

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 11, 1999 Hearing Room B

8:00 AM Tapes 27 - 28

**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 30 Work Session**

**SB 348 Public Hearing and Work Session**

**SB 600 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
<b>TAPE 27, A</b>		
004	Chair Fisher	Calls meeting to order at 8:09 AM, and opens work session on SB 30.
<b><u>SB 30 WORK SESSION</u></b>		

013	Allan Tresidder	Representing the Oregon Advocacy Center. Reports that parties are satisfied with the SB 30.
015	Chair Fisher	Presents SB 30 ñ1 (2/4/99) amendments ( <b>EXHIBIT A</b> ) to committee.
<b>019</b>	<b>Sen. Duncan</b>	<b>MOTION: Moves to ADOPT SB 30 -1 amendments dated 02/04/99.</b>
	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>024</b>	<b>Sen. Shields</b>	<b>MOTION: Moves SB 30 to the floor with a DO PASS AS AMENDED recommendation.</b>
<b>026</b>		<b>VOTE: 5-0</b> <b>AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b>  <b>SEN. SHIELDS will lead discussion on the floor.</b>
040	Chair Fisher	Closes work session on SB 30 and opens public hearing on SB 348.
<b><u>SB 348 PUBLIC HEARING</u></b>		
044	Eriks Gabliks	Assistant Director, Department of Public Safety Standards and Training (DPSST). Presents testimony ( <b>EXHIBIT B</b> ) in support of SB 348. States that SB 348 would enhance 1991 legislation allowing for standards of physical, emotional, intellectual, and moral fitness for telecommunicators.
064	Sen. Shields	Asks for examples of fitness.
066	Gabliks	Responds that it is the same definition that police and correctional officers use. They would like to have baseline standards.
077	Sen. Castillo	Asks how the fitness level is determined.
081	Gabliks	Explains how standards are created.
102	Chair Fisher	Requests examples of reasons why standards are needed.

106	Marianne Wolf	Director, North Marion County 911. Supports SB 348. States that standards, such as hearing and sight, are necessary. Notes that a baseline standard will assist with the Americans with Disabilities Act (ADA) requirements.
137	Larry Hatch	Assistant Director, Washington County 911. Supports SB 348. Provides colorblind employees as examples. States that baseline standards provide preventative measures for employees.
159	Chair Fisher	Asks about headsets quality.
163	Wolf	Explains the headset operation and the possibility of hearing damage. Notes that baseline standards will improve industry consistency.
213	Chair Fisher	Questions the differences in standards.
220	Hatch	Discusses and explains the differences. Notes importance for developing a baseline.
235	Chair Fisher	Questions availability of hearing tests.
255	Gabliks	Responds that occupational testers are located close to 911 centers.
277	Chair Fisher	Asks if there have been problems that make the bill necessary.
298	Gabliks	Responds that there has been no major injuries. Notes the need for a statewide standard.
311	Chair Fisher	States concerns regarding increased regulations and bureaucracy.
345	Sen. Duncan	Questions if the profession supports the bill.
351	Hatch	Responds affirmatively.
365	Sen. Duncan	States that if the profession is asking for the bill, it should be supported.
412	Sen. Shields	Questions if the Douglas County 911 director supports the bill.
422	Hatch	Responds that the Douglas County director is aware of the legislation, but has not responded.
<b>TAPE 28, A</b>		

000	Sen. Shields	Asks if SB 348 has cost savings.
015	Wolf	Responds it could save money on claims brought against employers by employees.
032	Sen. Shields	Asks if employers are willing to make accommodations for persons with disabilities.
035	Wolf	Responds affirmatively. State that the ADA has established requirements for hiring procedures.
045	Sen. Duncan	Asks if additional bureaucracy will be created.
051	Gablks	Responds no, that telecommunicators are in the same category as police officers.
061	Chair Fisher	Closes public hearing on SB 348 and opens work session on SB 348.
<b><u>SB 348 WORK SESSION</u></b>		
064	Sen. Castillo	<b>MOTION: Moves SB 348 to the floor with a DO PASS recommendation.</b>
067		<b>VOTE: 5-0</b> <b>AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher</b>
	Chair Fisher	<b>The motion CARRIES.</b>  <b>SEN. CASTILLO will lead discussion on the floor.</b>
074	Chair Fisher	Closes work session on SB 348 and opens public hearing on SB 600.
<b><u>SB 600 PUBLIC HEARING</u></b>		
075	Sandy Thiele-Cirka	Administrator, summarizes SB 600.
080	Catherine Britain	Program Manager, RODEO NET. Presents pre-submitted testimony supporting SB 600 via phone conference ( <b>EXHIBIT C</b> ). Explains how telecommunications technology influences medical care in rural Oregon. Relates personal experience.

150	Britain	Continues testimony and provides the benefits of SB 600.
208	James Hicks	Director, Board of Medical Examiners (BME). Presents testimony ( <b>EXHIBIT D</b> ) in support of SB 600.
239	Scott Gallant	Director of Legislative Affairs, Oregon Medical Association. Provides background and testimony in support of SB 600 ( <b>EXHIBIT E</b> ). States that SB 600 provides the public with the assurance that physicians have the appropriate competency and will allow the BME to take action when necessary.
287	Mike Crew	Legal Counsel, Oregon Medical Association. States the intent of the bill is to regulate licensure, and not to interfere with the occasional consult.
308	Crew	States that the bill does not apply to emergencies. Proposed amendments: <ul style="list-style-type: none"> <li>• Not appropriate for an out-of-state physician to treat intractable pain;</li> <li>• Not appropriate for an out-of-state physician to oversee physician assistant;</li> <li>• Not appropriate for an out-of-state physician to receive rural tax credit;</li> <li>• The physician would not be able to dispense medication.</li> </ul>
374	Sen. Castillo	Asks about dispensing prescriptions.
395	Hicks	Clarifies the prescription dispensing process.
<b>TAPE 27, B</b>		
000	Hicks	States that medicine is practiced where the patient is and not where the physician is. Notes that when a physician dispenses medicine, that is practicing medicine.
021	Sen. Duncan	Relates a personal story and asks about the phone-in prescription verification process.
031	Hicks	Responds that the board wants assure that prescriptions are written in an appropriate manner. Explains the phone-in prescription process.
062	Sen. Castillo	Asks about guidelines and limits on what types of physicians may use the proposed measure.
073	Hicks	States the BME does not legislate health care. Explains that physicians are expected to provide treatment that adheres to health care standards.
100	Sen. Castillo	Asks about the level of discretion of dispensing drugs via the telephone.

102	Hicks	Explains that Viagra and diet pills are being prescribed inappropriately on the internet. States that the Food and Drug Administration (FDA) and the drug manufacturers are attempting to eliminate inappropriate prescribing practices.
135	Gallant	Notes that, even with SB 600, people may still obtain prescriptions inappropriately. Explains that if that the bill allow the BME to prosecute the physicians.
150	Hicks	States the BME strongly supports SB 600. Explains licensing procedures, and that SB 600 will allow physicians to teleelectronically practice medicine. Stresses it is not an active license to practice medicine freely in Oregon.
204	Diana Dostra	Licensing Director, BME. Presents testimony ( <b>EXHIBIT F</b> ) in support of SB 600. Presents fiscal impact of SB 600 to the committee. Explains the telemedicine licensing process.
220	Sen. Castillo	Asks if other states are practicing telemedicine.
225	Dostra	Responds that Texas is considering telemedicine legislation. Remarks that other states are in the infancy of telemedicine.
240	Sen. Shields	Questions the fiscal impact and if it is in the BME budget.
241	Dostra	Responds that telemedicine licensing is not in the budget.
253	Glen Watcher	Association of Telemedicine Service Providers. Provides testimony in support of SB 600 ( <b>EXHIBIT G</b> ). Explains telemedicine and provides background.
320	Watcher	Continues presentation.
373	Watcher	Explains the organization is based in Portland. States he would like to see expansion of SB 600 to include all health practitioners.
416	Watcher	Continues presenting testimony. States his support for the proposed amendments.
<b>TAPE 28 B</b>		
000	Sen. Castillo	Asks about practices of telemedicine.
005	Watcher	Responds how telemedicine is practiced.
052	Vanessa McLaughlin	Associate Director of Planning Telehealth Programs, Portland Veterans Administration Medical Center. Reviews testimony ( <b>EXHIBIT H</b> ) in support of

		SB 600. Explains the use of telemedicine in the arena of the Veteran Administration system.
127	Chair Fisher	Asks if the Veteranis Administration (VA) must adhere to state laws.
131	McLaughlin	Responds that the VA does not need to adhere to state laws, but chooses to. States that all practitioners do have state licenses.
140	Peggy Anet	Representing Health Insurance Association of America. Notes concerns relating to SB 600. Comments in support of the ñ1 amendments.
169	Bruce Bishop	Representing Kaiser Permanente. Presents testimony ( <b>EXHIBIT I</b> ) in support of telemedicine. States concerns about telemedicine being a new industry. Review concerns and proposes amendment language. States that Dr. Hicksí testimony is helpful.
210	Bishop	Continues testimony. Comments that Kaiser Permanente does not support telemedicine being expanded to apply to other health care practitioners.
245	Brian DeLashmult	Representing Oregon Nursing Association (ONA). Testifies on SB 600. States that the association does not support telemedicine being expanded to include nurses.
317	Chair Fisher	Asks, if regulatory boards and professional organizations were in agreement with expanding telemedicine to other health care professions, would that be acceptable.
337	DeLashmutt	Responds affirmatively. States that this is a model for physicians and may not be appropriate for other health professions.
357	Chair Fisher	Remarks that the committee wants to take the time to work the bill.
370	DeLashmult	States the ONA is satisfied with the bill in its current format.
375	Jane Myers	Director of Government Affairs, Oregon Dental Association. States that the association is not opposed to SB 600, but does not support the need to expand the bill to include all health care professions.
391	Chair Fisher	Repeats if groups are in agreement, would it be appropriate to expand telemedicine to include all health care professions.
413	Myers	Responds that the association would be cautious.
430	Chair Fisher	Expresses that there is a need to evaluate telemedicine licensing. Closes public

hearing on SB 600 and adjourns the meeting at 10:02 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

-

**A ñ SB 30 ñ1 amendments (2/4/99), Staff, 1 p**

**B ñ SB 348, Department of Public Safety Standards and Training, written testimony, Eriks Gabliks, 1 p**

**C ñ SB 600, RODEO NET, written testimony, Catherine Britain, 1 p**

**D ñ SB 600, Oregon Board of Medical Examiners, written testimony, James Hicks, 5 pp**

**E ñ SB 600, Oregon Medical Association, written testimony, Scott Gallant, 6 pp**

**F ñ SB 600, Oregon Board of Medical Examiners, written testimony and fiscal impact, Diana Dostra, 3 pp**

**G ñ SB 600, Association of Telemedicine Service Providers, written testimony, Glenn Wachter, 4 pp**

**H ñ SB 600, Veterans Administration Telehealth Programs, written testimony, Vanessa McLaughlin, 2 pp**

**I ñ SB 600, Kaiser Permanente, written testimony, Bruce Bishop, 3 pp**