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**SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**May 20, 1997 Hearing Room B**

**3:00 P.M. Tapes 95 - 97**

**MEMBERS PRESENT:**

**Sen. Bill Fisher, Chair**

**Sen. Jeannette Hamby, Vice-Chair**

**Sen. Lenn Hannon**

**Sen. Marylin Shannon**

**Sen. Susan Castillo**

**Sen. Thomas Wilde**

**MEMBER EXCUSED:**

**STAFF PRESENT:**

**Anne E. Tweedt, Administrator**

**Sandy Thiele-Cirka, Administrative Support**

**MEASURES/ISSUES HEARD:**

**Informational Meeting**

Sara Fleming, Executive Director, Oregon Hunger Relief Task Force

Rachel Bristol, Executive Director, Oregon Food Bank

HB 3426 Public Hearing and Work Session

HB 2125A Public Hearing and Work Session

SB 448 Work Session

HB 2575A Public Hearing and Work Session

SB 449 Work Session

SB 450 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 95, A		
003	Chair Fisher	Calls meeting to order at 3:20pm, opens informational meeting Oregon Hunger Relief Task Force.
<b><u>INFORMATIONAL MEETING</u></b>		
014	Ellen Lowe	Chair, Oregon Hunger Relief Task Force, summarizes and reviews goals of the task force.
043	Sara Fleming	Executive Director, Oregon Hunger Relief Task Force, presents 1997 annual report ( <b>EXHIBIT A</b> ).
099	Chair Fisher	Questions the scope of the farmer's markets.
102	Fleming	Responds that the farmer's market has to be registered with state and the Oregon's Farmers Market Association. Continues presentation covering the impact of welfare reform on the emergency food system.
132	Patricia Whitney-Weiss	Consultant, Oregon Hunger Relief Task Force, provides testimony in support of restoring the summer food service program ( <b>EXHIBIT B</b> ).
168	Vice-chair Hamby	Questions the status of HB 2713.
169	Whitney-Weiss	Responds that it is in Ways and Means.

171	Rachel Bristall	Executive Director, Oregon Food Bank, provides information regarding the charitable food bank network present statewide ( <b>EXHIBIT C</b> ).
250	Jerry Tippens	Chairman, Board of Directors Oregon Food Bank, presentation includes 1 out of 8 Oregonians utilize an emergency food bank at least once a year and the cycle is continuing.
295	Vice-chair Hamby	Comments on the magnitude of this issue.
314	Chair Fisher	Closes informational meeting, opens public hearing on HB 3426.
<b><u>HB 3426 PUBLIC HEARING</u></b>		
321	Deborah Kafoury	Representing Oregon Physical Therapy Association introduces the witness.
326	Richard Rutt	Assistant professor, School of Physical Therapy, Pacific University, Forest Grove, summarizes and provides testimony in support of HB 3426.
368	Kafoury	Testifies that this bill passed out of the House unanimously.
372	Chair Fisher	Closes public hearing on HB 3426, opens work session on HB 3426.
<b><u>HB 3426 WORK SESSION</u></b>		
374	Sen. Hamby	<b>MOTION: Moves HB 3426 to the floor with a DO PASS recommendation.</b>
378		<b>VOTE: 5-0-1</b> <b>AYE: 5 - Hamby, Hannon, Shannon, Wilde, Fisher</b> <b>EXCUSED: 1 - Castillo</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b> <b>SEN. HAMBY will lead discussion on the floor.</b>
385	Chair Fisher	Closes work session on HB 3426, opens public hearing on HB 2125A.
<b><u>HB 2125A PUBLIC HEARING</u></b>		
398	Thomas Johnson	Director, Center for Environment and Health System, provides testimony in support of HB 2125A ( <b>EXHIBIT D</b> ).
<b>TAPE 96, A</b>		
005	Johnson	Continues testimony
	Sen.	

041	Hannon	Questions how much revenue will this bill generate.
047	Johnson	Responds that it will generate an additional \$83,000.
051	Sen. Hannon	Questions the remaining \$90,000.
053	Johnson	Responds that the \$90,000 figure is an estimate, \$82,000 - \$90,000 will not be generated if this bill does not pass.
060	Sen. Hannon	Questions if this program is entirely self-supporting.
062	Johnson	Responds that this program is entirely fee-supported.
078	Sen. Hannon	Questions if any ambulance services have been decertified.
081	Johnson	Responds affirmatively, in the past 3 years 2 services have been decertified.
094	Chair Fisher	Questions if the industry is supportive of this bill
096	Johnson	Responds affirmatively.
112	Sen. Hannon	Comments that his district ambulance service is in support of this bill.
122	Chair Fisher	Closes public hearing HB 2125A, opens work session on HB 2125A.
<b><u>HB 2125A WORK SESSION</u></b>		
127	Sen. Hannon	<b>MOTION: Moves HB 2125A to the floor with a DO PASS recommendation.</b>
139		<b>VOTE: 4-0-2</b> <b>AYE: 4 - Hannon, Shannon, Wilde, Fisher</b> <b>EXCUSED: 2 - Castillo, Hamby</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b> <b>SEN. HANNON will lead discussion on the floor.</b>
152	Chair Fisher	Closes work session HB 2125A, opens work session on SB 448.
<b><u>SB 448 WORK SESSION</u></b>		
155	Grover Simmons	Representing Adult Foster Home Industry, summarizes SB 448 -1 amendments ( <b>EXHIBIT E</b> ).
230	Sen. Hannon	Questions page 2, line 38, subsection 4 if the language requested by the newspaper association is acceptable.
236	Simmons	Responds that the language requested by the newspaper association is `unless the public interest requires disclosure in a

		particular instance'.
239	Sen. Hannon	Questions if the department or the newspaper maintains primary access to the information.
256	Simmons	Responds that this section relates to substantiated and unsubstantiated claims.
264	Sen. Hannon	Questions if this language protects unsubstantiated complaints.
265	Simmons	Responds affirmatively, unless the public interest requires the disclosure.
269	Sen. Hannon	Questions who makes the decision regarding public interest.
271	Simmons	Responds that he is not sure.
277	Sen. Hannon	Comments on concerns regarding the absence of a definition.
328	Chair Fisher	Comments on Sen. Hannon's concerns.
340	Simmons	Responds that unsubstantiated complaints are currently open public records,
346	Sen. Hannon	Questions if this language is accepted by and protects the adult foster home providers.
352	Simmons	Responds this is not their first option, but it is a compromise.
365	Sen. Hannon	Questions page 3, line 16 and requests clarification of untruthful.
382	Simmons	Responds that this is new language dealing with truthful complaints that replaced the language good faith.
406	Sen. Hannon	Questions if a complainant has been untruthful they are not immune from civil or liable prosecution.
408	Simmons	Responds affirmatively.
431	Sen. Castillo	Questions the limit placed on the adult foster home providers in investigating complaints.
452	Simmons	Responds that all references to good faith have been replaced with truthful.
468	Chair Fisher	Comments that not all references to good faith have been replaced.
<b>TAPE 95, B</b>		
015	Sen. Wilde	Questions possibility of an outside investigation particularly if a death has occurred.
028	Simmons	Responds that this bill does not cover all the possibilities.
039	Sen. Wilde	Questions section 2, subsection 4, the difficulty being created to access information.
061	Simmons	Responds that the information is protected until the investigation is complete.

075	Chair Fisher	Comments on the bill's inconsistencies.
102	Simmons	Responds that those can be corrected.
121	Sen. Castillo	Requests clarification of truthful and good faith.
142	Simmons	Responds to Sen. Castillo's concerns.
164	Sen. Castillo	Comments on concerns regarding information not being available upon request.
181	Simmons	Responds with explanation of the complaint process.
209	Vice-chair Hamby	Comments on concerns with the language truthful.
250	Simmons	Responds that the determination of 'public interest' is generated by the attorney general's office.
253	Vice-chair Hamby	Discusses a potential scenario.
317	Simmons	Responds that the final determination would come the attorney general's office.
327	Vice-chair Hamby	Comments that she is unable to support this bill.
340	Chair Fisher	Comments on the impact of handling an unsubstantiated claim.
360	Vice-chair Hamby	Responds to Sen. Fisher's position.
373	Simmons	Comments in agreement with the importance of the follow-up on substantiated and truthful complaints.
425	Sen. Shannon	<b>MOTION: Moves to ADOPT SB 448-1 amendments dated 5/15/97 and that the measure be FURTHER AMENDED on page 3, line 2, by deleting "in good faith" and insert "truthful".</b>
440	Chair Fisher	<b>Hearing no objection, declares the motion CARRIED.</b>
460	Sen. Shannon	<b>MOTION: Moves SB 448 to the floor with a DO PASS AS AMENDED recommendation.</b>
467		<b>VOTE: 4-2</b> <b>AYE: 4 - Hamby, Hannon, Shannon, Fisher</b> <b>NAY: 2 - Castillo, Wilde</b>
	Chair Fisher	<b>The motion CARRIES.</b>  <b>SEN. FISHER will lead discussion on the floor.</b>
<b>TAPE 96, B</b>		

001	Chair Fisher	Closes work session on SB 448, opens public hearing on HB 2575A.
<b><u>HB 2575A PUBLIC HEARING</u></b>		
008	Chair Fisher	Submits written testimony from Dorothy Anker in support of HB 2575 ( <b>EXHIBIT F</b> ).
012	Rep. Kitty Piercy	District 39, provides testimony in support of HB 2575A ( <b>EXHIBIT G</b> ).
054	Sen. Wilde	Acknowledges and provides support for this bill and the Oregon Commission for Child Care.
057	Sen. Castillo	Comments in support of the bill.
072	Chair Fisher	Closes public hearing on HB 2575A, opens work session on HB 2575A.
<b><u>HB 2575A WORK SESSION</u></b>		
074	<b>Sen. Hannon</b>	<b>MOTION: Moves HB 2575A to the floor with a DO PASS recommendation.</b>
077	Sen. Hannon	Comments on the need for this type of legislation.
082	Chair Fisher	Continues comments in support of HB 2575A.
108		<b>VOTE: 5-0-1</b> <b>AYE: 5 - Castillo, Hannon, Shannon, Wilde, Fisher</b> <b>EXCUSED: 1 - Hamby</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b>  <b>SEN. WILDE will lead discussion on the floor.</b>
113	Chair Fisher	Closes work session on HB 2575A, opens work session on SB 449.
<b><u>SB 449 WORK SESSION</u></b>		
115	Simmons	Summarizes -1 amendments ( <b>EXHIBIT H</b> ) to SB 449.
141	Chair Fisher	Questions if the -2 amendments are acceptable.
143	Simmons	Responds affirmatively, with one exception.
163	Sen. Hannon	Questions the concern with the 2-5 year period.
166	Simmons	Responds that it reduces the number of federal background checks needed from a adult foster home provider.

171	Sen. Hannon	Comments that he does not support the reduction.
187	Simmons	Responds that the time required to obtain the background check delays the small businessperson from providing services. Continues by explaining the need for a temporary license.
227	Sen. Hannon	Questions how an operator obtained a license only living in Oregon for two years.
229	Simmons	Responds that he does not have that information.
231	Jean DeMaster	Program Manager, Adult Care Home Program, Multnomah County, responds that an error was made, the individual should have had a multi-state criminal check before being issued a license.
248	Simmons	Responds that this residency requirement is a result of legislation during the 1995 session, perhaps this individual obtained the license prior to the requirement.
263	Sen. Hannon	Questions the federal residency law and the practices of other states.
268	DeMaster	Responds that there are ten states that have programs similar to Oregon's. There are no state to state regulations in place.
274	Chair Fisher	Questions section 2 of the original bill.
283	DeMaster	Responds that if a multi-state check has already been completed it does not need to be repeated. If an individual has not lived in the state 5 years they have to have a multi-state check, if they have lived in the state 5 or more years the multi-state check is not necessary.
311	Sen. Hannon	Continues with concerns about the residency requirements. Notes that a criminal background check should be required.
354	Simmons	Responds that the current 5-year residency law may cause economic hardship because of the delay in a license being issued.
382	DeMaster	Comments that the lowering of the residency requirement creates the possibility that anyone with an out-of-state criminal background from year 3, 4, and 5 will not be detected.
396	Sen. Shannon	Questions if a private security organization could run the criminal background check faster.
419	Charles Sheketoff	Oregon Law Center, comments that private organizations can only do the Oregon criminal background check.
<b>TAPE 97, A</b>		
003	Vice-chair Hamby	Comments on the demand for the criminal background check.
011	Chair Fisher	Questions if the background check delay truly delays the ability to provide services.
015	Simmons	Responds that it has been a problem in the past.



023	Jacqueline Zimmer	Oregon Association of Area Agencies Aging, comments on the -2 amendments ( <b>EXHIBIT I</b> ) and proposed language changes.
044	Sen. Hannon	Comments that these amendments are acceptable in the current form.
054	Chair Fisher	Questions if the division are supported of these amendments.
060	Susan Dietche	Senior and Disabled Services Division, comments on the need for a 5- year residency requirement.
092	Zimmer	Comments on section 3 of the -2 amendments.
105	Tweedt	Questions the intent of section 2.
106	Zimmer	Responds that she does not know.
<b>111</b>	<b>Sen. Hannon</b>	<b>MOTION: Moves to ADOPT SB 449-2 amendments dated 5/14/97.</b>
121	Sen. Hannon	Comments on proposed language for section 2.
130	Sen. Castillo	Questions if these amendments reduces residents' protection.
132	Zimmer	Responds no.
<b>144</b>	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>145</b>	<b>Sen. Hannon</b>	<b>MOTION: Moves SB 449 to the floor with a DO PASS AS AMENDED recommendation.</b>
<b>148</b>		<b>VOTE: 4-1-1</b> <b>AYE: 4 - Hamby, Hannon, Shannon, Fisher</b> <b>NAY: 1 - Castillo</b> <b>EXCUSED: 1 - Wilde</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b> <b>SEN. HANNON will lead discussion on the floor.</b>
154	Chair Fisher	Closes work session on SB 449, opens work session on SB 450.
<b><u>SB 450 WORK SESSION</u></b>		
<b>174</b>	<b>Sen. Hannon</b>	<b>MOTION: Moves SB 450 to the floor WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Senate Rules.</b>
<b>179</b>		<b>VOTE: 4-1-1</b> <b>AYE: 4 - Hamby, Hannon, Shannon, Fisher</b>

		<b>NAY: 1 - Castillo</b> <b>EXCUSED: 1 - Wilde</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b>
185	Chair Fisher	Closes work session on SB 450, adjourns at 5:30pm.

**Submitted By, Reviewed By,**

**Sandy Thiele-Cirka, Anne E. Tweedt,  
Administrative Support Administrator**

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**EXHIBIT SUMMARY**

- A - Oregon Hunger Relief Task Force Report, Sara Fleming, 25pp**
  - B - Preserving Summer Food for Children, Patricia Whitney-Weiss, 3pp**
  - C - Oregon Food Bank, Rachel Bristall, 5pp**
  - D - HB 2125A, Center for Environment & Health Systems, Thomas Johnson, 2pp**
  - E - SB 448, -1 amendments, Grover Simmons, 3pp**
  - F - HB 2575A, Written testimony, Staff, 1pp**
  - G - HB 2575A, Written testimony, Rep. Kitty Piercy, 2pp**
  - H - SB 449, -1 amendments, Grover Simmons, 1pp**
  - I - SB 449, -2 amendments, Jacqueline Zimmer, 2pp**
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