2115. Points out that the bill needs to be understood in context of other bills dealing with LPCTs as there will be carryover effects.
235	Rep. Kruse	Asks if these are House Bills.

240	Anet	Discusses two other House Bills: HB 2913 and HB 3444 include references to LPCTs.
255	Kathleen Walsh	President, Oregon Mental Health Counselors Alliance. Supports HB 2115 <b>(EXHIBIT I)</b> . States the bill strengthens the public protection and increases professional standards.
300	Walsh	Discusses the qualifications and training of LPCTs. Notes that diagnosis is included in the curriculum. Explains the importance of LPCTs. Stresses that basic diagnosis is a basic aspect of their practice.
355	Walsh	Comments on the issue of billing insurance companies for payment. States that regulatory statutes allow LPCTs to bill insurance companies, who are allowed pay to bill.
<b>TAPE 7, A</b>		
005	Walsh	Explains the provision that allows treatment of adolescents without parental consent <b>(EXHIBIT I)</b> . States it is necessary to properly serve troubled adolescents.
033	Rep. Lehman	Asks about the creation of treatment records that are psychological in nature (Section 1, subsection 6 of HB 2115); would it be acceptable to call them "counseling records."
040	Walsh	States that is what the records are, "counseling records." Suggests that the difference is verbal hair-splitting.
049	Rep. Lehman	Asks if the disagreement is over the treatment of Section 6 of HB 2115, which allows adolescents to see counselors for diagnosis and treatment for mental and emotional disorders.
055	Walsh	Agrees that is the major point of disagreement.
060	Pamela Lyns Nelson	Oregon Mental Health Counselors Alliance. Supports HB 2115. Relates personal experience in the field.
077	Anita Mahar	Professor, George Fox University; President-elect, Oregon Association of Marriage and Family Therapy. Supports HB 2115.
082	Lyns Nelson	Supports HB 2115. States it is a commonsense bill that protects Oregon's citizens. Review background information.
120	Lyns-Nelson	Explains standards of training and practice have been raised to include diagnosis. States HB 2115 changes terms that are not applicable today. Explains the bill

		allows BLPCT to operate more efficiently. Emphasizes HB 2115 brings statute in line with current practice.
154	Mahar	Supports HB 2115. Explains training of LPCTis <b>(EXHIBIT J)</b> . States that professional associations require practitioners to be proficient in assessment, diagnosis and treatment.
183	Lyns-Nelson	Comments that LPCTis were excluded from the listing as mental health practitioners in the Psychologists Practice Act (1995) in exchange for their support of that Act. Notes that much of the opposition is based on LPCTis not being on that list today.
197	Chair Knopp	Closes the Public Hearing HB 2115. Adjourns the meeting at 3:40 p.m.

Submitted By, Reviewed By,

Kevin E. Wells, Cletus B. Moore, Jr.,  
Administrative Support Administrator

#### **EXHIBIT SUMMARY**

**A ñ Informational Meeting, information packet from the Oregon Board of Radiologic Technology, Lianne Thompson, 1 p.**

**B ñ Informational Meeting, graphs, Lianne Thompson, 4 pp.**

**C ñ HB 2106, written testimony, JoAnn Bones, 3 pp.**

**D ñ HB 2106, 2107, & 2108, written testimony, Jane Myers, 1 p.**

**E ñ HB 2107, written testimony, JoAnn Bones, 2 pp.**

**F ñ HB 2108, written testimony, JoAnn Bones, 1 p.**

**G ñ HB 2115, written testimony, Carol Fleming, 5 pp.**

**H ñ HB 2115, written testimony, Carol Carver, 2 pp.**

**I ñ HB 2115, written testimony & suggested curriculum, 2 pp.**

**J ñ HB 2115, written testimony & assessment worksheet, Anita Mahar, 3 pp.**