

HOUSE COMMITTEE ON HUMAN RESOURCES

March 5, 1997 Hearing Room H-170

1:00 P.M. Tapes 39 - 40

**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:**

**HB 2174 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 39, A</b>		
001	Chair Milne	Calls the meeting to order at 1:05 p.m.
002	Chair Milne	Opens a public Hearing on HB 2174.
<b><u>HB 2174 PUBLIC HEARING</u></b>		
		State Registrar, Manager, Center for Health Statistics, Vital Records,

004	Edward Johnson	Oregon Health Division, submits and presents written documentation regarding HB 2174 ( <b>EXHIBIT A</b> ). * explains to the committee how to follow his written exhibits * begins going through the bill by detailing each line item change
054	Rep. Kruse	Asks for confirmation that a late term abortion is considered an induced termination.
056	Johnson	Responds affirmatively.
099	Chair Milne	Asks about outpatient percentages having to do with terminated pregnancies and miscarried pregnancies.
109	Johnson	His agency does keep track of inpatient and out patient procedures having to do with births, fetal deaths, and induced terminations. * will be happy to provide the committee with requested information.
144	Chair Milne	Asks about information that is collected on suicides attempted by people over 18 years.
	Johnson	* Suicide attempts of persons over 18 years are not kept by the state. * If a person over 18 years is successful with a suicide attempt then a record is filed.
155	Chair Milne	Asks why data is not collected on attempts by person's over 18 years.
157	Johnson	* The state began collecting statistics on unsuccessful suicide attempts of persons under 18 years because it saw a trend that was concerning.
165	Rep. Devlin	Asks about who has access to suicide attempt records.
	Johnson	* The agency does not issue certified copies of these records. * This is purely an administrative record. * These are not vital statistics, they are reports.
182	Chair Milne	Asks about the different ways information is listed on the death certificate.
185	Johnson	Discusses parts of a death certificate. * Medical Certification section includes cause of death, other contributing factors, and manner of death.
190	Johnson	Continues presentation.
262	Rep. Kruse	Asks about the new status of an item when it is moved from rule to law.
		A "rule revision" will have to be done if this bill passes.

264	Johnson	* removes an item from rule * establishes new rules if necessary
300	Rep. Lokan	Asks for a definition of the term "abstract."
302	Johnson	Currently an "abstract" is a piece of paper.
350	Johnson	Continues presentation.
<b>TAPE 40, A</b>		
001	Johnson	Continues presentation.
028	Chair Milne	Asks about the information on the medical /confidential portion of a birth certificate.
030	Johnson	This portion of a birth certificate will contain:  * demographic information  * past terminated pregnancies  * pre-natal care  * social services received during pregnancy and source of birth payments  * conditions of newborn and conditions of the birth  * maternal drug use
038	Chair Milne	Asks who sorts through the vital statistics and how are they used.
040	Johnson	* His agency has research staff that also create reports from all collected data.  * Information and statistics are also used nationally.
045	Eleanor Hall	Administrator, Oregon Health Division, explains how the division uses statistical information.  * part of the public health process
055	Rep. Kruse	Asks if the agency can use information of drug use by the mother to protect existing children and future births.
057	Hall	Services to Children and Families (SCF) is the state agency that carries the responsibility of using information to protect existing and unborn children.
070	Chair	Asks if the Center for Health Statistics is the office that all other

	Milne	agencies and organizations use when needing data and information.
	Johnson	* The Center for Health Statistics is a secondary source of information. * An agency looking for information on a birth would be sent to the hospital records department.
076	Chair Milne	Asks about a source of data that might exist that can be used to provide help to families in trouble with drug use.
080	Johnson	* The information that is collected for statistical purposes from a birth certificate is not a complete record of a mother's habits. * Public health nurses at the local level do look at records and will report problems if they see a pattern.
105	Chair	Asks what would be the instances that his agency is subpoenaed.
106	Johnson	This portion of a record is not subject to subpoena.
109	Hall	Clarifies that the previous information given did not include certain specifics. * A person providing pre-natal care would gather past medical records.
112	Chair Milne	Asks for clarification about which records can be subpoenaed.
114	Johnson	The legal information of a record can be subpoenaed. * date and place of birth * parent information
117	Chair Milne	Asks who might want this information.
119	Johnson	Refers to the possibilities of a father acquiring records to prove parentage. * if his name is not on the certificate he can't get a copy * a subpoena is required
150	Rep. Piercy	Asks about the circumstances that would cause a late file.
	Johnson	Files get lost as a result of hospital mistakes.
178	Rep. Kruse	Asks about the kind of information that goes on a form to determine if someone was born in the state.
184	Johnson	* There is a list of acceptable "proof items." * parent information is included

		* The same information that goes on a legal certificate must also go on a court ordered certificate.
190	Rep. Kruse	Wonders at the record burden of a person having a home birth.
195	Johnson	* The attendants at the birth can create and file the certificate at the time of the birth. * If there is no medical attendant than a parent can document and file the information.
200	Johnson	Continues presentation.
242	Rep. Lokan	Asks about the age established for an "adult."
244	Johnson	Agency planned on using Oregon's definition of 18 years.
260	Rep. Taylor	Asks about another bill on the floor that is similar to issues eluded to on page 10 of this legislation.
265	Johnson	* The statute to be affected by HB 2174, page 10, line 38 will be new. * There are other bills that consider paternity issues when the mother is unmarried. Those bills do not speak to this issue.
286	Rep. Piercy	Asks about the term "legitimated."
288	Johnson	* The term is used when the parents are married. * When the records appear as if the parents were married at the time of birth a person is "legitimated".
300	Rep. Piercy	Asks if there is a legal reason for using this kind of language.
305	Johnson	* No legal requirement exists. * This is standard language used throughout the United States.
309	Chair Milne	Asks how a birth certificate is affected if the parents marry after a child is born.
	Johnson	* To place both parents on a birth certificate, couples will have to file a proof of paternity affidavit. * Once the affidavit is approved, the certificate will reflect the marriage as if it occurred at the time of birth.
330	Chair Milne	Asks about the involvement of "support enforcement."
333	Johnson	* Support enforcement gets involved when a mother gets on welfare and there is no father on the record. * If there is a father of record than support enforcement does not get

		involved in the birth certificate.
370	Johnson	Continues presentation.
<b>TAPE 39, B</b>		
001	Johnson	Continues presentation.
060	Rep. Kruse	Asks how much weight is 350 grams.
065	Johnson	* Approximately .7 pounds.
084	Rep. Harper	Asks about the impact of page 18, line 3, when fetal death occurs without the attendance of a physician, for rural citizens.
088	Johnson	Ultimately the paper work would go through a licensed physician or medical attendant.  * Mid-wife, Osteopath, Chiropractor, Naturopath, Family Physician, etc.
134	Chair Milne	Asks about the citizenship of children born of American parents in a foreign country.
140	Johnson	* discusses military rules  * explains why parents would have to go through the US Secretary of State Office
199	Rep. Devlin	Asks about cross referencing birth and death records in the Center for Health Statistics.
205	Johnson	Explains the instances when cross referencing occurs.  * when a person is born and dies in Oregon  * when a person is born in Oregon and dies in another jurisdiction under the age of 44 years
235	Rep. Lokan	Asks about the term "product" of human conception.
238	Johnson	* Terms being used are as generic as possible.  * States try to stay consistent with each other.
242	Hall	* The health officer is also referring to the placenta that may not be delivered.  * The placenta is also a product of human conception.
277	Rep. Devlin	Asks about the process of denying a birth certificate to a birth that allegedly took place over a year ago.  Asks if the courts take the agency's determination as final.
		* The Center for Health Statistics can only record records that have adequate evidence.

290	Johnson	* Some courts will accept the agency's determination, some will take less evidence. * explains the limited value of a court ordered birth certificate
296	Rep. Piercy	Asks what a person does when they can't establish a place of birth.
300	Johnson	A person must go to court and make a case for their parents residency as well as their own. * They use family records. * They get witnesses to testify on their behalf. * They submit correspondence.
340	Rep. Taylor	Asks how old Oregon's records are.
342	Johnson	* The state wide system of vital records goes back to 1903. * incomplete records go back to the 1880s
365	Chair Milne	Closes the public hearing on HB 2174.
366	Chair Milne	Adjourns the meeting at 2:30 p.m.

Submitted By, Reviewed By,

Diane M. Quinones, Lori A. Long,

Administrative Support Administrator

**EXHIBIT SUMMARY**

**A - Amendments and line changes to HB 2174, Johnson, 32 pp.**