

**TASK FORCE ON**  
**PAIN AND SYMPTOM MANAGEMENT**

**March 30, 1999 Hearing Room 350**

**3:00 P.M. Tape 47 - 48**

**MEMBERS PRESENT:**

**Rep. Jeff Kruse, Ex-Officio**

**Beth Nevue**

**Grant Higginson, Chair**

**Simon Paquette**

**Dan Beeson**

**James Rademacher**

**Diane Cockburn**

**Dolores Raymond**

**Frosty Comer**

**Joan Robinson**

**Kris Fassenfelt**

**Gary Schnabel**

**John Fletcher**

**Arlette Sieckman**

**Bob MacLennan**

**Paul Stull**

**Margaret Murphy-Carley**

**Alicia Super**

**Roger Weeks**

**MEMBERS EXCUSED:**

**Sen. Bill Fisher, Ex-Officio**

**Karen Bell**

**Rob Bennett**

**Linda Downey**

**Barbara Gilbertson**

**Kathleen Haley**

**Kurt Hansen**

**Pam Miller**

**Mark Reid**

**Martin Skinner**

**STAFF PRESENT:**

**Anne Tweedt, Administrator**

**Sandy Thiele-Cirka, Co-Administrator**

**ISSUES HEARD:**

**Distribution of Final Report**

**Review of 1999 Legislative Proposals**

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
<b>TAPE 47, A</b>		
004	Chair Higginson	Calls meeting to order at 3:15 PM. Makes opening comments and begins discussion on the final report <b>(EXHIBIT A)</b> and legislative proposals.
030	Frosty Comer	Comments on reviewing the final product.
031	Chair Higginson	Responds that the final report has not been changed much since the last draft version. Begins section by section review, and outlines the task force recommendations: <ul style="list-style-type: none"><li>• The Office of Chronic Pain Management;</li><li>• Statutory changes;</li><li>• Improved consumer and provider education;</li><li>• Improved access to treatment and;</li><li>• Regulatory changes.</li></ul>
054	Roger Weeks	Questions if the demonstration project was adopted as a task force recommendation.
064	Alicia Super	Responds that the task force voted on being supportive of a proposal of a demonstration project. Notes that the demonstration project presented is to be used as an example.
067	Joan Robinson	Comments that page 18 of <b>(EXHIBIT A)</b> clarifies the position of the task force.
076	Chair Higginson	Notes the position of the task force relating to hospice care as outlined on page 18 <b>(EXHIBIT A)</b> . Explains that the demonstration project and universal access to hospice care are supported in concept, but the task force is recommending legislation.
083	Weeks	Discusses that Sen. Shields has inquired if all the current legislation is supported and recommended by the task force. Questions how these concerns should be

		addressed.
097	Chair Higginson	Refers to draft agenda for the Senate Committee on Health and Human Services scheduled on April 15, 1999. Explains that these pieces of legislation are the result of the task force recommendations  <b>(EXHIBIT B)</b> . Identifies that the other two bills, SB 1140 and SB 1141, are supported by the task force, but not requested by the task force. Questions if the members have additional questions or information relating to proposed pain and symptom management legislation.
123	Simon Paquette	Provides SB 1140 and SB 1141 to task force members.
129	Robinson	Comments that Rep. Jeff Kruse has introduced HJR 62, which is similar to SJR 28.
139	Chair Higginson	Questions Rep. Kruse's intent on the HJR 62.
150	Sen. Joan Dukes	Senate District 1. Responds that Rep. Kruse stated that HJR 62 is simple and straightforward.
156	Super	Questions and notes concern regarding legislation that is similar in topic but contains different language.
162	Chair Higginson	Questions Rep. Kruse regarding HJR 62.
167	Rep. Jeff Kruse	House District 45. Responds and explains the differences. Reviews and outlines that the resolution has incorporated language that encourages hospitals, education institutions, and pain centers to increase pain education. Notes that the intent is to state that pain management is a priority to Oregonians.
204	Chair Higginson	Comments on the differences.
209	Rep. Kruse	Comments that HJR 62 identifies and involves the Board of Medical Examiners (BME) and all health care professionals.
237	Chair Higginson	Addresses Super's concern relating to duplicate legislation. Notes that task force members can be supportive of all legislation.
251	Robinson	Recommends that the task force support HJR 62.
255	Sen. Dukes	Remarks and questions the ability and authority of the task force.
267	Rep. Kruse	Acknowledges and notes support for both resolutions.

274	Paul Stull	Comments in support of both SJR 28 and HJR 62.
280	Super	Responds and discusses independent pain practice versus influencing all primary care physicians to improve basic pain assessment.
301	Comer	Comments on the broad and general language.
306	Gary Schnabel	Notes that HJR 62 addresses physicians and SJR 28 includes all health care professionals.
312	Stull	Provides resource background on SJR 28. Notes that the resolution can be viewed as a mission statement.
342	Chair Higginson	Explains that SJR 28 comes directly from the task force. Requests clarification regarding task force members testifying on HJR 62.
359	Sen. Dukes	Responds that the task force does not have the authority to take a position in support or opposition to any legislation. Notes that all task force members represent a professional organization and that representation can have an impact on legislation.
378	Chair Higginson	Comments that it is not appropriate for the task force to officially support other legislation.
383	Sen. Dukes	Responds in agreement. Repeats that the authority is in each individual and their professional organization, but not as a task force representative.
396	Comer	Comments in disagreement with Sen. Dukes regarding authority of the task force.
406	Sen. Dukes	Responds that once the legislative session is completed, the task force will regain some authority.
413	Weeks	Comments in support of Sen. Dukes, that the task force is charged with making recommendations only.
424	Sen. Dukes	Reiterates the political position of endorsing and/or opposing legislation.
434	Chair Higginson	Repeats Robinson's suggestion of supporting HJR 62.
452	Robinson	Emphasizes that she does not support HJR 62 replacing SJR 28.
458	Rep. Kruse	Responds in agreement.

**TAPE 48, A**

000	Chair Higginson	Begins discussion on SB1141 versus SB 22. Notes that SB 22 is a result of the task force recommendation.
016	Sen. Dukes	Responds and acknowledges support for SB 22. Discusses the differences between SB 22 and SB 1141. Notes that the Governor's office has been contacted and is supportive of SB 1141, and that SB 1141 has an acceptable fiscal impact.
037	Rep. Kruse	Comments in agreement with Sen. Dukes. States that SB 1141 has a better chance of success.
059	Anne Tweedt	Policy Analyst, questions if current ombudsman staff will incorporate the pain management issue into current responsibilities.
060	Sen. Duke	Responds that it is the intent to have a new individual to fill the pain ombudsman's position.
068	Kris Fassenfelt	Discusses that SB 1141 is an example of individuals of the task force being supportive of non-task force measures.
082	Margaret Murphy-Carley	Questions Rep. Kruse if there is a third bill that addresses the pain advocate or ombudsman.
085	Rep. Kruse	Responds no. Explains that the creation of a new office could be difficult and that using the existing structure is more acceptable.
097	Sen. Dukes	Encourages the task force members to lobby for SB 22.
101	Comer	Questions if the ombudsman should be located in the Oregon Health Division (OHD).
102	Chair Higginson	Responds that the OHD is within the Department of Human Resources. Comments that SB 22 would provide a focus of follow-up of task force recommendations.
124	Comer	Speaks on the importance of the ombudsman to have the ability to generate good science, traditional and alternative treatment approaches and locate outside funding sources.
145	Paquette	Requests open discussion regarding the description of an ombudsman. Discusses that an ombudsman can be a facilitator, arbitrator, and a confidential venue for the clients being served.

165	Fassenfelt	Notes that SB 1141 does not preclude SB 22.
181	Comer	Remarks that SB 1141 is a beginning point for addressing pain management.
188	Chair Higginson	Reviews the responsibilities of the ombudsman in SB 1141.
221	Robinson	Questions if the task force has authority to negotiate on amendments of measures that have been offered by other groups or individuals.
242	Sen. Dukes	Responds that the task force was created to make recommendations. Comments that Sen. Fisher and Rep. Kruse have participated on the task force and they can be effective.
271	Chair Higginson	Indicates that he will be participating in the hearings as the measures are scheduled.
307	Weeks	Requests that the task force be notified when measures are scheduled.
312	Chair Higginson	Responds that all of the measures that have been requested by the task force are scheduled for April 15, 1999.
316	Sandy Thiele-Cirka	Administrator, reviews committee and testimony procedures.
381	Chair Higginson	Summarizes the procedure for tracking legislation.
399	Rep. Kruse	Discusses that members of the House Committee on Human Resources will be invited to the Senate Committee on Health and Human Services hearing.
446	Chair Higginson	Comments on the format he plans to use for presentation of the final report. Encourages task force members to attend the April 15 <sup>th</sup> meeting.
472	Paquette	Speaks to SB 1140, the proposal for the demonstration project.
483	Chair Higginson	Questions if SB 1140 has a fiscal impact.
484	Paquette	Responds that the project will be funded by private grants. Notes that pharmaceutical and high tech companies are being considered.
<b>TAPE 47, B</b>		
011	Chair Higginson	Repeats that outside sources will be responsible for funding the demonstration project.

012	Paquette	Responds affirmatively.
015	Sen. Dukes	Indicates that the Governor's office is very supportive and the Director of the Health Services Commission is also interested in the project.
020	Chair Higginson	Questions if Oregon Medical Assistance Programs (OMAP) is interested in the project.
022	Sen. Dukes	Responds that she has not contacted OMAP.
025	Comer	Discusses Sen. Qutub and Sen. Bryant's OMAP workgroup. Notes that Sen. Qutub is supportive of projects similar to SB 1140.
050	Rob Bennett	Discusses pharmaceutical firms support for pain management and treatment.
058	Comer	Comments and discusses lobbying efforts of the Oregon Medical Association (OMA).
074	Stull	Continues explanation of support for the demonstration project.
101	Sen. Dukes	Discusses and shares political experiences.
111	Paquette	Summarizes the importance of lobbying and lobbyists.
128	Chair Higginson	Questions Comer regarding OMA.
131	Comer	Responds that task force members need to be proactive with their professional lobbyist and notes concerns regarding the differing positions within the OMA, relating to pain management.
164	Weeks	Addresses Sen. Dukes and acknowledges his appreciation for her support.
180	Chair Higginson	Expresses that task force members need to utilize their professional organization lobbyist.
194	John Fletcher	Questions if there is information available on demonstration projects similar to SB 1140.
200	Fassenfelt	Responds affirmatively. Notes that Workers' Compensation conducted a project sponsored with outside funds.
203	Fletcher	Questions if legislative approval is required for authorization of accepting

		outside funds.
205	Chair Higginson	Responds that when a state agency accepts outside funds approval from the legislative assembly is necessary. Notes that OMAP would be receiving the grant.
211	Carley	Notes that Health Care Financing Administration finances a number of demonstration projects.
214	Chair Higginson	Reminds task force members to take multiple copies of the final report to distribute. Summarizes the task force presentation on April 15 <sup>th</sup> .
236	Robinson	Questions in what form the non-legislative recommendations will be distributed.
242	Paquette	Responds that the discussion indicated that a letter would be distributed with a copy of the final report.
246	Chair Higginson	Comments in agreement.
255	Robinson	Notes the importance of distributing the information as soon as possible.
258	Carley	Suggests that distribution and information dissemination be the topic for a future meeting.
265	Chair Higginson	Responds in agreement.
267	Week	Questions the content of the letter.
268	Carley	Responds with language that may be used.
285	Super	Questions if there is a formal press release to announce that the final report is available.
286	Chair Higginson	Responds not at this time. Provides closing comments and announces that the next meeting will be scheduled in two months. Adjourns the meeting at 4:35 P.M.



Submitted and Reviewed By,

Sandy Thiele-Cirka,

Administrator

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**EXHIBIT SUMMARY**

**A ñ Final Report from the Task Force on Pain and Symptom Management, Staff, 47pp**

**B ñ Proposed Legislation, SJR 28, SB 22, SB 582, SB 1139 (including the ñ1 amendment), Staff, 7pp**