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**SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**March 11, 1997 Hearing Room B**

**3:00PM Tapes 33 - 34**

**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:**

**SCR 2 Public Hearing and Work Session**

## SB 63 Work Session

## SB 115 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 33, A		
003	Chair Fisher	Calls meeting to order at 3:13pm, opens public hearing on SB 63.
<b><u>SB 63 - PUBLIC HEARING</u></b>		
011	Anne Tweedt	Policy analyst, summarizes SB 63.
018	Sen. Bob Kintigh	District 22, provides testimony in support of SB 63 and the -2 amendments ( <b>EXHIBIT A</b> ).
045	Chair Fisher	Questions if this amendment addresses problem.
047	Sen. Kintigh	Responds affirmatively.
054	Sherry Alexander	Equine therapist, Springfield, provides testimony in support of -2 amendment.
091	Dave Barrows	Representative of the Veterinarian Medical Association, provides testimony addressing the major concern: diagnosis. Comments that equine therapist's do not provide diagnosis's. Notes that the association will support the amendment either under the massage technician licensing board or possibly the veterinarian licensing board.
135	Chair Fisher	Questions training and education necessary to become an equine therapist.
139	Alexander	Provides educational and professional background.
151	Barrows	Comments that there are only 20-25 equine therapists within the state.
158	Sen. Hannon	Requests that the veterinarian provide the referring treatment in writing.
170	Barrows	Responds that uncertainty exists with this request. Notes that if an individual requests equine therapy for their animal it should be available, however agrees with veterinarian referrals be in writing.

186	Sen. Hannon	Refers to the language used in SB 115, section 5, subsection 3. Notes liability to veterinarians.
206	Barrows	Comments that the language of this section does hold the veterinarian ultimately liable.
217	Sen. Kintigh	Comments that this amendment is necessary to clarify the relationship with the massage board.
222	Vice-chair Hamby	Questions witness's training; what precautions are used to avoid massaging a potential thrombus?
230	Alexander	Responds that she goes by touch. If there is anything questionable, she does not apply pressure.
232	Vice-chair Hamby	Notes the difficulty in feeling a thrombus.
233	Alexander	Responds that she relies on her knowledge and experience.
238	Chair Fisher	Closes public hearing on SB 63.
<b><u>SB 63 - WORK SESSION</u></b>		
245	Chair Fisher	Opens work session on SB 63.
248	Linda Glenn	Consumer member of board, testifies that the board supports this amendment. Comments that verification of credentials and practicing oversight is necessary.
265	Glenath Moyle	Provides testimony in support of the amendment.
269	Chair Fisher	Questions if the board is opposed to adding the word human?
270	Glenn	Responds no.
284	Vice-chair Hamby	<b>MOTION: Moves to ADOPT SB 63-1 amendments dated 2/3/97.</b>
292	Chair Fisher	<b>Hearing no objection, declares the motion CARRIED.</b>
295	Vice-chair Hamby	<b>MOTION: Moves to ADOPT SB 63-2 amendments dated 03/11/97.</b>
300	Chair Fisher	<b>Hearing no objection, declares the motion CARRIED.</b>
302	Vice-chair Hamby	<b>MOTION: Moves SB 63 to the floor with a DO PASS AS AMENDED recommendation.</b>
305	Sen. Hannon	Notes objections to this bill because of civil penalties.  Comments on the civil penalty versus public safety.
		<b>VOTE: 5-1</b>

342		<b>AYE: 5 - Hamby, Shannon, Castillo, Wilde, Fisher</b> <b>NAY: 1 - Hannon</b>
	<b>Chair Fisher</b>	<b>The motion Carries.</b>  <b>SEN. HAMBY will lead discussion on the floor.</b>
360	Chair Fisher	Closes work session on SB 63.
<b><u>SB 115 WORK SESSION</u></b>		
364	Chair Fisher	Opens work session on SB 115.
381	Tweedt	-13 amendments ( <b>EXHIBIT B</b> ) the same as -11 except for one change: on page 9, section 12, subsection 5, lines 4 and 5, summarizes changes.
<b><u>TAPE 34, A</u></b>		
005	Tweedt	Continues with -13 amendment changes and bill summary.
073	<b>Sen. Hannon</b>	<b>MOTION: Moves to ADOPT SB 115-13 amendments dated 03/10/97.</b>
078	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
082	Sen. Wilde	Submits -12 amendments ( <b>EXHIBIT C</b> ) provides testimony and clarification of amendments.
118	Chair Fisher	Point of clarification, does the word `or' include the word `and'?
123	Sen. Wilde	Comments that a diversion program does not replace a misconduct complaint.
129	Sen. Hannon	Comments that the-12 amendments be hand engrossed.
144	Sen. Wilde	Responds to Sen. Hannon's request by referring to the hand engrossed version.
150	Tweedt	Responds to the deletion of `or instead of' on line 12.
157	Chair Fisher	Questions what is deleted on lines 25-28.
159	Tweedt	Responds that page 2, of the -13 amendments, line 8.
163	Sen. Castillo	Questions if the -12 amendments close the door for an individual to voluntarily request a diversion program?
172	Sen. Wilde	Responds that disciplinary action would only occur if the board rules stipulate that action be taken.
	Sen.	Questions if the language should be `in addition to' rather than `or instead

190	Castillo	of?
193	Sen. Wilde	Responds that this language helps to avoid personal relationships affecting board decisions.
207	Chair Fisher	Comments on intent of language.
224	Sen. Hannon	Discusses disciplinary action and language interpretation.
236	Chair Fisher	Continues comments on language interpretation. Invites member of the Chiropractic Association to address this concern.
252	Sen. Wilde	Responds in agreement with language interpretation, and withdraws -12 amendments. Submits -8 amendments ( <b>EXHIBIT D</b> ).
270	Tweedt	Clarifies location of -8 amendments, page 9, line 29 of -13 amendments.
285	Sen. Wilde	Summarizes -8 amendments.
303	Vice-chair Hamby	Questions 'criminal misconduct by a Chiropractic physician'.
313	Chair Fisher	Questions jurisdiction.
318	Dave McTeague	Executive Director, Board of Chiropractors provides explanation of peer review process.
322	Chuck Bennett	Representative, Chiropractic Association of Oregon, testifies that criminality is addressed through another process, not peer review.
364	Sen. Wilde	Responds to discussion and withdraws -8 amendments, continues with addressing the continuing education requirement.
380	Vice-chair Hamby	Questions the liability of an animal being injured by a chiropractor.
399	Bennett	Responds that the liability would lie with the veterinarian.
<b>TAPE 33, B</b>		
007	Brian Stearns	Chiropractic physician and Oregon Doctors of Chiropractic, provides testimony ( <b>EXHIBIT E</b> ) addressing the continuing education requirements.
050	Chair Fisher	Questions the witness if he has reviewed the -13 amendments? Comments that this amendment has changed the continuing education requirements.
052	Stearns	Responds that he has not reviewed the -13 amendments. Questions if the word 'program' refers to nothing more than 20 hours?
067	McTeague	Responds that if this bill passes, programs of less than 20 hours may be approved.
069	Stearns	Responds in agreement.
		Questions if this is an acceptable amendment? Have other difficulties

075	Sen. Wilde	arisen because of statute or administrative rule?
080	Stearns	Responds that difficulties were administrative, and this amendment would be an assistance.
106	<b>Sen. Shannon</b>	<b>MOTION: Moves to ADOPT SB 115-13 amendments dated 03/10/97.</b>
110		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Hannon</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b> <b>SEN. SHANNON will lead discussion on the floor.</b>
119	Chair Fisher	Closes work session SB 115.
<b><u>SCR 2 - PUBLIC HEARING</u></b>		
124	Chair Fisher	Opens public hearing on SCR 2.
133	Tweedt	Summarizes SCR 2.
137	Vice-chair Hamby	Provides testimony in support of SCR 2.
153	Chair Fisher	Closes public hearing SCR 2.
<b><u>SCR 2 - WORK SESSION</u></b>		
157	Chair Fisher	Opens work session SCR 2.
158	<b>Sen. Hamby:</b>	<b>MOTION: Moves SCR 2 be sent to the floor with a BE ADOPTED recommendation.</b>
161		<b>VOTE: 5-0</b> <b>AYE: In a roll call vote, all members present vote Aye.</b> <b>EXCUSED: 1 - Hannon</b>
	<b>Chair Fisher</b>	<b>The motion CARRIES.</b> <b>SEN. DERFLER will lead discussion on the floor.</b>

169	Chair Fisher	Closes work session, adjourns the meeting at 4:20pm.
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**Submitted By, Reviewed By,**

**Sandy Thiele-Cirka, Anne E. Tweedt,**

**Administrative Support Administrator**

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**EXHIBIT SUMMARY**

**A - SB 63, -2 amendments, Sen. Bob Kintigh, 1pp**

**B - SB 115, -13 amendments, Staff, 11pp**

**C - SB 115, -12 amendments, Sen. Wilde, 1pp**

**D - SB 115, -8 amendments, Sen. Wilde, 2pp**

**E - SB 115, Written testimony, Brian Stearns, D.C., 51pp**

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