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**SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES**

**April 10, 1997 Hearing Room B**

**3:00 P.M. Tapes 56 - 60**

**MEMBERS PRESENT:**

**Sen. Bill Fisher, Chair**

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

**Sen. Marylin Shannon**

**Sen. Susan Castillo**

**Sen. Thomas Wilde**

**MEMBER EXCUSED: Sen. Lenn Hannon**

**STAFF PRESENT:**

**Anne E. Tweedt, Administrator**

**Sandy Thiele-Cirka, Administrative Support**

**MEASURES/ISSUES HEARD:**

**SB 1120 Work Session**

**SB 1155 Work Session**

**SB 312 Public Hearing and Work Session**

**SB 406 Work Session**

**SB 501 Public Hearing**

**SB 1118 Public Hearing**

**SB 428 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 56, A</b>		
004	Chair Fisher	Calls meeting to order at 3:11pm.
<b><u>SB 1120</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
007	Chair Fisher	Opens work session on SB 1120.
<b>008</b>	<b>Sen. Hamby</b>	<b>MOTION: Moves SB 1120 WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Crime and Corrections.</b>
<b>014</b>		<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>
015	Chair Fisher	Closes work session on SB 1120.
<b><u>SB 1155</u></b> <b><u>WORK</u></b> <b><u>SESSION</u></b>		
016	Chair Fisher	Opens work session on SB 1155.
<b>018</b>	<b>Sen. Hamby</b>	<b>MOTION: Moves SB 1155 WITHOUT RECOMMENDATION as to passage and BE REFERRED to the committee on Ways and Means by prior reference.</b>
<b>023</b>		<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>
027	Chair Fisher	Closes work session on SB 1155.
<b><u>SB 312</u></b> <b><u>PUBLIC</u></b> <b><u>HEARING</u></b>		
031	Chair Fisher	Opens public hearing on SB 312
040	Vice-chair Hamby	Comments on SB 312.
046	Jessica Harris	Legislative assistant to Sen.Hamby, summarizes SB 312 and submits proposed -3 amendments ( <b>EXHIBIT A</b> ).
076	Jody Fischer	Representing Smith Kline Beecham, provides testimony in support of SB 312 ( <b>EXHIBIT B</b> ).
103	Robert F. Granatir	Physician, private practice, provides testimony in support of SB 312.
129	Phillip Leveque	Retired physician, Mollala, provides testimony in support of SB 312.
160	Sen. Wilde	Questions who is ultimately liable.
171	Granatir	Responds that a physician holds liability and responsibility to inform the patient of potential risks.
194	Leveque	Responds that these types of situations are extremely rare. Describes the process that physicians use in determining drug treatments for patients.
216	Sen. Wilde	Comments on potential impact to the entire industry.
243	Vice-chair Hamby	Comments on FDA's approval process and assurances.
267	John Powell	Representing Blue Cross/Blue Shield, provides testimony addressing concerns of SB 312. Notes the importance of pharmaceutical regulation.
353	Anne Tweedt	Policy analyst, questions if the publication <u>Facts and Comparisons</u> is recognized by the US Secretary of Health and Human Services as authoritative.
358	Powell	Responds that information is not available.
369	Tweedt	Questions who is the publishing company.
356	Powell	Responds that it is an independent organization located in St. Louis.
382	Jim Gardner	Representing Pharmaceutical Research Manufacturers of America (PHARMA), provides testimony in support of SB 312 and the -3 amendments.
400	Peggy Anet	Representing Health Insurance Association of America (HIAA), provides testimony in support of SB 312 with some proposed language changes.
439	Vice-chair Hamby	Comments on medically necessary versus life threatening.

<b>TAPE 57, A</b>		
005	Anet	Responds that current language is open ended and would not follow the current guidelines of appropriate treatments.
008	Vice-chair Hamby	Comments on the necessity of this language.
021	Chair Fisher	Questions if a prescribed drug did not follow the guidelines could it be classified as medically necessary.
032	Anet	Responds that this is the issue.
040	Chair Fisher	Addresses this question to John Powell, Blue Cross/Blue Shield.
044	Powell	Responds that this concern has been addressed by limiting drugs to life threatening conditions.
054	Dave Fiskum	Representing PacifiCare and Good Health Plan, provides testimony concerning language of SB 312.
092	Scott Gallant	Representing Oregon Medical Association, provides testimony addressing concerns on SB 312. Notes current procedures between providers and patients.
113	Chair Fisher	Closes public hearing SB 312.
<b>SB 312 WORK SESSION</b>		
114	Chair Fisher	Opens work session on SB 312.
<b>123</b>	<b>Sen. Hamby</b>	<b>MOTION: Moves to ADOPT SB 312-3 amendments dated 04/09/97.</b>
<b>136</b>	<b>Chair Fisher</b>	<b>Hearing no objection, declares the motion CARRIED.</b>
143	Chair Fisher	Closes work session on SB 312.
<b>SB 406 WORK SESSION</b>		
144	Chair Fisher	Opens work session on SB 406.
160	Tweedt	Summarizes SB 406, -5 amendments ( <b>EXHIBIT C</b> ).
176	Sen. Castillo	Questions if these amendments address Sen. Hannon's concerns.
179	Chair Fisher	Responds that Sen. Hannon is aware of the changes.
210	Tweedt	Continues amendment summary.
219	Chair Fisher	Notes that the Committee on Ways and Means is supportive of these proposed amendments.
241	Sen. Wilde	Comments on the Fairview Parent/Guardian Association proposal.
257	Matt Gruber	Retired physician, provides testimony ( <b>EXHIBIT D</b> ) outlining the conversion of Fairview into affordable housing.
324	Chair Fisher	Questions if this proposal can be developed into amendments.
328	Tweedt	Responds that the proposal may be submitted to legislative counsel.
350	Sen. Castillo	Comments that she is concerned about reviewing a plan that has not been reviewed and accepted by all entities.

369	Gruber	Responds that he has discussed this plan with all parties.
389	Sen. Shannon	Questions if there is a proposal suggesting that the Fairview facility and land be sold and use the money to build new homes for the current residents. Questions where the \$15 million to build the new group homes is coming from.
412	Chair Fisher	Responds that the Committee on Ways and Means is addressing the issue.
450	Sen. Shannon	Questions how many homes could be built for \$2 million.
453	Chair Fisher	Responds that the estimate for 5 centers, and additional homes is \$12-13 million.
<b>TAPE 56, B</b>		
010	Gruber	Continues comments on the privatization of Fairview.
015	Chair Fisher	Comments on the drafting of the amendments to incorporate this proposal, closes work session on SB 406.
<b>SB 501 PUBLIC HEARING</b>		
031	Chair Fisher	Opens public hearing on SB 501.
046	Tweedt	Summarizes SB 501.
060	Dan Joy	Submits and provides testimony in support of SB 501 ( <b>EXHIBIT E</b> ).
118	Chair Fisher	Questions what impact this bill will have on the witness.
129	Joy	Responds that he is unable to assume responsibility for his biological daughter.
143	Sen. Shannon	Comments on the witness's relationship with the biological mother.
149	Chair Fisher	Questions who is paying child support.
152	Joy	Responds that the stepfather discontinued paying and the biological mother will not accept money from him.
164	Chair Fisher	Questions if he was ever court-ordered to pay child support.
166	Joy	Responds no, he paid voluntarily.
195	Chair Fisher	Comments on the proposed amendment.
200	Sen. Castillo	Questions if the witness is identified as the father on the birth certificate.
201	Joy	Responds no.
214	Sen. Bill Fisher	District 23, provides testimony in support of SB 501. Comments on the unfairness to presumed parents of assuming responsibility for raising a child that may not theirs.
294	Sen. Castillo	Questions the need for a retroactive date.
295	Sen. Fisher	Responds that the date was intentionally calculated to apply to children under the age of 21.
318	Vice-chair	Questions if this measure should include a retroactive date.

	Hamby	
322	Tweedt	Responds that it would have to be discussed with legislative counsel.
328	Sen. Fisher	Responds that this has been discussed with legislative counsel.
357	Sen. Wilde	Comments on the consequences of being retroactive.
375	Sen. Fisher	Responds that this bill addresses fairness.
390	Sen. Wilde	Comments on Oregon's current statute regarding who is responsible for a child.
411	Sen. Fisher	Responds that the mother has ultimate responsibility for acknowledging who the father is.
<b>TAPE 57, B</b>		
014	Russ Lipetzky	Chair, Family and Juvenile Law Section, Oregon State Bar, provides testimony opposing SB 501 in present form. Notes proposed amendments ( <b>EXHIBIT F</b> ).
081	Chair Fisher	Comments on paternity process.
094	Lipetsky	Responds that there are individuals who would misinterpret this bill.
136	Sen. Wilde	Questions if an amendment that addressed harassment would be supported.
142	Lipetzky	Responds that statutes are already in place addressing these concerns.
149	Sen. Castillo	Questions the process of determining who is the father of a child.
158	Lipetzky	Responds that current law is that it is presumed that a child is a product of the mother's husband.
163	Sen. Castillo	Questions the consequence if both parents acknowledge that the husband is not the biological father.
165	Lipetzky	Responds that in certain situations decisions have been made allowing for this exception. The court can always support or deny the claim.
177	Sen. Wilde	Comments that with practical application there is a precedent for SB 501.
180	Lipetzky	Responds that a precedent only exists in case law from the appellate court.
201	Sen. Wilde	Comments on appellate courts' position.
215	Sen. Castillo	Questions the number of cases that this bill affects.
219	Lipetzky	Responds that the number is not available at this time, however for the individuals that are affected by this, the impact is tremendous.
228	Bob Castagna	Executive Director, General Counsel, Oregon Catholic Conference, provides testimony in opposition to SB 501. Notes the unintended consequences.
293	Chair Fisher	Questions if the church would be willing to work on amendments addressing concerns.
301	Castagna	Responds that the church prohibits artificial insemination, and he is unable to participate these types of discussions.

345	Chair Fisher	Comments on the concerns and impact on the child.
386	Castagna	Comments that these are difficult situations, continues with the bill's impact to public policy, notes a possibility of mediation between the adults.
415	Sen. Shannon	Questions the church's position on artificial insemination.
420	Castagna	Responds that artificial insemination does not follow the church doctrine on marriage and procreation.
427	Sen. Shannon	Questions if the church prohibits organ transplant.
431	Castagna	Responds that there is no doctrine addressing this issue.
438	Chair Fisher	Closes public hearing on SB 501, recess at 5:07pm.
<b><u>SB 1118</u></b>		
<b><u>PUBLIC</u></b>		
<b><u>HEARING</u></b>		
<b><u>TAPE 58, A</u></b>		
006	Chair Fisher	Reconvenes at 5:10pm, opens public hearing on SB 1118.
007	Bruce Bishop	Representing Kaiser Permanente, provides testimony in support of SB 1118 ( <b>EXHIBIT G</b> ).
020	Mary Weiler	Health Care Counsel, Kaiser Permanente, provides testimony in support of proposed amendments to SB 1118 ( <b>EXHIBIT H</b> ).
079	Sen. Wilde	Questions if teeth replacement is a necessary condition.
083	Weiler	Responds affirmatively, Kaiser would replace the teeth if the replacement were attached to a medical condition.
087	Sen. Wilde	Comments that working through the court system is an option available in dealing with current statutes.
096	Weiler	Responds that Kaiser Permanente did go through the appeal process.
102	Joe Leben	Assistant Dental Director for Kaiser Permanente Dental Associates, provides testimony in support of SB 1118. Notes the need for language clarification.
138	Sen. Wilde	Questions what conditions are covered under this bill.
142	Weiler	Responds that this condition was an example to describe the confusion surrounding a medical condition versus a dental condition.
159	Vice-chair Hamby	Comments that the intent of the original bill was to clarify some of the confusion.
170	Chair Fisher	Questions how SB 1118 expands current statute.
186	Leben	Responds that this bill would allow reconstruction of facial prosthetics to provide dental rebuilding. Extensive destruction that involves major rebuilding is covered in this bill.
213	Vice-chair Hamby	Comments on the intent of the original bill.
225	Weiler	Continues with court interpretation of current statute.
		Representing Oregon Dental Association, introduces Dr. Catherine

252	Jane Myers	Lach.
258	Catherine A. Lach	Private specialist in prosthodontics, provides testimony in opposition to SB 1118 ( <b>EXHIBIT I</b> ).
320	Chair Fisher	Questions language intent.
326	Lach	Responds to language used in the original bill.
340	Chair Fisher	Questions new language.
344	Lach	Responds that original bill language is acceptable.
351	Vice-chair Hamby	Questions if there is an acceptable definition on maxillofacial currently being used by any other state.
357	Myers	Responds that the information is not presently available, continues comments of the case study, EXHIBIT H.
<b>TAPE 59, A</b>		
010	Myers	Continues presentation of opposition.
040	Loch	Continues with the cost of dental implants.
052	Chair Fisher	Questions the definition of restoring facial configuration and functions.
060	Loch	Responds that it includes what was missing at birth and replacing what was lost.
100	John Powell	Representing Blue Cross/Blue Shield of Oregon, provides testimony in support of SB 1118.
175	Vice-chair Hamby	Requests a copy of the court decision.
178	Dave Fiskum	Representing Good Health Plan and PacifiCare, provides testimony in support of SB 1118.
209	Chair Fisher	Questions line 9 of original bill.
236	Weiler	Responds and clarifies language intent of considered necessary.
283	Leben	Provides additional language clarification.
297	Chair Fisher	Comments on consistency between definitions.
301	Powell	Comments on the definition of the 1981 mandate.
323	Sen. Shannon	Questions if John Blanchard (case history) had a medical condition.
326	Weiler	Responds and provides case history.
362	Sen. Shannon	Questions if the outcome of that case would be different with SB 1118.
364	Weiler	Responds that coverage would have been through his dental policy.
368	Sen. Shannon	Questions if SB 1118 is passed, will there be more cases or is this a mechanism to protect the insurance companies.
373	Weiler	Responds that dental insurers are being protected also.
406	Lach	Comments that being born without teeth is a congenital condition and is different than losing teeth.
416	Chair Fisher	Closes public hearing SB 1118, recess at 6:08pm.



**SB 428  
PUBLIC  
HEARING**

**TAPE 58, B**

005	Chair Fisher	Reconvenes at 6:35pm, opens public hearing on SB 428.
020	Jody Fischer	Representing Oregon Academy of Ophthalmology, submits testimony from Robert Tibolt, M.D. ( <b>EXHIBIT J</b> ). Summarizes and provides testimony in support of SB 428.
030	Carol Marusich	Eugene, president Oregon Optometric Association, provides testimony in support of SB 428 ( <b>EXHIBIT K</b> ).
129	Scott Walters	Ophthalmologist, Grants Pass, legislative director, Oregon Optometric Association, provides testimony in support of SB 428.
151	Chair Fisher	Questions what conditions are within their scope of practice.
155	Walters	Responds with explanation.
158	Chair Fisher	Questions the difference in fee for an office call of an ophthalmologist versus a physician.
160	Walters	Responds that they are very close to the same.
168	Marusich	Continues explanation of the payment and reimbursement process.
178	Chair Fisher	Questions if that procedure is the same for private insurance.
179	Marusich	Responds affirmatively.
210	Sen. Shannon	Questions if they would support the bill if the language medically necessary were removed.
213	Marusich	Responds affirmatively.
215	Fischer	Responds that the bill's intent is not to expand services.
221	Sen. Shannon	Comments on the complications of capitation.
251	John Powell	Representing Blue Cross/Blue Shield of Oregon, provides testimony in opposition SB 428.  Notes public policy and technical concerns.
340	Sen. Shannon	Questions if optometrist's are licensed to perform experimental treatment.
342	Powell	Responds that a physician could perform alternative surgeries.
350	Sen. Shannon	Questions if last resort treatment/surgery are excluded from coverage.
356	Powell	Responds that alternative treatment/surgery, if documented as valid and reputable, is generally covered.
388	Chair Fisher	Questions if the -1 amendments ( <b>EXHIBIT L</b> ) addresses these concerns.
402	Powell	Responds affirmatively.
412	Bruce Bishop	Representing Kaiser Permanente, responds that direct access to optometrists is available with Kaiser Permanente. Continues with testimony in opposition of SB 428 ( <b>EXHIBIT M</b> ).

		Comments on bill language that mandates services and coverage.
<b>TAPE 59, B</b>		
005	Chair Fisher	Questions where the bill mandates those services.
010	Bishop	Responds throughout the provisions of the bill. Continues with concerns.
058	Sen. Shannon	Questions if the two groups have gotten together for a compromise bill.
064	Bishop	Responds that no, the bill goes further than direct access to optometrists.
072	Joe Gilliam	Representing National Federation of Independent Business, provides testimony in opposition to SB 428. Comments on the potential cost increase to small businesses of Oregon.  Submits -2 amendments ( <b>EXHIBIT N</b> ).
174	Chair Fisher	Questions the access procedure of other health care specialties.
193	Gilliam	Responds that not all referrals need prior authorization; comments on bill language.
245	Wayne Schumacher	Executive Director, Oregon Optometric Association, provides explanation of language intent and bill drafting.
274	Chair Fisher	Questions if the language implies mandated eye coverage.
277	Schumacher	Responds no, continues summary explaining the difference between eye care and vision coverage.
350	Chair Fisher	Questions if a compromise has been attempted.
354	Schumacher	Responds that he has contacted the provider departments of the majority of companies, the lobbyists were not contacted.
380	Jenny Ulum	Representing PACC and SelectCare, providing testimony in opposition to SB 428.
425	Chair Fisher	Questions if the capitation rate includes dental care.
435	Ulum	Responds that dental benefits generally do not require prior authorization, nor does vision care require prior authorization.
<b>TAPE 60, A</b>		
043	Chair Fisher	Questions if SB 428 would increase or decrease the cost of health care insurance premiums.
045	Ulum	Responds that it would increase the cost per patient, the proposed amendments would have an impact also.
057	Dave Fiskum	Representing PacifiCare and GoodHealth Plan, provides testimony opposing SB 428.
106	Peggy Anet	Representing Health Insurance Association of America, provides testimony in opposition to SB 428. Comments on the confusion surrounding the scope of this bill.
		Comments on advantages of SB 428, requests all parties attempt to

150

Chair Fisher

draft compromise amendments.

Closes public hearing on SB 428, adjourns the meeting at 7:25pm.

**Submitted By, Reviewed By,**

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

**Administrative Support Administrator**

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**EXHIBIT SUMMARY**

**A - SB 312, -3 amendments, Jessica Harris, 4pp**

**B - SB 312, SmithKline Beecham, Jody Fischer, 2pp**

**C - SB 406, -5 amendments, staff, 4pp**

**D - SB 406, Proposed plan, Max Gruber, 13pp**

**E - SB 501, Written testimony, Dan Joy, 12pp**

**F - SB 501, Written testimony, Russell Lipetzky, 2pp**

**G - SB 1118, Permanente Dental Associates, Bruce Bishop, 1pp**

**H - SB 1118, Proposed amendments, Mary Weiler, 2pp**

**I - SB 1118, Written testimony, Catherine Lach, 7pp**

**J - SB 428, Oregon Academy of Ophthalmology, Jody Fischer, 1pp**

**K - SB 428, Oregon Optometric Association, Carol Marusich, 5pp**

**L - SB 428, -1 amendment, staff, 1pp**

**M - SB 428, Kaiser Permanente, Bruce Bishop, 2pp**

**N - SB 428, -2 amendments, Joe Gilliam, 1pp**

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