

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 3, 1999 Hearing Room B

8:00 AM Tapes 106 - 107

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 1290 Public Hearing and Work Session

SB 611 Work Session

SB 1156 Public Hearing

SB 919 Work Session

SB 941 Work Session

SB 974 Work Session

SB 824 Work Session

SB 16 Public Hearing

SB 1097 Public Hearing and 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.

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TAPE/#	Speaker	Comments
TAPE 106, A		
004	Chair Fisher	Calls meeting to order at 8:13 AM and opens a public hearing on SB 1290.
<u>SB 1290 PUBLIC HEARING</u>		
011	Sen. Charles Starr	Senate District 5. Testifies in support of SB 1290. Provides background of SB 1290. States that strong families reduce the costs of state programs, and that the bill could strengthen the family unit.
059	Sen. Castillo	Requests clarification of the language norms of society.
066	Sen. Starr	Responds it includes honesty, integrity, and good citizenship.
080	Michael Howden	Representing Oregon Center for Family Policy. Presents testimony in support of SB 1290 (EXHIBIT A). Comments on the need for the bill. Relates results of studies addressing this issue.
127	Sen. Shannon	Questions if other states have similar programs.
130	Howden	Responds other states are considering legislation.
132	Sen. Shannon	Asks if there are similar federal laws.
134	Howden	Responds there were , but President Clinton rescinded the order.
137	Chair Fisher	Closes public hearing on SB 1290 and opens a work session on SB 1290.
<u>SB 1290 WORK SESSION</u>		
140	Sen. Shannon	MOTION: Moves SB 1290 to the floor with a DO PASS recommendation.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
		The motion CARRIES.

		SEN. STARR will lead discussion on the floor.
145	Sen. Castillo	States the bill is not necessary, but will support it.
154	Sen. Shannon	Acknowledges support of SB 1290.
162	Chair Fisher	Closes the work session on SB 1290 and opens a work session on SB 611.
<u>SB 611 WORK SESSION</u>		
168	Sandy Thiele-Cirka	Administrator. Explains SB 611 amendments.
201	Sen. Duncan	MOTION: Moves to ADOPT SB 611 -1, and the - 3 amendments dated 3/5/99 and 5/3/99.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
Chair Fisher		The motion CARRIES.
206	Sen. Shields	Asks if the licensing fees could be adjusted by the board.
210	Chair Fisher	Responds affirmatively.
216	Sen. Shields	MOTION: Moves SB 611 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
Chair Fisher		The motion CARRIES.
257	Chair Fisher	Closes the work session on SB 611 and opens a public hearing on SB 1156.
<u>SB 1156 PUBLIC HEARING</u>		
264	Sen. Ted Ferrioli	Senate District 28. Testifies in support of SB 1156. Explains the background of SB 1156. States that amendments are forthcoming.

322	Chair Fisher	Closes the public hearing on SB 1156 and opens a work session on SB 919.
<u>SB 919 WORK SESSION</u>		
330	Kathryn Weit	Executive Director, Oregon Disabilities Council. Testifies in support of SB 919 (EXHIBIT B) . Provides background of SB 919.
413	Sen. Castillo	Asks why Oregon has such a large waiting list.
422	Weit	Responds that Oregon collects more data than other states and that Oregon has invested more in institutional care than in programs.
445	Sen. Castillo	Questions the intent of the legislation.
456	Weit	Responds the bill reprioritizes institutional care and redistributes the money to community care. States \$200 to \$300 million is needed to provide the necessary services.
TAPE 107, A		
000	Chair Fisher	Asks if multiple agencies would be involved.
010	Weit	Responds affirmatively.
020	James Toews	Assistant Administrator, Mental Health Developmentally Disabled Services Division (MHDDSD). Testifies on SB 919 (EXHIBIT C) . Comments on the actions MHDDSD would take if the bill is passed.
038	Sen. Duncan	Asks if MHDDSD's plans meet the needs of the council.
041	Weit	Responds affirmatively.
046	Sen. Castillo	Questions the availability of information.
050	Weit	Responds that the bill requires that the information be provided by February 1, 2000.
065	Sen. Duncan	MOTION: Moves to ADOPT SB 919-1 amendments dated 4/20/99.
		VOTE: 4-0

		AYE: 4 - Castillo, Duncan, Shields, Fisher EXCUSED: 1 ñ Shannon
	Chair Fisher	The motion CARRIES.
070	Sen. Shield	MOTION: Moves SB 919 to the floor with a DO PASS AS AMENDED recommendation and be referred to the committee on Ways and Means by prior reference.
		VOTE: 4-0 AYE: 4 - Castillo, Duncan, Shields, Fisher EXCUSED: 1 ñ Shannon
	Chair Fisher	The motion CARRIES. SEN. SHIELDS will lead discussion on the floor.
081	Chair Fisher	Closes the work session on SB 919 and opens a work session on SB 941.
<u>SB 941 WORK SESSION</u>		
082	Cirka	Provides background of the bill. States the Department of Justice (DOJ) has requested the bill be moved to the Senate Committee on Judiciary.
101	Sen. Duncan	MOTION: Moves SB 941 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Judiciary.
		VOTE: 4-0 AYE: 4 - Castillo, Duncan, Shields, Fisher EXCUSED: 1 ñ Shannon
	Chair Fisher	The motion CARRIES.
108	Sen. Shields	Comments on observations made in Portland. Asks if the bill would address mentally ill and addicted people.
126	Mark Gardner	DOJ. Discusses the intent of the bill.

149	Chair Fisher	Closes the work session on SB 941 and opens a work session on SB 974.
<u>SB 974 WORK SESSION</u>		
153	Scott Gallant	Representing Oregon Medical Association (OMA). Testifies in opposition to SB 974. Comments on the ñ1 amendments for SB 974.
207	Brian DeLashmutt	Representing the Oregon Nurses Association. Comments on the relationship between nurses and doctors. Provides a fact sheet (EXHIBIT D). States the proposed amendments were in statute and were removed in the 1977 Session.
247	Susan King, RN	Representing, Oregon Nurses Association (ONA). Testifies in support of SB 974. Clarifies Gallant's testimony. States that New Hampshire modeled their legislation after Oregon's current law.
269	Chair Fisher	Asks for clarifications between the different classes of medications.
293	King	Explains the Schedule II medications. States that drugs are classified by their effects and level of addiction.
366	Sen. Duncan	Asks if there have been problems with nurse practitioners prescribing medications.
375	Gallant	Responds no. Comments that the ñ1 amendments would provide another measure of quality.
423	Chair Fisher	Comments on the relevancy of service records.
445	Gallant	Points out that nurses and nurse practitioners have the same rate of disciplinary actions. Notes the OMA's respect for nurses and nurse practitioners.
TAPE 106, B		
000	Sen. Shannon	MOTION: Moves SB 974 to the floor with a DO PASS recommendation.
006	Chair Fisher	Asks if the Schedule II drugs are more powerful or reactionary than the Schedule III drugs.
012	Gallant	Responds affirmatively.
029	Sen. Shannon	States support for nurse practitioners.

041	Sen. Castillo	States support for SB 974.
050		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
056	Chair Fisher	Closes the work session on SB 974 and opens a work session SB 824.
<u>SB 824 WORK SESSION</u>		
059	Cirka	Explains the draft ñ3 amendment to SB 824 (EXHIBIT J).
069	Hersh Crawford	Director, Oregon Medical Assistance Program (OMAP). States support for the proposed changes.
076	Lisa Scott Gilliam	Representing Schering-Plough. Explains the purpose of the amendments.
093	Sen. Shannon	MOTION: Moves to ADOPT SB 824 draft -3 amendments dated 5/3/99 EXHIBIT J.
		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES.
100	Sen. Shannon	MOTION: Moves SB 824 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. FISHER will lead discussion on the floor.

116	Chair Fisher	Closes the work session on SB 824 and opens a public hearing on SB 16.
<u>SB 16 PUBLIC HEARING</u>		
122	Cirka	Summarizes SB 16 and the ñ7 amendment.
134	Sen. Shields	Asks for clarification on the ñ1 through ñ7 amendments.
150	Chair Fisher	Comments on the amendments.
165	Wayne Schumacher	Representing Oregon Optometric Association. Testifies in support of SB 16 (EXHIBIT E) . Explains the ñ6 amendment. States the ñ7 amendment would defeat the purpose of the bill.
228	Schumacher	Continues explaining the ñ6 amendment. Comments on the removal of language from the bill. Discusses patient access.
260	Sen. Shields	Notes support for the ñ6 amendment.
285	Jody Fischer	Representing Oregon Academy of Ophthalmology. Testifies on SB 16 (EXHIBIT F) . States that the parties involved were unable to reach a consensus. Proposes inclusion of the first line of the ñ6 amendments into the ñ7 amendments.
307	Gallant	States support for the ñ7 amendment. Comments that optometrists should not be included as primary care providers because it would mislead the public.
330	Chair Fisher	Comments on emergency access.
342	Fischer	States the ñ7 amendment would include emergency situations. Notes concerns with the ñ6 amendment.
360	Gallant	Comments on on-call physicians in emergency situations.
372	Chair Fisher	States access to optometrists in emergency situations could be beneficial.
392	Gallant	Relates a possible situation and the treatment that would be involved.
404	Sen. Shannon	Asks if the hospital in Silverton has an ophthalmologist on-call.
408	Gallant	Responds he does not have that information.

418	John Powell	Representing Regency Blue Cross/Blue Shield. Testifies in opposition to the ñ6 amendment. Comments on the ñ7 amendment. States the bill is not necessary.
468	Dave Fiskum	Representing Providence Health Systems and Pacificare. Testifies in opposition to SB 16. Notes opposition to the bill and the proposed amendments.
TAPE 107, B		
000	Peggy Anet	Representing Health Insurance Association of America (HIAA). Testifies in opposition to SB 16. States the original actuary report was inaccurate. Elaborates the optometrists had underlying objectives with SB 16.
026	Chair Fisher	Asks if the ñ7 amendment are acceptable.
030	Anet	Responds affirmatively.
077	Sen. Shannon	Asks for Schumacher's response to the ñ7 amendment.
084	Schumacher	Responds that an emergency situation is not well defined. States concern about patient confusion. Explains the ñ6 amendment provide the best treatment for the consumer.
109	Chair Fisher	States that optometrists are trying to include more than emergencies. Relates a personal experience. States emergencies would include holidays and weekends.
130	Schumacher	Comments on Chair Fisher's experience. States that the word emergency is a subjective term. Indicates that perhaps limiting the number of visits to the optometrist would be an option.
150	Sen. Shannon	Asks if a person could go to an optometrist on the weekend for something such as pink eye.
155	Chair Fisher	Responds that it depends on the definition of wording.
160	Sen. Shannon	States that health management organizations (HMOs) define an emergency.
165	Schumacher	Responds in agreement.
190	Chair Fisher	Enters a letter from the City of Portland (EXHIBIT G). Closes the public hearing on SB 16 and opens a public hearing on SB 1097.
<u>SB 1097 PUBLIC HEARING</u>		

210	Ronelle Shankle	Department Of Justice (DOJ). Testifies on SB 1097 (EXHIBIT H). Summarizes the child support program. States that DOJ supports the concept of the bill, but is neutral on the formation of the commission.
255	Kevin Aguirre	Adult and Family Services Division. Testifies on SB 1097 (EXHIBIT I). Discusses presented testimony. States they encourage non-custodial parent involvement, but notes concerns with forming a commission.
310	Chair Fisher	Asks if current rules and regulations would permit the grant to be used to develop a commission.
315	Aguirre	Responds no. States support for a task force.
331	Sen. Shields	Questions the necessity of the bill.
343	Aguirre	Reviews and acknowledges support of the ñ3 amendment.
354	Alice Phalen	Oregon Judicial Department. Testifies on SB 1097. Discusses the amendments with the committee. States the Chief Justice is interested in forming a commission, but it would not be appropriate for the Chief Justice to appoint commission members.
373	Layne Barlow	Representing Oregon Menís Association. Testifies in support of SB 1097. States that the ñ3 amendment are acceptable.
394	Chair Fisher	Closes the public hearing on SB 1097 and opens a work session on SB 1097.
<u>SB 1097 WORK SESSION</u>		
400	Sen. Shields	MOTION: Moves to ADOPT SB 1097-3 amendments dated 4/30/99.
		VOTE: 4-1 AYE: 4 - Castillo, Shannon, Shields, Fisher NAY: 1 ñ Duncan
	Chair Fisher	The motion CARRIES.
410	Sen. Shannon	MOTION: Moves SB 1097 to the floor with a DO PASS AS AMENDED recommendation and be referred to the committee on Ways and Means.

		VOTE: 5-0 AYE: 5 - Castillo, Duncan, Shannon, Shields, Fisher
	Chair Fisher	The motion CARRIES. SEN. SHANNON will lead discussion on the floor.
451	Chair Fisher	Closes the work session on SB 1097 and adjourns meeting at 10:15 AM.

Submitted By, Reviewed By,

Andrew Morris, Sandy Thiele-Cirka,
Administrative Support Administrator

EXHIBIT SUMMARY

A ñ SB 1290, Written testimony, Oregon Center for Family Policy, Mike Howden, 2 pp

B ñ SB 919, Written testimony, Oregon Developmental Disabilities Coalition, Kathryn Weit, 2 pp

C ñ SB 919, Written testimony, Department of Human Resources, James Toews, 2 pp

D ñ SB 974, Written testimony, Oregon Nurses Association, Brian DeLashmut, 1 p

E ñ SB 16, Written testimony, Oregon Optometric Association, Wayne Schumacher, 1 p

F ñ SB 16, Written testimony, Oregon Academy of Ophthalmology, Jody Fischer, 1 p

G ñ SB 16, Written letter, Sen. Fisher, 1 p

H ñ SB 1097, Written testimony, DOJ, Ronelle Shankle, 1 p

I ñ SB 1097, Written testimony, Department of Human Resources, Kevin Aguirre, 8 pp

J ñ SB 824, Draft ñ3 amendments, Sandy Thiele-Cirka, 1 p