

SENATE COMMITTEE ON BUSINESS & CONSUMER AFFAIRS

March 10, 1999 Hearing Room C

1:00 P.M. Tapes 55 - 56

MEMBERS PRESENT: Sen. David Nelson, Chair

Sen. Lee Beyer, Vice-Chair

Sen. Rick Metsger

Sen. Randy Miller

Sen. Charles Starr

MEMBER EXCUSED:

STAFF PRESENT: Y. Sherry Sheng, Administrator

Nancy Masee, Administrative Support

MEASURE/ISSUES HEARD:

SB 239 Public Hearing and Work Session

SB 185 Public Hearing

SB 598 Public Hearing and Work Session

SB 184 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 55, A		
003	Chair Nelson	Opens meeting at 1:06 p.m. Opens public hearing on SB 239.

SB 239 PUBLIC HEARING

010	Bob Garrison	Chief Deputy State Fire Marshal, State Fire Marshal's Office. Supports SB 239, which increases fees for liquid petroleum gas installation and inspection program. Explains changes in the propane statutes proposed by SB 239. Addresses fees for liquid petroleum gas installation and inspection program. States the growth in the liquid petroleum industry has resulted in the need for more staffing that the fees will finance. Presents (EXHIBIT A) .
063	Lana Butterfield	Northwest Propane Gas Association. Introduces Brian Amspoker.
074	Brian Amspoker	Oregon Legislative Chair for the Northwest Propane Gas Association. Supports SB 239. Explains how the organization's committee has worked with the State Fire Marshal's office to write SB 239. Presents (EXHIBIT B) .
078	Chair Nelson	Asks what is causing the huge growth in the industry.
080	Amspoker	Responds that the largest growth is in residential areas. Increased electrical rates over the years have boosted the use of propane. Residential rates for propane cost about 95 cents per gallon that is delivered.
083	Chair Nelson	Asks for questions. Closes public hearing on SB 239. Opens work session.

SB 239 WORK SESSION

084	Chair Nelson	MOTION: Moves SB 239 to the floor with a DO PASS recommendation.
085		VOTE: 3-0 EXCUSED: 2 ñ Beyer, Miller
086	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. STARR will lead discussion on the floor.
090	Chair Nelson	Closes work session on SB 239. Opens public hearing on SB 185.

SB 185 PUBLIC HEARING

122	Gary Schnabel	Compliance Director, Oregon Board of Pharmacy. Gives background on SB 185
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		which requires that veterinary drug outlets register with the State Board of Pharmacy. States that the Oregon Veterinary Medical Association supports SB 185. Presents (EXHIBIT C) . Says bill creates a new definition of "veterinary drug outlet." Describes the amendment which clarifies the definition of "veterinary drug outlet." The outlets would be registered as non-prescription drug outlets.
188	Helen Noonen Harnsberger	Pharmacist, Member of the Oregon Board of Pharmacy, Klamath Falls. Says that the board was asked by the veterinary medical examiners to look at this issue.
195	Chair Nelson	Asks for questions. Says there are amendments.
200	Schnabel	Reviews amendments of the Board of Pharmacy on page 3. Definition of veterinary drug outlet is proposed. Explains deletion of (f), line 23 of the bill which creates a new drug registration classification.
212	Chair Nelson	Asks for questions.
220	Harnsberger	Says the Board of Pharmacy has had a lot of input from producers, veterinarians, and others involved with providing medications for animals. Says from a public health standpoint, the concern is that there are humans who go to places where drugs are available and take them for human consumption. Says there is no way for some isolated outlets to be notified for recalls. Emphasizes the bill limits access to drugs to people, such as those involved in methamphetamine production. This bill provides for a licensing board to get information regarding outlets and their locations.
255	John McCulley	Agriculture Cooperative Council of Oregon. Says many of their members would qualify as veterinary outlets. Opposes SB 185. Suggests that discussions with the regulated community are needed. Problems need to be discussed and possible educational solutions need to be proposed. Comments on the lack of depth of data involved in the proposed regulations. Questions that the Board of Pharmacy may not be the appropriate regulator as most contacts of the veterinary drug outlets are with the Department of Agriculture. Suggests further discussion with the regulating community about how to address the perceived problems. Presents (EXHIBIT D) .
330	Glen Stonebrink	Executive Vice President, Oregon Cattlemen's Association. Opposes SB 185. Agrees with McCulley's assessment of the bill. Says the amendments would eliminate certification of the outlets. Refers to page 4, Section 2, which says each drug outlet shall apply for registration and certification, which is not agreeable to the association. Says SB 185 could result in rural people being unable to get veterinarian medicines.
367	Sen. Beyer	Comments that in past legislative sessions it was suggested that the Board of Pharmacy register outlets. Asks if the issue is registration, and if the Department of Agriculture (DOA) already knows who is selling drugs.
384	McCulley	Answers the DOA probably would know the outlets more than the Board of Pharmacy because DOA handles fertilizer, pesticides, and other farm products.

		Says the concern is that the persons to be regulated were not approached for their opinions.
TAPE 56, A		
008	Sen. Beyer	Says the Department of Agriculture is closer to feed stores and cooperatives, but asks about other stores, such as chain grocery stores.
014	McCulley	Says DOA inspects grocery stores in regards to weights and measures, and food safety.
020	Stonebrink	Suggests that the DOA, Animal Health Division, would be a more appropriate registrar of these outlets.
022	Chair Nelson	Asks if the letter from Sen. Hannon about generating new fee revenues is a part of this bill.
022	McCulley	Answers it is not, it dealt with administrative rules that were discussed over a year ago.
029	Chair Nelson	Asks for questions.
030	Glenn Kolb	Executive Director, Oregon Veterinarian Medical Association. Supports SB 185. Endorses the amendment. Registration should help prevent diversion of animal drugs to human use, prevent diversion of rational animal remedies to the production of illegal mood altering drugs, and prevent inappropriate antibiotic use in food animals that may contribute to resistant strains pathogenic to persons. Clarifies the state of Oregon expects the Board of Pharmacy to assure safe and appropriate retail distribution of pharmaceuticals. Presents (EXHIBIT E) .
047	Sen. Metsger	Asks if the status quo, in his experience, is causing the problems referred to.
053	Kolb	Says the problems are anecdotal.
054	Sen. Beyer	Asks why registration would result in less inappropriate use.
055	Kolb	Responds it would give a channel to identify information regarding the sale of pharmaceuticals. If education is needed, the problems in delivering products could be approached.
074	Chair Nelson	Closes public hearing on SB 185 until further discussion among interested parties occurs. Opens public hearing on SB 598.
<u>SB 598 PUBLIC HEARING</u>		

080	Jane Myers	Director of Government Affairs, Oregon Dental Association. Introduces Dr. David Howerton. Supports SB 598, which modifies the definition of "dentistry." Gives background on the bill which is updating the definition of "dentistry." SB 598 provides guidelines to the Board of Dentistry to understand statutory authority in the practice of dentistry and the education of dentists. Presents (EXHIBIT F) .
143	Chair Nelson	Asks Dr. Howerton if he has testimony.
145	David Howerton	Specialist in oral maxillofacial surgery, Salem. Discusses SB 598 as updating the statute from 1969. Maxillofacial prosthodontistry replaces facial structures due to disease and accident loss. Discusses the changes in dentistry that are new technologies in the last few years. Presents (EXHIBIT G) .
146	Chair Nelson	Asks Myers if she knows Jim Davis.
174	Myers	Responds that she knows Jim Davis, Oregon State Seniors Denturists Association. He has not contacted her in regard to this bill.
178	Sen. Beyer	Asks why this organization would be concerned about SB 598.
180	Myers	Responds this bill does not affect their statute which is in a separate ORS chapter.
183	Chair Nelson	Asks for any questions. Closes public hearing on SB 598. Opens work session on SB 598.
<u>SB 598 WORK SESSION</u>		
184	Chair Nelson	Asks for any comments.
185	Sen. Starr	MOTION: Moves SB 598 to the floor with a DO PASS recommendation.
186		VOTE: 4-0 EXCUSED: 1 - Sen. Miller
187	Chair Nelson	Hearing no objection, declares the motion CARRIED. SEN. BEYER will lead discussion on the floor.

188	Sen. Miller	Asks to be allowed to vote since he was out of the room when voting took place.
188	Chair Nelson	MOTION: Requests unanimous consent that the rules be SUSPENDED to allow SEN. MILLER to BE RECORDED as voting AYE on the motion "to move SB 598 to the floor with a do pass recommendation".
		VOTE: 5-0
189	Chair Nelson	Hearing no objection, declares the motion CARRIED.
190	Chair Nelson	Closes work session on SB 598. Opens public hearing on SB 184.
<u>SB 184 PUBLIC HEARING</u>		
220	Gary Schnabel	Compliance Director, Oregon Board of Pharmacy. Supports SB 184. Allows Board of Pharmacy to impose discipline on technicians and proposes adoption of rules on education, examinations, and age requirements of technicians. Gives background on bill. Presents (EXHIBIT H) .
257	Schnabel	Explains situations where pharmacy technicians are abusing their employment.
288	Sen. Miller	Asks why a person who committed theft and used drugs unlawfully was not prosecuted.
300	Schnabel	Says sometimes a pharmacy does not have enough evidence to prosecute and the simplest solution is to let them go.
306	Sen. Miller	Says that lack of prosecution indicates doubt of guilt. Asks if there was a hearing.
326	Schnabel	Says a hearing was set, but the defendant had left the state.
359	Nick Willard	Oregon Retired Persons Pharmacy Service. Administers the pharmacy program for the American Association of Retired Persons (AARP). Opposes SB 184 in scope. Says there are some grounds for restricting a technician, but the association does not support full scale licensing. Says the public is adequately protected now. Adding educational examinations and age requirements is unnecessary. Explains that some rural pharmacies have summer work for pharmacy technicians who are employed as students. Says the standards proposed are more than is needed. Adds that sufficient job training is available now. Presents (EXHIBIT I) .

TAPE 55, B

009	Chair Nelson	Asks for questions.
012	Pat Amedeo	Oregon Community Pharmacy Council. Explains that the concerns expressed by Willard are the concerns of the Council. Opposes SB 184. Refers to last legislative session when the issue of licensing technicians was rejected. Says the pharmacy board needs authority to do background checks on applicants. Says SB 184 is not going to improve patient or public safety.
055	Ed Patterson	Oregon Association of Hospitals and Health Systems. Describes pharmacies in hospitals. Every pharmacist is licensed. Says the group supports registration, but not licensure of technicians. Opposes SB 184 because technicians are supervised by licensed pharmacists.
079	Patterson	Supports the creation of a registry of technicians, including their name, address, education, and complete work history. Recalls that last session the pharmacy board said they would create a registry. Refers to letter from Schnabel. Says the Board of Pharmacy testified that tracking disciplinary action of technicians between states will prevent technicians from moving from state to state to avoid disciplinary actions. Says pharmacists have such a registry.
178	Tom Holt	Executive Director, Oregon State Pharmacists Association. Supports the need to remove technicians who abuse their positions. Pharmacists do not have control over who the technicians are. Better oversight of technicians is needed, but there is no assurance that a registry will show bad background of technicians. Offers two amendments. First amendment deletes lines 22 and 25. Says the general education requirements are modified. Says that the pharmacy needs to have a training plan on file. Explains that what a pharmacy does in Prineville, Oregon, differs from a large chain pharmacy in Portland. Says amendment, Page 5, deals with specific functions of technicians in home infusion operations. Wants to come to agreement on bill. Presents (EXHIBIT J) .
290	Chair Nelson	Asks for questions. Thanks testifiers for information.
295	Mike Canton	President, Oregon Society of Health System Pharmacists. Gives background on growth of technicians' responsibilities. Explains that access to drugs is the problem. Pharmacists look at the products, but pharmacists are not in a position to notice what technicians are doing. Discusses the need to oversee technicians who are not responsible. Says the board is on the right track, but licensure is in question.
357	Sen. Metsger	Asks what the training is of technicians.
368	Canton	Says it has always been the pharmacy's role to train their technicians. Training sites vary. Assessment tools at the end of training are needed. Says the pharmacy board should have some kind of oversight.
380	Sen. Miller	Asks about the rules that say a pharmacist supervises a technician. Asks what

		happens if the pharmacist is doing a poor job of supervising.
404	Canton	Says the pharmacist is responsible for the techniciansí work.
TAPE 56, B		
005	Sen. Miller	Asks if the bill would change the supervision of the work under the pharmacistsí control.
009	Canton	Says removal of drugs could be documented, reported, and used as a means to revoke a registration.
014	Sen. Miller	Asks if you can revoke their job. Asks if Human Resources checks past employers.
020	Canton	Says his experience with checking past employers is that the employers are reluctant to give out any information.
023	Sen. Miller	Asks how Canton feels about employers that do not divulge any information on the employee.
025	Canton	Says he does not know what withholding the information means.
027	Sen. Miller	Asks if Canton would be suspicious of nondisclosure by the employer.

028 Canton Answers he might be. (but he does not know)

038 Chair Nelson Asks for further questions. Encourages parties to work out an answer. Closes public hearing on SB 184. Adjourns meeting at 2:36 p.m.

Submitted By, Reviewed By,

Nancy Masee, Y. Sherry Sheng,

Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 239, Letter, Robert Garrison, 2 pp

B ñ SB 239, Letter, Brian Amspoker, 1 p

C ñ SB 185, Written testimony, Gary Schnabel, 9 pp

D ñ SB 185, Written testimony, John McCulley, 7 pp

E ñ SB 185, Letter, Glenn Kolb, 1 p

F ñ SB 598, Written testimony, Jane Myers, 5 pp

G ñ SB 598, Letter, David Howerton, DMD, 1 p

H ñ SB 184, Written testimony, Gary Schnabel, 2 pp

I - SB 184, Letter, Nicholas Willard, 4 pp

J ñ SB 184, Written testimony, Tom Holt, 8 pp