

HOUSE COMMITTEE ON HUMAN RESOURCES

May 14, 1997 Hearing Room H-170

1:00 P.M. Tapes 102 - 103

MEMBERS PRESENT:

Rep. Patricia Milne, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Richard Devlin

Rep. Jeff Kruse

Rep. Jane Lokan

Rep. Kitty Piercy

Rep. Steve Harper

STAFF PRESENT:

Lori A. Long, Administrator

Diane M. Quinones, Administrative Support

MEASURE/ISSUES HEARD:

HB 2123 Work Session

HB 3458 Work Session

HB 3338 Work Session

HB 2894 Public Hearing / Work Session

SB 21A 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 102, A		
001	Chair Milne	Calls the meeting to order at 1:25 p.m.

020	Chair Milne	Opens a work session on HB 2123.
<u>HB 2123 WORK SESSION</u>		
022	Lori Long	Committee Administrator, summarizes the bill and explains the -1 amendments dated 05/13/97 (EXHIBIT A).
043	Ed Patterson	Oregon Association of Hospitals and Health Systems, testifies regarding the -1 amendments and explains the -2 amendments to HB 2123 dated 05/14/97 (EXHIBIT B). * wants licensed pharmacists in supervisory positions to have the overall authority over technicians * requiring the board to establish a state registry of technicians * disciplinary action should be the responsibility of the licensed pharmacist in the supervisory role of the pharmacy and not the responsibility of the board
092	Mike Dewey	Oregon State Pharmacist Association, testifies in support of HB 2123 and the amendments. * other states including Washington and California have registry bills * some of the language should be cleaned up but, agreement can be reached with the Oregon Association of Hospitals and Health Systems
115	Rep. Kruse	Asks Dewey if his association would live with the bill and the amendments the way they currently appear.
117	Dewey	Responds affirmatively.
118	Rep. Devlin	Asks about language on page 2, line 9, Section 8 of the -1 amendments that states "upon the written request of a pharmacist..." and the possible misuse of an individual acquiring inappropriate information through a written request.
138	Gary Schnable	Oregon Board of Pharmacy, testifies in regards to HB 2123. * The information the board has is a matter of public record.
144	Rep. Devlin	Asks if similar records are kept on licensed pharmacists.
145	Schnable	Responds affirmatively.
146	Rep. Devlin	Asks if he could get information on a pharmacist if he made the correct inquiries.
148	Schnable	* Before he released personal information he would check with the administrative guidelines.
	Chair	Asks for confirmation that there are rules in place to protect some

157	Milne	personal and inappropriate information from becoming a matter of public record.
160	Schnable	Responds affirmatively.
163	Dewey	If an individual wanted to abuse the release of information, the board would not be able to stop them at the first attempt.
169	Schnable	* Comments that the discipline portion of the bill is very important and is an important public safety issue for a governmental agency to be a part of. * The board will work with the bill if amendments are adopted.
186	Rep. Kruse	MOTION: Moves to ADOPT HB 2125-1 amendments dated 05/13/97.
192	Rep. Taylor	Will vote no on the -1 amendments dated 05/13/97 as a statement that the board should be able to discipline technicians who steal narcotics.
		VOTE: 6-1 AYE: 6 - Devlin, Harper, Kruse, Lokan, Piercy, Milne NAY: 1 - Taylor
207	Chair Milne	The motion CARRIES.
209	Rep. Kruse	MOTION: Moves to ADOPT HB 2123-2 amendments dated 05/14/97.
213	Chair Milne	Hearing no objection, declares the motion CARRIED.
216	Rep. Kruse	MOTION: Moves HB 2123 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye.
224	Chair Milne	The motion CARRIES. REP. KRUSE will lead discussion on the floor.
229	Chair Milne	Closes the work session on HB 2123.
230	Chair Milne	Opens a work session on HB 3458.
<u>HB 3458</u> <u>WORK</u> <u>SESSION</u>		
232	Long	Summarizes the bill and explains the -4 amendments dated 05/14/97 (EXHIBIT C).

		* submits written testimony in support of HB 3458 on behalf of the Oregon Disabilities Commission's Deaf and Hard of Hearing Access Program (DHHAP) (EXHIBIT D)
265	Grant Higginson	State Health Officer, Deputy Administrator, Oregon Health Division, speaks to the -4 amendments.
289	Chair Milne	Asks if the cost of the brochures was absorbable by the division.
290	Higginson	Responds affirmatively. * The division will use existing resources.
292	Chair Milne	Asks if the committee is still requesting that the division reinstitute the distribution of screening information brochures.
285	Long	The amendments don't replace the bill and there is still language in section 2 of the bill that asks for the distribution of a brochure.
308	Higginson	Stands corrected.
322	Rep. Harper	MOTION: Moves to ADOPT HB 3458-4 amendments dated 05/13/97.
326	Chair Milne	Hearing no objection, declares the motion CARRIED.
329	Rep. Harper	MOTION: Moves HB 3458 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Kruse
342	Chair Milne	The motion CARRIES. REP. LEWIS will lead discussion on the floor.
344	Chair Milne	Closes the work session on HB 3458.
345	Chair Milne	Opens the work session on HB 3338.
<u>HB 3338</u> <u>WORK</u> <u>SESSION</u>		
347	Long	Summarizes the bill and explains the -2 amendments dated 05/13/97 (EXHIBIT E) and the -3 amendments dated 05/14/97 (EXHIBIT F) . Legislative Council did not see a difference between a task force made up of legislative members and a task force made up of appointed, non-legislative members.
385	Rep. Piercy	Comments that discussions occurred with the Health Division and

		agreements were made on the creation and function of a task force.
TAPE 103, A		
005	Higginson	The Health Division supports the bill and the amendments.
011	Rep. Piercy	MOTION: Moves to ADOPT HB 3338-3 amendments dated 05/14/97.
015	Chair Milne	Hearing no objection, declares the motion CARRIED.
016	Rep. Piercy	MOTION: Moves HB 3338 to the floor with a DO PASS AS AMENDED recommendation and the SUBSEQUENT REFERRAL to the committee on Ways and Means BE RESCINDED.
		VOTE: 6-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 1 - Kruse
023	Chair Milne	The motion CARRIES. REP. PIERCY will lead discussion on the floor.
<u>HB 2894</u> <u>PUBLIC</u> <u>HEARING</u>		
030	Long	Summarizes the bill and explains the -1 amendments dated 05/02/97 (EXHIBIT G) and the -2 amendments dated 05/12/97 (EXHIBIT H) and the conceptual amendments from the Oregon Health Plan Administrator's Office (OHPAO)
062	Rep. Harper	Asks where the issue of competitive bidding enters into this proposal.
063	Long	* The -1 and -2 amendments replace the original bill. * competitive bidding would no longer be included in the measure * name changes within the department and audits conducted by the Joint Legislative Audit Committee
070	Barney Speight	Administrator, Office of the Health Plan Administrator, (OHPA) testifies in support of the bill and the amendments. * explains that the name change of OHPA will clarify the function and responsibility of that office:

1. policy setting
2. research - acquiring and analyzing data
3. acting as a liaison to the Governor and legislative assembly

* discusses the conceptual amendments created by his office

* program effectiveness evaluations adding information to a review of the Oregon Health Plan (OHP) for next session

- 110 Chair Milne Asks if the conceptual amendments take the place of the -2 amendments.
- 114 Speight No, the conceptual amendments are to be considered in addition to existing amendments.
- 118 Rep. Lokan Asks what happened to the competitive bidding portion of the original bill.
* There was not enough support for including competitive bidding in the bill and Rep. Carpenter was not interested in pursuing it.
- 125 Chair Milne
* The committee has his approval to move ahead without that portion of the original bill.
- 141 Rep. Lokan Asks for the reason that there was little support for competitive bidding.
- 145 Chair Milne Does not know the specific reasons and would need to confer with Rep. Carpenter.
- 148 Speight A program audit including the policies and processes of other states is important information for the OHP to have.
- 153 Rep. Lokan Would like to see what a study of other states looks like.
Is concerned with capturing true costs from internal audits in comparison to external audits.
- 163 Rep. Kruse
Doing internal studies may not be enough.
* The Joint Legislative Audit Committee will keep information out front and should do a good job.
- 172 Chair Milne
* The concerns over reimbursements and other cost issues was expressed by the secretary of state's office after a general audit was completed.
- 186 Rep. Lokan The new Performance Program Audit Bill does provide for the option of using private sector audits.
- 193 Rep. Taylor Asks who came forth with the -2 amendments.
- 195 Chair Milne Her office submitted the -2 amendments.

Kaiser Permanente, testifies in regards to HB 2894 and the amendments.
- 200 Bruce Bishop
* The amendments are moving the bill in a direction that Kaiser is more willing to support.

* Section 19 in the -1 amendments is unnecessary since the secretary of state's office has the authority to conduct such audits.

- * Kaiser supports an audit proposed in the -2 amendments.
 - * The amendments may be more narrow than is necessary.
 - * Suggests that lines 9 and 10 in the -2 amendments represent an area of problematic language that is too narrow.
- 263 Chair Milne Asks if Bishop is stating that he is supportive of the bill's concept but would like to see more work done on the amendments.
- 265 Bishop Responds affirmatively.
 Director, Oregon Medical Assistance Programs (OMAP), testifies in regards to HB 2894 and focuses his comments to the -2 amendments.
- * OMAP would like more clarification in what an audit would be attempting to answer
 - * discusses the use of an outside actuary and the responsibilities that an outside actuary would be charged with
 - * would like to have more discussion about audit costs to OMAP
 - * provider payment systems are diverse and relevant to each plan causing audit complications when researching payment systems
- 267 Hersch Crawford
- * explains that OMAP contracts with an outside agency to set reasonable rates for the OHP
 - * Oregon distributes costs across the prioritized list thus, adding some complexity to rate setting
 - * rates are set for twenty demographic groups in five areas in the state
 - * discusses the results of contracting with William & Mercer. an outside actuary, to look at the rate setting methodology
 - * the audit took four months and cost the agency \$40,000
- 380 Chair Milne Would like to see the results of that audit.
- 382 Crawford Will make the results available to the committee.
 Oregon Medical Association, testifies in support of HB 2894 and the proposed amendments.
- 385 Scott Gallant
- * it is appropriate for the legislature to take a look at where the OHP is going and how expansion can be most effective
- 412 Rep. Taylor Asks about a fiscal impact statement for HB 2894 -2 amendments.
- 417 Long The committee is still waiting for a statement.

TAPE 102, B

Oregon Association of Hospitals and Health Systems, presents

testimony in support of issues pertaining to the legislative audit.

- 005 Ed Patterson * Hospitals, ambulance services, and pharmacy providers are not the only entities involved in the complexities of the OHP and should not be singled out.
- 014 Chair Milne It is the Chair's intent that all entities involved in the OHP be included in an audit.
- 018 Chair Milne Closes the work session on HB 2894.
- 020 Chair Milne Opens a public hearing on SB 21 A.

SB 21 A
PUBLIC
HEARING

- 030 Jane Myers Oregon Dental Association, submits and presents written testimony related to SB 21 A and expresses support for the -12 amendments dated 05/09/97 (**EXHIBIT I**). Indicates that the amendments will not affect the Oregon Health Plan.
- 065 Rep. Harper Asks if the amendment was also offered to the Senate.
- 070 Myers Indicates that SB 21A was SB 91 originally and it did have a hearing.
- 073 Rep. Harper Verifies that the -12 amendments were not provided to the Senate committee.
- 074 Myers No.
- 077 Daniel Field Oregon Association of Hospitals and Health Systems, expresses support for SB 21A.
- 095 Rep. Devlin * Indicates that the bill is a carefully crafted set of compromises. Asks if the work group is agreeable to lay definitions related to the bill.
- 097 Field Responds affirmatively.
Blue Cross and Blue Shield of Oregon, expresses support for the bill.
- 100 John Powell * Suggests that the committee not adopt amendments to the bill at this time as the work group had created compromises. Specifically opposes the -A12 amendments.
- 125 Phillip Leveque M.D. American Association of Retired Persons, submits and presents written testimony in support of SB 21 A (**EXHIBIT J**).
- 189 Scott Gallant Oregon Medical Association, expresses support for SB 21 A and requests that no amendments be added.
Kaiser Permanente, states reluctance for amending SB 21, but will not discourage it.
- 200 Bruce Bishop * Describes the importance of the bill and focuses discussion on clinical sovereignty and emergency care standards.
- 284 Brad Higbee Oregon College of Emergency Physicians, submits and presents written testimony in support of SB 21 and the -A10 amendments. (**EXHIBIT**

K)

305 Lee Hazelwood Capitol Liaison, Governor's Commission on Senior Services, submits and presents written testimony in support of SB 21 A **(EXHIBIT L)** Chair, Oregon Health Action Campaign, testifies in support of SB 21 A.

333 Bob Dumig * would not like to see additional amendments adopted by the committee other than the -10 amendments

353 Karen Rudy Private citizen, testifies in support of SB 21 A.

380 Shar Cipriano Clackamas County resident, testifies in support of SB 21 A.
* Speaks of misdiagnoses from HMO doctors.

TAPE 103, B

001 Cipriano Suggests that insurance companies are using deceptive wording. Continues presentation.

022 Karl Humiston Retired Physician representing the American Association of Retired Persons, testifies in support of SB 21 A and urges passage of the bill as presented by the workgroup.
Health Insurance Association of America, submits testimony in support of SB 21 A.

037 Peggy Anet * Reminds the committee that the bill represents a consensus of the work group.
Oregon Nurses Association, testifies in support of SB 21 A.

080 Pat Kabele * Urges the committee to pass the bill without amendments.

085 Chair Milne Closes the public hearing on SB 21A. Additional written materials were presented to the committee. **(EXHIBIT M)**

088 Chair Milne Adjourns the meeting at 2:55 p.m.

Submitted By, Reviewed By,

Diane M. Quinones, Lori A. Long,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 2123, -1 amendments, Staff, 2 pp.

B - HB 2123, -2 amendments, Staff, 1 pp.

C - HB 3458, -4 amendments, Staff, 2 pp.

D - HB 3458, Written testimony, T. J. Davis, 1 p.

E - HB 3338, -2 amendments, Staff, 3 pp.

F - HB 3338, -3 amendments, Rep. Piercy, 3 pp.

G - HB 2894, -1 amendments, Staff, 16 pp.

H - HB 2894, -2 amendments, Staff, 1 p.

I - SB 21 A, Written testimony, Jane Myers, 4 pp.

J - SB 21 A, Written testimony, Phillip Leveque, 2 pp.

K - SB 21 A, Written testimony, Brad Higbee, 1 p.

L - SB 21 A, Written testimony, Lee Hazelwood, 1 p.

M - SB 21 A, Submitted testimony, Staff, 39 pp.