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SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

February 13, 1997 Hearing Room B

3:00PM Tapes 16 -18

MEMBERS PRESENT:

Sen. Bill Fisher, Chair

Sen. Lenn Hannon

Sen. Marylin Shannon

Sen. Susan Castillo

Sen. Thomas Wilde

MEMBER EXCUSED:

Sen. Jeannette Hamby, Vice-Chair

STAFF PRESENT:

Anne E. Tweedt, Administrator

Sandy Thiele-Cirka, Administrative Support

MEASURES/ISSUES HEARD:

SB 115 Work Session

SB 319 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.

Tape/#	Speaker	Comments
TAPE 16, A		
005	Chair Fisher	Calls meeting to order 3:08pm, opens work session on SB 115.
<u>SB 115 - WORK SESSION</u>		
011	Chair Fisher	Invites Dave McTeague and Chuck Bennett to summarize the bill and amendments.
014	Dave McTeague	Executive Director, Board of Oregon Chiropractic Examiners. Summarizes SB 115, amendments -1 and -2.
054	McTeague	Continues explanation of amendments.
064	Chuck Bennett	Representative, Chiropractic Association of Oregon. Continues with explanation of -2 amendment.
088	Sen. Hannon	Questions if 'prescribed' is written or oral?
089	Bennett	Responds that it could be either way.
096	Sen. Hannon	Comments that constituents are supportive, as long as it is in writing, not verbal.
105	Bennett	Accepts the recommendation.
110	Sen. Hannon	MOTION: Moves to AMEND SB 115-E on page 2, in line 32m of hand engrossed version, after "must be in," insert "writing and in".
130	Chair Fisher	VOTE: Hearing no objection, declares the motion CARRIED.
137	McTeague	Continues with amendment.
164	Sen. Hannon	Questions page 2a, line 41, suggests changing 'a college' to 'any college'. Comments the current vocabulary is limiting.
177	McTeague	Accepts the recommendation.
184	Sen. Hannon	MOTION: Moves to AMEND SB 115-E on page 2a, in line 41, after "in," delete "a" and insert "any."
199	Chair Fisher	VOTE: Hearing no objection, declares the motion CARRIED.

202	McTeague	Continues with explanation of changes.
250	Sen. Hannon	Questions if Mr. McTeague is aware of any other health care licensing board that allows applicants to practice before passing the board examinations.
253	McTeague	Clarifies that applicants are not practicing, they are allowed to take clinical examination.
260	Sen. Hannon	Questions if other licensing boards have this type of practice.
265	McTeague	Responds that he does not have that information.
268	Sen. Hannon	Requests that information be made available in order to be consistent with other professional health licensing boards.
271	Chair Fisher	Responds to Sen. Hannon's concerns; questions if failing the examination will still allow the applicants to graduate.
292	McTeague	Responds that college has own standards for graduation, board's exam is separate, and if they fail any part of the exam it has to be repeated.
320	Chair Fisher	Comments on other board practices and continuing education requirements.
347	Sen. Hannon	Responds; questions if applicants have a degree.
355	McTeague	Responds that a degree in chiropractic medicine is required for licensure.
361	Sen. Hannon	Requests additional clarification on this point. Suggests working with committee staff and legislative counsel in drafting appropriate language.
376	Chair Fisher	Comments on Sen. Hannon's concerns.
390	McTeague	Continues discussion; the clinical examination is of the highest standards, this examination is a priority for the board.
TAPE 17, A		
004	McTeague	Continues with changes to method of payment and continuing education requirements.
015	Chair Fisher	Comments on language changes.
020	McTeague	Responds with explanation of continuing education.
036	Sen. Hannon	Questions for how long the 20-hour continuing education is good.
038	McTeague	Responds that continuing education is required every licensed year.
043	Sen. Hannon	Questions the difficulty in obtaining 20 hours.
045	McTeague	Responds that it can be difficult, but it is available.
048	Sen. Hannon	Questions if consumer protection is jeopardized if continuing education hours are decreased.

054	Bennett	Responds that the board is not considering lowering the continuing education hours.
065	Sen. Hannon	Requests clarification of the deleted portion of engrossed bill.
067	Bennett	Responds that this portion removes the amendment.
068	Tweedt	Provides clarification of sections being discussed.
072	Bennett	Responds to concerns.
074	Sen. Hannon	Continues concerns regarding the deletion of the section on continuing education.
077	Tweedt	Clarifies the intention of deletion, and references current law.
081	Sen. Hannon	Comments on the impact of the amendment and the original bill.
085	McTeague	Apologizes for the confusion.
088	Tweedt	Continues with explanation of previous section 10 and previous section 11. Emphasizes what those sections are relating to.
101	Chair Fisher	Questions the 20-hour continuing education.
103	Tweedt	Responds that it is current law.
110	Sen. Wilde	Questions page 4, line 36, the use of "may"?
114	McTeague	Responds that the board requires proof.
131	Sen. Wilde	Questions how the board decides what continuing education is?
136	McTeague	Explains the ongoing process.
151	Sen. Wilde	Requests details for pre-authorization of courses that a chiropractor would have to complete.
155	McTeague	Responds that all courses are pre-approved.
174	Chair Fisher	Comments on other professions' continuing education qualifications
180	McTeague	Responds
186	Sen. Wilde	MOTION: Moves to AMEND SB 115 on page 4, in line 36, after "Examiners" delete "may" and insert "shall".
199	Chair Fisher	VOTE: Hearing no objection, declares the motion CARRIED.
206	Bennett	Continues with summary of SB 115.
232	McTeague	Provides testimony in support of increasing board membership.
245	Sen. Wilde	Submits SB 115-4 amendment (EXHIBIT A). Discusses -4 amendments, the peer review board composition and length of time required for board membership.
270	Sen. Hannon	Questions Sen. Wilde if he wishes to move the entire amendment? Comments on request to delete "mental illness."
		Clarifies deletion of "mental illness."

277	Sen. Wilde	MOTION: Moves to ADOPT SB 115-4 amendments.
304	Sen. Castillo	Requests additional clarification of deleting mental illness.
307	McTeague	Concurs with recommendation of deleting "mental illness."
316	Sen. Castillo	Questions why it needs to be removed from the bill?
318	McTeague	Responds that board has researched this issue, they have not been able to find an adequate intervention program.
340	Chair Fisher	Comments on the motion on the table.
349	Sen. Wilde	Continues explanation of -4 amendments.
373	Chair Fisher	Questions why a member of the public should be included in peer review?
380	Sen. Wilde	Comments on the value of outside influence.
392	Chair Fisher	Responds.
395	Sen. Wilde	Additional comments.
398	Bennett	Comments on peer review history.
TAPE 16, B		
011	Bennett	Continues explanation of board concerns about this type of peer review. Continues with difficulties of recruiting public individuals interested in participating on a board.
054	Chair Fisher	Comments on personal experience with board recruitment. Redresses the motion to accept -4 amendments.
061	Sen. Castillo	Requests further explanation on the -4 amendments.
063	Sen. Wilde	Explains that, if the review board were a more open system, difficult situations would be easier to handle.
090	Chair Fisher	Comments on Sen. Wilde's concerns and voices objections to -4 amendments. Requests Sen. Wilde refine this amendment. Only four committee members present, the motion FAILS. Requests drafting with new additions and deletions.
118	Tweedt	Suggests requesting a new draft from legislative counsel reflecting changes.
127	Sen. Hannon	Requests information regarding SAIF's interest in the bill.
131	Bennett	Responds, there is concern regarding -3 amendment which restores language "with the hands" (EXHIBIT B).

136	Sen. Hannon	MOTION: Moves to ADOPT SB 115-3 amendments dated 02/13/97.
138	Chair Fisher	VOTE: Hearing no objection, declares the motion CARRIED.
141	Chair Fisher	Closes work session on SB 115.
<u>SB 319 - PUBLIC HEARING</u>		
167	Chair Fisher	Opens public hearing on SB 319.
180	Jessica Harris	Legislative assistant to Sen. Hamby, provides bill summary and submits testimony in support of SB 319 (EXHIBIT C).
230	Harris	Submits hand-engrossed SB 319, including amendments (EXHIBIT D); page 1, line 6, after "which" insert "mastectomy;" page 1, line 5, after "insurance" insert "including the Oregon Health Plan,".
257	Chair Fisher	Questions where reconstructive surgery fits on the OHP list?
261	Harris	Responds that she does not have that information.
263	Sen. Hannon	Responds to the question that mastectomies are covered, reconstructive surgeries are not. Continues with concerns regarding increased coverage and who might be excluded from basic coverage.
280	Harris	Responds
295	Sen. Hannon	Questions how many insurance companies currently cover reconstructive surgeries.
299	Harris	Responds that most insurance carriers provide some form of reconstructive coverage.
309	Sen. Hannon	Questions if cost impact figures for OHP are available.
310	Harris	Responds that those are not available at this time.
312	Chair Fisher	Addresses concerns.
325	Harris	Summarizes presentation.
340	Linda Leffel	Physician, Reconstructive Surgeon, Bend, Or. Provides testimony and slide presentation in support of SB 319. Continues testimony with explanation of symmetry procedure, noting she does not consider surgical procedure cosmetic.
TAPE 17, B		
010	Leffel	Continues presentation with explanation of surgical procedure and slide

		presentation.
026	Chair Fisher	Questions if reconstructive surgery can be done at the same time as the mastectomy.
029	Leffel	Responds affirmatively.
037	Chair Fisher	Questions if this is a new procedure.
041	Leffel	Responds that breast reconstruction has been available for 20 years, however it has advanced in the last decade. Continues with slide presentation, references a divorced mother of 3, sole family provider, refused cancer treatment because reconstructive surgery was denied. Summarizes presentation.
075	Sen. Shannon	Questions the case cited referring to the woman who refused cancer treatment because the reconstructive surgery was not covered.
079	Leffel	Responds and clarifies that the patient was covered by Oregon Health Plan and reconstruction was not included. Notes additional concerns regarding OHP and SB 319.
090	Chair Fisher	Responds to concerns.
096	Sen. Hannon	Questions the associations involvement and their interest in pursuing legislation. Have there been attempts to work directly with insurance companies?
104	Leffel	Responds that, currently, this issue is dealt with in a case by case situation; legislation would allow an inclusive approach.
114	Sen. Hannon	Questions if cost impact figures are available.
116	Leffel	Responds with what is available.
118	Sen. Hannon	Questions further if impact figures are available should this legislation pass.
122	Leffel	Responds that those figures are not available, however she will contact other states that have this legislation and find out.
125	Sen. Fisher	Questions if this bill would be retroactive.
139	Leffel	Responds that it would not be retroactive.
142	Sen. Shannon	Comments on personal position of support of SB 319.
148	Leffel	Responds
150	Sen. Wilde	Comments on SB 319.
156	Chair Fisher	Responds to stated concerns, and comments on position of SB 319.

172	Sen. Castillo	Comments and thanks Dr. Leffel for information and presentation.
177	Sen. Shannon	Additional comments.
186	Tweedt	Submits Marcia Latta's testimony (Women's Rights Coalition), in support of SB 319 (EXHIBIT E).
190	Peggy Anet	Representative, Health Insurance Association of America, provides and submits testimony requesting further investigation re: SB 319 (EXHIBIT F). Comments on legislation requirements mandated by ORS 171.875 and 171.880.
230	Anet	Continues testimony. Comments on bill language: "health policy will provide coverage reconstructive services in a manner chosen by the patient and the attending physician." Two questions: * what is the intent of the language * what is the meaning of 'attending physician'.
292	Chair Fisher	Recall Dr. Leffler. Questions what statistics are available about post-operative risks relating to symmetrical reconstruction.
305	Leffler	Responds
348	Sen. Wilde	Questions who would be essential and useful in the attending physician role.
353	Leffler	Responds that surgeon or reconstructive surgeon would be the best suited.
368	Chair Fisher	Continues comments. Notes testimony from Dave Fiskum, representative, PacifiCare, will be submitted for the record (EXHIBIT G).
385	Bruce Bishop	Representative, Kaiser Permanente. Provides testimony outlining concerns regarding SB 319 (EXHIBIT H).
TAPE 18, A		
002	Bishop	Continues testimony
025	Chair Fisher	Directs staff to request amendments to SB 319 and obtain information required by ORS 171.875.
032	John Powell	Blue Cross/Blue Shield of Oregon, testifies that BC/BS policies cover reconstructive surgery. Comments on insurance company's sensitivity to mandated policy changes.
076	Chair Fisher	Questions ERISA issues, self-insured and union trust plan in regard to reconstructive surgery.
087	Powell	Comments that these plans are exempt from state regulations. Explains

		possible coverage of union trusts and self-insured plans.
101	Sen. Hannon	Questions if employees of self-insured companies are covered by state mandates? No, self insured coverage is exempt.
108	Powell	Responds
110	Sen. Hannon	Comments on mandating health insurance.
118	Sen. Shannon	Comments on the goal of SB 319.
124	Jenny Ulum	Representative, Select Care/PACC. Provides testimony regarding SB 319. Discusses additional costs and regulations impacting only half of insured Oregonians.
170	Ulum	Continues presentation
184	Chair Fisher	Comments on the position of this condition on the prioritized list. Questions if there would be objection to include this procedure on the OHP list if addressed this legislative session.
196	Ulum	Responds that there should not be a change in the law. Continues discussion regarding language changes of SB 319.
226	Sen. Shannon	Questions definition of 'medically necessary.'
231	Ulum	Responds to concern about operating on a healthy breast.
241	Chair Fisher	Requests Dr. Leffler to address this question.
245	Leffler	Responds and defines symmetry, form and function of reconstructive surgery.
266	Chair Fisher	Comments on medically necessary on an uneffective breast.
282	Leffler	Responds that symmetry process is not a cosmetic procedure. Comments on how other parts of the body are covered by insurance for reconstruction when associated with cancer, breasts should be included in that coverage.
303	Sen. Shannon	Questions clarification of what is covered in reconstructive surgery.
307	Leffler	Responds with other surgeries that require reconstructive procedures.
330	Chair Fisher	Questions if this were mandated, how would it effect the insurance industry. Questions what self-insured programs currently provide.
352	Leffler	Responds there is a great variation; it is handled on a case by case basis.

374	Sen. Shannon	Questions how many companies this bill will effect?
379	Ulum	Responds that it will cover about 1/2 of the insured population.
386	Tweedt	Clarifies the question, please name companies who do not cover this surgery.
394	Leffler	Responds with companies that do not cover symmetry surgery.
398	Chair Fisher	Invites Barney Speight to testify.
TAPE 18, B		
003	Barney Speight	Administrator, Oregon Health Plan. Addresses the prioritized list of the OHP. Comments on policy and fiscal impacts surrounding SB 319. Offers additional testimony addressing these issues at a later date.
011	Chair Fisher	Accepts Mr. Speight's offer to provide additional testimony on SB 319 at a later date.
016	Cindy Murphy	Breast cancer survivor and surgery recipient. Testifies in support of SB 319. Comments on the emotional impact of having breast cancer and fact that insurance companies should be willing to accommodate the needs of the patient.
024	Staff	Submits written testimony from Oregon Commission for Women regarding SB 319 (EXHIBIT I).
026	Chair Fisher	Responds, closes public hearing on SB 319.
029	Tweedt	Comments on information to be addressed at the next committee meeting, 2/18/97.
037	Chair Fisher	Adjourns the meeting at 5:20pm.

Submitted By, Reviewed By,

Sandy Thiele-Cirka, Anne E. Tweedt,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 115, amendments, Sen. Thomas Wilde, 3pp

B - SB 115, amendments, Chuck Bennett, 1pp

C - SB 319, written testimony, Jessica Harris, 5pp

D - SB 319, engrossed bill, Jessica Harris, 1pp

E - SB 319, written testimony, Marcia Latta, 1pp

F - SB 319, written testimony, Peggy Anet, 4pp

G - SB 319, written testimony, Dave Fiskum, 2pp

H - SB 319, written testimony, Bruce Bishop, 2pp

I - SB 319, written testimony, Jennifer Webber, 1pp
