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SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 8, 1997 Hearing Room B

3:00 P.M. Tapes 87 - 89

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Jeannette Hamby, Vice-Chair

Sen. Lenn Hannon

Sen. Marilyn Shannon

Sen. Susan Castillo

Sen. Thomas Wilde

MEMBER EXCUSED:

STAFF PRESENT:

Anne E. Tweedt, Administrator

Sandy Thiele-Cirka, Administrative Support

MEASURES/ISSUES HEARD:

HJR 86 Public Hearing and Possible Work Session

SB 406 Work Session

SB 890 Work Session

SB 98 Work Session

SB 744 Work Session

SB 31 Work Session

SB 507 Work Session

SB 1017 Work Session

SB 501 Work 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
TAPE 87, A		
003	Chair Fisher	Calls meeting to order at 3:09pm, announces SB 1182 will be rescheduled until Tuesday, May 13.
<u>HJR 86 PUBLIC HEARING</u>		
010	Chair Fisher	Opens public hearing on HJR 86.
012	Lisa Scott	Representing Schering Corporation, provides testimony in support of HJR 86 (EXHIBIT A).
056	Chair Fisher	Questions the symptoms of Hepatitis C.
058	Scott	Responds that yellowing of the skin is the first sign, this may occur many years after exposure.
066	Chair Fisher	Calls recess 3:15pm. Reconvenes 3:16pm.
<u>HJR 86 WORK SESSION</u>		
072	Chair Fisher	Opens work session on HJR 86.
073	Sen. Hannon	MOTION: Moves HJR 86 be sent to the floor with a BE ADOPTED recommendation.
		VOTE: 4-0-2

078		AYE: 4 - Castillo, Hannon, Shannon, Fisher EXCUSED: 2 - Hamby, Wilde
	Chair Fisher	The motion CARRIES. SEN. HANNON will lead discussion on the floor.
082	Chair Fisher	Closes work session on HJR 86.
<u>SB 406</u> <u>WORK</u> <u>SESSION</u>		
095	Chair Fisher	Opens work session on SB 406.
097	Anne Tweedt	Policy analyst, summarizes SB 406 and the -5 and -7 amendments (EXHIBIT B).
123	Sen. Hannon	Questions who requested the -5 amendments and why was subsection 6 deleted.
129	Tweedt	Responds that the language for the new subsection 6 was provided by the community mental health programs to assure inclusion in the process.
138	Sen. Hannon	Comments on the importance of retaining regional facilities to adequately address the severity of particular conditions.
156	Tweedt	Responds that on line 21b insert the word 'regional' or restore the old subsection 6.
165	Sen. Hannon	Questions if that solves the issue of a resident becoming a problem to a community facility.
187	James Toews	Assistant Administrator, Developmental Disabilities Services, responds that the plan provides for development of services in private and state operated crisis beds. Currently there are crisis beds throughout the state, not classified as regional. The proposed budget allows for development of regional centers.
218	Sen. Hannon	Questions if crisis beds exist currently.
222	Toews	Responds affirmatively, he does not have the exact number of beds, however the long range plan is to expand bed occupancy statewide.
236	Sen. Hannon	Questions if the crisis beds are geographically located.
239	Toews	Responds that they are located in several sights throughout the state, there is the intent to develop regional crisis beds.
252	Chair Fisher	Questions if it would be a problem to restore subsection 6.
255	Toews	Responds that the counties were uncomfortable with the original subsection 6, the division is comfortable with either version.
263	Chair Fisher	Questions if combining language from the -7 with the original subsection 6 would be acceptable.

266	Toews	Responds that any language that would include all necessary parties would be acceptable.
285	Sen. Hannon	Comments that those changes would address his concerns. Notes that additional language addressing the crisis bed situation is needed.
299	Toews	Responds that the long range plan allows for expanding the regional capacity.
310	Vice-chair Hamby	Questions line 21b and incorporating a `crisis situation'.
318	Toews	Comments on using `regional services and crisis backup' language.
330	Sen. Castillo	Comments that the language is broad enough to cover Sen. Hannon's concerns.
337	Tweedt	Questions the language used in the long range plan.
340	Toews	Responds that the plan addresses six regional programs that includes staffing, behavior intervention specialists, crisis backup beds, etc.
357	Vice-chair Hamby	Requests using `programs to develop a regional service system to ensure an immediate and appropriate community response to the specialized needs' language in line 21b.
362	Toews	Responds in agreement.
372	Tweedt	Questions deleting 22, 23, and 24.
373	Vice-chair Hamby	Responds affirmatively.
375	Sen. Hamby	MOTION: Moves to ADOPT SB 406-7 amendments dated 5/5/97 and that the measure be FURTHER AMENDED on page 1, line 4 by inserting "regional" after "a", and insert "immediate and" after "ensure".
394	Toews	Responds that the division will return to the committee with a detailed plan outlining the regional services.
429	Chair Fisher	Hearing no objection, declares the motion CARRIED.
431	Sen. Hamby	MOTION: Moves to ADOPT SB 406-5 amendments dated 4/10/97.
438	Chair Fisher	Hearing no objection, declares the motion CARRIED.
445	Sen. Hannon	Questions the closure date of Fairview.
454	Toews	Responds July 1, 2000.
TAPE 88, A		
016	Sen. Hannon	Comments on accepting the -5 amendments and accepting the July 1, 2000 closing date.
019	Chair Fisher	Comments that the -5 amendments were drafted by all interested parties.
028	Sen. Hannon	Questions what will happen to the current Fairview employees.
033	Toews	Responds that the department, AFSCME and Governor's office are working closely on a detailed plan to provide for these employees.

050	Sen. Hannon	Questions the community based employees rate of pay, are those wages going to be increased?
060	Toews	Responds affirmatively. Continues outline of the competitive pay scale.
078	Sen. Hannon	Questions if SB 406 has a subsequent referral to Ways and Means.
080	Chair Fisher	Responds that it has to be requested.
082	Sen. Hannon	Questions how much latitude Ways and Means will have to modify this bill. Notes the difficulty of amending bills in Ways and Means. Questions if the closure date is July 1, 2000 why is a cost analysis projected into the years 2003-2005.
121	Toews	Responds that the plan is based on phase-in costs, and how and where the savings will be.
135	Sen. Hannon	Requests including a committee letter authorizing Ways and Means to amend this bill.
142	Sen. Castillo	Requests clarification of what might be amended.
143	Vice-chair Hamby	Comments that Sen. Hannon is requesting the flexibility to adjust effective dates.
147	Sen. Castillo	Questions what areas might be amended.
148	Sen. Hannon	Responds that he does not have that information.
154	Chair Fisher	Comments in support of moving the bill forward to Ways and Means.
162	Sen. Hannon	Comments on the possibility of changing some effective dates.
198	Sen. Castillo	Responds in support of SB 406 and the possibility of this bill being altered is a concern.
218	Sen. Hannon	Responds that Ways and Means needs the flexibility to adjust dates as allowed by the budget.
238	Sen. Castillo	Requests reassurance that the body of the bill will not be altered.
267	Vice-chair Hamby	Comments in support of the committee providing a letter to Ways and Means.
272	Sen. Hannon	Notes support of SB 406.
290	Sen. Hamby	MOTION: Moves SB 406 WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means.
362	Sen. Shannon	Questions what amendments have been passed.
368	Sen. Hannon	Responds that it has been amended with a referral to Ways and Means.
391		VOTE: 6-0 AYE: 6 - Castillo, Hamby, Hannon, Shannon, Wilde, Fisher
	Chair Fisher	The motion CARRIES.
396	Chair Fisher	Comments and responds to letter received, closes work session on SB

		406.
SB 890 WORK SESSION		
461	Chair Fisher	Opens work session on SB 890.
TAPE 87, B		
007	Brian DeLaSchmutt	Representing Oregon Nurses Association, summarizes and proposes changes to the -3 amendments (EXHIBIT C).
008	Jim Curtis	Representing National Association of Nephrology Technology.
038	Sen. Hannon	Questions page 4, subsection (f), civil penalty and disciplinary proceedings.
047	DeLaSchumutt	Responds that this language is part of the original bill.
060	Vice-chair Hamby	Recommends revision of language.
087	Tweedt	Notes that the division could impose the cost or asses civil penalties of \$1000.00.
098	Sen. Hannon	Comments on appropriate language.
122	Sen. Hamby	MOTION: Moves to AMEND SB 890 on page 4, in line 23, hand engrossed version, insert "not to exceed \$1000.00 as a civil penalty" and delete the rest of the line.
131	Chair Fisher	Hearing no objection, declares the motion CARRIED.
133	Sen. Hamby	MOTION: Moves to AMEND SB 890 on page 1, in line 13, hand engrossed version after "Section 2.", insert " After January 1, 2000". Page 3, line 11g after "examination" insert "approved or".
161	Chair Fisher	Hearing no objection, declares the motion CARRIED.
166	Sen. Hamby	MOTION: Moves to ADOPT SB 890-3 amendments dated 5/6/97 with conceptual changes.
170	Chair Fisher	Hearing no objection, declares the motion CARRIED.
172	Sen. Hamby	MOTION: Moves SB 890 to the floor with a DO PASS AS AMENDED recommendation.
177		VOTE: 4-1-1 AYE: 4 - Hamby, Shannon, Wilde, Fisher NAY: 1 - Hannon EXCUSED: 1 - Castillo
	Chair Fisher	The motion CARRIES. SEN. BAKER will lead discussion on the floor.

185	Chair Fisher	Closes work session on SB 890, opens work session on SB 98.
<u>SB 98</u> <u>WORK</u> <u>SESSION</u>		
192	Ed Nieuburt	Manager of Health Programs, Insurance Division, provides testimony and summary of SB 98 and the -4 amendments (EXHIBIT D).
241	Sen. Hannon	MOTION: Moves to ADOPT SB 98-4 amendments dated 5/8/97.
245	Chair Fisher	Hearing no objection, declares the motion CARRIED.
247	Sen. Hannon	MOTION: Moves SB 98 to the floor with a DO PASS AS AMENDED recommendation.
260		VOTE: 4-0-2 AYE: 4 - Hannon, Shannon, Wilde, Fisher EXCUSED: 2 - Castillo, Hamby
	Chair Fisher	The motion CARRIES. SEN. HANNON will lead discussion on the floor.
274	Chair Fisher	Closes work session on SB 98, opens work session on SB 744.
<u>SB 744</u> <u>WORK</u> <u>SESSION</u>		
276	Tweedt	Summarizes the -2 amendments (EXHIBIT E).
303	Sen. Hannon	Requests holding this bill until Jim Davis is present.
334	Chair Fisher	Closes work session on SB 744.
<u>SB 31</u> <u>WORK</u> <u>SESSION</u>		
340	Chair Fisher	Opens work session on SB 31.
342	Tweedt	Summarizes the -4 amendments (EXHIBIT F).
375	Sen. Hannon	Questions if these amendments repeal any statute.
381	Tweedt	Responds that it repeals current statues and restates them.
388	Sen. Hannon	Questions if these amendments will repeal statutory limitations currently on the books.
402	Tweedt	Responds that this would require the insurer to contract with the pharmacy or drug outlet within the insurer's service area.
411	Chair Fisher	Questions if a person can go to any pharmacist that they want to go to.
415	Tweedt	Responds that pharmacies have to apply and if they sign the contract it is subject to the same terms and conditions as anyone else in the geographic service area.

430	Sen. Hannon	Questions the intent of the original bill and the amendments.
437	Jenny Ulum	Representing Select Care and PACC, responds that the contract is limited to the terms and conditions pertaining to cost and reimbursement.
449	Sen. Hannon	Questions if those conditions are already in place when a contract is signed between the company and the pharmacy.
452	Ulum	Responds that may be. Notes concerns regarding definition of quality of service.
TAPE 88, B		
005	Mike Dewey	Representing Oregon State Pharmacists Association, provides testimony in support of the -4 amendments.
029	Sen. Hannon	Questions if the insurance carrier will still have the ability to decide who will be in the provider network.
032	Dewey	Responds affirmatively.
043	Ulum	Responds no. Notes that PACC would have to contract with everyone who applied as long as they accepted the reimbursement rate.
064	Dave Fiscum	Representing Good Health Plan and PacifiCare, responds that these amendments would be limiting and potentially a forced relationship.,
082	Sen. Hannon	Questions if this bill is referred to Ways and Means.
085	Dewey	Responds that OHP determines the price.
093	Fiscum	Comments that his clients currently contract with most pharmacies.
121	Lynn Reed	Assistant Director, Office of Medical Assistance Programs, has reviewed the -4 amendments. Notes that a portion of the savings currently received because clients are enrolled in a managed care program, may be lost with the passage of this bill.
135	Vice-chair Hamby	Questions if the department has received complaints of not having adequate pharmacy coverage.
137	Reed	Responds that complaints have been received.
144	Vice-chair Hamby	Questions if the complaints are addressing significant problems.
147	Reed	Responds that she is not aware of any.
149	Chair Fisher	Questions the impact if line 16, -4 amendments were deleted.
169	Dewey	Comments that OHP and Medicaid determines the parameters, they set the costs.
184	Vice-chair Hamby	Comments that complaints are not being received.
187	Dewey	Responds that independent pharmacies are requesting an opportunity to participate in the provider network.
220	Kevin Earls	Representing Associated Oregon Industries, comments on the intent of SB 31 and the -4 amendments.
232	Vice-chair	Questions how many sessions this issue has been discussed.

	Hamby	
237	Earls	Responds since 1991 when he began.
252	Sen. Hamby	MOTION: Moves to ADOPT SB 31-4 amendments dated 5/08/97 and that the measure be FURTHER AMENDED on page 1, line 19a, of the hand engrossed version, deleting entire line.
260	Chair Fisher	Hearing no objection, declares the motion CARRIED.
264	Sen. Hamby	MOTION: Moves to ADOPT SB 31-4 amendments dated 5/08/97 as amended.
275	Chair Fisher	Hearing no objection, declares the motion CARRIED.
280	Sen. Hamby	MOTION: Moves SB 31 to the floor with a DO PASS AS AMENDED recommendation.
298		VOTE: 5-1 AYE: 5 - Castillo, Hamby, Shannon, Wilde, Fisher NAY: 1 - Hannon
	Chair Fisher	The motion CARRIES. SEN. HAMBY will lead discussion on the floor.
304	Chair Fisher	Closes work session on SB 31.
<u>SB 507</u> <u>WORK</u> <u>SESSION</u>		
314	Chair Fisher	Opens work session on SB 507.
302	Ed Patterson	Representing Oregon Association of Hospitals and Health Systems, summarizes the -2 amendments (EXHIBIT G).
344	Sen. Hannon	MOTION: Moves to ADOPT SB 507-2 amendments dated 4/17/97.
353	Tim Martinez	Representing Oregon Medical Association, comments on the fiscal impact.
378	Patterson	Requests a copy of the -2 amendments, comments in support.
404	Chair Fisher	Hearing no objection, declares the motion CARRIED.
406	Sen. Hannon	MOTION: Moves SB 507 to the floor with a DO PASS AS AMENDED recommendation and BE REFERRED to the committee on Ways and Means by prior reference.
416		VOTE: 6-0 AYE: 6 - Castillo, Hamby, Hannon, Shannon, Wilde, Fisher
	Chair Fisher	The motion CARRIES.
424	Chair Fisher	Closes work session on SB 507, opens work session on SB 1017.

SB 1017 WORK SESSION		
431	Tweedt	Summarizes the -3 amendments (EXHIBIT H).
450	Sen. Hannon	Questions if these amendments impact in vitro fertilization.
453	Tweedt	Responds no.
456	Sen. Hannon	MOTION: Moves to ADOPT SB 1017-3 amendments dated 05/01/97.
464	Sen. Shannon	Questions if other states have passed a law banning cloning.
468	Vice-chair Hamby	Responds that the federal government is addressing this issue.
TAPE 89, A		
004	Chair Fisher	Hearing no objection, declares the motion CARRIED.
006	Sen. Hannon	MOTION: Moves SB 1017 to the floor with a DO PASS AS AMENDED recommendation.
010		VOTE: 6-0 AYE: 6 - Castillo, Hamby, Hannon, Shannon, Wilde, Fisher
	Chair Fisher	The motion CARRIES. SEN. LIM will lead discussion on the floor.
015	Chair Fisher	Closes work session on SB 1017, opens work session on SB 501.
SB 501 WORK SESSION		
021	Tweedt	Summarizes the -1 amendments (EXHIBIT I).
041	Sen. Hannon	Questions the date limitation and the intent of the bill.
043	Chair Fisher	Responds that the date limitation covers all situations currently in process. Comments that current law binds individuals to parenthood without any recourse.
069	Sen. Shannon	Questions if this bill addressing surrogacy.
072	Chair Fisher	Responds that Oregon does not have a definition of surrogacy.
074	Sen. Hannon	Questions if Daniel Joy and the Catholic Conference agree on the amendments.
078	Daniel J. Joy	Provides additional testimony in support of SB 501 (EXHIBIT J) and an explanation of conclusive presumption.
107	Sen. Wilde	Comments on the position of the wife.
118	Sen. Hannon	Notes that he has received more correspondence in opposition than support of this bill and he is unable to support it.

124	Joy	Responds that unless the statute is changed, individuals that are affected by the current statute are unable to pursue any action.
130	Chair Fisher	Responds to Sen. Hannon's questions and concerns.
154	Sen. Wilde	Suggests developing options through the judicial system.
187	Sen. Shannon	Comments that she understands the situation, however she is unable to support the bill.
192	Sen. Castillo	Comments that she does believe that this bill is good public policy.
220	Sen. Shannon	Questions if it would be advantageous if amendments were available that specified the age of the child.
222	Chair Fisher	Responds no.
304	Sen. Hannon	Requests holding SB 744 until Tuesday, May 13.
310	Chair Fisher	Closes work session on SB 501, adjourns the meeting at 5:30pm.

Submitted By, Reviewed By,

Sandy Thiele-Cirka, Anne E. Tweedt,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - HJR 86, Written testimony, Lisa Scott, 6pp

B - SB 409, -7 amendments, Staff,

C - SB 890, -3 amendments, Brian DeLaSchmutt, 2pp

D - SB 98, Department of Consumer and Business Services, Ed Nieuburt, 12pp

E - SB 744, -2 amendments, Staff, 4pp

F - SB 31, -4 amendments, Staff, 1pp

G - SB 507, -2 amendments, Ed Patterson, 1pp

H - SB 1017, -3 amendments, Staff, 1pp

I - SB 501, -1 amendments, Staff, 1pp

J - SB 501, Written testimony, Daniel Joy, 1pp
