

—

**SENATE COMMITTEE ON BUSINESS, LAW, AND GOVERNMENT**

**February 20, 1997 Hearing Room A**

**1:00pm Tapes 61 - 63**

**MEMBERS PRESENT:**

**Sen. Neil Bryant, Chair**

**Sen. Randy Miller, Vice-Chair**

**Sen. Kate Brown**

**Sen. Gene Derfler**

**Sen. Randy Leonard**

**Sen. David Nelson**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Bill Taylor, Administrator**

**Andrea Terry, Administrative Support**

**MEASURE/ISSUES HEARD:**

**SB 188**

SB 235

SB 467

**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 61, A</b>		
003	Chair Bryant	opens meeting at 1:06
006	Bill Taylor	LC draft introduction <b>LC 3989 introduced as SJR 19; LC 3990 introduced as SJR 20; LC 3991 introduced as SJR 21; LC 3992 introduced as SJR 18; LC 3993 introduced as SB 646; LC 3994 introduced as SB 647; LC 3995 introduced as SB 648; LC 3996 introduced as SB 649; LC 3997 introduced as SJR 22; LC 3980 introduced as SB 645; LC 3235 introduced as SB 643; LC 3838 introduced as SB 644</b>
022	Bryant	the above will be introduced as committee bills, any objection, any discussion; none  open public hearing on SB 188
<b><u>SB 188 PUBLIC HEARING AND WORK SESSION</u></b>		
024	Art Kapyne	Policy Analyst, Department of Human Resources
027	Kapyne	EXHIBIT A
060	Kapyne	two types of overpayment--see EXHIBIT A
087	Sen. Leonard	how does the over payment get credited or returned to the receiver
090	Kapyne	we follow court order
136	Kapyne	still discussing EXHIBIT A
166	Kapyne	still discussing EXHIBIT A
176	Sen. Derfler	isn't this common sense
		yes, but we have to pass a law because the assignment of child support

179	Kaptyne	is reserved only for certain things under the law
230	Kaptyne	we need to do something about NSF checks we also need to do something about overpayments, this is in section 6 of the bill
250	Maureen Knight	attorney with Oregon Legal Services
255	Knight	support of SB 188
265	Knight	we represent both obligor and obligee again we are very much in support of SB 188
280	Sen. Brown	I have it as an "or" situation
295	Knight	Sen. Brown you are right
306	Bryant	close public hearing on SB 188 and open worksession on SB 188
313	Brown	moves -1 amendments to SB 188
314	Bryant	no discussion, no objections
<b>316</b>	<b>Sen. BROWN:</b>	<b>MOTION: Moves SB 188 be sent to the floor with a BE ADOPTED AS AMENDED recommendation.</b>
318	Bryant	no discussion, no objections
320	Brown	will carry
<b><u>SB 235-- PUBLIC HEARING</u></b>		
355	Bryant	explaining what is happening on SB 235, this is just going to be a public hearing
367	Anne Tweedt	explanation of SB 235 hand engrossed bills engrossed only with -2 amendments SB 235 standardizes health profession regulatory board statutes relating to the disclosure of information regarding investigations
Tape 62, A		
005	Tweedt	EXHIBIT B EXHIBIT C refers to committee member packet there are plenty of boards who have signed up to testify and would be glad to explain their procedures to you Social Worker example
073	Tweedt	Nursing Board explanation

082	Tweedt	original bill also provides release to other government entities
096	Derfler	if the board doing the research decides to proceed it then becomes public record
098	Tweedt	what becomes public record is notice of the board's intent to take disciplinary action
103	Bryant	what is included in the notice is that the person is under review, but it does not get into much detail of the issues of the case
107	Tweedt	correct
111	Bryant	for the committee's recollection: I encouraged groups to get together after the 1995 session; thus resulting in SB 235  As the legislature approached I encouraged the Oregon Medical Association to put together a bill
132	Derfler	the dilemma I see is that a lack of information provides a great deal of speculation
140	Tweedt	EXHIBIT D  please see page 2 of hand engrossed bill, lines 26 a, b, c
163	Scott Gallant	Leg. Director for the OMA
176	Gallant	EXHIBIT E  reference to -2 amendments (explanation in EXHIBIT E)
219	Bryant	please give an example of what a summary might contain
223	Mike Crew	attorney from the law firm of Cooney & Crew  a summary that accompanies a notice to take disciplinary action generally is quite brief and simply states that the conduct of the accused may violate a certain statute
233	Bryant	does the notice refer to what the disciplinary action might be
239	Crew	varies from board to board  in some cases the disciplinary action is included in others it is not
245	Gallant	EXHIBIT E (page 3, discussion of deletion of sections)
276	Brown	reference to lines 26a-26c on page 2 of hand engrossed bills  I would want to know if the doctor I was going to had complaints against her; how does the public know this
295	Gallant	in our discussions with the Newspaper Publisher's Association we have agreed to language that would create a professional licensing ombudsman who would have the authority to do investigation as to whether or not licensing boards are disciplining their licensees

		the purpose would be to ensure the public that boards are meeting their obligation of appropriately disciplining and they could reopen cases if necessary
330	Bryant	-1 amendments came out yesterday
333	Tweedt	Section 5 of the -1 amendments talks about the ombudsman position -1 do not incorporate all of the changes in -2
373	Gallant	need to point out two other things OMA and Oregon Newspaper Publishers do not agree on the timeframe the OMA proposes that the ombudsman be a medical doctor; the majority of these cases involve medical issues, it would be most appropriate to have someone in that position who has that kind of background
Tape 61, B		
011	Sen. Derfler	having a medical doctor as the ombudsman, I would think some medical professionals might have some prejudice to some of the other groups
015	Gallant	I appreciate your concern I don't know if we can ever find a totally objective person, our intent was to have someone in there with a great amount of medical expertise
025	Sen. Brown	the medical community appointing one of its own, isn't the fox watching the hen house
031	Gallant	I appreciate your concern whomever is in that position has to have a heightened level of expertise in health care in complicated, sensitive health care issues
038	Brown	lines 44, 45, 46 (page 2 and 3) -2 hand engrossed as I read this it is not permissible in a civil hearing
047	Bryant	we did some work on that in 1995
050	Sen. Derfler	I understand why you want a medical doctor, but going through this list of organizations it seems very unfair
052	Gallant	this is going to be a position that is going to be very difficult and there is not a perfect way to go
058	Bryant	I understand that the governor would appoint
061	Brown	I like Sen. Derfler have a problem with the person always being a doctor For 20 years my dad (a physician) said chiropractors were "quacks", he now feels differently, but there are many in the medical profession

		who feel that those without medical degrees are "quacks"
073	Gallant	this person is not make substantive decisions on disciplinary actions the person's role is that the various licensing boards are meeting their various statutory and public obligations
080	Brown	maybe the position would be best held by a lawyer
090	Crew	our view is under the present law from one agency to the other info transfers confidentially, but some of the agencies do not keep the info confidential and it could become public record we want consistency across the board
103	John Brennaman	lobbyist representing Oregon Funeral Directors
113	Brennaman	there is no confidentiality at the Funeral Director Board
127	Jim Mountain	Attorney for the Oregon Funeral Director EXHIBIT F
150	Mountain	the notice of <b>proposed disciplinary action</b> should not be public record
181	Mountain	over worked and under funded staff
205	Mountain	they are to respond in the form of an answer the dispute was a billing dispute
224	Bryant	couldn't the funeral directors form a better way of investigating
243	Mountain	measure the accountability
255	Sen. Derfler	the person did steal
259	Mountain	the process is still going on
284	Sen. Leonard	when information is published we want to make sure we don't ruin someone in that process, we don't want to destroy someone's life by running an article
300	Mountain	right
339	Gail Ryder	Government Affairs Director for the Oregon Newspaper Publishers Association
Tape 62, B		
001	Ryder	EXHIBIT G
051	Ryder	still discussing EXHIBIT G
110	Ryder	still discussing EXHIBIT G
119	Les Zaitz	Publisher of the Keizer Times
129	Zaitz	we cannot forget that what we are fundamentally trying to do is to serve the consumers

		we as consumers should have the right to know when we are not getting access to the best medical care
150	Zaitz	there is a wide range of ways that this (medical) information is now dispersed under Oregon Law  we also need to touch on Government Credibility; this is in very short supply these days and we need to get the public to trust the Government Agencies  we believe the ombudsman's job is to review the process of the regulatory boards; not to reinvestigate each case
174	Bryant	close public hearing on SB 235
<b><u>SB 467-- PUBLIC HEARING</u></b>		
177	Bryant	open public hearing on SB 467
208	Gallant	Oregon Medical Association  EXHIBIT H
215	Chuck Hoffman	President-elect Oregon Medical Association
253	Hoffman	EXHIBIT I
289	Hoffman	the public will be better if SB 467 is passed
295	Bryant	a couple of questions  1. bifurcation?  2. two public members, do they participate
304	Mike Crew	Attorney, OMA
306	Crew	refers to -1 of the bill, one public member must also be involved in the deliberation  EXHIBIT J  EXHIBIT K
329	Brown	include electrolosis, is that correct
331	Gallant	we are open to other changes in the bill; there are areas that need some work (dentistry, nurses)
353	Bryant	curious as to what other states are doing
368	Bryant	how do other states handle this, do you reciprocate with other states
377	Gallant	we get lists of "problem" doctors from other states
Tape 63, A		
018	Gallant	we are trying to find out as much information as possible

025	Bryant	there is a cost to be licensed as an out of state physician, what is that cost
030	Gallant	\$365 for two year period
038	Bryant	close public hearing on SB 467 with the understanding we will be back for a full public hearing later
<b><u>SB 235-- PUBLIC HEARING</u></b>		
045	Bryant	open public hearing on SB 235
060	Brown	what do we do with the "professional pieces" of this bill, what do we do with a nurse who reports a doctor
068	Zaitz	under most circumstances the complaint filer's name is held confidential
075	Bryant	the filer could however go to the press or the courts and then his/her name would be public  OMA has an amendment on bifurcation
079	Ryder	we have not had a chance to review these
096	Sen. Leonard	preliminary records become public record, in looking through the -3 amendments is that that report is exempt from public disclosure  EXHIBIT L
100	Ryder	the full report is exempt from disclosure, but the summary of the report does become public  our amendments need some work and we will be presenting these at a later date
111	Sen. Bryant	adjourns meeting at 2:59pm

**Submitted By, Reviewed By,**

**Andrea Terry, Bill Taylor,**

**Administrative Support Administrator**

-

**EXHIBIT SUMMARY**



- A - Testimony on SB 188 - introduced by Art Kaptyne - 3 pages**
  - B - Hand engrossed SB 235 - introduced by Staff - 22 pages**
  - C - -2 amendments to SB 235 - introduced by Staff - 1 page**
  - D - -1 amendments to SB 235 - introduced by Staff - 50 pages**
  - E - Testimony on SB 235 -introduced by The Oregon Medical Association - 4 pages**
  - F - Testimony on SB 235 - introduced by James E. Mountain - 6 pages**
  - G - Testimony on SB 235 - introduced by Gail Ryder - 4 pages**
  - H - SB 467 summary - introduced by Oregon Medical Association - 3 pages**
  - I - Testimony by Chuck Hofmann, M.D. - introduced by Oregon Medical Association - 6 pages**
  - J - -1 amendments to SB 467 - introduced by staff - 4 pages**
  - K - hand engrossed SB 467 - introduced by staff - 20 pages**
  - L - -3 amendments to SB 235 - introduced by staff - 5 pages**
-