

—

**SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**April 8, 1997 Hearing Room B**

**3:00 PM Tapes 53 - 55**

**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:**

**SB 21 Public Hearing and Work Session**

**SB 890 Public Hearing**

**SCR 13 Public Hearing and Work Session**

**SB 969 Public Hearing and Work Session**

**SB 176 Public Hearing**

**SB 194 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.**

<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 53, A</b>		
004	Chair Fisher	Calls meeting to order at 3:11pm, opens public hearing on SB 21.
<b><u>SB 21 - PUBLIC HEARING</u></b>		
009	Kerry Barnett	Director, Department of Consumer and Business Services, provides overview and summary of SB 21 and -9 amendments.
022	Barney Speight	Administrator, Health Plan Administrator's Office, summarizes and provides section by section analysis.
195	Speight	Continues with sections 16, 17, 18, and 19 summary of SB 21-9.
245	Sen. Wilde	Questions how long it will take to draft administrative rules for this bill?
248	Barnett	Responds that if work is diligent, rules could be drafted by the end of the calendar year.
260	Sen. Wilde	Requests clarification of section 6, line 16.
271	Barnett	Responds that the remaining subsection identifies that a summary from the health plan has to be filed identifying reasonably covered services.
291	Sen. Wilde	Questions if this information could be made available to the consumer in a simplistic form?
307	Barnett	Responds that several sections of the bill address that information be made available in a user friendly fashion.
336	Sen. Castillo	Questions how this legislation compares to other states?
344	Speight	Responds that some states have taken a more mandatory approach, notes that disclosure is the first approach to improve the market for the consumer.

376	Sen. Hannon	Acknowledges the work of the group, and commends the end result.
389	Sen. Hamby	Continues acknowledgment of SB 21, questions section 5, the one chronic, one specific acute condition, does this refer to only one condition or a minimum of one condition?
407	Speight	Responds that the intention is 'only'. Continues with consortium process.
432	Vice-chair Hamby	Comments on role of the consortium.
<b>TAPE 54, A</b>		
006	Bob Duehmig	Representing Oregon Federation of Teachers, Education and Health Professionals, provides testimony in support of SB 21-9.
015	Kathy Campbell-Barton	Representing Oregon/Idaho United Methodist Conference, provides testimony in support of SB 21 ( <b>EXHIBIT A</b> ).
086	Jim Davis	Representing Campaign for Patient Rights, United Seniors of Oregon, Oregon State Council of Senior Citizens, and Alzheimer's Association, provides testimony in support of SB 21.
134	Chair Fisher	Requests witnesses be direct and brief.
156	Karl Hemiston	Representing AARP, provides testimony in support of SB 21-9.
169	Herman Leder	Representing Oregon State Council of Senior Citizens, provides testimony in support of SB 21-9.
190	Chair Fisher	Comments and submits Karen Rudy's testimony in support of SB 21 ( <b>EXHIBIT B</b> ).
218	Barbara Irelan	Representing League of Women Voters of Oregon, provides testimony in support of SB 21 ( <b>EXHIBIT C</b> ).
256	Sen. Shannon	Questions Kathy Campbell-Barton what insurance company denied her requests for referral?
258	Campbell-Barton	Responds that it was PacifiCare.
259	Sen. Shannon	Questions if the patient was reimbursed for attorney's fees? Comments on the pre-authorization process.
265	Campbell-Barton	Responds that no fees were reimbursed and continues to describe personal situation.
289	Sen. Shannon	Questions if an emergency admission can be rejected?
292	Campbell-Barton	Responds that it is possible to be denied pre-authorization.
312	Patty Abernathy	Citizen, provides testimony in support of SB 21.
365	Kathy Savicki	Legislative Chair, Oregon Chapter of National Association of Social Workers, provides testimony in support of SB 21.
<b>TAPE 53, B</b>		

002	Sharlyn Cipriano	Clackamas County, provides testimony in support of SB 21 ( <b>EXHIBIT D</b> ).
050	Sen. Shannon	Questions witness's insurance carrier?
052	Cipriano	Responds that it is PacifiCare. Continues with personal testimony.
063	Sharon Wylie	Consumer, provides testimony in support of SB 21.
116	Ellen Pinney	Executive Director, Oregon Health Action Campaign, provides testimony in support of SB 21 ( <b>EXHIBIT E</b> ).
132	Chair Fisher	Comments on the intent of creating the workgroup that resulted in SB 21.
139	Pinney	Continues with consumer concerns regarding patient/physician relationship and cost control mechanisms.
174	Chair Fisher	Submits testimony from Susan King, Oregon Nurses Association ( <b>EXHIBIT F</b> ).
178	Phyllis Rand	Chairman Governor's Commission on Senior Services, provides testimony in support of SB 21 ( <b>EXHIBIT G</b> ).
188	Brad Higbee	Representing Oregon College of Emergency Physicians, provides testimony in support of SB 21.
209	David W. Beem	President People First of Oregon, provides testimony in support of SB 21 ( <b>EXHIBIT H</b> ).
226	Jonn Lewis	Consumer, provides testimony in support of SB 21.
244	Dan Field	Representing Oregon Association of Hospitals and Health Systems, provides testimony in support of SB 21.
252	Gordon Miller	Provides testimony in support of SB 21, notes exclusions of the bill.
294	Chair Fisher	Comments that these concerns may be addressed in the future.
297	Jenny Ulum	Representing Select Care and PACC health plans, provides testimony in support of SB 21.
317	Ted Falk	Representing PACC, provides testimony of SB 21 ( <b>EXHIBIT I</b> ).
373	Vice-chair Hamby	Questions if his concerns were presented to the workgroup?
376	Falk	Responds affirmatively.
392	Vice-chair Hamby	Questions if the witness is willing to work with the workgroup during the House process?
397	Falk	Responds that that is a possibility.
399	Chair Fisher	Questions if any of his concerns are addressed in the -9 amendments?
402	Falk	Responds no.
409	Ulum	Comments that these concerns were discussed during workgroup meetings.
421	Peggy Anet	Representing Health Insurance Association of America, provides testimony on SB 21 ( <b>EXHIBIT J</b> ).

<b>TAPE 54, B</b>		
028	Anet	Continues testimony and concerns.
045	Phillip LaVeck	Retired physician, Mollala, provides testimony in support of SB 21.
057	Chair Fisher	Closes public hearing on SB 21.
<b>SB 21 - WORK SESSION</b>		
058	Chair Fisher	Opens work session on SB 21.
<b>059</b>	<b>Sen. Hannon</b>	<b>MOTION: Moves to ADOPT SB 21-9 amendments dated 04/08/97.</b>
<b>064</b>	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
<b>066</b>	<b>Sen. Hamby</b>	<b>MOTION: Moves SB 21 to the floor with a DO PASS AS AMENDED recommendation.</b>
<b>070</b>		<b>VOTE: 6-0</b>
	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. HAMBY will lead discussion on the floor.</b>
075	Chair Fisher	Submits testimony from Bruce Bishop representing Kaiser Permanente (John Santa, Blue Cross Blue Shield of Oregon and Kevin Earls, Associated Oregon Industries), ( <b>EXHIBIT K</b> ), closes work session on SB 21.
<b>SB 890 - PUBLIC HEARING</b>		
089	Chair Fisher	Opens public hearing on SB 890.
093	Sen. Ken Baker	District 14, provides testimony in support of SB 890.
120	Jim Curtis	Dialysis technician, provides testimony in support of SB 890.
151	Richard Drake	President, National Kidney Foundation of Oregon, provides testimony in support of SB 890 ( <b>EXHIBIT L</b> ).
172	Sen. Hannon	Questions the reimbursement difference between certified versus non-certified technician?
174	Curtis	Responds that the current reimbursement rate was set in 1983 and varies only slightly among regions.
182	Sen. Baker	Responds that the reimbursement will remain the same.
187	Sen. Hannon	Questions any future impact of this bill and are insurance companies paying for this service?
190	Sen. Baker	Responds that this bill is directed towards patient care, not reimbursement.
196	Curtis	Responds that health insurance companies are not required to pay for these services after the first 18 months.

201	Sen. Hannon	Questions why certification has not be addressed earlier?
203	Curtis	Responds that the profession has been evolving, and now there is the need.
212	Sen. Hannon	Questions if the bill requires any different licensing procedure?
215	Curtis	Responds that the bill allows the Health Division of the Department of Human Resources to adopt guidelines for dialysis technician training.
217	Sen. Hannon	Questions if individuals prior to passage of this bill will be grandfathered-in, and whether continuing education is included?
219	Curtis	Responds that everyone will be required to take the certification exam. Continuing education will take place every two years and the number of hours is yet to be determined.
229	Vice-chair Hamby	Questions if the examination includes academic and clinical aspects?
237	Curtis	Responds affirmatively.
239	Chair Fisher	Questions how the civil penalty requirement was determined?
240	Curtis	Responds that that information is not available.
251	Chair Fisher	Questions if there would be objections if the civil penalty were lowered to \$1000.00?
252	Curtis	Responds no.
253	Sen. Baker	Responds to Chair Fisher's concerns.
271	Sen. Wilde	Questions implementation of the administrative rules?
276	Curtis	Responds that the Health Division of the Department of Human Resources would recommend one of the nationally approved exams to administer.
286	Sen. Wilde	Questions if certification was not completed, the individual would not be allowed to work?
288	Curtis	Responds affirmatively.
298	Chair Fisher	Questions if the bill has a time limit for implementation?
306	Sen. Baker	Responds that the Health Division would need some time for implementation. Suggests 18-24 month implementation period.
312	Chair Fisher	Comments preparation time would be necessary, requests Sen. Baker to assist with amendment language.
340	Sen. Hannon	Comments and requests language clarification.
348	Sen. Baker	Responds to Sen. Hannon's concerns.
365	Sen. Castillo	Questions how many dialysis technicians are in Oregon?
368	Curtis	Responds that currently there are 125 dialysis technicians.
376	Sen. Hannon	Questions why the Health Division is responsible for licensing?
385	Sen. Baker	Responds that that information is not known.
404	Sen. Wilde	Comments on the inability to obtain due process with the proposed

		administrative structure.
415	Chair Fisher	Comments on scheduling a work session at a later date, closes public hearing on SB 890.
<b><u>SCR 13 - PUBLIC HEARING</u></b>		
<b><u>TAPE 55, A</u></b>		
007	Chair Fisher	Opens public hearing on SCR 13.
011	Jim Gardner	Representing Pharmaceutical Research and Manufacturers of America (PHRMA), provides testimony in support of SCR 13 ( <b>EXHIBIT M</b> ).
035	Larry Simonsmeier	Oregon Bioservice Association, provides testimony in support of SCR 13.
065	Chair Fisher	Closes public hearing on SCR 13.
<b><u>SCR 13 - WORK SESSION</u></b>		
066	Chair Fisher	Opens work session on SCR 13.
<b>067</b>	<b>Sen. Hannon</b>	<b>MOTION: Moves SCR 13 be sent to the floor with a BE ADOPTED recommendation.</b>
<b>071</b>		<b>VOTE: 6-0</b>
	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>  <b>SEN. SHANNON will lead discussion on the floor.</b>
077	Chair Fisher	Closes work session on SCR 13.
<b><u>SB 969 - PUBLIC HEARING</u></b>		
080	Chair Fisher	Opens public hearing on SB 969.
085	Ann Jackson	Executive Director, Oregon Hospice Association, provides testimony in support of SB 969 ( <b>EXHIBIT N</b> ).
103	Simon Paquette	CEO, Mid-Valley Willamette Hospice, provides testimony in support of SB 969.
110	Jackson	Acknowledges Oregon's role in the accreditation process.
113	Chair Fisher	Closes public hearing on SB 969.
<b><u>SB 969 - WORK SESSION</u></b>		
113	Chair Fisher	Opens work session SB 969.

114	Vice-chair Hamby	Questions the language on line 10.
115	Jackson	Responds that the language is correct.
120	Sen. Hamby	<b>MOTION: Moves SB 969 to the floor with a DO PASS recommendation.</b>
128		<b>VOTE: 5-0</b> <b>EXCUSED: 1 - Hannon</b>
	Chair Fisher	<b>Hearing no objection, declares the motion CARRIED.</b>
130	Chair Fisher	Closes work session on SB 969.
<b><u>SB 176 - PUBLIC HEARING</u></b>		
131	Chair Fisher	Opens public hearing on SB 176.
139	Diana Dolstra	Licensing Administrator, Board of Medical Examiners, provides testimony in support of SB 176, notes proposed language changes ( <b>EXHIBIT O</b> ).
162	Chair Fisher	Closes public hearing on SB 176.
<b><u>SB 194 - PUBLIC HEARING</u></b>		
164	Chair Fisher	Opens public hearing on SB 194.
193	Gregg Lander	Emergency Medical Services Director, Oregon Health Division, provides testimony in support of SB 194 ( <b>EXHIBIT P</b> ).
207	Ed Patterson	Representing Oregon Association of Hospitals and Health Systems, provides testimony requesting language changes.
230	Chair Fisher	Questions if information is requested another agency, are they charged a fee?
240	Patterson	Responds that medical record information is available, it may be simple or comprehensive, the issue of attaching a fee to that information has been debated in the past.
260	Sen. Wilde	Comments that providing comprehensive reports may be extremely costly.
276	Hasina Cassim	Oregon Fire Chiefs Association, provides testimony in support of SB 194 and proposed language changes.
282	Sen. Castillo	Questions if a fee is currently charged for copies of medical records?
287	Patterson	Responds affirmatively.
306	Lander	Comments that copies are generally requested for quality assurance.
323	Chair Fisher	Comments in agreement, adjourns the meeting at 5:27pm.

Submitted By, Reviewed By,



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

-

**EXHIBIT SUMMARY**

**A - SB 21, Written testimony, Kathy Campbell-Barton, 5pp**

**B - SB 21, Written testimony, Karen Rudy, 1pp**

**C - SB 21, League of Women Voters of Oregon, Barbara Irelan, 1pp**

**D - SB 21. Written testimony, Sharlyn Cipriano, 11pp**

**E - SB 21, Oregon Health Action Campaign, Ellen Pinney, 15pp**

**F - SB 21, Oregon Nurses Association, Staff, 3pp**

**G- SB 21, Governor's Commission on Senior Services, Phyllis Rand, 1pp**

**H - SB 21, Written testimony, David Beem, 1pp**

**I - SB 21, PACC HMO/PACC Health Plans, Ted Falk, 4pp**

**J - SB 21, Health Insurance Association of America, Peggy Anet, 2pp**

**K- SB 21, Written testimony, Staff, 17pp**

**L - SB 890, National Kidney Foundation of Oregon, Richard Drake, 1pp**

**M -SCR 13, Pharmaceutical Research and Manufacturers of America, Jim Gardner, 1pp**

**N - SB 969, Oregon Hospice Association, Inc., Ann Jackson, 27pp**

**O - SB 176, Board of Medical Examiners, Diana Dolstra, 2pp**

**P - SB 194, Oregon Health Division, Gregg Lander, 1pp**

---