

## SENATE COMMITTEE ON RULES AND ELECTIONS

**June 23, 1999 Hearing Room B**

**1:00 p.m. Tapes 108 ñ 110**

**MEMBERS PRESENT: Sen. Charles Starr, Chair**

**Sen. Lee Beyer**

**Sen. Peter Courtney**

**Sen. Marylin Shannon**

**Sen. Veral Tarno**

**STAFF PRESENT: Marjorie Taylor, Administrator**

**Jan McComb, Administrator**

**Sandy Thiele-Cirka, Administrator**

**Brian E. Smith, Administrator**

**Rachel E. Halupowski, Administrative Support**

**MEASURES HEARD: Executive Appointment**

**Teacher Standards and Practices Commission**

**HB 2713 Reconsideration and Work Session**

**HB 3556-A Reconsideration and Work Session**

**HB 2520 Public Hearing and Work Session**

**HB 2700 Public Hearing**

**HB 3632 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.

TAPE/#	Speaker	Comments
TAPE 108, A		

003	Chair Starr	Opens meeting at 1:04 p.m. and opens work session on the Teacher Standards and Practices Commission.
<b><u>EXECUTIVE APPOINTMENT ñ TEACHER STANDARDS AND PRACTICES COMMISSION</u></b>		
004		Staff presents <b>(EXHIBIT A)</b> .
008	Anne Jones	Learning Specialist. Explains why she would like to be a member on the Commission and what she brings to the appointment. Explains she has worked closely with the Commission to make changes to the present system.
034	Sen. Tarno	<b>MOTION: Moves the appointment of Anne Jones to the Teacher Standards and Practices Commission to the floor with the recommendation that the appointment be confirmed.</b>
		<b>VOTE: 3-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 2 ñ Shannon, Beyer</b>
Chair Starr		<b>The motion CARRIES.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>
040	Chair Starr	Closes work session and opens work session on HB 2713.
<b><u>HB 2713 WORK SESSION</u></b>		
050	Jan McComb	Committee Administrator. Explains HB 2713 was passed out last week but there were conflicts with another bill. States the ñ1 amendments are to resolve conflicts.
058	Chair Starr	Recesses meeting at 1:07 p.m. Reconvenes meeting at 1:12 p.m.
060	McComb	Explains HB 2713 was passed out of committee do pass, but the committee needs to suspend the rules to adopt the conflict amendments.
070	Sen. Tarno	<b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 2713.</b>

		<b>VOTE: 4-0</b> <b>EXCUSED: 1 ñ Beyer</b>
	<b>Chair Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>078</b>	<b>Sen. Tarno</b>	<b>MOTION: Moves to RECONSIDER the vote by which the committee moved HB 2713 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 4-0</b> <b>EXCUSED: 1 ñ Beyer</b>
	<b>Chair Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>087</b>	<b>Sen. Tarno</b>	<b>MOTION: Moves to ADOPT HB 2713-1 amendments dated 6/18/99.</b>
		<b>VOTE: 4-0</b> <b>EXCUSED: 1 ñ Beyer</b>
	<b>Chair Starr</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>091</b>	<b>Sen. Tarno</b>	<b>MOTION: Moves HB 2713 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 4-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 ñ Beyer</b>
	<b>Chair Starr</b>	<b>The motion CARRIES.</b>  <b>SEN. COURTNEY will lead discussion on the floor.</b>

099	Chair Starr	Closes work session and opens work session on HB 3556.
<b><u>HB 3556A WORK SESSION</u></b>		
106	Sen. Tarno	<b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering HB 3556A.</b>
		<b>VOTE: 5-0</b>
	Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>
108	Sen. Tarno	<b>MOTION: Moves to RECONSIDER the motion by which HB 3556A was sent to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b>
	Chair Starr	<b>Hearing no objection, declares the motion CARRIED.</b>
116	Marjorie Taylor	Committee Administrator. Explains HB 3556A requires persons conducting mechanical repairs on elevators to be licensed by the Department of Consumer and Business Services. States the committee passed out the ñA4 amendments, but there is a conflict. States the ñA5 amendments resolve the conflict and clarify that people already doing this type of work hold grandfather rights. States the ñA6 and ñA7 amendments have also been introduced. Defers to John Gervais.
131	John Gervais	Asks the committee to consider a conceptual amendment to the ñA5 amendments, by omitting lines 5 and 6.
151	Joe Brewer	States he would prefer the ñA5 amendments with the conceptual change mentioned by Mr. Gervais.
157	Chair Starr	Asks if the ñA6 and ñA7 amendments are needed.
160	Brewer	Asks to disavow any knowledge of the ñA6 and the ñA7 amendments.
168	Sen. Tarno	<b>MOTION: Moves to AMEND HB 3556-A5 amendments dated 6/23/99 by deleting lines 5 and 6 on page 3.</b>
		<b>VOTE: 5-0</b>

	Chair Starr	Hearing no objection, declares the motion CARRIED.
170	Sen. Tarno	MOTION: Moves to ADOPT HB 3556-A5 amendments dated 6/23/99.
		VOTE: 5-0
	Chair Starr	Hearing no objection, declares the motion CARRIED.
176	Taylor	States because of the conceptual amendments there is no need to adopt the ñA6 or the ñA7 amendments.
181	Sen. Tarno	MOTION: Moves HB 3556A to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 5-0  AYE: In a roll call vote, all members present vote Aye.
	Chair Starr	The motion CARRIES.  SEN. BEYER will lead discussion on the floor.
192	Chair Starr	Closes work session and opens public hearing on HB 2520.
<b><u>HB 2520A PUBLIC HEARING</u></b>		
199	Tom Holt	Executive Director, Oregon State Pharmacists Association. Presents ( <b>EXHIBIT B</b> ). Discusses and explains the ñA4 amendments. Remarks that marketers need to contract with the local pharmacies before advertising and issuing the discount cards. Reviews Section 2, civil actions and penalties.
250	Holt	Requests adding "the Attorney General" to line 17, Section 2, subsection 1. Urges the committee support HB 2520A, the ñA4 amendments and the conceptual change.
300	Sen. Beyer	Questions if there is any intention to replace HB 2520A with an amendment

		incorporating HB 2010.
314	Holt	Responds no. States that Rep. Montgomery, the original sponsor, supports the ñA4 amendment.
326	Sen. Courtney	Questions HB 2010 background.
330	Holt	Responds that HB 2010 relates to a pharmacists right of conscience to refuse to fill certain prescriptions. Notes that HB 2010 did not pass out of the House.
334	Sen. Courtney	Questions what drugs HB 2010 targets.
336	Holt	Responds the "morning after" treatments and RU486.
344	Sen. Courtney	Questions if doctor assisted suicide medications are included.
348	Holt	Responds that SB 491 passed and is waiting the Governorís signature.
360	Sen. Shannon	Questions if nurses have a right of conscience to not participate in abortions.
362	Holt	Responds no.
363	Sen. Shannon	Asks if a pharmacist must fulfill a prescription even though he/she knows the prescription will be used to end a patients life.
364	Holt	States that death with dignity prescriptions are called in by the physician. States it is at that point that the pharmacists may opt out.
378	Sen. Courtney	Asks if HB 2520A will be used for other issues.
386	Holt	Responds and assures the committee that there will be no other changes to HB 2520A.
393	Sen. Shannon	Remarks that Mr. Holt has no power over what the House intends to do with HB 2520A.
394	Holt	Responds that the House leaderships has assured him there will be no other changes.
404	Pete Shepherd	Attorney, Financial Fraud, Consumer Protection Section, Department of Justice. Presents ( <b>EXHIBIT C</b> ). States there have been complaints about ñA4 amendments. Supports the ñA4 amendments with the conceptual change.

415	Dave Fiskum	Providence Health System. Supports the ñA4 amendments.
440	Chair Starr	Closes public hearing and opens work session on HB 2520A.
<b><u>HB 2520A WORK SESSION</u></b>		
448	Sen. Beyer	<b>MOTION: Moves to AMEND HB 2520-A4 amendments dated 6/21/99 on page 1, line 17, by inserting "The Attorney General, [delete A] a" after (1).</b>
		<b>VOTE: 5-0</b>
Chair Starr		<b>Hearing no objection, declares the motion CARRIED.</b>
448	Sen. Beyer	<b>MOTION: Moves to ADOPT HB 2520-A4 amendments AS AMENDED dated 6/21/99.</b>
		<b>VOTE: 5-0</b>
Chair Starr		<b>Hearing no objection, declares the motion CARRIED.</b>
474	Sen. Beyer	<b>MOTION: Moves HB 2520A to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b>
Chair Starr		<b>The motion CARRIES.</b>  <b>SEN. BEYER will lead discussion on the floor.</b>
<b>TAPE 109, A</b>		
001	Chair Starr	Closes work session on HB 2520A and opens public hearing on HB 2700.
<b><u>HB 2700 PUBLIC HEARING</u></b>		
015	Sen. Qutub	Senate District 4. Reviews and explains HB 2700 with the ñ12 amendments

		<p><b>(EXHIBIT D).</b> Summarizes the ñ12 amendments:</p> <ul style="list-style-type: none"> <li>• proof of residency requirement for Oregon Health Plan (OHP) clients;</li> <li>• the \$2 co-payment requirement for all office visits, non-emergency, emergency room visits, and prescription drugs;</li> <li>• the recommendation for appropriate benefit limitations for ancillary services.</li> </ul>
065	Sen. Qutub	<p>Continues discussion of:</p> <ul style="list-style-type: none"> <li>• the creation of an interim task force;</li> <li>• the adult dental service limitations.</li> </ul>
110	Rep. Bob Jenson	<p>House District 57. Presents <b>(EXHIBIT E)</b>. Summarizes ñ8 amendment:</p> <ul style="list-style-type: none"> <li>• enrollees having the ability to chose their primary care provider.</li> </ul>
160	Rep. Jenson	<p>Continues review of the ñ11 amendment:</p> <ul style="list-style-type: none"> <li>• the creation of an OHP ombudsman.</li> </ul>
192	Elizabeth Byers	<p>Oregon Health Action Campaign and Project Equality. Testifies in opposition to HB 2700. Discusses the difficulties associated with the residency requirement. Comments that the co-payment restricts access for low-income enrollees.</p>
242	Byers	<p>Reviews the process that created OHP. States that consumers need access to the process, and there needs to be more discussions before making changes to OHP.</p>
300	Philip Cox	<p>Health Services Administrator, Oregon Youth Authority (OYA). Presents <b>(EXHIBIT F)</b>. States OYA takes a neutral position concerning HB 2700. States children in foster care, residential treatment, or group homes are enrolled in OHP. Remarks that OYA is responsible for the co-payments for these children, which will have a fiscal impact of approximately \$133,000 per year. Notes the juvenile offenders that are in foster homes outside of Oregon and fiscal impact to the state if they eliminated from OHP.</p>
345	Jane Myers	<p>Oregon Dental Association (ODA). Presents <b>(EXHIBIT G)</b>. Discusses concerns relating to the elimination of adults from OHP. States on of the purposes of OHP is preventative medicine, HB 2700 defeats this purpose. Notes the potential increase to hospital emergency room treatments.</p>
395	Myers	<p>States the public believes that dental services are a priority. Notes objections to the co-payment for OHP enrollees..</p>
445	Myers	<p>Discusses issues and complaints from practitioners concerning the current fraud auditing process.</p>
<b>TAPE 108, B</b>		



005	Hersh Crawford	Director, Office of Medical Assistance Programs (OMAP). Presents <b>(EXHIBIT H)</b> . Comments that the mentally ill and homeless should be excluded from the residency requirement. Explains that the ñ12 amendments conflict with federal Medicaid regulations, which prohibit co-payments for children, pregnant women, those institutionalized, emergency services, and family planning services.
055	Crawford	Continues discussion and notes concern that commercial benefits are not appropriate for elderly and disabled persons.
105	Crawford	Reviews concerns with the task force agenda regarding competitive bidding and examining provider payment methods. States an actuary may need to get involved and that cost is not addressed in the ñ12 amendments. Discusses issues with precluding payment for emergency services when someone is out of state.
150	Sen. Shannon	Requests clarification of issues relating to special interest groups.
152	Crawford	Responds Section 23, in the ñ12 amendments, would require OHP meetings to be held open to the public.
165	Sen. Shannon	Questions if public funds are used for the meetings, and questions his opposition.
170	Crawford	Responds that he understands that Section 23 to ensure drug manufacturers are included in discussions concerning coordinating formularies.
182	Sylvia Caley	Oregon Law Center. Presents <b>(EXHIBIT I)</b> . Discusses the proposed residency requirement and the co-payment as barriers to health care for low-income Oregonians. States that a flat \$2.00 co-payment will prevent people from receiving adequate treatment.
232	Caley	Notes concern that the ñ12 amendments do not contain any provision to limit accumulation of co-payments for people with chronic illnesses or disabilities.
282	Caley	Continues presentation and reviews concerns with rural transportation problems and the elimination of dental services. Notes concern with cost increases in emergency room visits due to lack of preventative medicine.
318	Bruce Bishop	Attorney, Kaiser Permanente. Presents <b>(EXHIBIT J)</b> . Testifies in opposition to the ñ8 amendments. Notes that these changes would result in the elimination of managed care under OHP.
368	Bishop	Remarks that privatization is a better approach than the establishment of new appointments in state government. Supports the ñ15 amendments.
408	Crawford	States that if the ñ8 amendments allow s an enrollee to choose a primary care physician outside the managed health care plan, OMAP would oppose them.

440	Jeff Heatherington	President, Family Care, Inc. Presents <b>(EXHIBIT K)</b> . Testifies in support of the ñ12 amendments.
<b>TAPE 109, B</b>		
001	Heatherington	Continues presentation. Notes support of co-payments, because people should be accountable for their healthcare. Requests that referred services be to exempt from co-payments, and that the co-payment report be deleted.
010	Sen. Tarno	Questions which amendment is being discussed.
011	Heatherington	Responds the ñ12 amendments. Comments in support of the ñ15 amendments. Notes that there was an omission in the ñ15 amendments: line 7, subsection 2, which will allow for two appeals routes for contested case hearings.
052	Sen. Neil Bryant	Senate District 27. Testifies in support of HB 2700. Discusses that HB 2700 will improve the perception of OHP especially concerning fraud. Reviews the appeals process. Comments in opposition to OHP providing coverage for Oregon assisted suicide.
111	Dave Fiskum	Providence Health System. States his organization is committed to OHP. Endorses some of the issues in HB 2700. Comments that the administration reporting provision for co-payments is cumbersome.
144	Amy Malone	Providence Health Plan. Supports residency ID requirement, but believes three pieces of ID is excessive. Reviews concerns with enrollees choosing their primary care physicians, and Providence believes the ñ15 amendments are not necessary.
189	Jim Gardner	Pharmaceutical Research and Manufacturers of America (PhARMA). Presents <b>(EXHIBIT L)</b> . Discusses anti-trust laws, compliance, and the importance of conducting meetings that are open to the public.
230	Ian Timm	Oregon Primary Care Association. Notes objection to the six month reporting period of received co-payments. States OHP has been successful in reducing the rising premium rates on private insurance.
280	Timm	Concerned with eliminating adult preventative dental care. Comments on the impact of deleting abortion from OHP.
301	Mary Lou Hennrich	Chief Executive Officer, CareOregon. Presents <b>(EXHIBIT M)</b> . Notes concerns with residency requirement for the homeless and mentally ill States the ñ15 amendments are unnecessary.
351	Hennrich	Comments in support of the ñ8 amendments as long as enrollees do not seek providers outside the network. Notes that co-payments are unnecessary when many enrollees are currently paying a premium.

408		Staff presents <b>(EXHIBIT N)</b> .
410	Chair Starr	Closes public hearing on HB 2700 and opens public hearing on HB 3632.
<b><u>HB 3632 PUBLIC HEARING</u></b>		
419		Staff presents <b>(EXHIBIT O)</b> .
420	Rep. Jim Welsh	House District 43. Supports HB 3632 because it will allow adults age 21 and over to choose to wear a helmet or not while riding motorcycles. States HB 3632 passed in the House with bipartisan support.
<b>TAPE 110, A</b>		
012	Sen. Gary George	Senate District 2. Discusses issues with helmet laws. Believes adults age 21 and over should be free to decide whether or not to wear a helmet. States it is imperative to teach motorcyclists how to avoid accidents.
063	Sen. Bill Fisher	Senate District 23. Supports HB 3632 and appreciates being able to ride a motorcycle without a helmet if he chooses.
098	Sen. Tarno	Asks about the difference of hitting a swarm of bees with or without a helmet.
104	Sen. Fisher	States he never had that type of encounter even though he rode without a helmet for years.
113	Sen. Tarno	States there could be an accident if a rogue bee is caught in a riders helmet.
117	Sen. George	Agrees that could be a possibility.
141	Scott Lorimor	Senior Trooper, Oregon State Police. Presents <b>(EXHIBIT P)</b> . Opposes HB 3632. States that the State Police internal policy mandates that motorcycle officers wear helmets due to their effectiveness in reducing crash related injuries.
168	Chair Starr	Reiterates Sen. George's testimony where avoiding accidents is more important than the equipment used.
170	Lorimor	States he agrees, but motorcyclists are difficult to see.
177	Troy Costales	Manager, Transportation Safety Division, Oregon Department of Transportation (ODOT). Presents <b>(EXHIBIT Q)</b> . Discusses fatality statistics for years when helmet laws were mandated and when they were not. Believes if the helmet law were repealed there would be 15 to 25 more motorcycle fatalities per year.

227	Costales	Opposes HB 3632.
231	Chair Starr	Closes public hearing and opens work session on HB 3632.
<b><u>HB 3632 WORK SESSION</u></b>		
235	Sen. Shannon	<b>MOTION: Moves HB 3632 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 3-1</b> <b>AYE: 3 - Starr, Shannon, Tarno</b> <b>NAY: 1 ñ Courtney</b> <b>EXCUSED: 1 ñ Beyer</b>
	Chair Starr	<b>The motion Carries.</b>
238	Sen. Courtney	States he will continue to vote against HB 3632. Believes HB 3632 will be vetoed.
272	Chair Starr	Relates the story of his son's motorcycle accident. Supports HB 3632.
292	Sen. Courtney	States that Oregon is moving toward a trend to wear protective headgear in most recreational and industrial activities.
319	Chair Starr	Closes work session and adjourns meeting at 3:30 p.m.

Submitted By, Reviewed By,

Rachel E. Halupowski, Marjorie Taylor,  
Administrative Support Administrator

**EXHIBIT SUMMARY**

**A ñ Executive Appointments, interest form, staff, 8 pp**

**B ñ HB 2520A, written testimony, Tom Holt, 2 pp**

**C ñ HB 2520A, written testimony, Pete Shepherd, 3 pp**

**D ñ HB 2700, written testimony, Sen. Qutub, 2 pp**

**E ñ HB 2700, written testimony, Rep. Jenson, 1 p**

**F ñ HB 2700, written testimony, Philip Cox, 2 pp**

**G ñ HB 2700, written testimony, Jane Myers, 7 pp**

**H ñ HB 2700, written testimony, Hersh Crawford, 4 pp**

**I ñ HB 2700, written testimony, Sylvia Caley, 6 pp**

**J ñ HB 2700, written testimony, Bruce Bishop, 4 pp**

**K ñ HB 2700, -14 and ñ15 amendments, Jeff Heatherington, 2 pp**

**L ñ HB 2700, written testimony, Jim Gardner, 1 p**

**M ñ HB 2700, written testimony, Mary Hennrich, 2 pp**

**N ñ HB 2700, written testimony, staff, 3 pp**

**O ñ HB 3632, written testimony, staff, 4 pp**

**P ñ HB 3632, written testimony, Scott Lorimor, 3 pp**

**Q ñ HB 3632, written testimony and graphs, Troy Costales, 5 pp**