

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 18, 1999 Hearing Room B

9:00 AM Tapes 57 - 58

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Frank Shields, Vice-Chair

Sen. Verne Duncan

Sen. Marilyn Shannon

MEMBER EXCUSED:

Sen. Susan Castillo

STAFF PRESENT:

Sandy Thiele-Cirka, Administrator

Andrew Morris, Administrative Support

MEASURES HEARD:

SB 565 Work Session

SB 421 Work Session

SB 724 Work Session

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 57, A		

003	Chair Fisher	Calls meeting to order at 9:07 AM and opens work session on SB 565.
<u>SB 565 WORK SESSION</u>		
018	Sandy Thiele-Cirka	Committee Administrator. Explains SB 565 and the ñ1 amendments. States the amendments are at the request of Community Colleges.
035	Sen. Duncan	MOTION: Moves to ADOPT SB 565-1 amendments dated 03/16/99.
		VOTE: 4-0 AYE: 4 ñ Duncan, Shannon, Shields, Fisher EXCUSED: 1 ñ Castillo
	Chair Fisher	The motion CARRIES.
038	Sen. Duncan	MOTION: Moves SB 565 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: 4 ñ Duncan, Shannon, Shields, Fisher EXCUSED: 1 ñ Castillo
	Chair Fisher	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
052	Chair Fisher	Closes work session on SB 565 and opens work session on SB 421.
<u>SB 421 WORK SESSION</u>		
062	Cirka	Summarizes the ñ1 amendments.
070	Grover Simmons	Representing the Adult Care Providers of Oregon. Testifies in support of SB 421. States the amendment was developed with the Senior Disabled Services Division (SDSD). States the bill also deals with filing unsubstantiated claims and

		no one will be discouraged from making complaints against adult foster homes.
106	Lucille Penry	Adult Foster Home Provider. Testifies in support of SB 421. Provides a personal story relating to an unsubstantiated claim.
142	Sen. Duncan	Questions the outcome of the complaint.
144	Penry	Responds that the situation has not been resolved.
156	Sen. Shields	Asks if the Board of Nursing is involved.
159	Penry	Responds the Board of Nursing is fine with the situation, but there have been repercussions.
188	Chair Fisher	Questions who was responsible for the accusation against Penry.
192	Penry	Responds it was an SDSD employee. States that SDSD illegally tape recorded conversations with Penry's employees. Relates a story of a former client's doctor filing an unsubstantiated complaint.
226	Sen. Duncan	Asks if the complaint is on her record.
237	Penry	Responds affirmatively.
283	Cindy Hannum	Assistant Administrator, Long Term Care Quality Section, SDSD. Explains the investigation procedure. States an investigation is conducted to determine if the complaint is valid or not. Notes that SDSD supports the bill to eliminate unsubstantiated complaints.
336	Hannum	States that SDSD is striving for a fair process to the consumer and providers.
361	Sen. Shields	Refers to the testimony of Penry. Comments that the problems appear to be with SDSD personnel.
385	Penry	Responds in agreement.
409	Hannum	States that SDSD employees should be accountable for their conduct. Comments that a procedure is being developed for providers to file complaints against SDSD.
435	Sen. Shields	Comments that the bill allows for possible intimidation.

TAPE 58, A

000	Hannum	Responds that the bill language is subjective. Notes that another challenge is the interpretation of filed complaints.
027	Chair Fisher	States that he agrees with both parties. Notes that it is difficult to understand complaints, however, there is no recourse for providers.
048	Sen. Shields	Remarks that the bill is subjective. Asks how someone knows if a claim is unfounded or not.
067	Sen. Duncan	Asks what would happen if a doctor filed a complaint against a provider because a resident wished not to receive medical services.
075	Hannum	Responds SDSD would review the complaint like other complaints.
087	Sen. Duncan	Asks why an unsubstantiated claim remains on record.
095	Hannum	Responds that all complaints are required to remain on record.
124	Chair Fisher	Reiterates that he agrees with both parties. States that it is not right for either party involved to not have a recourse. States that he thinks it is wrong to protect people who intentionally file a false complaint, and believes the bill provides fairness for the providers.
207	Sen. Duncan	Notes support for providers who are wrongfully accused.
226	Richard Sproul	Adult Foster Home Provider. Testifies in support of SB 421. Relates a personal story. States a complaint has been filed against his adult foster home and he does not know what the complaint relates to. States that without knowing the background of the complaint he does not have recourse.
300	Chair Fisher	Repeats that without this bill, the providers do not have recourse.
321	Sen. Shields	Asks if page 1 would cover the problem.
330	Sproul	Responds affirmatively.
349	Chair Fisher	States that the issue is substantiated versus unsubstantiated complaints.
355	Martha Stedman	Provider. Testifies in support of SB 421. Relates a personal story of a resident who threatened to make an unsubstantiated claim.

415	Jay Parmily	Provider. Testifies in support of SB 421. Remarks that foster care providers are guilty until proven innocent. Relates a personal story.
TAPE 57, B		
000	Parmily	Continues with personal story. States that SDSB has sixty days to investigate and providers have seven days to respond.
058	Chair Fisher	Notes that a resident can leave the foster home if they wish. Closes the work session on SB 421 and opens a work session on SB 724.
<u>SB 724 WORK SESSION</u>		
089	Sen. Shields	MOTION: Moves to ADOPT SB 724-1 amendments dated 03/17/99.
		VOTE: 3-0 AYE: 3 - Duncan, Shields, Fisher EXCUSED: 2 - Castillo, Shannon
	Chair Fisher	The motion CARRIES.
095	Sen. Shields	MOTION: Moves SB 724 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0 AYE: 3 - Duncan, Shields, Fisher EXCUSED: 2 - Castillo, Shannon
	Chair Fisher	The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.
103	Chair Fisher	Closes work session on SB 724 and adjourns the meeting at 10:15 AM.

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

No Exhibits Submitted