

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 14, 1999 Hearing Room B

8:00 AM Tapes 85 - 87

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 406 Work Session

SB 1096 Work Session

SJM 5 Public Hearing and Work Session

HB 2936 Public Hearing and Work Session

SB 974 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 85, A		
004	Chair Fisher	Calls meeting to order at 8:08 AM and opens a work session on SB 406.

SB 406 WORK SESSION

010	Sandy Thiele-Cirka	Administrator. Provides background of SB 406.
016	Sen. Shields	Questions the ñ1 amendment.
020	Chair Fisher	Discusses and explains the amendment to Sen. Shields.
032	Thiele-Cirka	Explains the ñ1 amendment to the committee.
038	Sen. Castillo	Asks if tobacco is being eliminated from the bill.
043	Chair Fisher	Responds affirmatively.
048	James Gardner	Representing Phillip Morris Company. States opposition to SB 406 and explains the reasons for the amendment.
064	Sen. Duncan	States he has a choice on whether to use tobacco or not, but he does not have a choice as to his age.
068	Gardner	Responds people can be discriminated against.
083	Chair Fisher	Refers to the 1995 Session and the insurance reforms at that time. States that tobacco was unintentionally left out.
106	Gardner	States that smokers should not be included in figuring premiums.
117	Cindy Roberts	Representing Pacific Source. States the bill adds tobacco to statute and not change anything else.
119	Sen. Castillo	States concern about other behaviors being added to the list. Discusses that the bill could lead to other behavioral issues.
137	Sen. Shields	States that tobacco stands out because of the national attention to it. Asks the reasoning behind the age amendment.
153	Roberts	Responds it was to make the bill unacceptable.
160	Chair Fisher	States that discrimination exists in the insurance field. Relates personal experience with daughter. States that certain practices cost insurance companies money.

212	Sen. Shields	MOTION: Moves SB 406 to the floor with a DO PASS recommendation.
		VOTE: 3-1 AYE: 3 ñ Duncan, Shields, Fisher NAY: 1 ñ Castillo EXCUSED: 1 ñ Shannon
	Chair Fisher	The motion CARRIES. SEN. FISHER will lead discussion on the floor.
222	Chair Fisher	Closes work session on SB 406 and opens work session on SB 1096.
<u>SB 1096 WORK SESSION</u>		
225	Thiele-Cirka	Explains the ñ1 amendment to the committee.
240	Sen. Duncan	MOTION: Moves to ADOPT SB 1096-1 amendment dated 4/8/99.
	Chair Fisher	Hearing no objection, declares the motion CARRIED.
253	Sen. Duncan	MOTION: Moves SB 1096 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: 5 ñ Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
265	Chair Fisher	Closes work session on SB 1096 and opens public hearing on SJM 5.
<u>SJM 5 PUBLIC HEARING</u>		

274	John Chism	Representing American Heart Association. Testifies in support of SJM 5 (EXHIBIT J) . States SJM 5 encourages Congress and the President to support stroke research. States that attention needs to be given to the treatment and research. Notes that there is a small increase in funding.
314	Sen. Castillo	Asks why Oregon ranks high for stroke victims.
320	Chism	Responds that it is due to the age of Oregonians.
331	Betty Hooton	American Heart Association. Testifies in support of SJM 5 (EXHIBIT K) . States that other states have better education and awareness programs.
340	Sen. Duncan	Comments on different support groups.
350	Chism	States that support groups are a possibility. Comments on the death rate associated with strokes, which is about 28 percent.
365	Chair Fisher	Asks for the national average.
372	Chism	Responds the rate has risen since 1990 and Oregon's rate rose faster than the national rate. States the rates range from 43 to 87 per 100,000 people. States that Florida and Arizona have lower death rates related to strokes.
418	Sen. Duncan	States he would like to see Oregon move forward with research.
425	Chism	Comments that the states with the highest death rates will receive the most funding.
464	Hooton	States that the rate of strokes for minority populations is increasing.
TAPE 86, A		
000	Sen. Duncan	States appreciation for the association's work. States he has heard that heart defibrillators will be placed in the capitol.
015	Chair Fisher	Closes public hearing on SJM 5 and opens a work session on SJM 5.
<u>SJM 5 WORK SESSION</u>		
017	Sen. Duncan	MOTION: Moves SJM 5 be sent to the floor with a BE ADOPTED recommendation.

		<p>VOTE: 5-0</p> <p>AYE: 5 - Shields, Shannon, Castillo, Duncan, Fisher</p>
	Chair Fisher	<p>The motion CARRIES.</p> <p>SEN. CASTILLO will lead discussion on the floor.</p>
027	Chair Fisher	Closes work session on SJM 5 and opens public hearing on HB 2936.
<u>HB 2936 PUBLIC HEARING</u>		
033	Tom Bessonette	Requester of the bill. Explains HB 2936 to the committee (EXHIBIT A) . States the bill would allow more people to remove the eyes from the deceased. States that all eyes, no matter of age, can be transplanted, but must be removed within six hours of death. Comments on anatomical donation.
096	Chair Fisher	Asks if there could be a law allowing a person to indicate organ donation status.
112	Bessonette	Responds that no matter the law, family members still have the ability to file lawsuits.
124	Chair Fisher	States that laws prevent people from doing certain things, but they can decide the fate of their own organs.
144	Scott Maguire	Representing Lions Eye Bank of Oregon. Testifies in support of HB 2936 (EXHIBIT B) . States that lawsuits create bad publicity which leads to a decline in donations.
177	Sen. Castillo	States the grieving process can complicate the decision process.
186	Bessonette	Adds that the organization works with hospitals to assist families. States there are 1.2 million registered donors in Oregon, and only 4.3 percent of those donors are utilized.
227	Maguire	States the bill allows apprentice embalmers to perform the enucleation procedure. States that the Lions club members work diligently to help people receive sight. Proposes the ñA2 amendments to the committee.
277	Mary Jane Hunt	Executive Director, Oregon Donor Program. Comments on organ donation. Testifies in support of HB 2936 (EXHIBIT C) .
321	Chair Fisher	Asks if the donors need to sign a donor card, or if next of kin need to sign a card.

330	Hunt	Responds that, in addition to the card, a permission form needs to be signed.
352	Chair Fisher	Asks if organs are checked for diseases.
357	Hunt	Responds affirmatively.
361	Sen. Shannon	States that she does not see where donation will be withheld if a family member objects.
370	Maguire	Replies that it is the option of the harvester.
399	Bessonette	Requests an emergency clause be included.
415	Chair Fisher	Asks about having a fund set up to pay for donor expenses.
417	Hunt	Responds there are no charges to a family regarding donation.
TAPE 85, B		
000	Maguire	Discusses the related costs of donations. States there are no added costs for funerals or medical expenses.
017	Sen. Shannon	Asks if a person needs to be embalmed in order to be cremated.
020	Maguire	Responds that he does not have the information.
031	Chair Fisher	Closes public hearing on HB 2936 and opens work session on HB 2936.
<u>HB 2936 WORK SESSION</u>		
035	Sen. Castillo	MOTION: Moves to ADOPT HB 2936A-2A amendments dated 4/1/99.
	Chair Fisher	Hearing no objection, declares the motion CARRIED.
042	Sen. Castillo	MOTION: Moves HB 2936A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 3-0 AYE: 3 ñ Castillo, Duncan, Fisher

		EXCUSED: 2 ñ Shannon, Shields
	Chair Fisher	<p>The motion CARRIES.</p> <p>SEN. CASTILLO will lead discussion on the floor.</p>
052	Chair Fisher	Closes work session on HB 2936 and opens public hearing on SB 974.
<u>SB 974 PUBLIC HEARING</u>		
060	Brian DeLashmutt	Representing Oregon Nursing Association. Testifies in support of SB 974. Gives history of nurse practitioners prescribing medications.
083	Julia Gies	Nurse Practitioner. Testifies in support of SB 974 (EXHIBIT D). Gives background of prescription medication. States the bill would not change the scope of practice. Adds that nurse practitioners are qualified and trained to prescribe Schedule II medications.
158	Beth Genly	Midwife. Testifies in support of SB 974 (EXHIBIT E). States that approximately 17 percent of births in Oregon are done by midwives. Gives background of midwifery and pain control. States it would be of value if nurse practitioners could prescribe Schedule II prescriptions. Notes that the state of Oregon acknowledges the safety in allowing practitioners to prescribe medications. Notes that the bill does not change the scope of practice.
239	Chair Fisher	Comments on scope of practice and that review of educational training is necessary in determining the prescribing of Schedule II medications.
271	Sen. Shannon	Asks for the training requirements received by practitioners to prescribe medications.
284	Genly	Responds the training is included in the curriculum.
294	Susan King	Representing Oregon Nurses Association. Comments on the training received. Discusses the monitoring of practitioners.
323	Sen. Shannon	Asks if nurse practitioners would have the same monitoring as doctors.
330	King	Responds affirmatively.
344	Sen. Duncan	Relates examples of quality assurance.

358	Gies	States there is a number of practitioners who provide Schedule II prescriptions that have been issued a federal prescribing identification number.
398	Carol Howe	Representing Oregon Health Sciences University. Testifies in support of SB 974. States that students receive the necessary training in order to prescribe Schedule II medications. States the programs need to be accredited. Comments on the current prescribing practices.
TAPE 86, B		
000	Sen. Shannon	Asks if the bill will change the current physician nurse practitioner prescribing relationship.
010	Howe	Responds no.
041	Chair Fisher	Requests clarification of the current prescribing categories.
055	Howe	Responds and explains the drugs included in the Schedule II category. Explains that midwives and nurse practitioners have a good record in prescribing medications.
086	Karen Maher	Radiation Oncology Nurse Practitioner. Testifies in support of SB 974 (EXHIBIT F) . Comments on the importance of being able to prescribe controlled substances.
127	Teresa Keane	Psychiatric/Mental Health Nurse Practitioner. Testifies in support of SB 974 (EXHIBIT G) . States that nurse practitioners have a master degree level of training. Comments on pain clinics and the advantages of being able to prescribe Schedule II narcotics. Relates a personal experience. Notes that SB 974 will improve patient care.
197	James McDonald	Family Nurse Practitioner. Testifies in support of SB 974 (EXHIBIT H) . States that he specializes in HIV/AIDS care. Comments on his practice and how SB 974 would be a benefit.
243	Chair Fisher	Asks if Oregon has nurse practitioner training available.
251	King	Responds that OHSU provides training, as does the University of Portland.
267	Scott Gallant	Representing Oregon Medical Association. Testifies in opposition to SB 974 (EXHIBIT I) . States that doctors are better qualified to prescribe Schedule II medications. States there are many different types of nurse practitioners, and that midwives and nurse practitioners are differentiated in the bill.
395	Gallant	States the information presented was not quantifiable or statistical.

400	Sen. Duncan	Refers to (EXHIBIT D) and shows Gallant a medical doctor that supports SB 974. Comments on the differing opinions within the OMA.
TAPE 87, A		
000	Sen. Shannon	States there are multiple letters exhibited by doctors supporting the SB 974. Notes that there have been no complaints or violations filed.
028	Gallant	States the testimony regarding prescriptions is inaccurate.
041	Sen. Shannon	Requests clarification.
045	King	States that rarely have any complaints been substantiated. States there have not been more than three cases investigated in the last four years.
071	Chair Fisher	Relates a story. Asks for specific cases of practitioners not following ethics.
084	King	Responds there have not been any complaints in the last four years regarding prescribing practices.
105	DeLashmutt	Clarifies the differences between the Board of Nursing investigations and litigation.
126	Chair Fisher	Relates a personal experience regarding litigation.
144	Sen. Castillo	Acknowledges support for the bill.
151	Chair Fisher	Closes public hearing on SB 974 and adjourns the meeting at 10:20 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2936A, Written testimony, Tom Bessonette, 1 p

B ñ HB 2936A, Written testimony, Lions Club, Scott Maguire, 2 pp

C ñ HB2936A, Written testimony, Oregon Donor Club, Mary Jane Hunt, 1 p

D ñ SB 974, Written testimony and two letters, Nurse Practitioner, Julia Gies, 4 pp

E ñ SB 974, Written testimony, Midwife, Beth Genly, 3 pp

F ñ SB 974, Written testimony, Nurse Practitioner, Karen Maher, 1 p

G ñ SB 974, Written testimony and letter, Nurse Practitioner, Teresa Keane, 3 pp

H ñ SB 974, Written testimony, Nurse Practitioner, James McDonald, 1 p

I ñ SB 974, Written testimony, Physician, Martin Skinner, 2 pp

J ñ SJM 5, Written testimony, American Heart Association, Don Chism, 2 pp

K ñ SJM 5, Written testimony, American Heart Association, Betty Hooton, 1 p