

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

January 28, 1998 Hearing Room B

8:00 AM Tapes 14 ñ 16

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 274 Public Hearing

SB 322 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 14, A		
002	Chair Fisher	Calls meeting to order at 8:04 AM and opens a public hearing on SB 274.
<u>SB 274 PUBLIC HEARING</u>		

007	Dan Kennedy	Department of Administrative Services, Administrator of Human Resources. Testifies in support of SB 274 (EXHIBIT A). States the process for SB 274 started in 1995. Comments that the state should hire more disabled persons, and that that Oregon is facing a shortage of workers. States that SB 274 comes from SB 23 (1997). States that 6.7 percent of people in the private workforce have disabilities, while only 4.8 percent of disabled people are employed in state jobs. Explains the task force for hiring disabled persons.
058	Lynnae Rutledge	Deputy Administrator, Vocational Rehabilitation Department (VRD). Testifies in support of SB 274. States that disabled people are receiving interviews, but not becoming employed. States the department is looking at ways to hire more disabled people and believes that there is a need to continue this program. States that the VRD works to help people become more successful. States the bill will allow more flexibility.
108	Sen. Castillo	Asks whether definitions of disabled in the bill are new or the same as in current statute.
116	Rutledge	Responds that the task force tried to capture the definition of disabled as it is defined in the American with Disabilities Act (ADA).
127	Sen. Shields	Asks Rutledge to give examples.
133	Rutledge	Responds that she was responsible for conducting focus groups of people currently employed or in search of employment. Shares stories of people looking for or forced out of positions. Notes that disabled people are doing up to 40 interviews with no success.
198	Sen. Shields	Asks how often people face prejudice, and how the control group is doing compared to the population at large.
221	Rutledge	Responds that people are often subjected to prejudice and bad attitudes. Explains the she does not have the statistics of the control group. Notes there is a large group of underrepresented people.
254	Chair Fisher	Questions how many people would benefit by SB 274.
262	Rutledge	Responds about 200,000 people. States that an increase from 5 percent to 10 percent of disabled people in state employment would be an improvement.
283	Kennedy	States that looking at numbers of people ages 18 to 64, about 10 percent have work related disabilities. Comments that currently 5 percent are employed by the state.
326	Rutledge	States that the VRD gets information from the President's Committee on Employment of People with Disabilities. States that the committee uses percentages from general workforce. Notes that 70 percent of disabled people are unemployed.

364	Chair Fisher	Introduces a hand written letter (EXHIBIT B). Questions the definition of severely disabled.
381	Rutledge	Responds the goal was to capture people who would gain employment through vocational rehabilitation. SB 274 uses a broad ADA definition. Points out the bill does not exclude developmentally disabled or other disabled people.
431	Eugene Organ	Director, Disabilities Commission. Testifies in support of SB 274. States the Disabilities Commission was included in the process in developing SB 274.
TAPE 15, A		
020	Organ	States that people call the commission and state that they believe that the job interviews are not real. Notes that the program was created before ADA existed. States that it does not make sense to have exemptions from employment testing, because ADA provides for accommodations. Feels that the people that do the hiring need education to examine their attitudes towards disabled people. Comments that a glass ceiling exists for people with disabilities.
106	Sen. Shields	Asks if it is possible to use only the word disabled, or if severely disabled language is necessary.
120	Organ	Responds that the commission prefers to delete severely, but that the authors of the bill are more familiar with ADA guidelines.
128	Rutledge	Responds that severely could be deleted.
164	Katharine Weit	Oregon Developmental Disabilities Council. Testifies in support of SB 274. Discusses concerns about the language of the bill.
215	Sandra Bishop	Fair Competition Alliance. Feels SB 274 substantially changes definitions that would impact the public contracting process. States that the definition of disabled is extensive. Requests that the committee be consistent with existing definitions of disabled. Urges the committee to look at the target population and how it relates to the ADA.
318	Bishop	States the bill should treat everyone equally, and that the ADA was created to make accommodations for people who are disabled. Explains the Oregonians with Disabilities in the Working Ages Study (EXHIBIT C).
399	Chair Fisher	Asks about the 270,000 disabled people. Questions if the ratio in the study is correct.
TAPE 14, B		

007	Sen. Shields	Comments the study is unclear.
013	Bishop	Refers to charts on pages 2 and 3 of (EXHIBIT C) .
020	Sen. Shields	States that if the definitions are expanded, it improves the statistics. Asks if there is a motivation to do this.
033	Bishop	Responds that she is not qualified to answer that question. Comments that if the definition of disabled is too broad, it will impact the economy.
079	Chair Fisher	Asks about the \$2 million in the Governor's Budget.
087	Rutledge	Responds the money is to increase employment and it is separate from the state hiring program.
100	Chair Fisher	States that he does not support competition between agencies.
120	Jody Fischer	Oregon Rehabilitation Association. Testifies in support of SB 274. Comments that non-profit organizations employ a large percentage of developmentally disabled people.
142	Roger Martin	Goodwill Industries. Testifies in support of SB 274. Urges the committee to not change the definitions in SB 274. Discusses and provides background relating to the employment of person with disabilities. Responds to testimony by Bishop that mandating the hiring of disabled persons will overlap the hiring of non-disabled persons, and notes that the benefits outweigh the negatives.
190	Martin	Explains that Goodwill Industries operates without state funds. Reiterates that he does not want the committee to change the definitions in SB 274.
210	Chair Fisher	Comments that a multitude of definitions can be confusing. Points out that the proposed idea is to only remove the word severely. Asks about limiting the definition, or making it correspond with existing definitions of disabled.
241	Fischer	States that the association is concerned about changing the definition of disabled.
249	Chair Fisher	Asks if there is an objection to removing the wording severely.
254	Fischer	Responds no.
255	Sen. Shannon	Explains that many mentally disabled people were moved to either the streets or prisons. States that the issue of placement of the mentally challenged people needs to be reviewed and discussed.

278	Martin	Responds that there are hundreds of former institutionalized people who are successfully living and working outside in the community.
310	Chair Fisher	Closes public hearing on SB 274 and opens public hearing on SB 322.
<u>SB 322 PUBLIC HEARING</u>		
355	Joan Bouchard	Executive Director, Oregon State Board of Nursing. Testifies in support of SB 322 (EXHIBIT D). Explains SB 322 and the three changes: <ul style="list-style-type: none"> • Creates a limited licensure for international nursing students; • Eliminates the 30 day grace period for the renewal of nursing licenses; • Removes the \$20 fee and capitation for certification renewal for Certified Nursing Assistants (CNAs)
425	Chair Fisher	Asks about the international student licensing fee.
429	Bouchard	Responds the fee would be \$25, which is limited by administrative rules.
TAPE 15, B		
000	Chair Fisher	Questions the time limits for international students.
006	Bouchard	Responds that international students need to be enrolled in an educational program before obtaining a temporary license.
016	Bouchard	Explains the 30 day grace period for renewing licenses. Comments that current licensing is continuous, and the need for a grace period is gone. Recommends removing the grace period because it conflicts with current law.
042	Chair Fisher	Asks about the process of informing nurses that the grace period is eliminated. Asks what happens if a nurse is delinquent.
068	Bouchard	Responds that nurses pay a late fee. Notes that with SB 322 nurses will have their license or not.
070	Chair Fisher	Asks what will happen if a nurse's license expires.
077	Bouchard	Responds that the board will not prevent them from working, but it makes the nurses more accountable. Clarifies the removal of fee caps for CNAs. States that without raising the certification fees the board will have to eliminate services.
109	Sen. Shields	Asks what services would be reduced.

113	Bouchard	Responds that the board receives 70 percent of its funding from licensing fees. Without the fees the board could not investigate complaints, and would not be able to effectively communicate with the CNA community.
128	Chair Fisher	Questions where the remaining 30 percent of funding comes from.
130	Bouchard	Responds it is from testing fees and miscellaneous fees.
138	Sen. Shields	Asks if fees are based on, or reflective of, salaries.
149	Bouchard	Responds the fees are based on a fee study conducted in 1998. States that the fees are established on the cost of services, not wages.
155	Sen. Shields	Notes that CNAs are not paid very much money.
158	Bouchard	Recognizes that the licensing fees could be a hardship for some CNAs. Reiterates that the fees are based on the cost of administering the program.
162	Sen. Duncan	Asks for the current CNA fee.
169	Bouchard	Responds the renewal fee is \$20 for two years for CNAs, and \$54 every two years for Registered Nurses.
189	Chair Fisher	Asks why the services would decrease if they are already provided.
205	Bouchard	Responds that the nursing program is subsidizing the CNA program.
219	Chair Fisher	Discusses and comments that it is easier to make small increases over time.
257	Sen. Duncan	Suggests developing a sliding scale.
272	Bouchard	Notes the fees have not been raised since 1993.
277	Chair Fisher	States that CNAs require more training. Asks about training costs.
310	Bouchard	Responds she is unsure, but will find out the figures and report them to the committee.
365	Sen. Shields	Comments on fees and the working poor.
380	Juliana Cartwright	Dean of Nursing, Oregon Health Sciences University, Ashland campus. Presents

		testimony in support of SB 322 (EXHIBIT E). Explains that allowing international students to attend school and practice nursing will help prepare students for community diversity.
TAPE 16, A		
000	Terri Kraemer	Oregon Alliance of Senior and Health Services. Testifies in oppositions to SB 322. States that the alliance does not agree with lifting the cap on licensing fees. Notes that the proposed fee is a 75 percent increase.
035	Chair Fisher	States that a work session will be scheduled. Suggests not removing the licensing capitation, but adjusting the rate.
071	Sen. Duncan	States that there needs to be a way to pay for program services.
100	Brian De Lashmutt	Oregon Nurses Association. Testifies in support of SB 322. States the importance of dividing the costs of services equally. States concern relating to an increase in fees.
133	Sen. Shields	Asks why the fees were placed in statute and not included in the administrative rules.
150	Chair Fisher	Responds to monitor fees. Discusses program equality and the importance of the board and services provided. Closes public hearing on SB 322 and adjourns the meeting at 10:10 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 274, DAS Study on the Disabled Workforce, Department of Administrative

Services, Dan Kennedy, 8 pp

B ñ SB 274, Letter, Senator Bill Fisher, 2 pp

C - SB 274, Oregonians with disabilities in the working ages, Fair Competition Alliance,

Sandra Bishop, 4 pp

D ñ SB 322, Written testimony, Board of nursing, Joan Bouchard, 2 pp

E ñ SB 322, Written testimony, Oregon Health Sciences University, Juliana Cartwright, 1 p