

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 19, 1999 Hearing Room B

8:00 AM Tapes 118 - 119

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Frank Shields, Vice-Chair

Sen. Susan Castillo

Sen. Verne Duncan

Sen. Marylin Shannon

STAFF PRESENT:

Jim Stembridge, Administrator

Andrew Morris, Administrative Support

MEASURE/ISSUES HEARD:

HB 3529A Public Hearing and Work Session

HB 2146A Work Session

HB 2108A Work Session

HB 3031A Public Hearing and Work Session

HB 2703A Public Hearing and Work Session

HB 3093A Public Hearing and Work Session

HB 3603A 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 118, A		
004	Chair Fisher	Calls meeting to order at 8:08 AM and opens a public hearing on HB 3529A.
<u>HB 3529A PUBLIC HEARING</u>		
027	Rep. Karen Minnis	House District 20. Testifies in support of HB 3529A. Summarizes the bill. States the bill allows for follow-up visits with a person's gynecologist without needing to go back to the primary care physician.
038	Chair Fisher	Closes the public hearing on HB 3529A and opens a work session.
<u>HB 3529A WORK SESSION</u>		
040	Sen. Castillo	MOTION: Moves HB 3529A to the floor with a DO PASS recommendation.
		VOTE: 4-0 AYE: 4 - Castillo, Duncan, Shields, Fisher EXCUSED: 1 - Shannon
	Chair Fisher	The motion CARRIES. SEN. CASTILLO will lead discussion on the floor.
078	Chair Fisher	Closes the work session on HB 3529 and opens a public hearing on HB 2146A.
<u>HB 2146A PUBLIC HEARING</u>		
085	Barney Speight	Office of Medical Assistance Program (OMAP). Testifies in support of HB 2146A (EXHIBIT A). Summarizes HB 2146A and the statutes it affects. States the Health Council supports the bill. Comments on the nature of the Health Council. Summarizes the A2 amendments. Comments on the impact of the bill. Gives a section by section analysis of the bill.
150	Speight	Continues giving a sectional analysis.
180	Chair Fisher	Questions the increase of civil penalties.

183	Speight	Responds the increase is a deterrent for violations. Continues analysis.
220	Chair Fisher	Asks how often civil penalties are imposed.
225	Speight	Responds they have never been used.
240	Ed Patterson	Representing the Association of Hospital and Health Systems. Testifies in support of HB 2146A. States the association supports the A2 amendments.
267	Sen. Castillo	Questions data collection and asks if it is public information.
281	Speight	Responds that they are trying to limit the amount of data collected, and data that is collected is public information. States it is important to understand financial viability.
314	Sen. Castillo	Asks if hospitals use the data that is currently collected.
325	Speight	Responds affirmatively. Explains hospital charging procedures. States that current statute is outdated.
353	Patterson	States the collection of data is expensive and time consuming.
377	Chair Fisher	Closes the public hearing on HB 2146A and opens a work session.
<u>HB 2146A WORK SESSION</u>		
382	Sen. Duncan	MOTION: Moves to ADOPT HB 4146A-A2 amendments dated 05/18/99.
		VOTE: 4-0 AYE: 4 - Castillo, Duncan, Shannon, Fisher EXCUSED: 1 - Shields
	Chair Fisher	The motion CARRIES.
389	Sen. Duncan	MOTION: Moves HB 2146A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0

		AYE: 4 - Castillo, Duncan, Shannon, Fisher EXCUSED: 1 ñ Shields
	Chair Fisher	The motion CARRIES. SEN. CASTILLO will lead discussion on the floor.
409	Chair Fisher	Closes the work session on HB 2146A and opens a work session on HB 2108A.
<u>HB 2108A WORK SESSION</u>		
420	Sen. Shannon	States there is a consensus on the amendments. Reviews the amendments.
450	Joanne Bones	Director, Board of Dentistry. Testifies on HB 2108A. States that the board is in agreement with the amendments and rules can be developed for implementation.
TAPE 119, A		
005	Sen. Castillo	Questions how oversight of dentists would work.
011	Bones	Responds the board will have dentists keep records of what is being administered.
017	Sen. Castillo	Asks if the dentist would have liability issues.
021	Bones	Responds that would be between the dentist and their liability insurer.
032	Sen. Shannon	MOTION: Moves to ADOPT HB 2108A-A3 amendments dated 05/18/99.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Fisher, Shields
	Chair Fisher	The motion CARRIES.
035	Sen. Shannon	MOTION: Moves HB 2108A to the floor with a DO PASS

		AS AMENDED recommendation.
		VOTE: 4-1 AYE: 4 - Duncan, Shannon, Shields, Fisher NAY: 1 ñ Castillo
	Chair Fisher	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
062	Chair Fisher	Closes the work session on HB 2108A and opens a public hearing on HB 3031A.
<u>HB 3031A PUBLIC HEARING</u>		
070	Jim Stembridge	Committee Administrator. Summarizes HB 3031A.
079	Bones	Testifies on HB 3031 (EXHIBIT B). States the board of dentistry was opposed to the bill, but after researching the issue does not oppose it now. States the statute of limitations was amended.
107	Sen. Shields	Questions the statute of limitation.
110	Bones	Responds the statute is limited to two years from discovery.
115	Sen. Castillo	Questions the reasoning for the bill.
123	Jane Myers	Representing the Oregon Dental Association. Testifies in support of HB 3031A (EXHIBIT C). Responds to Sen. Castillo that the bill is a result of a task force. States the bill is not restrictive to the board. Relates a possible situation.
169	Sen. Castillo	Asks if old patient records are important.
178	Bones	Responds affirmatively. Relates a possible situation.
215	Chair Fisher	Closes the public hearing on HB 3031A and opens a work session on 3031A.
<u>HB 3031A WORK SESSION</u>		

217	Sen. Duncan	MOTION: Moves HB 3031A to the floor with a DO PASS recommendation.
		VOTE: 4-1 AYE: 4 - Duncan, Shannon, Shields, Fisher NAY: 1 ñ Castillo
	Chair Fisher	The motion CARRIES. SEN. DUNCAN will lead discussion on the floor.
247	Chair Fisher	Closes the work session on HB 3031A and opens a public hearing on HB 2703.
<u>HB 2703 PUBLIC HEARING</u>		
253	Stembridge	Summarizes HB 2703.
267	Chair Fisher	Closes the public hearing on HB 2703 and opens a work session.
<u>HB 2703 WORK SESSION</u>		
270	Sen. Duncan	MOTION: Moves HB 2703A to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. FISHER will lead discussion on the floor.
281	Chair Fisher	Closes the work session on HB 2703 and opens a public hearing on HB 3093.
<u>HB 3093A PUBLIC HEARING</u>		

288	Stembridge	Summarizes HB 3093A for the committee.
291	Jeff Watkins	Oregon Society of Physician Assistants. Testifies in support of HB 3093 (EXHIBIT D). Describes the role of Physician Assistants. Comments on current law which states physician assistants can only dispense medication that has been prepackaged by a pharmacist.
321	Chair Fisher	Closes the public hearing on HB 3093A and opens a work session.
<u>HB 3093A WORK SESSION</u>		
324	Sen. Shields	MOTION: Moves HB 3093A to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.
335	Chair Fisher	Closes the work session on HB 3093A and opens a public hearing on HB 3603A.
<u>HB 3603A PUBLIC HEARING</u>		
390	Chair Fisher	Submits a letter (EXHIBIT E).
391	Rep. Larry Wells	House District 30. Testifies in support of HB 3603A. Summarizes the background of HB 3603A. Comments on the research that was done to write the bill. Refers to the original bill and the amendments offered by the pharmacists.
TAPE 118, B		
000	Rep. Wells	Continues explaining HB 3603A.
015	Rep. Mike Lehman	House District 47. Testifies on HB 3603A. Comments on drug testing. States that Section 9 of the bill could be deleted and the bill would not be affected.
044	Sen. Shannon	States that employees should be encouraged to get their own drug tests done.

061	Rep. Lehman	Comments that most people are not surprised when their samples are positive.
075	Rep. Wells	States he is open to changes in the bill.
080	Chair Fisher	Questions drug testing procedures.
084	Rep. Lehman	Responds that bill would require companies to take two urine samples to test for drugs.
096	Chair Fisher	Questions the splitting of urine samples.
104	Rep. Lehman	Responds that statute would require samples to be split.
114	Chair Fisher	Proposes amending the bill so that a sample would only need to be split if a test came back positive for drugs.
116	Rep. Wells	States agreement with Chair Fisher.
118	Rep. Lehman	Concurs with Chair Fisher.
138	Audrey Horton	Oregon Health Division. Explains Section 9 of the bill. States the division did not take a position on the bill. Comments on the different types of substance abuse testing.
173	Rep. Lehman	Comments on the expense of drug testing.
185	Chair Fisher	Questions the reasoning for a split sample.
189	Horton	Responds by explaining different ways to take samples. Comments on agencies that require split samples.
213	Sen. Duncan	States that two different tests could be done.
223	Rep. Lehman	Discusses with the committee how positive drug tests are handled for further testing.
230	Chair Fisher	States that Horton has described how the courts have responded to drug tests that have had the chance to be contaminated.
232	Sen. Shields	Asks why the issue cannot be handled by administrative rule. Questions the necessity of the bill.

253	Rep. Lehman	Comments on drug testing. Sates the issue could be addressed by administrative rule.
265	Horton	States a willingness to work in developing an administrative rule.
277	Rep. Wells	Comments that administrative rules could be developed.
307	Horton	Discusses changes that have been made and their affects.
329	Chair Fisher	Discusses possible amendments with Horton and Rep. Wells. Closes the public hearing and adjourns the meeting at 9:35 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2146A, Written testimony, OMAP, Barney Speight, 2 pp

B ñ HB 3031A, Written testimony, Board of Dentistry, Joanne Bones, 1 p

C ñ HB 3031A, Written testimony, Oregon Dental Association, Jane Myers, 1 p

**D ñ HB 3093A, Written testimony, Oregon Society of Physician Assistants,
Jeffery Watkins, 5 pp**

E ñ HB 3603A, Letter from Peter Anderson, Sen. Bill Fisher, 1 p