

**HOUSE COMMITTEE ON COMMERCE**

**SUBCOMMITTEE ON BUSINESS**

**May 6, 1997 Hearing Room 357**

**8:15 A.M. Tapes 48 - 51**

**MEMBERS PRESENT:**

**Rep. Roger Beyer, Chair**

**Rep. Bob Montgomery**

**Rep. Jackie Taylor**

**MEMBER EXCUSED: Rep. Richard Devlin**

**STAFF PRESENT:**

**Keith Putman, Administrator**

**Timaree Whitty, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 324 Work Session**

**HB 2786 Work Session**

**HB 2137 Work Session**

**HB 2296 Public Hearing and Work Session**

**HB 3062 Public Hearing**

**HB 3398 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 48, A</b>		
<b>003</b>	<b>Chair Beyer</b>	<b>Opens meeting at 8:24 a.m. Opens work session on SB 324.</b>
<b><u>SB 324</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		

004	Keith Putman	Committee Administrator reviews provisions of the bill.
013	Rep. Montgomery	<b>MOTION: Moves SB 324A to the full committee with a DO PASS recommendation.</b> <b>EXCUSED: 1 - Devlin Excused</b>
	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED.</b> <b>DEVLIN will lead discussion in full committee.</b>
023	Chair Beyer	Closes work session on SB 324A. Opens work session on HB 2786.
<b><u>HB 2786</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
030	Chair Beyer	Asks if Mr. Bennett has discussed his proposed amendments with Frank Brawner of the Oregon Bankers Association and Representative Johnson, chief sponsor of the bill.
035	Chuck Bennett	Representative, St. Helens, Grant and Baker City Credit Unions responds no.
042	Rep. Taylor	Asks how public fund deposits to credit unions affect the banking industry.
051	Frank Brawner	President, Oregon Bankers Association responds they object to federal credit unions receiving public funds. Public bodies have local investment pools available for the purpose of joining together small deposits of surplus tax dollars while they await use by Treasury for larger investments. This is not about competition.
093	Bennett	Comments that the issue of natural persons has no affect on the local government investment pool and this is a question of competition. This is absolutely voluntary on behalf of local government.
143	Chair Beyer	Comments on preliminary fiscal impact of \$36,000 with the -5 amendments.
150	Bennett	Comments Treasurer agrees to this.
152	Brawner	Responds he understands the Treasurer opposes these amendments. Comments the banking industry would not be in opposition if the local credit unions paid corporate taxes. These amendments would allow income taxes to be deposited in non-tax paying entities.
158	Rep. Montgomery	Asks if the credit unions are opposed to paying property taxes.
167	Bennett	Comments the credit unions pay the same property taxes as the banks do.

178	Chair Beyer	Asks if the exact same bill is up for work session in the Senate tomorrow.
181	Bennett	Responds affirmatively, it is SB 948.
183	Chair Beyer	Asks if anyone is prepared to make a motion to adopt amendments.
185	Rep. Montgomery	Comments he is only prepared to make a motion on the original House bill that was introduced, not any amendments.
190	Brawner	Comments the -3 amendments came after the bill was printed and they are definitive. The entire bill was intended to be simply definitive.
195	Chair Beyer	Closes work session on HB 2786. Opens public hearing on HB 3398.
<b><u>HB 3398</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
211	Rep. Carolyn Oakley	State Representative, District #36 gives testimony in support HB 3398.
234	Chair Beyer	Closes public hearing on HB 3398. Opens work session on HB 2137.
<b><u>HB 2137</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
248	Keith Putman	Comments the fiscal impact is \$1,500,000 which is anticipated in the Governor's recommended budget.
244	Rep. Taylor	<b>MOTION: Moves HB 2137 to the full committee with a DO PASS recommendation.</b>
	Chair Beyer	Hearing no objection, declares the motion <b>CARRIED.</b> <b>REP. TAYLOR</b> will lead discussion in full committee.
261	Chair Beyer	Closes work session on HB 2137. Opens public hearing on HB 2296.
<b><u>HB 2296</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
267	Chair Beyer	Reviews provisions of the bill.
283	Kathleen Dotten	Representative, Oregon Dental Hygienists' Association gives testimony in support of HB 2296 and proposed amendments (EXHIBIT A).
390	Dotten	Continues testimony.
<b>TAPE 49, A</b>		
004	Rep. Montgomery	Asks if these both pay the same annual dues.
008	Wendy Ochs	

		Representative, Oregon Dental Hygienists' Association responds she believes biannually the dentists pay \$170 for licensing and the hygienists pay \$85.
011	Rep. Montgomery	Asks if the educational requirements are the same and is there anticipation of increasing these fees to make the dues equal since they want equal voting power on the council.
015	Dotten	Responds the fees reflect more the service rendered from the professional.
024	Rep. Montgomery	Asks what the educational requirements are for both dentists and dental hygienists.
028	Ochs	Responds dental hygienists require to hold either a two year associates degree or a four year bachelors degree. Dentists require eight years of college education.
032	Rep. Taylor	Asks about language in the amendment that precludes anyone with a spouse that was ever employed in a healthcare facility from serving on the board.
038	Dotten	Responds they took this out of preexisting language, but would be willing to change the language. Their intent was directed at any association with dentists or dental hygienists.
043	Rep. Taylor	Asks what the six dentists currently on the board are doing in terms of workload.
050	Dotten	Responds hygienists are willing to take on more responsibility.
061	Rep. Montgomery	Asks how many people have you reviewed and how many licenses have you revoked in the past two years.
063	Ochs	Responds for 1996 there has been disciplinary actions on 32 dentists and one hygienist.
067	Dotten	Comments the previous records for the biennium show 402 investigations related to dentists and three for dental hygienists.
071	Rep. Montgomery	Asks if hygienists work for dentists or can they work independently.
073	Ochs	Responds dental hygienists currently must practice under the general supervision of a dentist.
077	Rep. Montgomery	Asks if complaints could be filed against dentists although the hygienists may be at fault.
083	Dotten	Responds the staff administrator could better answer this.
089	Ochs	Responds these complaints are not separated.
093	Rep. Montgomery	Asks if the board can determined whether a hygienist or dentist can keep their license.
099	Ochs	Responds affirmatively.
101	Rep. Taylor	Asks if it is true that without the amendment the bill does not give dental hygienists the authority to regulate their own profession.
106	Dotten	Responds this is correct.
118	Chair Beyer	

		Asks if there is a need for a hygienist to be licensed if they are required to be employed by a dentists.
128	Dotten	Responds in most cases the dental hygienist is employed by the dentist, but there are circumstances when they are employed by the state or another healthcare facility and only under the direct supervision of a dentist.
130	Chair Beyer	Asks if it is necessary to be licensed.
131	Ochs	Responds yes because often times the dental hygienist is the first person the patient sees and often makes the original assessment of the patient's overall health, which requires a strong science background and understanding of dentistry in general. Licensing and regulation is necessary to insure quality and consistent care is provided within the profession.
139	Chair Beyer	Asks if there is a licensing test to pass and what the difference between a two and four year degree.
143	Ochs	Responds there is a test to pass for licensure. There is no difference in terms of licensing between a two and four year degree. Hygienists holding four year degrees have a stronger background in science and in general.
154	Clayton Sterns	President, Board of Dentistry gives testimony in opposition of HB 2296 and proposed amendment (EXHIBIT B).
204	Rep. Montgomery	Asks what the state of Washington does in this same instance.
209	Sterns	Responds he isn't certain.
210	Chair Beyer	Requests they find out and provide committee with information.
212	Rep. Montgomery	Asks if the medical board has a similar makeup; for example, do they have EMT's as well as doctors on their board.
214	Sterns	Responds he doesn't know the makeup for the medical board.
220	Chair Beyer	Responds the medical board is an eleven member board with nine being medical doctors.
225	Jane Myers	Representative, Oregon Dental Association gives testimony in opposition of HB 2296 and proposed amendment (EXHIBIT C).
280	Myers	Continues testimony.
296	Rep. Taylor	Asks if the proposed amendment is possible.
307	Stern	Responds he doesn't see this as possible without extensive financial maneuvering. Comments a disciplinary investigation involves the dentist.
330	Chair Beyer	Asks for a background of the one investigation in 1996 involving the hygienist
334	Stern	Responds that without the specifics of who this person was he can't answer his question.
346	Chair Beyer	Asks if he was serving on the board during this particular time.
350	Stern	

		Responds yes, but they reviewed over 227 investigative complaints.
366	Chair Beyer	Asks if hygienists normally carry their own liability insurance.
377	Rep. Montgomery	Asks if the person that cleans his teeth and the person that assists the dentist are both hygienists.
381	Stern	Responds generally no, one is a dental assistant.
385	Rep. Montgomery	Asks if they all get along.
386	Stern	Responds he thinks they all get along quite well.
395	Rep. Montgomery	Comments he feels the hygienists should have their own board and they shouldn't be mixed in with the Board of Dentistry.
<b>TAPE 48, B</b>		
000	Chair Beyer	Requests information on structure of licensing boards in bordering states.
004	Myers	Comments she will get this information for the committee.
017	Chair Beyer	Comments head nods from audience affirms hygienists do hold liability insurance.
020	Chair Beyer	Closes public hearing on HB 2296. Opens work session HB 2296.
<b><u>HB 2296 WORK SESSION</u></b>		
030	Rep. Montgomery	Comments he is supportive of licensing hygienists, but he doesn't see a need for the 3/3/3 board member representation from dentists, hygienists and private parties.
047	Chair Beyer	Comments he will work with hygienists and dentists to try to reach something more reasonable.
065	Chair Beyer	Closes work session on HB 2296. Opens public hearing on HB 3062.
<b><u>HB 3062 PUBLIC HEARING</u></b>		
070	Keith Putman	Committee Administrator reviews provisions of the bill.
084	Joe Brewer	Administrator, Building Codes Division, Department of Consumer and Business Services gives testimony on HB 3062 (EXHIBIT D).
123	Rep. Montgomery	Asks what percent of the population does 55 percent of the geographical area cover.
125	Brewer	Responds nine percent. Comments the division collects two percent of the revenue generated by building permits and inspections in the state, making us the largest small jurisdiction in the state.
152		

	Rep. Montgomery	Asks if this is addressing the scenario of a person parking a single-wide mobile home next to their home while it is under construction and how many times has he been involved in this issue.
157	Brewer	Responds this involves an entire array of issues.
163	Rep. Montgomery	Asks if this bill gives the state a mandate which would allow an individual to live in a single-wide trailer while their house is under construction within the city limits.
170	Brewer	Responds the Building Codes Division feelings at the very least the bill would require additional definition through some amendments to address the issues you raised.
173	Rep. Taylor	Comments in Mexico housing is not taxed until construction is completed, which leads to an abundance of continuous, unfinished construction projects. She has no problem with homeowner construction where the owner lives on the property. She shares Rep. Montgomery's concern with single-wides cluttering city residential areas.
183	Brewer	Comments the division works with their customers on these issues. Their focus is safety.
192	Rep. Montgomery	Asks if the state covers Linn and Benton counties.
194	Brewer	Responds the state does electrical inspections in those areas, as well as throughout the state.
198	Rep. VanLeeuwen	State Representative, District #37 responds she believes the state regulates most of the construction but not approval of the homes.
200	Brewer	Comments the primary responsibility for the major population areas has been delegated through the assumption process wherever it is fiscally viable. These jurisdictions have picked up this responsibility and the state is provider at last result.
211	Rep. VanLeeuwen	Gives testimony in support of HB 3062.
241	Rep. Taylor	Asks if her intent is for an owner built property only not contractor built property.
243	Rep. VanLeeuwen	Responds affirmatively.
247	Rep. Montgomery	Asks what determines finished construction.
250	Rep. VanLeeuwen	Responds water and sanitary facilities must be completed.
267	Rep. Montgomery	Comments drywall must be in as a matter of safety.
277	Jane Cummins	Senior Staff Associate, League of Oregon Cities gives testimony in opposition of HB 3062 (EXHIBIT E).
320		

	Rep. VanLeeuwen	Comments the problem with theft and vandalism is another reason to allow people to occupy their property during construction.
329	Chair Beyer	Closes public hearing on HB 3062. Reopens public hearing on HB 3398.
<b><u>HB 3398</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
352	Dr. Paul Dart	Eugene area physician gives testimony in support of HB 3398 (EXHIBIT F).
TAPE 49, B		
000	Dart	Continues testimony.
040	Dr. John Green	Canby area physician gives testimony in support of HB 3398.
100	Green	Continues testimony.
122	Rep. Montgomery	Asks if you are required to have a medical degree to practice alternative medicine.
124	Green	Responds affirmatively.
130	Rep. Montgomery	Asks what is meant by alternative medical treatment.
138	Green	Responds the definition from ORS statute states, " alternative medical treatment means the treatment that the treating physician based on the physician's professional experience as an objective basis to believe has a reasonable probability for effectiveness in its intended use, even if the treatment is outside of recognized scientific guidelines, unproved or is no longer used as a generally recognized or standard treatment, or lacks approval by the USFTA." It basically defines any treatment that is expected to have some benefit that is not in the guidelines set out as being alternative.
152	Dart	Comments alternative medicine refers to licensed physicians practicing healing practices that are not traditionally taught in medical schools in this country, such as acupuncture, homeopathy and nutritional therapy.
162	Dr. John Gambee	President, Organization for Fairness in Medical Practice and Eugene area physician gives testimony in support of HB 3398 (EXHIBIT G).
221	Rep. Montgomery	Asks for clarification of what is the proposed membership representation to the board.
232	Chair Beyer	Responds two citizens, one of which must be a senior; nine doctors, one of which must be an alternative practitioner; and two public members with tighter descriptions.
234	Gambee	Comments there is no written standard of medical care.
267		Asks if their dues are all the same.



	Rep. Montgomery	
268	Gambee	Responds affirmatively.
270	Chair Beyer	Asks if doctors who practice alternative medicine are currently restricted from serving on the Board of Medical Examiners.
275	Gambee	Responds no not literally.
277	Keith Putman	Asks if they are bound by the list of medical examiners.
280	Gambee	Responds no.
294	Karl Humiston	Albany area retired physician gives testimony in support of HB 3398.
349	Humiston	Continues testimony.
392	Humiston	Comments seniors need to have access to alternative forms of medicine.
TAPE 50, A		
000	Humiston	Continues testimony.
029	Dr. Matthew Gruber	Salem area physician gives testimony in support of HB 3398.
090	Gruber	Continues testimony.
144	Kathleen Haley	Executive Director, Board of Medical Examiners gives testimony on HB 3398.
181	Rep. Montgomery	Asks what an osteopathic doctor is.
195	Haley	Responds osteopathic is a different school of medicine based more on the chiropractic, skeletal model of the body than the MD model.
204	Scott Gallant	Representative, Oregon Medical Association gives testimony in opposition of HB 3398 (EXHIBIT H).
260	Guy Stores	Springfield area licensed massage therapist gives testimony in support of HB 3398.
335	Rep. Montgomery	Comments this bill addresses representation.
358	Lana Miller	Chronically ill patient gives testimony in support of HB 3398.
TAPE 51, A		
000	Miller	Continues testimony.
027	Del Peake	Eugene resident gives testimony in support of HB 3398.
046	Pam Hoffine	Representative of patients of alternative medicine practitioners gives testimony in support of HB 3398 (EXHIBIT I).
120	Hoffine	Continues testimony.
196	Dr. R.W. Henderson	Professor Emeritus, Oregon State University gives testimony in support of HB 3398 (EXHIBIT J).
220	Jan Gambee	

		<b>Spouse of Dr. John E. Gambee, alternative medicine practitioner, gives testimony in support HB 3398 (EXHIBIT K).</b>
<b>234</b>	<b>Chair Beyer</b>	<b>Adjourns meeting at 11:00 a.m.</b>

**Submitted By, Reviewed By,**

**Timaree Whitty, Keith Putman,**

**Administrative Support Administrator**

**EXHIBIT SUMMARY**

**A - HB 2296, written testimony, Kathleen Curtis Dotten, 3 pp.**

**B - HB 2296, written testimony, Clayton Sterns, 2 pp.**

**C - HB 2296, written testimony, Jane Myers, 1 p.**

**D - HB 3062, written testimony, Joe Brewer, 2 pp.**

**E - HB 3062, written testimony, Jane Cummins, 1 p.**

**F - HB 3398, written testimony, Dr. Paul Dart, 4 pp.**

**G - HB 3398, written testimony, Dr. John Gambee, 6 pp.**

**H - HB 3398, written testimony, Scott Gallant, 3 pp.**

**I - HB 3398, written testimony, Pamela Hoffine, 28 pp.**

**J - HB 3398, written testimony, Dr. Robert W. Henderson, 5 pp.**

**K - HB 3398, written testimony, Jan Gambee,**