

HOUSE COMMITTEE ON HUMAN RESOURCES

SUBCOMMITTEE ON BOARDS AND LICENSES

April 15, 1999 Hearing Room E

5:30PM Tapes 10 - 12

MEMBERS PRESENT: Rep. Tim Knopp, Chair

Rep. Jackie Taylor

Rep. Jeff Kruse

Rep. Mike Lehman

Rep. Jerry Krummel

STAFF PRESENT: Janet L. Carlson, Administrator

Diane M. Lewis, Administrative Support

MEASURE/ISSUES HEARD: HB 2465 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 10, A		
001	Chair Knopp	Calls the meeting to order at 6:15 PM and opens a public hearing on HB 2465.
<u>HB 2465 PUBLIC HEARING</u>		

006	Janet Carlson	Committee Administrator, summarizes the bill. Notes for the record letters submitted to the committee from the Occupational Therapy Licensing Board, Oregon Board of Dentistry, Oregon Board of Pharmacy, Oregon Medical Association, and two registered nurses, all in opposition to HB 2465 in its present form (EXHIBIT A).
015	Ed Patterson	Oregon Association of Hospitals and Health Systems (OAHHS), submits and presents written testimony in support of HB 2465 (EXHIBIT B).
050	Patterson	Continues presenting written testimony by referring to EXHIBIT B, page 2, and explains that although many boards have good intentions, they do not have adequate resources to fulfill their public responsibility.
075	Patterson	Continues presenting EXHIBIT B, page 2, by stating that there appears to be legislative momentum to grant semi-independent status to many licensing boards.
110	Patterson	Refers to EXHIBIT B, page 3, and presents final comments about health care licensing boards and the potential for conflict of interest.
145	Patterson	Explains that HB 2465 has been introduced as a reaction to concerns brought forward by OAHHS in EXHIBIT B. Points out that attachment A, in EXHIBIT B, illustrates statistical information of health care licensing boards in Oregon.
168	Patterson	Submits a written summary of HB 2465 conceptual amendments proposed by OAHHS (EXHIBIT C). Explains that the official draft of these amendments has not been released by Legislative Council (LC) at this time. States that the proposed amendments are a "gut and stuff" and will change the bill dramatically. Explains that the committee will probably hear testimony in opposition to HB 2465 in its present form; however, OAHHS requests that the bill be passed out of committee after the adoption of OAHHS amendments.
198	Jo Bell	Director, Legislative Support Services, OAHHS, submits and presents written testimony in support of HB 2465 and the amendments submitted to LC by OAHHS, as well as information regarding the Pew Health Professions Commission (PHPC) (EXHIBIT D).
230	Bell	Refers to EXHIBIT D, page 2, and discusses the membership of the three phases of the PHPC.
290	Bell	Refers to EXHIBIT D, page 2, and begins discussing the Pew Commission's development of reports regarding the regulation of health professional licensing bodies. States that the first report came out in September 1995, entitled Reforming Health Care Workforce Regulation: Policy Consideration for the 21 st Century (EXHIBIT E). Discusses recommendations of the report, EXHIBIT D, pages 2 and 3.
365	Bell	Continues discussing recommendations of Pew Commission's first report, EXHIBIT D, page 3.

400	Bell	Begins discussing the second report developed by the Pew Commission, "Strengthening Consumer Protection: Priorities for a Health Care Workforce Regulation," EXHIBIT E, and the recommendations it entailed.
TAPE 11, A		
010	Bell	Refers to EXHIBIT D, page 4, and discusses Pew Commission recommendations incorporated in the proposed amendments submitted to LC by OAHHS.
035	Bell	States that she will provide copies of reports to the committee. * See EXHIBIT E.
041	Rep. Krummel	Asks if the National Policy Advisory Board is an entity that would oversee licensure in general.
044	Bell	Responds affirmatively. Reports that the recommendation states that "Congress should establish a national policy advisory body that will research, develop, and publish national scopes of practice and continuing competency standards for state legislators to implement."
047	Rep. Krummel	Asks since all health care providers would be lumped together under one entity, why a medical doctor from Chicago would care about the scope of practice of an x-ray technician in Oregon.
054	Bell	Responds that the intent of a national body is to develop scopes of practice so that professionals can be mobile and cross state lines. States that x-ray technician scope of practice discussions should only involve x-ray technicians and not medical doctors.
065	Rep. Krummel	Comments that one hopes this is the case; however, this is not guaranteed when one is dealing with a regulatory body at a national level.
071	Bell	Will provide Rep. Krummel with the sections of the national report that relate to his comments. * See EXHIBIT E.
076	Chair Knopp	Asks if the national intent is to create uniform policies regarding scope of practice for easier mobilization of health care professionals among the states.
079	Bell	Responds affirmatively. Explains that currently, if a health professional wishes to practice in a different state, they must take the individual state's exam. The national board would standardize scopes of practice in order to eliminate reexamination for many health professionals.
085	Chair Knopp	Asks if Congress has implemented the national advisory board.

086	Bell	Responds negatively. Explains that the report, with its recommendations for a national board, was recently published in October 1998.
089	Chair Knopp	Asks if a particular federal office or branch has been recommended for reviewing and implementing a national advisory board.
091	Bell	Responds that she is not sure of the answer. States that she will review the full report.
093	Chair Knopp	Asks if other states have implemented recommendations of the Pew Commission.
095	Bell	Responds that Maine, Arizona, Colorado, and Washington have implemented pieces of the recommendations. Explains that all these states have structures for handling their health care licensing boards. Maintains that the intent of the Pew report was to create standardization across state lines.
115	Chair Knopp	Asks if any member of the Pew Commission was from Oregon.
118	Bell	Responds negatively.
123	Rep. Krummel	Comments that organizations which license from a national exam seem to be moving in the direction that the Pew Commission recommends.
134	Bell	Responds that there is a difference between "national certification" and "state licensure." Believes that the Pew Commission recommends maintaining state licensure that should incorporate national standards.
147	Rep. Krummel	Comments that universal standards already exist for many health care professionals across the United States.
157	Bell	Concurs. Explains that the issue is providing ability for professionals to relocate their practices in other states without having to go through relicensure. Discusses "telemedicine" regulations that are new to the world of health care.
172	Rep. Krummel	Comments that there are certain health professions that have different state certification and licensure policies but similar scopes of practice. Asks if the recommendation for national licensure proposes to remove different processes and procedures for licensure among the states.
205	Bell	Responds that HB 2465 does not propose to promote the federal level recommendations. States that the Pew Commission recommends a consistent level of competence within scopes of practice for all health care professionals.
223	Rep. Krummel	Asks if HB 2465 is proposing to bring Oregon in line with recommendations

		from the Pew Commission.
234	Bell	Responds that HB 2465 proposes to establish standards for health care licensing boards in Oregon. Explains that this would make it easier for Oregon to participate with federal changes, should they occur.
247	Rep. Kruse	Asks if the Pew Commission had any concerns that a broad-based system of standards would "dumb down" the system, creating lower standards across the board.
265	Bell	Responds that she is not certain how this issue was addressed in the Pew Commission; however, this would be a major issue for discussion should a national standard be implemented.
290	Sue Wilson	Administrator, Health Licensing Office (HLO), submits and presents written testimony in support of HB 2465 as it will be amended by proposed amendments, and submits information regarding the function and responsibilities of HLO (EXHIBIT F). Discusses the duplication of reporting practices.
370	Wilson	Refers to EXHIBIT F, pages 4 and 5, and discusses the current structure of HLO and how the structure would change with the implementation of HB 2465 and the proposed amendments.
397	Rep. Krummel	Asks if the Health Licensing Council, as shown on page 4 of EXHIBIT F, is proposed to be the overseeing authority of boards in Oregon.
405	Wilson	Responds that the chart shows that the Health Licensing Council becomes one of the organizations under the umbrella of HLO.
TAPE 10, B		
005	Patterson	Submits and presents written information summarizing the changes proposed to HLO by HB 2465 as amended (EXHIBIT G). Discusses why Oregon needs a Health Licensing Council, EXHIBIT G, page 1.
065	Patterson	Refers to EXHIBIT G, page 4, and reports what the health licensing office and the health licensing council will and won't do as a result of HB 2465 as amended.
100	Rep. Taylor	States that it is very difficult to know which part of the original bill is being amended by proposed amendments which the committee does not have yet. Asks if HB 2465 will change the composition of licensing boards as they currently exist in Oregon.
107	Patterson	Responds negatively. Explains that the amendments remove HB 2465, section 17, to the end of the bill.

138	Chair Knopp	Asks when the amendments will be available from LC.
140	Patterson	Responds that they should be available in the next few days.
148	Rep. Kruse	States that LC promised that the amendments would be ready by last Wednesday, 4/7/99. Explains that his office has made numerous calls to LC to find out what the delay is, and has not received any answers other than "soon."
170	Katherine Schmidt	Registered Nurse (RN) and President, Oregon Federation of Nurses and Health Professionals, submits and presents written testimony in opposition to HB 2465 (EXHIBIT H). Refers to EXHIBIT H and discusses four aspects of the bill that the federation opposes.
228	Schmidt	Refers to EXHIBIT H and discusses the federation's opposition to an oversight board resolving conflict regarding scope of practice between health professionals. States that HB 2465 creates another layer of bureaucracy funded by licensure fees.
268	Susan McCall	Medical Director, Board of Medical Examiners (BME) Diversion Program, submits and presents written testimony in opposition to HB 2465 (EXHIBIT I).
320	McCall	Concurs with Schmidt that there is great concern over which professions will sit on the health licensing council, making decisions for all other health professionals.
380	McCall	Respectfully requests that the committee vote against HB 2465, and further requests that BME be allowed to review all amendments proposed to the bill.
390	Scott Gallant	Oregon Medical Association, testifies in opposition to HB 2465. Explains fundamental functions of licensing boards: <ul style="list-style-type: none"> • Make sure that licensees are competent to practice. • Suspend licenses in appropriate cases.
TAPE 11, B		
013	Gallant	Discusses the important role of the legislature in reviewing and investigating health care licensing boards practices, policies, and procedures. Explains that most boards are currently reviewed, scrutinized, and analyzed to a sufficient degree. Comments that the OMA has never supported national licensure.
048	Gallant	States that the OMA can support the "concept" of the bill; however, HB 2465 is a bad way to go about it. Discusses the Pew report's recommendation regarding policy, oversight, and coordination to also include health facilities and health plan regulations. States that these are worth considering because hospitals set standards and regulations for their staff that run along national accreditation and standards.

083	Gallant	States that the OMA is not supportive of alternative dispute resolution. Believes that HB 2465 will set the lowest standards for all professionals, and states that it does not create a mechanism for professionals to challenge allegations of wrong doing.
097	Rep. Krummel	Asks if the OMA is supportive of having all health care professionals provided support from one body or does the OMA believe that each individuated group should have its own board and its own rules and regulations.
118	Gallant	<p>Responds that there are two fundamental issues being addressed:</p> <ul style="list-style-type: none"> • Administrative efficiency- - proponents need to show how this is enhanced by the bill. • Ultimate oversight and evaluation of multiple entities. The OMA does not see how this will solve issues facing individual boards.
190	John Lobdell	Oregon City, submits and presents written testimony in opposition to HB 2465 (EXHIBIT J).
235	Lobdell	Refers to EXHIBIT J, and states that HB 2465 is demeaning to existing boards.
290	Lobdell	States that standardizing boards will never work within the varying scopes of practice.
316	Lobdell	States that he "does not like the idea of public members being put into a quasi-judicial position involving complex professions."
350	Lobdell	States that in current health care systems there are huge pressures for discounts from governments and powerful organizations that propel cost shifts.
390	Lobdell	States that if the committee really wants to protect the citizens of Oregon, it should put attorney general investigators on hospital floors during the night shift.
402	Erica Hovet	Public Member, State Board of Radiologic Technology(OBRT), submits and presents written testimony in opposition to HB 2465 and the proposed amendments (EXHIBIT K). States that this bill "sucks the life's blood" out of individual boards in the name of better efficiency.
TAPE 12, A		
023	Hovet	Refers to EXHIBIT K, page 2, and discusses concerns regarding five public members of the proposed oversight board having no employment in health care professions. States that this is not safe policy for the citizens of Oregon.
055	Chair Knopp	Asks how many x-ray technicians have been investigated by OBRT for procedural or equipment problems.

058	Hovet	Responds that OBRT has conducted investigations which included the alleged slap of an elderly woman by a technician because she wouldn't stay still, the alleged diversion of drugs by a technician for personal consumption, and a few others. States that she will provide Chair Knopp with the number of investigations and their type.
068	Ted Adams	President, Oregon Chapter of American Massage Therapy Association, testifies in opposition to HB 2465. Comments that he believes insurance companies are behind this bill.
085	Joe Dinsdale	Public Member, Oregon State Board of Nursing, submits and presents written testimony in opposition to HB 2465 (EXHIBIT L).
095	Michelle Whitehead	Oregon Board of Psychologist Examiners (OBPE), testifies in opposition to HB 2465. States that OBPE has not been approached regarding any concern or confusion about how it conducts its business. Maintains that a health licensing council will create an additional layer of unneeded bureaucracy in Oregon. Urges the committee to carefully review the validity and pervasiveness of problems that HB 2465 proposes to address.
123	Susan King	Registered Nurse (RN), Oregon Nurses Association (ONA), testifies in opposition to HB 2465. States that alleged abuses of power and public safety by boards is not occurring to the degree that proponents contend. Maintains that careful review of allegations must be conducted before additional oversight is implemented by the state.
144	Dave McTeague	Oregon Board of Chiropractic Examiners (OBCE), submits and presents written testimony in opposition to HB 2465 (EXHIBIT M). Refers to section 15 of the bill which speaks to the adoption of rules for "continued competency of health care professionals." States that discussions regarding this issue must be inclusive of all state health care boards as this is a huge policy shift.
179	Barbara Orazio	Oregon Board of Examiners of Nursing Home Administrators (OBENHA), submits and presents written testimony in opposition to HB 2465 (EXHIBIT N). Refers to EXHIBIT N, and discusses the questionnaire regarding HB 2465 that she sent to 33 active nursing home administrators. Explains that the response was a resounding voice of opposition to this legislation.
205	Joan Ploem Miller, O.D.	Oregon Board of Optometry (OBO), submits and presents written testimony in opposition to HB 2465 (EXHIBIT O). Explains that OBO does not have a "financial slush fund" to assist in financing a new advisory council. States that the best thing that has developed as a result of HB 2465 is the uniting of so many boards around one issue.
238	Dave Plunkett	OBO, submits and presents testimony in opposition to HB 2465 (EXHIBIT P). Concurs with previous testimony and states that components of section 10 of the bill currently exist in statute.
258	Jane Myers	Oregon Dental Association (ODA), submits and presents written testimony in opposition of HB 2465 (EXHIBIT Q). Concurs with testimony regarding the

		need to review alleged inefficiencies of state boards.
286	Carol Fleming	Administrator, Oregon Board of Professional Counselors and Therapists (OBPCT), submits and presents written testimony in opposition to HB 2465 (EXHIBIT R). Concurs with previous testimony in opposition to the bill.
290	Clayton Stearns	Dentist, Past President, ODA, testifies in opposition to HB 2465. States that this bill is taxation without representation and additional costs to boards will eventually be passed on to Oregon consumers.
310	Judy Meredith, OTR	Oregon Occupational Therapy Licensing Board (OTLB), submits and presents written testimony in opposition to HB 2465 (EXHIBIT S). Explains that occupational therapy is the most misunderstood health care profession and OTLB is concerned that there would not be adequate representation of OTLB on the health licensing council. Concurs with the testimony of previous opponents.
346	Pat DeShazer	Registered Nurse, Lakeview, OR, testifies in opposition to HB 2465. States that OBN does a "stellar job" of protecting the citizens of Oregon. Explains that many nurses in her community have dual licenses as they are so close to the borders of Nevada and Utah. Discusses the situation of a California Licensed Practical Nurse (LPN) who could not get a license in Oregon until further requirements of OBN were met. Discusses the garnishment of wages that may take place in order to meet financial requirements that OBN will have as a result of a health licensing council.
		Oregon Federation of Nurses and Health Professionals, Local 5017, submits packet of letters in opposition to HB 2465 (EXHIBIT T).
412	Chair Knopp	Thanks the presenters, committee members, and committee staff for staying late. Closes the public hearing on HB 2465 and adjourns the meeting at 8:15 PM.

Submitted By, Reviewed By,

Diane M. Lewis, Janet L. Carlson,

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EXHIBIT SUMMARY

A ñ HB 2465 packet of letters in opposition, staff, 9 pp.

B ñ HB 2465 written testimony and information in support, Ed Patterson, 6 pp.

C ñ HB 2465 summary of conceptual amendments, Ed Patterson, 1 p.

D ñ HB 2465 written testimony and information regarding Pew commission, Jo Bell, 4 pp.

E ñ HB 2465 written Pew reports requested by committee, Jo Bell, 29 pp.

F ñ HB 2465 written testimony and information regarding the Health Licensing Office, 6 pp.

G ñ HB 2465 written summary of conceptual amendments and the Health Licensing Office, 4 pp.

H ñ HB 2465 written testimony in opposition, Katherine Schmidt, 1 p.

I ñ HB 2465 written testimony in opposition, Susan McCall, 4 pp.

J ñ HB 2465 written testimony in opposition, John Lobdell, 9 pp.

K ñ HB 2465 written testimony in opposition, Erica Hovet, 2 pp.

L ñ HB 2465 written testimony in opposition, Joe Dinsdale, 4 pp.

M ñ HB 2465 written testimony in opposition, Dave McTeague, 3 pp.

N ñ HB 2465 written testimony in opposition, Barbara Orazio, 1 p.

O ñ HB 2465 written testimony in opposition, Joan Ploem-Miller, 1 p.

P ñ HB 2465 written testimony in opposition, David W. Plunkett, 1 p.

Q ñ HB 2465 written testimony in opposition, Jane Myers, 1 p.

R ñ HB 2465 written testimony in opposition, Carol Fleming, 1 p.

S ñ HB 2465 written testimony in opposition, Judy Meredith, 3 pp.

T ñ HB 2465 packet of written letters in opposition, Sylvia Aquila, 20 pp.