

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 4, 1999 Hearing Room B

8:00 AM Tapes 47 - 48

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:

Introduction of Committee Bill

SB 405 Work Session

SB 606 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 47, A		
004	Chair Fisher	Calls meeting to order at 8:09 AM and opens works session to introduce measures.
<u>INTRODUCTION OF COMMITTEE BILL</u>		

016	Sandy Thiele-Cirka	Administrator. Summarizes LC 2993 at the request of the Pain and Symptom Management Task Force from the interim.
024	Sen. Shields	MOTION: Moves LC 2993 BE INTRODUCED as a committee bill.
		VOTE: 3-0 EXCUSED: 2 - Shannon, Castillo
	Chair Fisher	Hearing no objection, declares the motion CARRIED.
		LC 2993 introduced as SB 1139
030	Chair Fisher	Closes the work session to introduce measures and opens a work session on SB 405.
<u>SB 405 WORK SESSION</u>		
032	Cirka	Summarizes SB 405 ñ1 amendments.
055	Sen. Shields	MOTION: Moves to ADOPT SB 405-1 amendments dated 2/22/99.
		VOTE: 3-0 EXCUSED: 2 - Castillo, Shannon
	Chair Fisher	Hearing no objection, declares the motion CARRIED.
	Sen. Shields	MOTION: Moves SB 405 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0 AYE: 4 - Duncan, Shannon, Shields, Fisher EXCUSED: 1 - Castillo

	Chair Fisher	<p>The motion CARRIES.</p> <p>SEN. SHIELDS will lead discussion on the floor.</p>
075	Chair Fisher	Closes work session on SB 405 and opens a public hearing on SB 606.
<u>SB 606 PUBLIC HEARING</u>		
087	Tom Barrows	Representing Oregon Podiatric Medical Association. Testifies in support of SB 606 (EXHIBIT A). States that current law is vague regarding the treatment of feet. Comments that 33 states include the ankle in the scope of podiatry. Notes that the language in the bill creates administrative rules on who may or may not operate on ankles. Notes the trend is to include ankles in podiatry.
120	Gerald Peterson	Oregon Podiatric Medical Association (OPMA). Testifies in support of SB 606 (EXHIBIT B). Explains history of the bill. States there is controversy over SB 606 within the podiatric system. Explains the ankle area and how it applies to podiatry.
175	Peterson	Comments that other states are including ankle care in podiatry field. States the bill puts restrictions on podiatrists who may operate on the ankle.
210	Chair Fisher	Asks if Peterson feels the interim task force was over-weighted with orthopedic surgeons.
222	Peterson	Responds affirmatively.
228	Chair Fisher	States that there were three podiatrists on the interim board.
239	Barrows	Explains the composition and membership of the interim board.
247	Sen. Shields	Asks if the OPMA tried to have a broad representation.
250	Peterson	Responds affirmatively.
255	Sen. Duncan	Questions the Board of Medical Examiners' (BME) position on the issue.
260	Barrows	Responds they gave a definition of the ankle and required board certification in order to do ankle surgery.
296	Chair Fisher	Asks about the formation of the board and if those people were the most qualified to be members.

319	Barrows	Responds that they were qualified to serve on the board. Adds that the orthopedics are concerned about competition.
330	Sen. Duncan	Questions the orthopedics arguments.
335	Barrows	Discusses the orthopedic surgeons arguments against the podiatrists.
346	Chair Fisher	States the intent of the committee is to review the training and education level necessary to practice under SB 606.
385	Sen. Shields	States that there are multiple issues in front of the committee. Comments that it appears the podiatry field is operating under two sets of rules.
409	Peterson	States agreement with the Chair Fisher. States there were multiple options offered to the BME. Notes that there are only a few podiatrists who will be able to perform ankle services.
431	Sen. Duncan	Refers to an exposé that showed inappropriate activities by podiatrists.
457	Peterson	Responds that every profession has unscrupulous professionals.
TAPE 48, A		
000	Peterson	States the exposé was done poorly, which ABC acknowledged, and they wrote an apology to the podiatry association.
011	Sen. Duncan	Asks who would be qualified to do ankle surgery.
020	Peterson	Responds those who pass the specific examinations.
063	Chair Fisher	Asks how podiatry education compares to medical education.
070	Peterson	Responds they have similar educational requirements.
079	Chair Fisher	Asks if the podiatric training process has evolved over time.
095	Peterson	Responds affirmatively.
110	Chair Fisher	Asks if the podiatry field is progressing.
113	Peterson	Responds affirmatively. States the podiatry field is not trying to pursue a turf war

		with the orthopedic field. Comments that the podiatrists are seeking a clear definition.
196	Stan Young, M.D.	Retired orthopedic surgeon. Testifies in opposition to SB 606 (EXHIBIT C). Explains the composition of the ankle. States the techniques used in ankle care is very different from techniques used in smaller joints, such as feet.
257	Young	Continues and states the majority of podiatric surgery is elective. Notes that if mistakes occur it could permanently disable a person.
300	Young	Comments that there are some bad apples in medicine, and it is difficult to remove licenses once they are issued.
332	Sen. Duncan	Refers to the 33 states which have laws similar to SB 606.
355	Young	States that the public is spending more money on naturopathic medicine than legitimate medicine. Comments that the social trend is not beneficial to people.
390	Sen. Shannon	Relates a personal story.
410	Robert Zirschky, M.D.	Orthopedic surgeon. Testifies in opposition to SB 606 (EXHIBIT D). Comments that the Tennessee Supreme Court defined podiatry as the treatment of the feet.
TAPE 47, B		
000	Zirschky	Notes objection to SB 606. States there are national concerns about podiatrists performing ankle surgery. Offers a resolution to the problem.
053	Chair Fisher	Question if there is emphasis on foot and ankle training for orthopedic doctors.
067	Young	Explains the education and training process. States that it is difficult to get into orthopedic school.
099	Sen. Shields	Questions the map that shows 33 states allow podiatry to practice on ankles.
108	Young	Responds that Oregon is a leader in medicine and that because Oregon is a leader, the laws have not been changed.
124	Zirschky	Explains the podiatry lobby has been strong which has resulted in changes in the laws.
130	Chair Fisher	Asks if any laws have been rescinded.

132	Zirschky	Responds they have not.
135	Sen. Shields	States that earlier testimony said that not all podiatrists would be able to practice ankle surgery.
144	Zirschky	States that Section 1 allows for all podiatrists to practice ankle surgery.
166	Chair Fisher	Asks what keeps a physicians from practicing medicine outside of their specialized field.
186	Young	States that once a physician is licensed they can do whatever they want. States that hospital situation will limit a physician.
214	Chair Fisher	Asks how podiatrists practice now without a clear definition.
218	Young	Explains that the current definition for podiatry is limited to the foot.
248	Sen. Duncan	Asks if a doctor could practice out of their area, in case of an emergency.
256	Young	Responds affirmatively. Relates a personal story.
271	Zirschky	States there are differences in how orthopedic surgeons are trained compared to podiatrists. States that orthopedic clinics have podiatrists on staff for financial purposes, to help with primary foot care, and operative relief.
331	Jody Fischer	Representing the BME. Testifies that the BME is neutral on the bill. Presents a letter from the 1997 Legislative Session (EXHIBIT E).
378	Sen. Shields	States he would like a more complete answer from the BME regarding the definition of podiatry. States that the legislature has been dealing with this issue since the 1995 Legislative Session.
405	Chair Fisher	States he would like the groups to come together to reach a resolution.
430	Sen. Shields	States he would like to see information from other states with laws similar to SB 606.
TAPE 48, B		
000	Barrows	Responds to testimony of Young and Zirschky.
008	Chair Fisher	Closes the public hearing on SB 606 and adjourns the meeting at 9:39 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 606, Written testimony, OPMA, Tom Barrows,

17 pp

B ñ SB 606, Written testimony, OPMA, Gerald Peterson, 2 pp

C ñ SB 606, Written testimony, Stanley Young, 1pp

D ñ SB 606, Written testimony, Robert Zirschky, 2 pp

E ñ SB 606, Letter, BME, Jody Fischer, 2 pp