

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 25, 1999 Hearing Room B

8:00 AM Tapes 63 - 65

**MEMBERS PRESENT:**

Sen. Bill Fisher, Chair

Sen. Frank Shields, Vice-Chair

Sen. Verne Duncan

Sen. Marylin Shannon

**MEMBER EXCUSED:**

Sen. Susan Castillo

**STAFF PRESENT:**

Sandy Thiele-Cirka, Administrator

Andrew Morris, Administrative Support

**MEASURES HEARD:**

SB 823 Public Hearing

SB 611 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 63, A</b>		
004	Chair Fisher	Calls meeting to order at 8:11 AM and opens public hearing on SB 823.
<b><u>SB 823 PUBLIC HEARING</u></b>		

012	Sandy Thiele-Cirka	Explains SB 823 to the committee.
025	Tom Holt	Executive Director, Oregon State Pharmacist Association. Testifies in opposition to SB 823 ( <b>EXHIBIT A</b> ). States the bill singles out the board of pharmacy as the only medical board that will require that the executive director be appointed by the Governor. States there are other alternatives to promote more accountability.
073	Chair Fisher	Questions the use of the word "petty."
075	Holt	Responds that when policy issues arise, the association goes to the pharmacy board, and does not want to see that change.
085	Michael Patrick	President, Oregon Board of Pharmacy. Testifies in opposition to SB 823 ( <b>EXHIBIT B</b> ). Explains the composition of the board. States the bill could hurt the quality of the board.
108	Chair Fisher	States that he does not consider the budget as a means of controlling the board. Asks what kind of control would be gained by reducing the budget.
126	Patrick	Responds that problems would have to be reprioritized. Clarifies the problems arising from the current executive director retiring.
135	Chair Fisher	States that the board needs funding to operate. Comments that the board needs to represent all pharmacists.
175	Sen. Duncan	States that legislative intent is to be carried out by the board. Asks if the board has hired a new director.
200	Patrick	Responds they are reviewing applications and hope to have the position filled by July 1. States that the board has been working to resolve communication problems.
228	Sen. Duncan	Acknowledges support that the board is working to improve.
267	Jim Gardner	Representing PhRMA. Testifies in support of SB 823. Reviews concerns relating to the Board of Pharmacy. States the principle of the bill is to legislative oversight. States the bill would improve the function of the board. Suggests putting a sunset clause into the bill.
350	Pat Amedeo	Representing Oregon Community Pharmacy Council. Testifies in support of SB 823. Explains the composition of the council. States that the council members are concerned about retaliation by the Board of Pharmacy. Comments that new technology will create more demands on the board's role.
432	Amedeo	Comments on a recent experience with the board, and that she reported it to the

Governor's office.

**TAPE 64, A**

000	Ed Patterson	Representing Oregon Association of Hospitals Health Systems. Testifies in support of SB 823. States the interest of the association is to assure the quality of the board. Comments that board autonomy can grant a lot of power. Discusses the need for legislative oversight. Remarks that the Board of Pharmacy licenses individuals and hospitals, which is exclusive to this board.
085	Patterson	Comments that he is unsure if the bill addresses the problem, but there is a need for strong leadership from the board. Comments on the requirement for a licensed pharmacist to be the executive director.
113	Chair Fisher	Discusses the budgeting process.
140	Gardner	Responds there is bipartisan support.
152	Sen. Duncan	Asks if current statute requires the director to be a licensed pharmacist.
155	Patterson	Responds affirmatively.
163	Sen. Shannon	States there is currently legislation that would require the executive director of specific boards to be licensed in their particular profession.
198	Patrick	Explains the board has reviewed the statute requiring the director be a licensed pharmacist. Notes that the board is operated as a business.
216	Sen. Shields	Asks how Patrick feels about testimony supporting the bill.
222	Patrick	Responds he is surprised. States the board is taking the opportunity, in searching for a new director, to evaluate current practices.
241	Sen. Shields	Asks if the board is aware of the concerns.
245	Patrick	Responds the industry has been debating with the board for a period of time. States during the last two years, the board has worked hard to accommodate the industry needs.
301	Sen. Shannon	Asks what will happen if an out-of-state individual becomes employed as the director.
310	Patrick	Responds they would need to obtain an Oregon pharmacists license.

340	Sen. Shields	Asks if the board sees the bill as retaliation.
345	Patrick	Responds affirmatively.
365	Sen. Shields	Suggests having a neutral person sit in on the board who could report to the Governor and Legislature.
395	Patrick	Responds in agreement.
<b>TAPE 63, B</b>		
000	Chair Fisher	Discusses current board situations and concerns. Closes the public hearing on SB 823 and opens a public hearing on SB 611.
<b><u>SB 611 PUBLIC HEARING</u></b>		
067	Abigail Hoffer	Member, Oregon Midwifery Council. Testifies in support of SB 611 ( <b>EXHIBIT C</b> ). Provides background of the Midwives Alliance of North America (MANA). Comments on midwifery functions.
126	Hoffer	Explains and expresses support for the board and the importance of licensing. Discusses reimbursement and licensing issues. States that SB 611 allows the Governor to appoint members which will align the board with other existing boards. Notes the board would like to remove the sunset clause.
200	Chair Fisher	Questions the current registration fee.
201	Hoffer	Responds the fee is \$500 annually.
208	Chair Fisher	States that he is pleased to see the board working well together, and the board has done well with a limited amount of resources.
255	Hoffer	Thanks the committee for support. States the midwives are 100 percent committed to licensure and support of the board.
270	Sen. Shields	Asks if the increase in reimbursement fees have assisted the board.
275	Anne Frye	Member of multiple midwife organizations. Responds affirmatively.
293	Hoffer	States that up to 50 percent of their clients are enrollees of the Oregon Health Plan.

300	Frye	States that it is difficult to remain outside of the managed care system.
341	Sen. Shields	Asks to have Oregon Medical Assistance Programs (OMAP) provide testimony.
351	Chair Fisher	Responds that OMAP has been uncooperative.
368	Frye	States that OMAP has commented that if the legislature wants modification they could change current statutes.
388	Sen. Shields	Questions the doctors versus midwives charges.
415	Hoffer	Responds the cost of a midwife is between \$800 and \$2,400 and the physician's fee is \$2,400 to \$3,000 plus hospital expenses which could reach \$10,000 to \$12,000. Comments on the positive factors of using a midwife.
<b>TAPE 64, B</b>		
000	Hoffer	States that when midwives are involved the outcomes are equal too or better than those of doctors.
014	Sen. Shields	States the rate of c-sections are higher with traditional medicine. Asks if the council would be opposed to amendments that would motivate OMAP to work towards open care.
039	Frye	Responds no, but the language would need to be explicit so that OMAP could not find a loophole.
051	Chair Fisher	Notes that open care would involve more stakeholders.
064	Sen. Shields	Agrees that the bill is important. States having the amendments would allow the midwives to broaden their practice.
089	Hoffer	Refers to the proposed 1997 legislation and the difficulties surrounding it.
113	Sen. Shields	Asks why OMAP is against having open cards.
118	Frye	Responds that OMAP is concerned about other practitioners requesting open cards and the absence of malpractice insurance.
145	Deborah Bonnlander	Mother. Testifies in support of SB 611. Relates experience of using a midwife. States she would like to see midwives continue their non-traditional roles, and that the personal care is excellent.

241	Bonnlander	Continues relating midwife experience. Comments on the benefits of the midwifery community.
264	Sen. Duncan	Asks if midwives have liability insurance.
270	Frye	Responds no, as it is not available. Comments that other countries have had community medical funds that cover any damages that occur during the birthing process.
303	Frye	Continues that clients sign an agreement which states statistics, successes, and failures of midwives. States that the United States has a high infant mortality rate, as well as a high maternal mortality rate.
322	Hoffer	States that the Netherlands has over a 35 percent rate of births in the homes, as well as, one of the lowest maternal mortality rates.
370	Chair Fisher	Asks about the financial impact of the bill.
390	Hoffer	States that licensing fees will be increased.
<b>TAPE 65, A</b>		
000	Frye	States if the bill is written with a cap the budget can be adjusted.
010	Chair Fisher	States there have not been any complaints and the board has shown a maturity. Comments that he does not see a need for a cap. Closes the public hearing on SB 611 and adjourns the meeting at 10:06 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ SB 823, Written testimony, Oregon State Pharmacists Association, Tom Holt, 2 pp**

**B ñ SB 823, Written testimony, Board of Pharmacy, Michael Patrick, 1 p**

**C ñ SB 611, Written testimony, Oregon Midwifery Council, Abigail Hoffer, 6 pp**