

HOUSE COMMITTEE ON HUMAN RESOURCES

April 18, 1997 Hearing Room 170

1:00 p.m. Tapes 79-80

MEMBERS PRESENT:

Rep. Patricia R. Milne, Chair

Rep. Jackie Taylor, Vice-Chair

Rep. Richard Devlin

Rep. Steve Harper

Rep. Jeff Kruse

Rep. Jane Lokan

Rep. Kitty Piercy

MEMBER EXCUSED:

STAFF PRESENT:

Lori A. Long, Administrator

Diane M. Quinones, Administrative Support

MEASURE/ISSUES HEARD:

HB 2207 Work Session

HB 3112 Work Session

SB 508 Work Session

HB 2478 Public Session

HB 2528 Public 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 |
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| Tape 79, A | | |
| 003 | Chair Milne | Calls the meeting to order at 1:08 p.m. |

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| 005 | Chair Milne | Opens a work session on HB 2207. |
| <u>HB 2207 WORK SESSION</u> | | |
| 008 | Ellen Pinney | <p>Oregon Health Action Campaign, raises questions and concerns regarding HB 2207.</p> <p>* Asks that some of the individuals qualifying for the Insurance Pool Governing Board program be previous participants in the Oregon Health Plan.</p> <p>* The voucher program should be available to individuals looking for insurance in the individual market.</p> <p>* Expresses concern that people be allowed to use their voucher to buy into the Oregon Health Plan.</p> |
| 038 | Chair Milne | Closes the work session on HB 2207. |
| 040 | Chair Milne | Opens a work session on HB 3112. |
| <u>HB 3112 WORK SESSION</u> | | |
| 045 | Sandi Hoback | <p>Administrator, Adult and Family Services (AFS), apologizes to the committee and admits to a mistake by AFS in previous testimony that referred to non-citizen provisions in HB 3112.</p> <p>* Any fiscal impact from adding non-citizens into coverage will be very small, therefore, this bill doesn't need a Ways and Means referral based on the previous testimony of AFS.</p> <p>* The agency does not believe that non-citizens would have domestic violence perpetrated upon themselves to become eligible for coverage.</p> |
| 066 | Lori Long | Committee Administrator, summarizes the bill and introduces the -1 amendments 03/31/97 (EXHIBIT A). |
| 084 | Rep. Devlin | MOTION: Moves to ADOPT HB 3112-1 amendments dated 03/31/97 (EXHIBIT A). |
| 088 | Chair Milne | Hearing no objection, declares the motion CARRIED. |
| 089 | Rep. Devlin | MOTION: Moves HB 3112 to the floor with a DO PASS AS AMENDED recommendation. |
| 095 | Rep. Harper | States that he supports the bill but believes it's bad public policy to spend tax dollars on illegal aliens vs. legal aliens. |
| 100 | Chair Milne | <p>Concurs with the comments of Rep. Harper.</p> <p>Believes legal citizens deserve the full support of the state.</p> |
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| 107 | Rep. Lokan | Concurs with the comments of both Rep. Harper and Chair Milne. |
| 109 | Rep. Kruse | Concurs with the comments of his colleagues. |
| 110 | | VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. |
| 113 | Chair Milne | The motion CARRIES. REP. MILNE will lead discussion on the floor. |
| 115 | Chair Milne | Closes the work session on HB 3112. |
| 116 | Chair Milne | Opens the work session on SB 508. |
| <u>SB 508 WORK SESSION</u> | | |
| 118 | Long | Summarizes the bill. |
| 123 | Rep. Kruse | MOTION: Moves SB 508 to the floor with a DO PASS recommendation. |
| 128 | | VOTE: 7-0 AYE: In a roll call vote, all members present vote Aye. |
| 133 | Chair Milne | The motion CARRIES. MILNE will lead discussion on the floor. |
| 135 | Chair Milne | Closes the work session on SB 508. |
| 136 | Chair Milne | Opens a public hearing on HB 2478. |
| <u>HB 2478 PUBLIC HEARING</u> | | |
| 128 | Long | Summarizes the bill. |
| 136 | Rep. Dan Gardner | Oregon Legislator, House District 13, testifies in support of HB 2478. * Sponsored the bill on behalf of the Oregon Association of Plumbing, Heating, Cooling Contractors and the Plumbers and Steam Fitters Local 290. |
| 145 | Ed Gormely | Representative, Oregon Plumbing, Heating, Cooling, Contractors, testifies in support of HB 2478. Explains what a backflow device is: * installed by plumbers, landscape personnel, and fire sprinkler professionals * represents protection to domestic water systems |

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| | | <p>* safety device</p> <p>* individuals that install these devices are registered with the builder's and contractor's boards</p> <p>* no additional cost to businesses and consumers</p> |
| 197 | John Egge | <p>Owner and Operator of Plumbing Business in Clackamas, submits written information on back flow devices (EXHIBIT B).</p> <p>* backflow devices that were tested and failed in same time period</p> <p>* testers and inspectors must be certified by the Health Division</p> <p>* certification to test is sometimes misrepresented as a license to test by businesses that install and test backflow devices</p> <p>* cost is minimal to acquire a license and bond</p> <p>* most installations and testing is being done with people registered with the board</p> <p>* this bill exempts employees of public agencies</p> |
| 266 | Rep. Devlin | Asks if a business would be registered or are individual employees registered. |
| 270 | Egge | <p>The individuals would continue to be certified as they are now.</p> <p>The business itself would be registered under the builder's and contractor's board.</p> |
| 279 | Gormley | This would bring non-registered individuals into compliance with the board's regulations. |
| 285 | Rep. Devlin | <p>Based on personal experience, Rep. Devlin doesn't recommend homeowners installing these devices.</p> <p>* leave it to the professionals</p> |
| 291 | Chair Milne | Asks if landscapers and other lawn care maintenance people get involved in this bill. |
| 294 | Egge | <p>Responds Affirmatively.</p> <p>* The board supports an amendment clarifying the landscape issue.</p> |
| 308 | Long | <p>Explains possible amendment language for section 1, subsection 2, after ORS chapter 701.</p> <p>* if "landscaping business" isn't correct term it can be changed</p> |
| 318 | Egge | * The concept of the amendment is acceptable. |

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| | | * The word choices may need to be changed. |
| 324 | Rep. Gardner | His office will work on submitting amendments to Legislative Council before a work session. |
| 330 | Ken Keudell | <p>Administrator, Landscape Contractors' Board and the Construction Contractors' Board, testifies in regards to HB 2478.</p> <p>* The boards are neutral in their position on the bill as they are not looking for extra work.</p> <p>* This bill would mean as many as two hundred new contractors needing to be registered.</p> <p>* At the present time the boards are registering forty five new contractors a day.</p> <p>* The revenue impact exceeds the fiscal impact.</p> <p>* Supports an amendment that includes landscaping businesses.</p> |
| 370 | Chair Milne | Asks if there are individuals or organizations opposed to the bill. |
| 372 | Keudell | <p>Is not aware of any opposition.</p> <p>* discusses the possibility of an additional amendment on line twenty five, adding ORS 671 where ORS 448 has been added</p> <p>* "landscaping business" is correct language</p> |
| 388 | Jim Cannici | <p>Fire Chief, Oak Lodge fire district, President, Oregon Fire Chiefs' Association, testifies in support of HB 2478.</p> <p>* This bill is good public policy.</p> <p>* Fire Chiefs advocate for sprinkler systems in private homes.</p> <p>* Many sprinklers are being installed voluntarily in single family homes.</p> <p>* Backflow devices are required for fire protection safety.</p> <p>* This bill would allow recourse action for a home owner that received a bad installation and/or inspection.</p> |
| TAPE 80, A | | |
| 020 | Dave Penecook | <p>Fire Chief, Klamath Falls fire district, testifies in support of HB 2478.</p> <p>* Concurs with testimony of Chief Cannici.</p> <p>* Private individuals installing sprinkler systems can create</p> |

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| | | problems for fire departments. |
| 041 | Chair Milne | Closes the public hearing on HB 2478. |
| 043 | Chair Milne | Opens a public hearing on HB 2528. |
| HB 2528 PUBLIC HEARING | | |
| 055 | Tom Borrows | <p>Representative, Oregon Podiatric Medical Association (OPMA), submits and presents in support of HB 2528 (EXHIBIT C).</p> <p>* 1995 session introduced HB 3227 clarifying the scope of practice for podiatry medicine in Oregon.</p> <p>* Discusses an interim study with the Oregon Medical Association (OMA), the OPMA, and the Board of Medical Examiners (BME).</p> |
| 116 | Gerald Peterson M.D. | <p>President, Oregon Podiatric Medical Association, submits and presents written testimony in support of HB 2528 (EXHIBIT D).</p> <p>* discusses the national scope of practice for podiatrists</p> <p>* project 2000, commission creating goals for the definition of podiatric medicine</p> |
| 267 | Christopher Lamy M.D. | <p>Podiatrist Medical Doctor, Practices in Washington, lives in Oregon, submits and presents written testimony in support of HB 2528 (EXHIBIT E).</p> <p>* practices in Washington because the ankle is included in their definition of podiatric medicine</p> |
| 300 | Rep. Piercy | Asks if all podiatrists are trained to treat the ankle. |
| 305 | Lamy | <p>* All podiatrists are trained in treatment of the ankle while they're in school, however they are not trained completely in ankle surgery.</p> <p>* Students rely on the residency program to gain clinical knowledge for ankle surgery.</p> <p>* The background, anatomy, and possible disorders of the ankle are taught to podiatric students.</p> |
| 316 | Rep. Taylor | Asks if amended, the bill calls for an action on the part of the BME to define the ankle and the qualifications required to perform surgical procedures. |
| 323 | Peterson | <p>Responds affirmatively.</p> <p>* Amendments drop references to "muscle" terminology and leave the words "tendons."</p> |
| 330 | Rep. Devlin | Asks if the language in the bill allows the BME to utilize what ever language in administrative rules they choose. |

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| 340 | Barrows | <ul style="list-style-type: none"> * The language in Dr. Enbom's letter, containing the language that Rep. Devlin is referring to, was used as the basis for the bill. * The change occurred in a response by the OMA that omitted language previously agreed upon. |
| 365 | John Enbom M.D. | <p>Representative, Board of Medical Examiners, testifies in regards to HB 2528 and discusses the meetings that took place during the 1996 interim.</p> <ul style="list-style-type: none"> * The board represents 330 Orthopedic surgeons and 110 Podiatric physicians. * The board is taking a neutral position in regard to the current bill. * It does not want to take sides of either license group and submitted a definition of the ankle as presented. * The point of contention is defining what tendons and muscles may be treated and who will conduct such treatment. |
| TAPE 79, B | | |
| 001 | Enbom | Continues presentation. |
| 024 | Rep. Lokan | Asks if the board is making any recommendations or has it chosen to maintain a neutral position. |
| 027 | Enbom | <ul style="list-style-type: none"> * The board did not recommend to adopt into their definition the proposed tendon definition. * The board's concerns are centered around the definitions of treatable parts of the foot and ankle. * Surgical procedures need to be performed in a hospital or certified ambulatory surgical setting. * Discusses putting the qualifications of a podiatric physician that performs surgical procedures into administrative rule. |
| 060 | Long | Notes for the committee the history of correspondence attached to the staff measure summary (EXHIBIT F). |
| 067 | Rep. Piercy | Asks about concerns that a podiatrist could get involved in a surgical procedure and discover that the surgical need takes them beyond the allowable scope of practice. |
| 073 | Enbom | <ul style="list-style-type: none"> * Getting into a surgical issue that is unexpected during a surgical procedure is not uncommon and happens to many surgeons in various specialties. * These instances call for good judgment and the willingness to call in assistance from other doctors. |

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| | | * The real concern is that podiatrists may define the functional foot to include the foot, ankle and up into the leg. |
| 105 | Tim Martinez | Medical Association (OMA), testifies in opposition to HB 2528. * Discusses the action of the interim workgroup. |
| 133 | Michael Graham M.D. | Orthopedic Surgeon, Portland, testifies in opposition to HB 2528. Discusses the concerns he and his colleagues have: * There are seven schools of Podiatry in the United States. * During the post-graduate period there are five different types of podiatric residency training, only one of which teaches ankle surgery (PRS 24, a 2 year residency). * All five post-graduate training programs provides a certification of podiatry. * Five separate boards of orthopedic podiatry exist in the United States. * All five Boards have been involved in litigation with each other. * The American Board of Podiatric Surgery is the only one offering exam in podiatric ankle surgery. * Less than one hundred podiatrists had taken and passed the exam one year ago. * There is a move to standardize training and examination in the field of podiatric medicine. * When standardization occurs, the BME will support legislation to recognize podiatric surgical medicine. |
| 212 | Rep. Taylor | Asks if there is only one board of podiatry in Oregon. |
| 215 | Graham | * Cannot answer the question. * Believes that existing boards are all national boards. * Oregon does not have a board of orthopedic surgery. |
| 219 | Rep. Taylor | Asks if podiatrists have hospital privileges. |
| 221 | Graham | * If a patient is admitted to the hospital for care of the foot by a podiatrist they are required to have the patient evaluated for history and physical examination by a medical doctor. |
| 227 | Rep. Lokan | Asks at what point the BME would recognize and accept podiatric surgical medicine. |

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| 235 | Graham | Refers the question to Doctor Zirschky. |
| 243 | Bob Zirschky M.D. | Orthopedic Surgeon, Interim Workgroup Participant, submits and presents written testimony in opposition to HB 2528 (EXHIBIT G). * The schooling, training and internship programs for podiatric medicine is variable and inconsistent. |
| 324 | Rep. Harper | Asks which board should formulate this rule. |
| 326 | Zirschky | The BME should be directed to promulgate rules that would allow qualified podiatrists to pursue ankle surgery in a qualified center. |
| 327 | Rep. Piercy | Asks for more information about the access that podiatrists have to hospitals. |
| 332 | Zirschky | * Podiatrists have full access to hospitals. * Hospitals won't let podiatrists conduct surgical procedures that go beyond the BME's current definition of the foot. * Patients of podiatrists must have an admitting medical doctor other than the attending podiatrist. |
| 365 | Rep. Kruse | Asks if orthopedic physicians need a medical doctor to admit their patients into the hospital. |
| 368 | Zirschky | Orthopedic physicians have medical degrees therefore they have all the privileges of other medical doctors. |
| 375 | Rep. Piercy | Asks if podiatrists can perform foot surgery. |
| 377 | Zirschky | Responds affirmatively. * Hospitals set guidelines as to the extent of the foot surgery. (i.e. toe surgery, fore foot surgery, hind foot surgery, some ankle surgery.) |
| 395 | Martinez | Podiatrists that have the training and certification to do extended foot and ankle surgery must still have a medical doctor conduct examinations and medical histories on patients being admitted to a hospital. |
| 400 | Chair Milne | Asks if the focus of the interim task force was two fold: |

1. defining the boundaries and limits of podiatric medicine
2. discussing authorized surgical procedures for podiatry

**TAPE
80, B**

Responds affirmatively.

- 002 Zirschky * The BME's issues included leaving the definition of podiatry as it stands and adding qualifications to certified surgical podiatrists.

Responds to opposition testimony:

There are three boards that govern podiatric physicians.

- 015 Peterson The American Board of Podiatric Surgery is the only qualified board to certify a podiatrist in surgical procedures.
- The criteria for performing foot ankle surgery is very rigid and is governed strictly by the board.
- 048 Rep. Harper Asks why the podiatrists want to have this law.
- * Podiatrists have been treating many aspects of the foot including the ankle for many years.
- 050 Peterson
- * Putting a more detailed definition of the foot into statute decreases the potential for future problems.
- 070 Rep. Harper Asks if they want to put current practice in statute.
- 073 Peterson Responds affirmatively.
- 075 Barrows Notes the Washington State scope of practice statute included in the packet he provided committee members. **(EXHIBIT C)**.
- 095 Rep. Harper Asks why the podiatrists want the ability to go beyond the ankle when treating a patients foot.
- * He is trained and certified in ankle surgery and would like to keep his patients in Oregon to treat them surgically.
- 100 Lamy
- * Surgical Podiatrists want to practice to the full extent of their training.
- * The definitions of "tendons" is very vague in the state of Oregon. This bill would bring clarity to podiatric definitions.
- 125 Chair Milne Closes the public hearing on HB 2528.
- 127 Chair Milne Adjourns the meeting at 2:40 p.m.

Submitted By, Reviewed By,

Diane M. Quinones, Lori A. Long,

Administrative Support Administrator

EXHIBIT SUMMARY

A - HB 3112 -1 amendments dated 3/31/97, staff, 2 pp.

B - HB 2478, information on backflow devices, Egge, 5 pp.

C - HB 2528, written testimony, Barrows, 11 pp.

D - HB 2528, written testimony, Peterson M.D., 14 pp.

E - HB 2528, written testimony, Lamy M.D., 1 p.

F - HB 2125, correspondence, Staff, 12 pp.

G - HB 2125, written testimony, Zirschky M.D., 2 pp.