

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 5, 1999 Hearing Room B

8:00 AM Tapes 74 - 77

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 540 Public Hearing

SB 606 Public Hearing

SB 769 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 |
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| TAPE 74, A | | |
| 003 | Chair Fisher | Calls meeting to order at 8:15 AM and opens public hearing on SB 540. |
| <u>SB 540 PUBLIC HEARING</u> | | |
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| 010 | Rep. Anita Rasmussen | House District 11. Testifies in support of SB 540. Explains the bill to the committee. Discusses spinal cord injuries and that medical research is close to a cure. |
| 030 | Patricia Richards | Requestor of SB 540. Parent. Provides additional background on SB 540. States that current research is focusing on spinal cord regeneration. Refers to the New York (EXHIBIT A) legislation. |
| 071 | Richards | Reads letter from her daughter who is a victim of a spinal cord injury. |
| 105 | Sen. Castillo | Questions the funding source. |
| 110 | Richards | Responds that a surcharge included in traffic fines would assist with funding. |
| 127 | Sen. Shannon | Comments that it is possible for nonprofit organizations to develop specialty license plates. |
| 151 | Sen. Duncan | Questions the New York's surcharge. |
| 153 | Richards | Responds that she does not have that information. Notes not all violations include a surcharge. |
| 166 | Sen. Duncan | Requests the volume of tickets issued in Oregon.. |
| 172 | Richards | States she does not have the specific number of spinal cord injuries in Oregon. |
| 204 | Chair Fisher | Closes public hearing on SB 540 and opens public hearing on SB 606. |
| <u>SB 606 PUBLIC HEARING</u> | | |
| 220 | Tom Barrows | Representing Oregon Podiatric Association (OPA). Testifies in support of SB 606. Submits letter on behalf of Christopher Lamy (EXHIBIT B) . States that SB 606 has incorporated the Board of Medical Examiners (BME) suggestions. |
| 250 | Gerald Peterson | Past President, Oregon Podiatric Association. Testifies in support of SB 606 (EXHIBIT C) . States the bill clarifies the podiatrists scope of practice. Explains that there is confusion between where the foot ends. Notes that podiatrists are not looking to treat anything more than the ankle. Adds that specific language was written to clarify the requirements of performing ankle surgery. |
| 315 | Chair Fisher | Discusses concerns relative to current treatment methods.. |
| 332 | Barrows | States that the OPA rewrote and submitted SB 606 with the BME language. |

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| 345 | Chair Fisher | Asks Dr. Peterson to explain current ankle treatments. |
| 360 | Peterson | Responds that the ankle is included in the foot. States the problem is determining where the foot stops and the leg starts. States that Washington courts decided that the ankle is part of the foot. |
| 429 | Peterson | Continues commenting on the non-surgical treatment of ankles. |
| 437 | Sen. Duncan | Asks if the bill clarifies the scope of practice. |
| 440 | Peterson | Responds affirmatively. |
| TAPE 75, A | | |
| 000 | Peterson | Describes ankle composition. States the need for a definition that clarifies what can and cannot be treated. |
| 010 | Sen. Duncan | Asks if podiatrists can place ankle pins. |
| 013 | Peterson | Responds that if a podiatrist has hospital privileges they can perform surgical procedures. Notes the debate relates to surgical procedures of the ankle. |
| 040 | Chair Fisher | Closes public hearing on SB 606 and opens public hearing on SB 540. |
| <u>SB 540 PUBLIC HEARING</u> | | |
| 048 | Arwin Bird | Testifies in support of SB 540. Discusses a personal accident that led to paralysis. Describes the impact of becoming paralyzed. |
| 096 | Charles Bird | Father. Relates personal experiences. Discusses research developments and technology. Explains stem cell research. |
| 149 | Chair Fisher | Asks if OHSU is a spinal cord research center. |
| 155 | A. Bird | Responds that it is not a recognized center, but research is being conducted. |
| 167 | Sen. Duncan | States it appears the research is close to making a breakthrough. |
| 174 | A. Bird | States that thousands of people could benefit from SB 540. |
| 217 | Chair Fisher | Closes public hearing on SB 540 and opens a public hearing on SB 769. |

SB 769 PUBLIC HEARING

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| 230 | Pat Amedeo | Representing Oregon Community Pharmacy Council. States support for SB 769. |
| 249 | Lis Merten | Representing Oregon members of the National Association of Chain Drugstores. Testifies in support of SB 769. Provides background on the bill. States that the association has suggested bar coding, but is not supported by the Oregon Board of Pharmacy. States that accuracy problems are increasing and the association requested the implementation date be extended until 2005. |
| 292 | Merten | Comments that improvements are being made, but more time is necessary. |
| 320 | Kevan Fenderson | Albertsonis grocery stores. Testifies in support of SB 769. Submits (EXHIBIT D) . Explains the pharmacies in Albertsonis stores. Admits that it is taking longer to implement the technology into the stores. |
| 411 | Fenderson | States that Albertsonis supports the Board of Pharmacy. Comments that the accuracy labeling is too early in its infancy to be governed by the legislature. Urges that flexibility be allowed. |
| 449 | Sen. Shannon | Asks when the board made the decision for accuracy labeling. |
| 454 | Merten | Responds it was December of 1997. |

TAPE 74, B

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| 000 | Fenderson | Discusses the current concerns of the Y2K problem. |
| 020 | Mike Griffiths | Albertsonis. Testifies in support of SB 769. Explains Albertsonis Y2K problems. States the need for additional time to install software. |
| 085 | Fenderson | Comments on Albertsonis Y2K issues. |
| 094 | Amedeo | Notes that the software companies are having difficulty getting the software installed. |
| 120 | Fenderson | States they are not opposed to the installation of the software, but the timing of implementation is problematic. |
| 139 | Rep. Jo Ann Bowmann | House District 19. Testifies in opposition to SB 769 (EXHIBIT E) . States there is a public safety issue involved. Discusses the accuracy labeling creates a check and balance system for pharmacists. |

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| 184 | Chair Fisher | Questions Rep. Bowman about the fiscal impact. |
| 186 | Rep. Bowmann | Responds that it is a question of whether or not it is worth the benefit and states it is worth it. |
| 204 | Sen. Shannon | Discusses the expense. |
| 213 | Rep. Bowmann | Asks the committee to think about a parent giving their young child a prescription and having the ability to identify the medication. |
| 228 | Chair Fisher | Questions if a new drug would be available in the whole system. |
| 246 | Griffiths | Responds no. States that some pharmacies have 10,000 drugs. States concern of the extra work for pharmacists. Provides an example of a drug manufacturer changing the appearance of a drug and the confusion faced by patients. |
| 283 | Chair Fisher | Asks if there are color blind requirements for pharmacists. |
| 305 | Griffiths | Responds no. States that each medication has an unique shape and size. States that the software needs to be 100 percent accurate before it is implemented. |
| 331 | Sen. Duncan | Asks why small pharmacies are not experiencing the same problems. |
| 340 | Griffiths | Responds that there is a lot more involved when companies have pharmacies located coast to coast. |
| 350 | Amedeo | States that the pharmacies currently using the labeling are nursing home facilities. Notes that the situation is not an independent issue versus a chain issue. |
| TAPE 75, B | | |
| 000 | Blake Rice | Board of Pharmacy member. Testifies in opposition to SB 769. States that his pharmacy is compliant with the new rules. Presents examples of labeling to the committee. States that he has 8,000 drugs in his database. |
| 090 | Chair Fisher | Asks if the drugs are entered manually. |
| 095 | Rice | States that the drugs that are not in the database must be entered manually. States there are times when new drugs hit the store before they are in the database. |
| 117 | Chair Fisher | Asks Rice how he would enter the data if he had multiple pharmacies. |
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| 127 | William Comer | Pharmacist. Responds that once a database is updated, it does not need to be updated again. |
| 140 | Chair Fisher | Questions if the multiple pharmacies would need to input their own data. |
| 144 | Comer | Responds the individual pharmacy would have the information sent to them from the central database. |
| 152 | Sen. Duncan | Asks if Rice prescribes to a service. |
| 155 | Rice | Responds affirmatively. States the information is updated twice a week. |
| 163 | Sen. Duncan | Asks if the Board of Pharmacy has had discussions with the chain pharmacies. |
| 182 | Steve Schulte | Board of Pharmacy. Testifies in opposition to SB 769 (EXHIBIT F). Responds affirmatively. Comments that some chains, such as BiMart and Albertson's, are working in good faith. States that BiMart will be providing accuracy labels within the next month. Notes that one chain has refused to participate in accuracy labeling. |
| 239 | Sen. Duncan | Questions the identification of the chain that would not cooperate. |
| 256 | Rice | States that he spoke with Amedeo to put together a task force to work out problems between the board and the pharmacies involved. |
| 272 | Schulte | States that his job is investigating dispensing errors. States that the proper usage of the labeling system would save time and money. |
| 351 | Sen. Duncan | States the issue is the timing of the implementation of the accuracy labeling. |
| 366 | Schulte | Responds to Duncan's earlier question that Rite-Aid is the chain unwilling to cooperate. |
| 380 | Chair Fisher | Questions the cooperation between Albertson's and the Board of Pharmacy. |
| 392 | Schulte | Responds that Albertson's is working on the labeling and the board would like to continue working with them. |
| 436 | Chris Conrad | Citizen. Testifies in opposition to SB 769. Relates a personal experience of being given the wrong medication. |
| TAPE 76, A | | |
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| 000 | Conrad | States that identification is important. |
| 020 | Chair Fisher | Asks what happens if the label is wrong as well as the pill. |
| 023 | Schulte | Responds that 92 percent of errors occur when the wrong medication is dispensed. States that there were 48 complaints last month and around 30 or more were dispensing errors that could have been prevented with accuracy labels. |
| 071 | Comer | States that 10 to 15 percent of hospitalizations are due to drug errors. |
| 110 | Comer | Discusses the advantages of accuracy labeling. |
| 162 | Chair Fisher | Remarks on the complexity of upgrading computer systems. |
| 235 | Comer | Discusses concerns regarding the Y2K issue, and notes it should not be an excuse. |
| 272 | Delores Raymond | American Association of Retired Persons (AARP). Testifies in opposition to SB 769 (EXHIBIT G) . |
| 308 | Michelle Lane | Director of Nursing, Evergreen Windsor. Testifies in opposition to SB 769. Relates an experience of a pharmaceutical mistake. |
| 341 | Schulte | Reviews the cost of computer upgrades and labeling. |
| 393 | Mike Patrick | President, Board of Pharmacy. Testifies in opposition to SB 769. |
| 405 | Chair Fisher | Asks if the board is willing to work towards a compromise. |
| 410 | Patrick | Responds affirmatively. States support for negotiations. Notes that accuracy labeling is in the public's best interest. |
| TAPE 77, A | | |
| 000 | Patrick | States that people are more cautious when there are additional checkpoints for accuracy. |
| 007 | Chair Fisher | Questions the procedure for medication ordering. |
| 037 | Patrick | Responds that his pharmacy places orders weekly. Notes that the board has offered alternatives to pharmacies. |

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 540, State of New York draft legislation, Patricia Richards, 3 pp

B ñ SB 606, Letter from Christopher Lamy, DPM, Tom Barrows, 7 pp

**C ñ SB 606, Written testimony, Oregon Podiatric Medical Association,
Gerald Peterson, 1 p**

D ñ SB 769, Written testimony, Albertsonís, Kevin Fenderson, 8 pp

E ñ SB 769, Written testimony, Rep. Jo Ann Bowman, 1 p

**F ñ SB 769, Written testimony and supporting materials, Oregon Board of Pharmacy,
Steve Schulte, 15 pp**

G ñ SB 769, Written testimony, Delores Raymond, 2 pp