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SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

March 6, 1997 Hearing Room B

3:00PM Tapes 31 - 32

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:

Work Session

Introduction of Committee bill

SB 397 Public Hearing and Work Session

SB 404 Public Hearing and Work Session

SB 174 Public Hearing

SB 361 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 31, A		
003	Chair Fisher	Calls meeting to order at 3:08pm, opens work session for introduction of committee bill.
007	Anne Tweedt	Policy analyst, introduces LC 3397.
008	Sen. Hannon	MOTION: Moves LC 3397 BE INTRODUCED as a committee bill.
010	Chair Fisher	Hearing no objection, declares the motion CARRIED.
018	Chair Fisher	Closes work session.
<u>SB 397 - PUBLIC HEARING</u>		
019	Chair Fisher	Opens public hearing SB 397.
021	Tweedt	Summarizes SB 397.
033	Gene Reddemenn	Wilsonville resident, provides testimony in support of SB 397 and the proposed -1 amendments (EXHIBIT A), establishing an urban village rather than a correctional facility.
066	Chair Fisher	Requests clarification of the middle school.
068	Reddemenn	Responds Cristofori School. Continues with land utilization being proposed by the City of Wilsonville.
086	Sen. Randy Miller	Testifies in support of the proposed amendment. Notes that this property should be used in accordance with the agreement between the City of

		Wilsonville and six state agencies, to develop an urban village.
111	Chair Fisher	Notes that it is the committee's hope to move this bill to the floor, will Sen. Miller accommodate working the amendment later?
119	Sen. Miller	Responds affirmatively.
128	Jim Lockwood	Department of Corrections, testifies on the restrictions of land use for prison sites. Notes that the department has not had an opportunity to review the amendment.
148	Sen. Hannon	Comments on the potential consequences that this amendment brings forth.
165	Vice-chair Hamby	Comments in support of SB 397, opposes the proposed amendment.
172	Sen. Shannon	Comments on SB 397 and supports the proposed amendment.
177	Sen. Castillo	Questions the witness's impression of the proposed amendment?
179	Lockwood	Notes that there is an established process used in the state. Clarifies that the Department is trying to keep options open.
197	Sen. Wilde	Comments in support of the proposed amendment.
206	Chair Fisher	Closes public hearing, opens work session SB 397.
<u>SB 397 - WORK SESSION</u>		
208	Vice-chair Hamby	Questions section 5, references to ORS.
212	Tweedt	Responds ORS 426.030 declares that Damasch State Hospital is authorized and established for the care and treatment of the mentally ill. ORS 426.360 relates to transportation services to and from Damasch State Hospital for the mentally ill.
226	Sen. Hamby	MOTION: Moves SB 397 to the floor with a DO PASS recommendation.
230	Sen. Hannon	Comments in support of SB 397 without the proposed amendment.
241	Sen. Castillo	Comments in support of the motion.
		VOTE: 6-0
		AYE: In a roll call vote, all members present vote Aye.
251	Chair Fisher	The motion CARRIES. SEN. FISHER will lead discussion on the floor.
256	Chair Fisher	Closes work session on SB 397.
<u>SB 404 - PUBLIC</u>		

HEARING		
258	Chair Fisher	Opens public hearing SB 404.
260	Tweedt	Summarizes SB 404.
308	Pamela Lyons-Nelson	Licensed Professional Counselor, legislative chair, Oregon Mental Health Counselors Alliance. Testifies in support of SB 404 (EXHIBIT B). Introduces witnesses to testify.
363	Sen. Hannon	Questions if a compromise has been reached?
367	Dave Barrows	Responds affirmatively.
368	Sen. Hannon	Questions the status of the bill?
370	Barrows	Responds that the bill is needed with some language changes.
372	Sen. Hannon	Comments directed to the committee to address these changes.
393	Chair Fisher	Responds in agreement.
404	John Powell	Representing Blue Cross/Blue Shield of Oregon. Provides testimony in support of the language changes (EXHIBIT C) and the proposed amendments.
TAPE 32, A		
005	Powell	Summarizes changes that have been agreed to.
010	Chair Fisher	Questions the sections that are to remain in the bill.
012	Powell	Responds and clarifies sections to remain.
014	Sen. Hannon	Notes that this bill achieves the needs of the community.
020	Dave Barrows	Representative for Mental Health Counselors Alliance, provides testimony that the new language will provide the avenue needed for this profession to be treated with parity.
036	Powell	Comments on scope of practice, this issue must be addressed within the profession.
061	Chair Fisher	Invites those in opposition to testify.
075	Jody Fischer	Representative, Oregon Psychological Association, provides testimony identifying the differences between psychologists and counselors.
095	Sen. Hannon	Questions if the amendment is acceptable?
098	Fischer	Responds affirmatively.
101	Chair Fisher	Questions if the amendment addresses the association's concerns regarding scope of practice?
102	Fischer	Responds that the amendment does not specify that insurance companies will be reimbursing professional counselors for diagnosing and treating mental illness.
110	Chair Fisher	Questions if an additional amendment would ease the concern.
113	Fischer	Responds no, a clarification of what insurance companies will be

		reimbursing is necessary.
117	John McCulley	Representative, Oregon Psychiatric Association, provides additional testimony regarding the concerns about mandating reimbursements. Testifies in support of the proposed amendment.
159	Chair Fisher	Questions if licensed counselors are governed by strict operational guidelines?
175	McCulley	Responds that professional counselors are very qualified, however, the concern is limited benefits. Continues to clarify that if an individual uses their benefits for counseling, and in the course of treatment a more aggressive approach is needed, and the patient is referred to a psychiatrist, the possibility arises that the mental health benefits will have been exhausted.
185	Chair Fisher	Questions if the reverse were to happen. Wouldn't the benefits be exhausted also?
189	McCulley	Responds affirmatively.
191	Sen. Hannon	Questions if mandates were eliminated, would it start with the psychiatrists?
193	McCulley	Responds that the association is supporting the bill.
199	Sen. Hannon	Questions that if a counselor crosses the line of scope of practice, wouldn't other professionals and the insurance company intervene?
210	McCulley	Responds that there is a safeguard in the bill and in the system to detect this problem.
217	Chair Fisher	Questions if a rural resident received treatment from a counselor who recognized that they needed mental health treatment, directing them to care faster, wouldn't that be an advantage?
227	McCulley	Responds affirmatively.
233	Chair Fisher	Extends and invitation for further testimony.
238	Rick Weiss	Licensed Clinical Social Worker, Washington/Hood River Counties, provides testimony in support of SB 404. Describes the referral procedure used in the profession.
283	Chair Fisher	Closes public hearing on SB 404.
<u>SB 404 - WORK SESSION</u>		
284	Chair Fisher	Opens work session on SB 404.
286	Sen. Hannon	MOTION: Moves to ADOPT the amendments offered by Blue Cross/Blue Shield of Oregon & HMO Oregon to SB 404.
295	Sen. Castillo	Thanks the parties on reaching an acceptable compromise.
338	Chair Fisher	VOTE: 6-0 The motion CARRIES.

359	Bruce Bishop	Representative of Kaiser Permanente, provides testimony and states concerns regarding SB 404. In its current form, the bill addresses health care service contractors and HMOs, not other insurers.
374	Sen. Hannon	Questions what groups are included or excluded in this bill; is Kaiser Permanente affected by this bill?
381	Bishop	Responds that Kaiser is included in this bill. Notes that not all insurers are included in SB 404.
388	Sen. Hannon	Notes that the bill was amended to include individual and group policies. Questions where health care contractors are addressed in the bill?
395	Bishop	Responds that health care contractors are included.
400	Chair Fisher	Notes that the committee has adopted the amendment.
401	Sen. Hannon	Reviews the language of the current statute.
423	Bishop	Clarifies that this bill does not amend the provisions of the insurance code.
430	Tweedt	Clarifies that the amendment language reflects changes to the bill, not current law.
440	Sen. Hannon	Questions staff if ORS 750.055 is an insurance code?
443	Tweedt	Responds no. Clarifies that it delineates the statutes to which health care service contractors are subject.
450	Sen. Hannon	Questions if ORS 430.010 is an insurance code?
451	Tweedt	Responds no.
453	Sen. Hannon	Requests corrective action from the witness.
TAPE 31, B		
008	Bishop	Responds that an amendment incorporating appropriate language into the insurance code would solve the problem.
011	Sen. Hannon	Clarifies that an additional amendment would apply to everybody. Requests staff to draft an amendment necessary to amend the insurance code statute.
018	Chair Fisher	Invites John Powell to address this issue.
023	Powell	Responds to Mr. Bishop's concerns. Notes that commercial insurance companies would not be subject to this mandate, this could be corrected by a reference or specific language placement in the insurance code.
028	Chair Fisher	Questions if BlueCross/ BlueShield is satisfied with this solution?
029	Powell	Responds that he is unable to address this issue.
033	Sen. Hannon	Notes that the ultimate goal is to create a level playing field for all insurance carriers.
040	Chair Fisher	Requests Mr. Powell to invite the necessary individuals to testify in this matter.

043	Powell	Comments that all parties can work together to refine the language.
047	Chair Fisher	Requests collaboration of all parties before another work session is scheduled.
051	Powell	Notes that this type of drafting oversight occurs regularly, it is not intentional.
065	Tweedt	Clarifies that the requester of the bill may have requested the bill be drafted in this manner. There is a possibility that it is not an oversight.
072	Peggy Anet	Representative of Health Insurance Association of America, points out two concerns of the bill (EXHIBIT D): * technical nature of the bill in its' current form * scope of practice issue
084	Chair Fisher	Hearing no objection, declares the motion CARRIED.
086	Chair Fisher	Closes work session on SB 404.
<u>SB 174 - PUBLIC HEARING</u>		
095	Chair Fisher	Opens public hearing on SB 174, invites the witness to the table.
098	Vice-chair Hamby	Convenes ten minute recess, 4:25 pm.
103	Chair Fisher	Reconvenes committee, 4:40pm.
105	Kathleen Haley	Board of Medical Examiners, provides testimony in support of SB 174 (EXHIBIT E). Submits proposed amendments to SB 174 (EXHIBIT F).
125	Sen. Hannon	Questions if this bill is similar to the clarifications requested in 1995 session?
130	Haley	Responds affirmatively.
133	Sen. Hannon	Notes that if SB 174 is just the clarification of statutes, that the merits are understood.
140	Chair Fisher	Invites questions of the audience.
150	Chair Fisher	Acknowledges Dr. Liza Goldblatt's support of SB 174.
153	Chair Fisher	Closes public hearing on SB 174.
<u>SB 174 - WORK SESSION</u>		
153	Chair Fisher	Opens work session on SB 174.
154	Sen. Hamby	MOTION: Moves to ADOPT the amendments offered by the Board of Medical Examiners to SB 174.
	Chair	

159	Fisher	Hearing no objection, declares the motion CARRIED.
161	Vice-chair Hamby	Questions if the bill can be moved to the floor?
165	Tweedt	Responds that the committee rules do not allow measures amended conceptually to be moved to the floor.
175	Chair Fisher	Closes work session on SB 174.
<u>SB 361 - PUBLIC HEARING</u>		
191	Chair Fisher	Opens public hearing on SB 361.
194	Robert Miller	Member of Christian Science committee on Publication for Oregon, provides testimony in support of SB 361 (EXHIBIT G).
250	Sen. Hannon	Notes concerns if changes being made to bill language will allow non recognized churches to seek similar status. Requests keeping the language very specific.
280	Miller	Responds that, nationally, the courts are rejecting any individual identification or denomination specific language. Currently, accepted language is `sect neutral'.
300	Sen. Hannon	Questions if the church's recognition can be identified through the IRS?
311	Miller	Responds that with some current barriers that would not be adequate, however, he does not have information available to answer that question.
320	Sen. Hannon	Requests Mr. Miller work with legislative counsel to draft adequate language to address Mr. Miller's case.
325	Chair Fisher	Notes that the language "any recognized church" is far reaching, and as long as any affiliation has met the federal standards for that classification the state has to acknowledge it.
350	Tweedt	Questions if the IRS status being referred to is the 501-3C status?
351	Sen. Hannon	Responds affirmatively.
353	Tweedt	Responds that the committee can work with Mr. Miller and legislative counsel to refine bill language. Notes that the State Department of Revenue may be involved as well.
358	Sen. Hannon	Supports the intent of this bill, suggests a way to tighten up the language.
360	Sen. Shannon	Questions if the state would use the same type of language as the federal government?
362	Tweedt	Responds that reference to the State Department of Revenue language may be more appropriate than reference to the IRS.
368	Miller	Notes that he has other language to suggest that may be more specific than the current language.
382	Sen. Hannon	Comments that there is no preclusion of another non-established group developing themselves and using these same principles to establish

		another sect. Notes that he supports the Christian Science Church and their efforts.
395	Miller	Responds that he is willing to work with the committee and legislative counsel to develop the appropriate language.
401	Chair Fisher	Questions in what context the language 'any recognized church or religious denomination' is used in current Oregon statute?
439	Miller	Responds that the phrase is in current statute.
444	Chair Fisher	Comments that if this phrase were included in this bill there is a possibility that it will need to be changed in other areas.
TAPE 33, B		
007	Miller	Responds that he does not have that information at the moment. He will obtain it, and get back to the committee.
009	Tweedt	Notes if those statute references are not within health care facility regulations this bill would not be available for amending, the relating to clause is very narrow.
015	Chair Fisher	Closes public hearing on SB 361.
<u>SB 361 - WORK SESSION</u>		
016	Chair Fisher	Opens work session on SB 361.
017	Sen. Hannon	Requests committee administrator and Mr. Miller meet with legislative counsel to draft the appropriate language to achieve the goal.
024	Miller	Accepts the invitation.
026	Chair Fisher	Questions staff if it will be possible to change the bill summary?
030	Sen. Hannon	Notes that the bill summary is editorial and does not have any impact on law.
035	Chair Fisher	Responds that Mr. Miller is concerned about the implication that the word 'medical' may imply.
038	Tweedt	Clarifies that a summary is not amended unless the bill is amended in a way that changes the summary. Notes that it is editorial.
044	Chair Fisher	Closes work session on SB 361, adjourns meeting at 4:48pm.

Submitted By, Reviewed By,

Sandy Thiele-Cirka, Anne E. Tweedt,

Administrative Support Administrator

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EXHIBIT SUMMARY

A - SB 397, Written testimony, Gene Reddemann, 3pp

B - SB 404, Written testimony, Dave Barrows, 25pp

C - SB 404, Written testimony, John Powell, 7pp

D - SB 404, Written testimony, Peggy Anet, 6pp

E - SB 174. Written testimony, Kathleen Haley, 4pp

F - SB 174, Proposed amendments, Kathleen Haley, 2pp

G - SB 361, Written testimony, Robert Miller, 3pp
