

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

January 27, 1998 Hearing Room B

8:00 AM Tapes 11 - 13

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Frank Sen. 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 33 Public Hearing and Work Session

SB 141 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 11, A		
000	Chair Fisher	Calls meeting to order at 8:10 AM.
<u>SB 33 PUBLIC HEARING</u>		
002	Bob Joondeph	Executive Director, Oregon Advocacy Center. Reads testimony (EXHIBIT A) in support of SB 33. Comments that SB 33 adds the definition of provider, and

		provides clarity to how and when a physician can withdraw from providing services.
036	Sen. Shields	Questions why the original bill needs clarification.
040	Joondeph	Replies practitioners and others find current language confusing.
051	Chair Fisher	Asks Joondeph to clarify "unable" on line 30 of page 1.
055	Joondeph	Refers to ORS 127.717. States that if a physician cannot proceed with mental health treatment, the physician may refer the client to another physician.
093	Chair Fisher	States there needs to be a basic framework to follow guidelines. Closes public hearing on SB 33 and opens work session on SB 33.
<u>SB 33 WORK SESSION</u>		
120	Sen. Duncan	MOTION: Moves SB 33 to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. CASTILLO will lead discussion on the floor.
150	Chair Fisher	Closes work session on SB 33 and opens public hearing on SB 141.
<u>SB 141 PUBLIC HEARING</u>		
157	Gerald Bieberle	Residential Providers Association of Oregon. Presents testimony (EXHIBIT B) . Explains that SB 141 is not intended to interfere with counties' fiscal responsibilities. States the counties are adding more factors to subcontractors, without adding funding.
214	Chair Fisher	Questions the payment system.

220	Bieberle	Responds that the counties are asking providers to utilize their own funds. Points out that SB 141 states that counties cannot add extraneous requests.
235	Sen. Duncan	Questions how widespread the problem is.
239	Bieberle	Responds the problem is not statewide. States that several counties have added additional requests.
248	Duncan	Asks if Clackamas County has been identified.
258	Bieberle	Responds that no one has complained about Clackamas County. States he would like the Mental Health Division to produce a model budget and contracts for services that would provide consistency. Requests the development of an appeals process.
305	Sen. Castillo	Asks if the problem is statewide.
309	Bieberle	Responds that Marion, Multnomah, and Washington counties have had the most complaints.
315	Chair Fisher	Asks if amendments are needed.
321	Bieberle	Responds no.
324	Chair Fisher	Adds that he has dealt with this situation in the past . Discusses the unfairness to the providers.
370	Chair Fisher	Notes support for SB 141.
385	Bieberle	Clarifies that SB 141 refers to mental health and developmentally disabled.
400	Chair Fisher	Invites Michael McCracken and Michael Sedlock to testify.
TAPE 12, A		
000	Michael McCracken	Oregon Community Mental Health Programs. Opposes SB 141. Gives brief overview of mental health history in Oregon. Notes the bill removes county flexibility.
033	Chair Fisher	Asks if siting conditions are included in the same rules as adult foster homes.
035	McCracken	Responds that some are and some are not. Discusses the mentally ill facilities.

056	Sen. Shannon	Asks if McCracken is referring to adjudicated sex offenders.
060	McCracken	Responds not specifically. Discusses the need for flexibility in contract language. Points out that the Governor's task force supports the current system.
084	Michael Sedlock	Marion County Health Department. Opposes SB 141 (EXHIBIT C). Explains the department contracts for services to the developmentally disabled and chronic mentally ill. Indicates the county does not want to change the system. States the counties are working towards more accountability.
145	Sen. Duncan	Asks if Marion County can resolve the problem. Implies that SB 141 is correcting a problem that impacts a few people.
160	Sedlock	Responds that the county is working with providers to develop outcomes that will improve the entire system.
178	Sen. Duncan	Asks Sedlock if he has explained to the providers what the counties are developing.
208	Sedlock	Responds that the county is having ongoing meetings with providers to address concerns.
219	Chair Fisher	Asks how the county would feel if they were treated differently from county to county.
230	Sedlock	Responds that the county would question if they could continue to contract with the state. Acknowledges that each county interprets state statutes and regulations.
267	Chair Fisher	Remarks that the legislature adopts rules to simplify the process.
292	Sedlock	Explains that the counties work with neighborhoods to develop adequate housing sites. States that it is not unreasonable for counties to add provisions.
316	Sen. Castillo	Asks what counties are doing to make it easier for providers who contract with multiple counties.
326	McCracken	Responds that each county has their own procedures. Explains that some counties are more sophisticated, larger, and have a variety of services. Notes that the counties would like to work with the state in creating uniformity.
361	Chair Fisher	Questions the status of the forum.
368	McCracken	Responds that the state did not follow through with the coordination of the task

		force.
383	Chair Fisher	States that the forum was agreed upon by Bieberle and McCracken.
387	McCracken	Clarifies that the 1995 Legislature did not act on the legislation based on this agreement.
390	Chair Fisher	Questions the 1995 legislation.
404	Sandy Thiele- Cirka	Administrator. States that HB 3099 (1995) was withdrawn based on the agreement between the parties.
TAPE 11, B		
000	Gary Schnoor	Residential Providers Association. Presents testimony in support of SB 141 (EXHIBIT D) . States that the bill will help stabilize programs between counties.
039	Anson Bell	Executive Director of Spruce Villa. Reviews testimony in support of SB 141 (EXHIBIT E) . Discusses problems experienced with Marion County.
069	Chair Fisher	Asks about requirements being placed on providers.
070	Bell	Explains the rating system for applicants. Describes Spruce Villa, which has been forced to hire unnecessary bilingual staff.
087	Chair Fisher	Questions the additional requirements.
092	Bell	Responds that the counties are requiring additional stipulations. States he would like to address the appeal process, but needs the state to oversee the counties when an appeal is requested.
104	Sen. Castillo	Asks if county officials are accessible.
112	Bell	Opines that the county is more accessible since SB 141 was introduced. Notes the ongoing frustration.
120	Sen. Shields	Questions effectiveness of SB 141.
127	Bell	Responds that the current system would remain in place and nothing would improve. Notes that SB 141 is not oppressive to counties.

133	Chair Fisher	Calls Norm Koller and Joanne Fuhman to testify.
140	Norm Koller	Community Access Services (CAS). Testifies in support of SB 141. States that each county is different. States that in the past, the county reorganized and stopped its contract to CAS, with no explanation, and there was not an appeal process available. Comments on spending \$6000 in attorney fees for resolving a contract issue.
203	Sen. Duncan	Asks if Clackamas County is difficult.
205	Koller	Responds no. States that SB 141 gives accountability to the counties and establishes an appeals process.
219	Joanne Fuhman	Partnership in Community Living (Marion and Polk Counties) and member of Rehabilitation Association. Supports SB 141. States the bill does not remove the county from the process. States the county requires excessive administrative time without an increase in funding. Indicates that she wants an accountable system. States that organizations document their own service and records.
264	Fuhman	Continues testifying.
275	Sen. Castillo	Comments that the county believes that SB 141 will make it more difficult to site group homes.
290	Koller	States that he does not see the bill affecting that issue. Adds that if more funds are needed, then the county and state should discuss contract rates.
317	Fuhman	Explains that her organization is working with Fairview clients who are being placed and they need the county as partners. States that the organizations work with the communities to alleviate fears.
340	Sen. Castillo	Comments on the statewide impact of SB 141.
356	Koller	Concurs with Sen. Castillo. Notes that in 1995, the providers wanted to work with the state and the counties.
370	Chair Fisher	Asks what contract issues are problems.
373	Fuhrman	Responds that small issues are being placed into contracts.
420	Sen. Castillo	Requests to have Sedlock respond.
425	Chair Fisher	Invites Neil Carroll and Judy Hammerstad to testify.

TAPE 12, B

000	Neil Carroll	Owner of a Residential Treatment Facility (RTF). Presents the questionnaire Marion County uses to grade facilities. Reviews testimony in support of SB 141 (EXHIBIT F) .
033	Chair Fisher	Notes concerns and frustration regarding the questionnaire.
037	Carroll	Describes the questionnaire scoring process.
038	Sen. Shields	Asks how long Carroll has been providing services.
042	Carroll	Responds since 1974.
054	Sen. Castillo	Requests Carroll to clarify an unreasonable request.
056	Carroll	Provides examples of an in home receptionist and physician.
082	Sen. Duncan	Asks about alternative programs.
089	Carroll	Responds that Jeff Davis, Marion County administrator, would not discuss options. Notes that SB 141 is needed to make counties more accountable. Emphasizes that Marion County's requirements could close his facility.
107	Chair Fisher	Commends Carroll on presentation and work. Asks how long it took to fill out the questionnaire.
116	Carroll	Responds that providers met and completed the questionnaire according to the Oregon Administrative Rules (OAR) and other regulations. Explains that Marion County goes beyond OAR rules.
139	Judie Hammerstad	Former Clackamas County Commissioner and also former State Legislator. Has a neutral opinion on SB 141. However, questions language in Section 1 (h), and who would be affected.
166	Sen. Shields	Asks if would be possible to amend the line restricting the contract to the actual service called for by the state.
174	Hammerstad	Adds that, with section 4, the counties could not comply with the word "only." Continues that SB 141 would prevent counties from responding to local conditions and asks who would decide what is non-essential. Expresses that the problem should be solved with the specific county.

240	Chair Fisher	Acknowledges testimony of Hammerstad. States that the County Commissioners should take a lead in this situation.
258	Carroll	Comments and notes concern that the County Commissioners could help.
259	Chair Fisher	Indicates he will contact the County Commissioners. Discusses and notes that there is need for legislative guidance in this area.
292	Sen. Duncan	Requests to have Sedlock respond to concerns regarding the questionnaire.
312	Sen. Shields	Appreciates testimony and would like to see a workgroup convene to work together.
322	Chair Fisher	Responds in agreement. Asks if Hammerstad would participate.
336	Chair Fisher	Recalls Sedlock to testify.
339	Sedlock	Responds to siting issues, and states that special conditions are implemented by the counties to satisfy the neighborhoods. Notes the current appeals process. Explains that the questionnaire is a trial and no provider has lost their contract, and notes that the county will be modifying the document. Elaborates that the document is intended to highlight important issues. Continues that Marion County is evaluating the credential process.
428	Chair Fisher	Notes frustration with the questionnaire and states that Marion County does not have adequate communication with the local providers.
TAPE 13, A		
000	Sedlock	Responds that he does not know how long it would take to fill out.
020	Sen. Duncan	Requests clarification relating to the questionnaire scoring.
025	Sedlock	Explains that the county developed a graph showing providers scores.
032	Sen. Duncan	Asks for the percentages.
033	Sedlock	Responds that he does not have that information.
035	Chair Fisher	Refers to the document and states that requiring something in the name of diversity is unacceptable. Reiterates that he is upset with the document.

067	Chair Fisher	Closes public hearing on SB 141 and adjourns the meeting at 10:06 AM.
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Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 33, Memo, Bob Joondeph, 1 p

B ñ SB 141, Written Testimony, Gerald Bieberle, 2 pp

C ñ SB 141, Written Testimony, Michael Sedlock, 1 p

D ñ SB 141, Written Testimony, Gary Schnoor, 2 pp

E ñ SB 141, Written Testimony, Anson Bell, 1 p

F ñ SB 141, Written Testimony and copy of questionnaire, Neil Carroll, 7 pp