

**HOUSE COMMITTEE ON HUMAN RESOURCES**

**June 4, 1997 Hearing Room H-170**

**1:00 P.M. Tapes 121 -122**

**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**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Lori A. Long, Administrator**

**Diane M. Quinones, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 193 Reconsideration**

**SB 312 Public Hearing and Work Session**

**SB 384 Public Hearing and Work Session**

**SB 1055 Public Hearing and Work Session**

**SB 174 Public Hearing**

**SB 176 Public Hearing and Work Session**

**SB 490 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.**

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<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 121, A</b>		
001	Chair Milne	Calls the meeting to order at 1:20 p.m.
003	Chair Milne	Explains the need to bring back SB 193 for the purpose of reconsidering amendments adopted on 05/23/97.
<b>005</b>	<b>Rep. Taylor</b>	<b>MOTION: Moves to SUSPEND the rules for the purpose of reconsidering the -2 amendments dated 06/02/97 (EXHIBIT A).</b>
		<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Piercy</b>
<b>008</b>	<b>Chair Milne</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b><u>SB 193</u></b> <b><u>RECONSIDERATION</u></b>		
016	Gwen Dayton	Legislative Counsel, explains the conflict found between HB 2509 and SB 193A.  * HB 2509 repeals statute that SB 193 amends.  * The -2 amendments create a mechanism to repeal the related section of SB 193 if HB 2509 is passed.  * The -2 amendment is not substantive.
<b>029</b>	<b>Rep. Taylor</b>	<b>MOTION: Moves to ADOPT SB 193-2 amendments dated 06/02/97.</b>
		<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Piercy</b>
<b>030</b>	<b>Chair Milne</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>032</b>	<b>Rep. Taylor</b>	<b>MOTION: Moves SB 193 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>  <b>EXCUSED: 1 - Piercy</b>
<b>038</b>	<b>Chair Milne</b>	<b>The motion CARRIES.</b>  <b>REP. KRUSE will lead discussion on the floor.</b>
039	Chair Milne	Closes the work session on SB 193.

042	Chair Milne	Opens a public hearing on SB 312.
<b><u>SB 312 PUBLIC HEARING</u></b>		
044	Long	Summarizes the bill and explains Senator Hamby's role in the bill's drafting.
050	Jessica Harris	<p>Legislative Aide for Senator Jeannette Hamby, Senate District 5, submits and presents written testimony in support of SB 312 <b>(EXHIBIT B)</b>.</p> <p>* Representatives from Kaiser Permanente, Blue Cross/ Blue Shield, Providence Health Plans, and the Pharmaceutical Associations sat down and created consensus with the intent of the bill.</p> <p>* bill had no opposition in the senate committee</p> <p>* bill is not an insurance mandate</p> <p>* insurance companies cannot refuse to cover the cost of a drug solely based on the original intent of the drug</p>
071	Jim Gardner	<p>Pharmaceutical Research and Manufacturers of America, testifies in support of SB 312 A.</p> <p>* discusses the -A9 amendment to be submitted by the Office of the Oregon Health Plan</p>
085	Rep. Taylor	Asks if the bill is focused on any particular application.
098	Harris	This issue is between the doctor and the patient and the insurance provider.
110	Rep. Harper	Asks if the insurance companies are represented in the hearing room.
115	Harris	<p>The insurance providers wrote and support the bill in the A engrossed version.</p> <p>This bill is based on national language.</p>
125	Barney Speight	Oregon Health Plan Administrator, testifies in regards to SB 312 and explains the -A9 amendments dated 5/28/97 <b>(EXHIBIT C)</b> .
144	Chair Milne	Closes the public hearing on SB 312.
145	Chair Milne	Opens a work session on SB 312.
<b><u>SB 312 WORK SESSION</u></b>		

146	Rep. Taylor	<b>MOTION: Moves to ADOPT SB 312-A amendments dated 05/28/97.</b>
		<b>VOTE: 6-0</b> <b>EXCUSED: 1 - Piercy</b>
150	Chair Milne	<b>Hearing no objection, declares the motion CARRIED.</b>
151	Rep. Taylor	<b>MOTION: Moves SB 312 to the floor with a DO PASS AS AMENDED recommendation.</b>
		<b>VOTE: 6-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Piercy</b>
158	Chair Milne	<b>The motion CARRIES.</b> <b>REP. TAYLOR will lead discussion on the floor.</b>
161	Chair Milne	Closes the work session on SB 312 A.
162	Chair Milne	Opens a public hearing on SB 384.
<b><u>SB 384 PUBLIC HEARING</u></b>		
163	Long	Summarizes the bill.  The Senate Committee on Health and Human Services initially requested that the bill be referred to the Committee on Revenue.  Senate President Adams denied the referral request and sent the bill to the Senate floor.
180	Harris	Submits and presents written testimony in support of SB 384 <b>(EXHIBIT D)</b> .  * bill allows the Children's Trust Fund (CTF) to see what the market will bear  * this is a fund raiser for the CTF to help combat child abuse
204	Rep. Harper	Asks if there is a limit to what the CTF could charge.
207	Harris	There would be no limit.
206	Rep. Taylor	Asks if the chance exists to lower the production cost that this would occur.
213	Harris	Responds affirmatively.

215	Rep. Lokan	Asks if the CTF is a state or private organization.
218	Harris	The CTF is a state organization under the Health Division.
221	Rep. Taylor	* The CTF was slated to receive extra funds from the boxing commission however, these funds are changing.  * CTF is looking for alternative funding sources
231	Chair Milne	Closes the public hearing on SB 384.
232	Chair Milne	Opens a work session on SB 384.
<b><u>SB 384 WORK SESSION</u></b>		
232	Rep. Devlin	<b>MOTION: Moves SB 384 to the floor with a DO PASS recommendation.</b>
		<b>VOTE: 7-0</b>  <b>AYE: In a roll call vote, all members present vote Aye.</b>
249	Chair Milne	<b>The motion CARRIES.</b>  <b>REP. DEVLIN will lead discussion on the floor.</b>
250	Chair Milne	Closes the work session on SB 384.
251	Chair Milne	Opens a public hearing on SB 1055.
<b><u>SB 1055 PUBLIC HEARING</u></b>		
253	Long	Summarizes the bill.
279	John Tardiff	Paramedic and co-author of the bill, Oregon Paramedic Association, submits and presents written testimony in support of SB 1055 ( <b>EXHIBIT E</b> ).  The bill will do 4 things:

1. require the 4 emergency medical technician (EMT) members to be actively practicing EMTs
2. EMTs need to be nominated by their EMS agencies
3. allow non community college based EMT programs to be represented by the state EMS committee
4. improve the rural representation on the advisory board

Northwest Paramedic Alliance, Paramedic and co-author of the bill, submits and presents written testimony in support of SB 1055 (**EXHIBIT**

310 Gary McLean F).  
 \* bill has consensus from EMTs around the state

325 Long Notes for the committee letters attached to the staff measure summary in support of the bill.

327 Rep. Harper Asks how much larger this will make the board.  
 The board will remain the same size.

328 Tardiff  
 \* an 18 member committee

332 Rep. Piercy Asks if there is opposition to this bill.

334 Tardiff The proponents made contacts to various organizations and did not discover any opposition.

338 Chair Milne Closes the public hearing on SB 1055.

339 Chair Milne Opens a work session on SB 1055.

**SB 1055**  
**WORK**  
**SESSION**

341 Rep. Harper **MOTION: Moves SB 1055 to the floor with a DO PASS recommendation.**  
**VOTE: 7-0**

**AYE: In a roll call vote, all members present vote Aye.**  
**The motion CARRIES.**

352 Chair Milne **REP. HARPER will lead discussion on the floor.**

358 Chair Milne Closes the work session on SB 1055.

362 Chair Milne Opens a public hearing on SB 174.

**SB 174**  
**PUBLIC**  
**HEARING**

365 Long Summarizes the bill and notes for the committee the -5 amendments dated 05/28/97 (**EXHIBIT G**) are brought to the committee by the Board of Medical Examiner's and the -8 amendments dated 06/04/97 (**EXHIBIT H**) are brought to the committee by the Oegon Acupuncture Association (OAA).

Director, Oregon Board of Medical Examiner's (BME), submits and presents written testimony in regards to SB 174 A (**EXHIBIT I**) and discusses the -A5 amendments.

\* The BME has a responsibility for the licensing, investigation, education, and discipline of medical physicians, podiatrists, physician assistants, acupuncturists, and respiratory care practitioners in the State of Oregon.

370 Kathy  
Haley

\* The bill updates the language in the Medical Practice Act.

\* Allows medical students in Oregon to get clinical training without a license.

\* The -5 amendments provide confidential information to the board pursuant to a subpoena without civil liability.

**TAPE 122, A**

001 Haley

Continues presentation.

073 Long

Asks why the word "shall" in section 5 was changed to "may."

078 Haley

The BME wants to be able to assess each case as to whether or not the individual has credentials equivalent to a medical doctor.

081 Long

Asks if the board is currently required to call each case an M.D.

\* Currently the BME has no standard title.

083 Haley

\* Each doctor functions under what ever title they came to Oregon with.

\* Many different titles can be confusing to patients.

085 Rep.  
Taylor

Asks what the difference is between the -5 and the -8 amendments.

\* The -5 and -8 amendments speak to different sections of the bill.

\* The BME is in support of the -5 amendments.

090 Haley

\* A conceptual amendment regarding the -8 amendments is requested to delete words in line 7 after the word "training" including line 8 to the word "that."

\* The Acupuncture Association is in agreement with this conceptual amendment.

119 Debra  
Kafoury

Oregon Acupuncture Association, testifies in support of SB 174 and the proposed amendments.

President, Oregon Acupuncture Association, testifies in support of SB 174 and explains the -7 amendments dated 06/02/97 (**EXHIBIT J**).

123 Peter  
Martin

\* explains how acupuncture is used to assist people through drug detox and that acupuncturists come to Oregon for this kind of training

\* discusses how the -8 amendments set standards for the clinical training internship via accreditation

149 Rep. Kruse

Asks if acupuncture is used in lieu of medical detox.

\* Acupuncture is used in a partnership with counseling and supervision for getting people through detox.

160 Martin \* It is not used in conjunction with methadone or other chemicals.

\* Acupuncture is shown to relieve symptoms of drug withdrawal.

174 Rep. Harper Asks what the bill's sponsors say about the -7 amendments.

175 Kafoury The BME supports them.

176 Rep. Harper Asks if the amendments are saying that an individual doesn't need an Oregon license.

\* The -7 amendments say that the BME can provide for the situation where an individual hasn't gone through the entire licensing procedure but would be treating people in a supervised clinical detox program, affiliated with a nationally accredited school.

180 Martin

\* The students would be operating as interns for a limited time in a specific, clinical, supervised environment.

Explains the concept of "moonlighting."

210 Haley \* after the first year of post graduate study the student gets a limited license

President, Oregon College of Oriental Medicine, submits and presents written testimony in support of the bill and the amendments proposed **(EXHIBIT K)**.

220 Elizabeth Goldblatt \* Oregon has 15 public health clinics.

\* interns spend a minimum of forty hours in these clinics

265 Chair Milne Closes the public hearing on SB 174 A.

266 Chair Milne Opens a public hearing on SB 176 A.

**SB 176**  
**PUBLIC**  
**HEARING**

270 Long Summarizes the bill.

Submits and presents written testimony in support of SB 176 **(EXHIBIT L)**.

290 Haley \* The BME wants the Acupuncture Advisory Committee (ACC) set up like the other committees that they govern.

330 Rep. Harper Asks for clarification on whether the ACC is or is not currently funded.

\* The board is currently contracting out.



333 Long \* The ACC is not set up in statute and this bill would put language in statute.

340 Debra Kafoury \* BME is not asking for funds  
Oregon Acupuncture Association (OAA), testifies in support of SB 176 and introduces Peter Martin, President, OAA.  
Introduces the -2 amendments to SB 176 A dated 05/14/ 97 (**EXHIBIT M**)

352 Martin \* wants to decrease the number of medical doctors on the ACC by one  
  
\* this would bring the ACC into line with the member policies of other committees the BME governs

389 Rep. Taylor Asks if the ACC currently has four physicians and three acupuncturists

391 Martin \* The ACC has three acupuncturists, three medical doctors, and one board liaison who may or may not be a medical doctor depending on the rotation.  
  
\* The ACC is calling for parity in the structure of advisory committees.

415 Rep. Lokan Asks if having three doctors and three acupuncturists has caused a problem.  
  
\* No, there haven't been significant problems.

419 Martin \* The ACC simply wants continuity

427 Rep. Kruse Asks if any of the doctors on the committee use acupuncture in the scope of their practice.  
Responds affirmatively.

429 Martin \* Acupuncture is within the scope of practice for all medical doctors.

438 Rep. Harper Asks if there are physicians using acupuncture in their practice.

**TAPE 121, B**

001 Martin \* No, there are 7,448 actively licensed physicians in Oregon who are allowed to practice acupuncture.  
  
\* The ACC does not regulate these physicians.  
  
\* The ACC only deals with licensed acupuncturists.  
  
Testifies in regards to the -A2 amendments.

012 Haley \* This Committee, under the jurisdiction of the BME, works extremely well together and has very few problems within their body.  
  
\* The difference with the ACC is that it deals with the only specialty that falls under a medical doctor's scope of practice.  
  
\* There is controversy brewing about physicians automatically practicing

acupuncture without more formal training in techniques.

\* It is not a good time to remove a medical doctor from this committee as issues surrounding future scope of practice concerns for physicians are being brought forward.

032 Rep. Lokan Asks for clarity for why it is best to delay in removing a doctor from the board.

\* The profession of Acupuncture licensure is in an evolutionary process.

038 Haley \* The ACC wants to look at the training a medical doctor should have in order to practice acupuncture.

\* These decisions need to include an equal representation of all the specialties allowed to incorporate acupuncture in their field.

055 Long Asks if removing one of the physician members will affect the decisions around acupuncture as a scope of practice issue.

Asks if there might be a difference in the way the committee is viewed by the insurance industry.

Responds affirmatively.

060 Haley

\* Believes the committee gains credibility if it stays the way it is.

067 Rep. Taylor Asks if there is a bill in this session to change the requirement for acupuncture licensure.

068 Haley No, this issue would be addressed through the administrative rule process. Understands the position of the acupuncturists and sees a need for the profession to be fully represented.

070 Rep. Taylor Comments that the board might look at having two medical doctors and four acupuncturists.

079 Haley There are 7400 physicians who can potentially practice acupuncture.

081 Rep. Taylor "Potentially" is not enough to require equal representation.

086 Martin Reminds the committee of the definition and purpose of the ACC:

\* These individuals advise the BME on acupuncture licensure.

Licensing Coordinator, Board of Medical Examiners

102 Diane Dolstra \* If the acupuncturists come to a consensus that physicians need more training to practice acupuncture, it would go a long way with the members of the BME to have more medical doctors involved with the decision.

119 Rep. Harper Asks if Dolstra is saying that the BME does not trust the acupuncturists.

That is not the intent of her comments.

120 Dolstra

Believes the BME will understand the decisions the ACC makes if more

medical doctors are involved.

- 132 Chair Milne Asks if there was discussion in the senate on the membership of the board
- 134 Kafoury No, there was no discussion concerning membership.
- 138 Chair Milne Closes the public hearing on SB 176.
- 140 Chair Milne Opens a work session on SB 176.

**SB 176**  
**WORK**  
**SESSION**

- 141 **Rep. Harper** **MOTION: Moves to ADOPT SB 176A-2 amendments dated 05/14/97.**
- 145 Rep. Kruse Comments that testimony provided indicates the board is functioning well the way it is. There doesn't seem to be enough evidence that changes need to be made at this time.
- 150 Chair Milne Concurs with the remarks of Rep. Kruse.
- 155 Rep. Devlin Asks if there were comments on way this board is exception to having a majority of professional members.
- 160 Long Acupuncture is allowed within medical doctors scope of practice.
- 170 Rep. Harper Believes the BME should have faith in six smart, hard working members.
- 173 Rep. Kruse Past hearings have produced more compelling evidence for making changes in the make up of other boards than he has heard here today.
- VOTE: 4-2**
- AYE: 4 - Devlin, Harper, Lokan, Taylor**
- 185 **NAY: 2 - Kruse, Milne**
- EXCUSED: 1 - Piercy**
- 195 **Chair Milne** **The motion CARRIES.**
- 202 **Rep. Harper** **MOTION: Moves SB 176A 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 - Piercy**
- 210 **Chair Milne** **The motion CARRIES.**
- REP. HARPER will lead discussion on the floor.**
- Chair

215	Milne	Closes the work session on SB 176.
216	Chair Milne	Opens a public hearing on SB 490.
<b><u>SB 490</u></b>		
<b><u>PUBLIC</u></b>		
<b><u>HEARING</u></b>		
218	Long	Summarizes the bill. Testifies in support of SB 490.
232	Kafoury	* asks the committee to allow acupuncturists to be relieved of the practice of having punitive damages held against them if they are acting within their scope of practice  * this bill had no opposition on the Senate side Explains the -1 amendments dated 06/02/97 ( <b>EXHIBIT N</b> ).
245	Martin	* the amendments support accreditation as a standard for education in Oregon and licensure  * ensuring that clinical programs are being monitored and reviewed
276	Rep. Harper	Asks why this amendment wasn't brought forward in the senate committee.  These issues hadn't come full circle while the bill was being looked at by the Senate.
278	Martin	Problems that came forward a few months ago spurred the drafting of these amendments.
307	Rep. Taylor	Asks if this amendment will affect naturopaths or medical doctors.
312	Martin	This would only apply to licensed acupuncturists.
325	Goldblatt	Submits and presents written testimony in support of SB 490 and the amendments ( <b>EXHIBIT O</b> ). Testifies in opposition to the bill and the proposed amendments.  * SB 176-1 will not take into account all the applicants that will come to Oregon to practice acupuncture.
380	Dolstra	* Acupuncturists exist who graduated prior to accreditation being a standard and have had extensive experience in the field and who have passed the national exam.  * Acupuncturists coming from other countries with the equivalent of an M.D. license but will not meet the standards this bill suggests.  * Accreditation standards need to make allowances for individuals that have graduated from past programs and come from other countries.

**TAPE 122, B**

- 005 Rep. Taylor Asks if there is a way to have agreement between opposing sides through an additional amendment.
- 009 Dolstra Would like the BME to have the right to review acupuncturists on an individual basis.
- 023 Kafoury This amendment was originally placed on the BME's bill however, it was more appropriate to place it on SB 490.
- 035 David Young Administrator, Academic Degrees and Program Review, submits and presents written testimony in support of SB 490 -1 (**EXHIBIT P**).
- 056 Rep. Kruse Comments on his concern that this is to take effect on July first leaving no time for adjustment.
- 068 Chair Milne Asks if Young is supportive of broadening the language to be more inclusive.
- 075 Young The language used is based on existing language in other board statutes and is already inclusive.
- 078 Rep. Kruse Rules need time to be set.  
A wider window should be set for implementation.  
\* The intent of this bill is to amend the statute so that the BME has adequate flexibility.
- 085 Young \* The worse that could happen is the BME would require alternative equivalencies that were below the set accreditation standard.  
\* This is a risk his office and the Acupuncture Association is willing to take.
- 090 Rep. Devlin There is no emergency clause on the bill so this proposal will need to be implemented 90 days after the bill is signed.
- 100 Young The BME already has rules that will be used to implement this legislation. Discusses the BME's concerns.  
\* The accreditation standards this bill sets are lower than the existing standards the BME has in place.
- 118 Haley \* The acupuncturists on the committee would not meet the standards being proposed.  
\* There is a fiscal impact connected with this bill.
- 138 Rep. Harper Asks what the board does today.  
\* At the moment the BME does not have language requiring accreditation standards.
- 140 Dolstra \* Administrative rule has education requirements.
- 142 Rep. Asks about educational equivalencies for individuals that wouldn't have

	Harper	proper accreditation. * The BME would have their hours of education and training in place and the ACC accreditation process.
145	Dolstra	* Concerned that standards have changed so dramatically that out of state licensed acupuncturists would not be able to practice in Oregon under these accreditation standards. If the standards that currently exist should become the equivalent
171	Haley	requirements then there is no point in changing the present practice of licensure.
175	Rep. Devlin	The way he reads the bill it is an either / or situation which means that accreditation would meet the BME's requirements.
183	Haley	The standards in Oregon are higher than the proposed accreditation standards.
193	Chair Milne	Asks for a chart depicting side by side standards.
205	Chair Milne	Closes the public hearing on SB 490.
210	Chair Milne	Adjourns the meeting at 3:00 p.m.

Submitted By, Reviewed By,

Diane M. Quinones, Lori A. Long,

Administrative Support Administrator

### **EXHIBIT SUMMARY**

**A - SB 193 -2 amendments dated 06/02/97, staff, 1 p.**

**B - SB 312, written testimony, Jessica Harris, 6 pp.**

**C - SB 312 - A9 amendments dated 05/28/97, Barney Speight, 1 p.**

**D - SB 384, written testimony, Jessica Harris, 6 pp.**

**E - SB 1055, written testimony, Jon Tardiff, 1 p.**

**F - SB 1055, written testimony, Gary McLean, 1 p.**

**G- SB 174 - A5 amendments dated 05/28/97, staff, 1 p.**

**H- SB 174 - A8 amendments dated 06/04/97, staff, 1 p.**

**I - SB 174A, written testimony, Kathleen Haley, 5 pp.**

**J - SB 174 - A7 amendments dated 06/02/97, staff, 1 p.**

**K - SB 174A, written testimony, Elizabeth Goldblatt, 9 pp.**

**L - SB 176A, written testimony, Kathleen Haley, 1 p.**

**M - SB 176 - A2 amendments dated 05/14/97, Peter Martin, 1 p.**

**N- SB 490 - 1 amendments dated 06/02/97, Peter Martin, 1 p.**

**O- SB 490, written testimony, Elizabeth Goldblatt, 2 pp.**

**P - SB 490, written testimony, David Young, 1 p.**