

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

January 25, 1999 Hearing Room B

8:00 AM Tapes 9 - 10

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Frank Shields, Vice-Chair

Sen. Susan Castillo

Sen. Verne Duncan

Sen. Marylin Shannon

STAFF PRESENT:

Sandy Thiele-Cirka, Administrator

Andrew Morris, Administrative Support

MEASURES HEARD:

SB 313 Public Hearing and Work Session

SB 264 Public Hearing and Work Session

SB 265 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 9, A		
000	Chair Fisher	Calls meeting to order at 8:08 AM.

SB 313 PUBLIC HEARING

010	John Chism	American Heart Association, expresses support SB 313. (EXHIBIT A).
015	Bill Ruegg	Volunteer, American Heart Association. Provides testimony (EXHIBIT B) . Expresses opinion that the advent of the Automatic External Defibrillator (AED) is one of the most important inventions relating to cardiology.
043	Ruegg	Explains the functions of AED.
078	Ruegg	Indicates that the American Heart Association supports the following four groups to use AED: <ul style="list-style-type: none">• fire and police;• public safety and transportation;• citizen CPR;• and untrained witnesses who are not covered by bill.
117	Ruegg	States that SB 313 only provides for trained people. Indicates that an untrained bystander could conceivably operate the AED.
127	Sen. Duncan	Questions the cost of an AED.
130	Ruegg	Responds approximately \$2,500 to \$3,000.
138	Chair Fisher	Questions the accessibility of AEDs.
140	Ruegg	Responds that when the AED purchase price is \$1000 or less, more machines will be available.
152	Chair Fisher	Asks if there is a danger of people hurting themselves.
156	Ruegg	Responds that the AEDs have safety features. Explains that Cardio Pulmonary Resuscitation (CPR) has the potential to be more dangerous than an AED.
163	Sen. Shannon	Relates a story of a person on a plane who was saved by an AED. Asks if the bill falls under the safety and transportation area.
168	Ruegg	Answers affirmatively. States that 70 hours of training is required to be certified, and with training the bill reduces citizen liability.
225	Sen. Castillo	Questions the extension of immunity.

230	Chism	Responds that police and emergency medical technicians (EMT) would be included.
245	Sen. Castillo	Comments and questions the need for immunity.
255	Sen. Shields	Questions if current immunity laws were passed before the new technology was developed.
261	Ruegg	Responds that AEDs became automated in the 1980is.
280	Sen. Shields	Asks for the definition of automation.
285	Ruegg	Responds that the heart rhythm is interpreted by the AED computer.
295	Greg Lander	Instructor, Chemeketa Community College. Provides testimony (EXHIBIT C) in support of SB 313. Explains that SB 313 covers people who would use and AED in an emergency situation. Notes concern relating to lawsuits.
324	Chair Fisher	Asks about school athletes and athletic events.
340	Lander	Responds that if available, someone could use an AED. Notes that a community college in Eugene has trained people to use an AED.
357	Sen. Duncan	Recognizes the need to have the device available.
360	Robert Floreck, M.D.	Presents testimony (EXHIBIT D) in support of SB 313. States that 70 percent of heart attack victims die because they do not receive immediate attention.
TAPE 10, A		
011	Sen. Castillo	Asks about the chance of misusing the AED.
020	Floreck	Stresses that the AED is 98% safe. Explains user liability.
048	Tim Thornburgh	Medtronic Physio Control. Explains that research is being conducted for voice prompt instructions.
063	Sen. Duncan	Questions if the AED could become a household device.
069	Floreck	Responds affirmatively. States the device is simple, and could be in homes with instructions.

107	Thornburgh	States that an AED machine would not improperly shock a patient.
128	Bruce Bishop	Representing Keiser Permanente. Reviews language on page 2 lines 4-7 subsection 5, notes concerns regarding the type of defibrillator. States that ORS 030.800 gives immunity for emergency medical assistance.
159	Chair Fisher	Asks if automatic external should be added to line 6.
165	Bishop	Suggests clarifying language.
173	Sen. Shields	Suggests adding automated external to page 2 line 6.
187	Sen. Castillo	Questions blanket immunity.
190	Bishop	Responds that current immunity does not define gross negligence.
200	Chair Fisher	Questions immunities.
207	Bishop	States concerns about ambiguity.
225	Chair Fisher	Inquires about gross negligence and what ORS 030.800 covers.
240	Bishop	Responds that gross negligence would be covered under this bill, however, notes that two standards of immunity are being created.
250	Dave Heynderickx	Deputy, Legislative Counsel. Explains the Good Samaritan statute, emergency situations. Explains that SB 313 states that if an operator of an AED complies with the statutes, then absolute immunity exists.
300	Heynderickx	Continues explanation of immunity.
315	Chair Fisher	Asks about total immunity.
320	Heynderickx	Refers to lines 7-8. Notes if a person uses the defibrillator correctly, they are immune.
330	Chair Fisher	Discusses impact of the bill. Wants to encourage people to use the AEDs.
386	Sen. Castillo	Questions the volume of negligent claims.
392	Floreck	Responds often. Comments on the difficulties that arise in emergency situations.

TAPE 9, B

000	Sen. Castillo	Questions if the trade off of immunity will save lives.
005	Floreck	Responds affirmatively.
017	Thornburgh	Provides personal testimony regarding liability of not having an AED.
030	Chair Fisher	Questions support of adding automated external language.
035	Floreck	Responds affirmatively.
045	Sen. Duncan	Questions the availability of an AED in the Capitol.
051	Thornburgh	Comments that Washington state is discussing AEDs in their Capitol building.
062	Chair Fisher	Closes public hearing and opens work session on SB 313.

SB 313 WORK SESSION

070	Chair Fisher	MOTION: Moves to AMEND SB 313 on page 2, in line 6, delete "a", insert "an automated external" before "defibrillator."
073	Chair Fisher	VOTE: Hearing no objection, declares motion CARRIED.
075	Chair Fisher	Closes work session on SB 313 and opens public hearing on SB 264.

SB 264 PUBLIC HEARING

077	Kathleen Haley	Executive Director, Oregon Board of Medical Examiners. Testifies (EXHIBIT E) in support of SB 264. States that SB 264 provides greater access to health care for rural Oregonians.
136	Jeff Watkins	Oregon Society of Physician Assistants, testifies in support of SB 264.
138	Chair Fisher	Closes public hearing on SB 264 and opens work session on SB 264.

SB 264 WORK SESSION

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140	Sen. Duncan	MOTION: Moves SB 264 to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: 4 - Castillo, Duncan, Shannon, Fisher EXCUSED: 1 ñ Shields
142	Chair Fisher	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
150	Chair Fisher	Closes work session on SB 264 and opens public hearing on SB 265.
<u>SB 265 PUBLIC HEARING</u>		
164	Haley	Testifies in support of SB 265 (EXHIBIT F). Explains the Board of Medical Examiners (BME) membership. Reviews the per diem increase. Notes it is becoming more difficult to recruit board members due to the cost of lost time.
225	Chair Fisher	Requests clarification of the proposed increase to BME members.
227	Haley	Answers that the BME covers all committees including acupuncture.
250	Chair Fisher	Discusses the average amount of days board members meet during a biennium.
267	Sen. Shannon	Questions if per diem is set by federal statute. Questions if per diem is used for motel and expenses.
275	Chair Fisher	States that SB 265 treats per diem as compensation.
280	Haley	Explains that the per diem is generated by licensing fees. Repeats that all funds come from licensing, not the General Fund.
307	Chair Fisher	Requests per diem rates from other professional boards.
314	Haley	States committees that meet annually would not receive the \$250 daily per diem.
336	Sen. Shannon	Questions who purchases the members suitcases.

337	Haley	Responds that the suitcases are BME property.
347	Sen. Duncan	Requests a list of current per diems for other groups. Agrees that fees need to be adjusted.
376	Haley	Comments that the per diem rate does not include preparation time. Notes that members are still donating time.
391	Watkins	Association of Physician Assistants. Supports increasing per diem rate. Notes that the Association supports a fee increase in order to increase the per diem.
TAPE 10, B		
000	Chair Fisher	States that he wants to review other boards per diem rates.
006	Scott Gallant	Oregon Medical Association. Expresses support of SB 265. States that the OMA would like to see an adequate amount of per diem for members compensation.
062	Gallant	States that anyone may apply to be a member of the BME. Discusses the public members on the board. Notes that board members are appointed by the Governor and confirmed by the Senate.
075	Jack Kane	Osteopathic Surgeon Association. Supports SB 265 and views it as an economic issue. States that physician selection is needed and SB 265 would assist with recruitment.
109	Chair Fisher	Closes public hearing on SB 265 and adjourns the meeting at 9:40 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 313, Question and Answer sheet, John Chism, 1 p

B - SB 313, Written Testimony, Bill Ruegg, 2 pp

C - SB 313, Written Testimony, Gregg Lander, 2 pp

D - SB 313, Written Testimony, Robert C. Florek, MD, 1 p

E - SB 264 Written Testimony, Kathleen Haley, 3 pp

F - SB 265 Written Testimony, Kathleen Haley, 3 pp