

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 20, 1999 Hearing Room B

8:00 AM Tapes 120 - 121

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Frank Shields, Vice-Chair

Sen. Susan Castillo

Sen. Verne Duncan

Sen. Marylin Shannon

STAFF PRESENT:

Jim Stembridge, PRCS Manager

Andrew Morris, Administrative Support

MEASURES HEARD:

HB 2178A Public Hearing and Work Session

HB 2267A Public Hearing and Work Session

HB 3538A Public Hearing and Work Session

HB 3192A Public Hearing and Work Session

HB 2581A Public Hearing and Work Session

HB 2690A Public Hearing and Work Session

HB 3355A Public Hearing

HB 3603A Work Session

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 120, A

000

Chair Fisher

Calls meeting to order at 8:10 AM and opens a public hearing on HB 2178A.

HB 2178A PUBLIC HEARING

027

Rep. Tim Knopp

House District 54. Testifies in support of HB 2178A. Summarizes the background of the bill. States the bill addresses concerns the Ways and Means Committee has had.

056

Gerri Krummel

Radiologic Technologist. Testifies in support of HB 2178A (**EXHIBIT A**). Explains her personal history in the field of radiology. Discusses the affect the bill will have on other bills waiting in the Ways and Means Committee.

094

Randy Harp

Oregon Society of Radiologists. Testifies in support of HB 2178A. Asks for the committee's support of the bill.

117

Rep. Knopp

States that the Ways and Means Committee felt the board could be eliminated, but the stake holders are in disagreement, and HB 2178A provides for dialogue to discuss issues.

131

Chair Fisher

Comments on the importance of cooperation.

150

Ann Warden

Radiologic Technician. Testifies in support of HB 2178A. States the bill would help the profession move forward.

172

Chair Fisher

Closes the public hearing on HB 2178A and opens a work session.

HB 2178A WORK SESSION

176

Sen. Duncan

MOTION: Moves HB 2178A to the floor with a DO PASS recommendation.**VOTE: 5-0****AYE: 5 - Castillo, Duncan, Shannon, Fisher, Shields**

Chair Fisher

The motion CARRIES.**SEN. DUNCAN will lead discussion on the floor.**

188	Chair Fisher	Closes the work session on HB 2178A and opens a public hearing on HB 2267A.
<u>HB 2267A PUBLIC HEARING</u>		
192	Jim Stembridge	PRCS Manager. Explains HB 2267A and proposed amendments.
215	Jeff Watkins	Representing the Oregon Society of Physician Assistants. Testifies in support of HB 2267A (EXHIBIT B). Summarizes the background of previous legislation. Explains the necessity of the bill.
259	Chair Fisher	Comments on the ñA3 amendments which are to clarify a conflict.
265	Scott Beyer	President, Oregon Society of Physician Assistants. Testifies in support of HB 2267A. States the bill would clarify existing licensing procedures.
288	Chair Fisher	Closes the public hearing on HB 2267A and opens a work session.
<u>HB 2267A WORK SESSION</u>		
297	Sen. Shields	MOTION: Moves to ADOPT HB 2267A-A3 amendments dated 05/19/99.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES.
302	Sen. Shields	MOTION: Moves HB 2267A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.

313	Chair Fisher	Closes the work session on HB 2267A and opens a public hearing on HB 3538A.
<u>HB 3538A PUBLIC HEARING</u>		
332	Rep. Mark Simmons	House District 58. Testifies in support of HB 3538A. Comments on the background of the bill. Discusses the reasons for implementing a Health Care Representative program.
370	Jaqueline Zimmer	Director, Oregon Association of Area Agencies on Aging and Disabilities. Testifies on HB 3538A. States there were concerns with the bill. States that they will support the bill now with the amendments.
399	Chair Fisher	Comments on the ñA2 amendments.
410	Tina Kitchen	Office of Developmental Disability Services, Department of Human Resources. Testifies in support of HB 3538A (EXHIBIT C). Explains the ñA2 amendments. Summarizes the amendments.
446	Sen. Shannon	Asks if Rep. Simmons supports the amendments.
454	Rep. Simmons	Responds affirmatively.
461	Kitchen	Explains the concept of health care representatives.
TAPE 121, A		
000	Kitchen	Summarizes the background of health care representatives.
026	Bob Joondeph	Director, Oregon Advocacy Center. Testifies in opposition to HB 3538A (EXHIBIT D). States that legal processes exist for determining legal guardianship in making medical decisions. States the bill may conflict with the state constitution.
065	David Nebel	Oregon Law Center. Testifies in opposition to HB 3538A. States the bill would take away existing safe-guards. States the bill could create a slippery slope for people who cannot make their own decisions.
088	Chair Fisher	Relates a personal experience.
126	Nebel	Comments on existing terms for temporary guardianship.
135	Joondeph	States that bill could be used in a situation that is not an emergency, but a procedure needs to be done.

143	Chair Fisher	Questions the source of resources.
147	Joondeph	Responds that public programs exist and people pay privately.
155	Rep. Simmons	States the bill would only be used in rare circumstances.
182	Sen. Shannon	Asks about the reasons for the bill.
187	Rep. Simmons	Responds the bill is an outcome of a work group in Umatilla County.
196	Sen. Shannon	Asks if there were specific cases.
199	Rep. Simmons	Responds affirmatively.
211	Kitchen	Comments on cases when the health care representative would not be applicable.
226	Sen. Shields	Asks about the definition of "incapable."
232	Kitchen	Responds that people with developmental disabilities might need some guidance. States that the bill allows for a chance for objection from the patient.
248	Sen. Shields	Comments on peoplesí communication skills.
257	Kitchen	Responds that will be addressed in the administrative rules.
269	Sen. Shields	Asks if that will be a guarantee.
274	Kitchen	Refers to page 3, line 11, Section 5 and states the issue will need to be addressed in rules.
293	Sen. Shields	Asks if the patient would be included in all discussions relating to their care.
297	Kitchen	Responds affirmatively.
300	Sen. Shannon	Questions page 4, lines 28 and 29. Asks for the process of deciding if a person is capable.
312	Kitchen	Responds it is outlined in existing statute.
316	Holly Robinson	Senior Disabled Services Division. Testifies in support of HB 3538A. Explains

		the bill will only cover a small group of individuals.
344	Sen. Shields	Questions Robinson on Joondephis testimony.
362	Robinson	Responds an individual would have the opportunity to express their objections.
408	Chair Fisher	Closes the public hearing on HB 3538A and opens a work session.
<u>HB 3538A WORK SESSION</u>		
412	Sen. Shannon	MOTION: Moves to ADOPT HB 3538A-A2 amendments dated 05/19/99.
		VOTE: 5-0 AYE: In a roll call vote, all members present vote Aye.
	Chair Fisher	The motion CARRIES.
430	Sen. Shannon	MOTION: Moves HB 3538A to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Judiciary by prior reference.
		VOTE: 5-0 AYE: 5 ñ Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES.
455	Chair Fisher	Closes the work session on HB 3538A and opens a public hearing on HB 3192A.
<u>HB 3192A PUBLIC HEARING</u>		
TAPE 120, B		
000	James Wheeler	Director, Columbia Adoption Services. Testifies in support of HB 3192A (EXHIBIT E). Gives a sectional analysis of the bill.
002	Kathy Ledesma	Program Manager, Adoptions and Permanency Unit (EXHIBIT F). Explains the

		changes the bill would make. States that Services to Children and Families (SCF) support the bill. States there will not be a fiscal impact.
034	Chair Fisher	Closes the public hearing on HB 3192A and opens a work session.
<u>HB 3192A WORK SESSION</u>		
035	Sen. Duncan	MOTION: Moves HB 3192A to the floor with a DO PASS 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.
043	Chair Fisher	Closes the work session on HB 3192A and opens a public hearing on HB 2581A.
<u>HB 2581A PUBLIC HEARING</u>		
051	Stembridge	Summarizes the ñA5, -A6, and ñA7 amendments.
060	Allen Morgan	Legislative Assistant to Rep. Kitty Piercy. Testifies in support of HB 2581A. States that all parties involved are in agreement on the proposed amendments. Explains the amendments.
080	Chair Fisher	Closes the public hearing on HB 2581A and opens a work session.
<u>HB 2581A WORK SESSION</u>		
082	Sen. Shields	Discusses the ñ6 amendments. Asks if the sunset clause is essential.
095	Morgan	Responds the lobbyists from the insurance industry requested it.
105	Chair Fisher	Refers to a current law which requires a sunset clause be added to insurance mandates.

116	Sen. Castillo	MOTION: Moves to ADOPT HB 2581A -A5 dated 5/14/99, -A6 dated 5/14/99, and the -A7 amendments dated 5/19/99.
		VOTE: 4-1 AYE: 4 - Castillo, Duncan, Shannon, Fisher NAY: 1 ñ Shields
	Chair Fisher	The motion CARRIES.
128	Sen. Castillo	MOTION: Moves HB 2581A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. CASTILLO will lead discussion on the floor.
155	Chair Fisher	Closes the work session on HB 2581A and opens a public hearing on HB 2690A.
<u>HB 2690A PUBLIC HEARING</u>		
160	Tom Holt	Oregon State Pharmacists Association. Testifies in support of HB 2690A (EXHIBIT G) . Summarizes HB 2690A. Comments on the safeguards in the bill. States the bill enhances current practices. Indicates the bill clarifies statutes. States the bill includes an emergency clause.
222	Holt	States the bill is good for public health. Asks that the referral to the Senate Judiciary committee be rescinded.
232	Scott Gallant	Oregon Medical Association (OMA). Testifies in support of HB 2690A. States the OMA supports the bill. Points out an error in the ñA10 amendments. States that after the word pharmacists on page 2, line 25, there should be a period and the rest of lines 25 and 26 should be deleted.
249	Holt	Concurs with Gallant.

253	Sen. Castillo	Questions patients who administer their own injections.
265	Holt	Responds pharmacists could teach patients to administer their own injections.
272	Sen. Castillo	Comments on training procedures.
280	Holt	States that a new training program will begin in three weeks.
296	Sen. Castillo	Questions oversight.
302	Holt	Responds the board of pharmacy would provide oversight.
310	Gallant	Comments on cooperation between physicians and pharmacists.
320	Grant Higginson, M.D.	State Health Officer, Oregon Health Division. Testifies in support of HB 2690A. Explains the Health Division's interest in the bill. States the bill will be reviewed during the interim.
338	Holt	Reiterates the importance of communication.
344	Chair Fisher	Questions the costs of the bill.
350	Holt	Responds the costs will not increase.
362	Chair Fisher	Closes the public hearing on HB 2690A and opens a work session.
<u>HB 2690A WORK SESSION</u>		
365	Sen. Duncan	MOTION: Moves to ADOPT HB 2690A-A10 amendments dated 5/20/99 and that the measure be FURTHER AMENDED on page 2, line 25, by inserting a "." after pharmacists and deleting the rest of line 25 and line 26.
		VOTE: 5-0 AYE: 5 ñ Castillo, Duncan, Shannon, Shields, Fisher
		Chair Fisher The motion CARRIES.
390	Sen. Duncan	MOTION: Moves HB 2690A to the floor with a DO PASS

		AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Judiciary BE RESCINDED.
		VOTE: 5-0 AYE: 5 ñ Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. FISHER will lead discussion on the floor.
420	Chair Fisher	Closes the work session on HB 2690A and opens a public hearing on HB 3355A.
<u>HB 3355A PUBLIC HEARING</u>		
440	Hersh Crawford	Office of Medical Assistance Programs (OMAP). Testifies in support of HB 3355A (EXHIBIT H). States the bill would require co-pays for people who receive assistance from the Oregon Health Plan.
TAPE 121, B		
000	Crawford	States that co-pays would only be used in certain instances. Comments on possible impacts the bill would have on providers. States the fiscal impact would be minimal. Comments on the money the state would save by requiring co-pays.
025	Chair Fisher	Asks how premiums would be affected by the bill.
027	Crawford	Responds premiums would not be affected. States the co-pays would be in addition to the premiums.
039	Sen. Shields	Asks how it is decided who pays or does not pay a premium.
041	Crawford	Responds that premiums are assessed on people who are eligible for the Oregon Health Plan under the expanded coverage. States that children are not assessed premiums.
047	Sen. Shields	Asks if it is possible to increase the premium instead of creating a co-pay.
052	Chair Fisher	States the bill is only a pilot project.

058	Chair Fisher	Closes the public hearing on HB 3355A and opens a work session on HB 3603A.
<u>HB 3603A WORK SESSION</u>		
060	Chair Fisher	Discusses the ñA3 and ñA4 amendments with the committee.
090	Sen. Shields	MOTION: Moves to ADOPT HB 3603A -A3 amendments dated 5/19/99, and the -A4 amendments dated 5/19/99.
		VOTE: 5-0 AYE: 5 ñ Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES.
093	Sen. Shannon	MOTION: Moves HB 3603A 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. FISHER will lead discussion on the floor.
104	Chair Fisher	Closes the work session on HB 3603A and opens a public hearing on HB 3355A.
<u>HB 3355A PUBLIC HEARING</u>		
108	Sylvia Caley	Oregon Law Center. Testifies in opposition to HB 3355A (EXHIBIT I). States the bill would discourage preventative care. Comments on existing benefits.
161	Chair Fisher	Closes the public hearing and closes the committee on Senate Health and Human Services at 10:00 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ HB 2178A, Written testimony, Radiologic Technologist, Gerri Krummel, 4 pp

**B ñ HB 2267A, Written testimony, Oregon Society of Physician Assistants, Jeff Watkins,
5 pp**

**C ñ HB 3538A, Written testimony and ñA2 amendments, Office of Developmental
Disability Services, Tina Kitchen, 7 pp**

D ñ HB 3538A, Written testimony, Oregon Advocacy Center, Bob Joondeph, 1 p

E ñ HB 3192A, Written testimony, Columbia Adoption Services, James Wheeler, 1 p

**F ñ HB 3192A, Written testimony, Adoptions and Permanency Unit, Kathy Ledesma,
2 pp**

**G ñ HB 2690A, Written testimony and ñA10 amendments, Oregon State Pharmacists
Association, Tom Holt, 8 pp**

H ñ HB 3355A, Written testimony, OMAP, Hersh Crawford, 2 pp

I ñ HB 3355A, Written testimony, Oregon Law Center, Sylvia Caley, 3 pp