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SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

April 15, 1997 Hearing Room B

3:00 P.M. Tapes 61 - 64

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 98 Public Hearing

SB 281 Public Hearing

SB 701 Public Hearing and Work Session

SB 744 Public Hearing

SB 70 Public Hearing and Work Session

SB 73 Public Hearing and Work Session

SB 69 Public Hearing

SB 282 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 61, A		
003	Chair Fisher	Calls meeting to order at 3:09 pm.
<u>SB 98 PUBLIC HEARING</u>		
025	Chair Fisher	Opens public hearing on SB 98.
031	Ed Nieuburt	Manager of Health Programs, Insurance Division, Department of Consumer and Business Services, provides summary and testimony (EXHIBIT A) in support of SB 98 and the -1 amendments (EXHIBIT B).
160	Nieuburt	Continues testimony comparing Oregon's portability with new federal requirements.
235	Sen. Hannon	Questions if a student is uninsured for 3 months are they eligible for portability.
247	Nieuburt	Responds if eligibility is lost for any reason, an individual is eligible for portability. If a student elects to leave a plan for a student plan he does not have that information.
264	Sen. Hannon	Questions if that it is the only area not covered by portability.
266	Nieuburt	Responds that student health plans are on the borderline of being a limited plan.
277	Sen. Hannon	Questions how portability is applied to a 55 year old, retired, COBRA expired individual.
287	Nieuburt	Responds that there is a 60-day period at the end of COBRA for portability transfer.
		Comments that consumers are not always informed of what health

303	Sen. Hannon	plans are designed for. Questions why the 60 to 63 day change.
327	Nieuburt	Responds that it is likely the number of the 2 longest consecutive months (December and January).
337	Sen. Hannon	Questions section 2, subsection 2 of original bill.
345	Nieuburt	Responds that the -1 amendment deletes this subsection.
395	Chair Fisher	Questions when 63-day grace period begins.
402	Nieuburt	Responds that the 63-day period references the gap from when coverage ended to the day portability was elected.
426	Bruce Bishop	Representing Kaiser Permanente, provides testimony in support of SB 98 and the -1 amendments.
TAPE 62, A		
006	Chair Fisher	Closes public hearing on SB 98.
<u>SB 281</u> <u>PUBLIC</u> <u>HEARING</u>		
007	Chair Fisher	Opens public hearing on SB 281.
030	Art Keil	Representing, Oregon Association of Naturopathic Physicians, provides testimony in support of SB 281 (EXHIBIT C).
116	Chair Fisher	Questions why the formulary has not functioned properly in the past?
119	Keil	Responds that due to board differences discussions did not take place in a timely fashion, those differences have been resolved and the current board is functioning in a cohesive manner.
134	Clyde Jensen	President, National College of Naturopathic Medicine and pharmacologist, provides testimony in support of SB 281 (EXHIBIT D).
222	Chair Fisher	Questions if issues addressed in David Young's letter have been corrected.
238	Jensen	Responds that those areas have been brought up to compliance and the results have been forwarded to Dr. Young.
274	Don Walker	Private naturopathic physician, provides testimony in support of SB 281 (EXHIBIT E).
350	Sen. Hannon	Questions if SB 281 maintains qualifications for continuing education.
363	Walker	Responds that there is nothing in the bill, however the Board of Naturopathic Examiners have continuing education requirements for license renewal.
399	Sen. Hannon	Questions if there is a certification process and what assurances are available that the doctor is qualified to dispense drugs.
		Responds that there is not an examination, just proof of completion

401	Walker	of the continuing education courses.
424	Keil	Responds that the board will be available to set standards and guidelines for continuing education requirements.
TAPE 61, B		
008	Aris Campbell	Naturopathic physician, Portland, provides testimony in support of SB 281 (EXHIBIT F).
058	Sen. Hannon	Questions if a naturopathic physician is required to carry a certain level of liability.
060	Campbell	Responds that it is not required.
061	Sen. Hannon	Questions if medical physicians are required to carry a certain level.
063	Campbell	Responds that he does not have that information.
064	Sen. Hannon	Questions if a patient has an allergic reaction to a prescribed drug is that covered under malpractice or liability.
067	Campbell	Responds that coverage would be covered under malpractice.
078	Chair Fisher	Announces that the meeting will adjourn at 5:00 pm.
085	Edward J. Keenan	Associate dean, medical education at OHSU, provides testimony in opposition to SB 281.
169	Chair Fisher	Questions the prescribing range for physicians, how many and what level of drugs are being dealt with in SB 281.
176	Keenan	Responds that physicians have a full range of prescribing up to level II drugs. His understanding is that SB 281 will allow a full range of prescribing.
205	Chair Fisher	Questions the prescribing range of nurse practitioners and physician assistants.
209	Keenan	Responds that these professions have physician supervision, and their prescribing range is limited.
230	Chair Fisher	Questions the differences in training between physician assistants and naturopathic physicians.
234	Keenan	Responds that he is not familiar with the educational programs of these professions.
248	Scott Gallant	Director of Government Affairs, Oregon Medical Association, provides testimony in opposition to SB 281 (EXHIBIT G).
390	Sen. Wilde	Questions the comparison between naturopathic malpractice claims and medical physician malpractice claims.
396	Gallant	Responds that the OMA does not follow naturopathic malpractice claims, but reviews medical physician malpractice statistics.
TAPE 62, B		
004	Phil Leveck	Retired private physician, Mollala, provides testimony regarding concerns with SB 281.
046	Chair Fisher	Closes public hearing on SB 281.
SB 701		

<u>PUBLIC HEARING</u>		
047	Chair Fisher	Opens public hearing on SB 701.
049	Anne Tweedt	Policy analyst, summarizes SB 701.
069	Paul Ketcham	Private citizen, Portland, provides testimony in support of SB 701 (EXHIBIT H).
190	Ketcham	Continues testimony addressing the importance of the legislature to govern state boards. Submits proposed -1 amendments (EXHIBIT I).
275	Vice-chair Hamby	Questions regulating boards that utilize multiple choice questions and take home tests.
285	Ketcham	Responds these are processes utilized by other boards and/or commissions for licensure.
326	Sen. Castillo	Questions why the tape recording of the oral exam was discontinued in 1991.
329	Ketcham	Responds that the board has attributed cost, time and exam security as the reason for discontinuation.
373	Sen. Shannon	Questions if the witness is aware of the proposed changes to administrative rules.
378	Ketcham	Responds affirmatively.
379	Sen. Shannon	Questions if these changes address his concerns.
382	Ketcham	Responds that the proposed administration rule changes are a start, however the protections and other issues should be addressed in statute.
424	Chair Fisher	Comments on the proposed administrative rule changes.
TAPE 63, A		
003	Bradley Avakian	Public member, Board of Psychologist Examiners, provide testimony in opposition to SB 701 (EXHIBIT J).
083	Chair Fisher	Comments on the possibility of the administrative rules not being adopted.
099	Sen. Castillo	Questions why the taping of the oral examination was discontinued.
103	Avakian	Responds that the board did not have the proper equipment and the recordings were unreliable and the board had no evidence that the recording provided reliability or validity among the examinations.
125	Sen. Wilde	Comments on the banning of the recording of the oral examination.
138	Avakian	Responds that recordings were difficult to understand and the board was unable to determine what was being said during an examination.
165	Clifford A. Johannsen	President-elect, Oregon Psychological Association (OPA), licensed psychologist, provides testimony in opposition to SB 701 (EXHIBIT K).

215	Robert L. Weiss	Professor of Psychology, University of Oregon, provides testimony in support of SB 701 (EXHIBIT L).
329	Scott Monroe	Professor of Psychology, Director of Clinical Training, University of Oregon, provides testimony in support of SB 701 (EXHIBIT M).
374	Sen. Wilde	Questions if the witnesses have had any involvement with the board.
377	Monroe	Responds no.
392	Ron Carley	Portland, student of psychology, provides testimony in support of SB 701 (EXHIBIT N).
TAPE 64, A		
005	Sen. Wilde	Questions why the copy of the administrative rules do not indicate the reinstating of taping the oral examination.
007	Avakian	Responds that exact bill language was used.
023	Tweedt	Questions if the intent of the board is to tape record the exam.
024	Avakian	Responds affirmatively.
035	Sen. Wilde	Comments on the transcription process in addition to the taping process.
045	Chair Fisher	Closes public hearing on SB 701.
SB 701 WORK SESSION		
046	Chair Fisher	Opens work session on SB 701.
056	Sen. Shannon	MOTION: Moves to ADOPT SB 701-1 amendments dated 4/15/97.
059	Chair Fisher	Hearing no objection, declares the motion CARRIED.
061	Sen. Castillo	Questions on bill language complete record.
068	Tweedt	Provides language clarification.
075	Sen. Shannon	MOTION: Moves SB 701 to the floor with a DO PASS AS AMENDED recommendation.
077		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Hamby, Hannon
	Chair Fisher	The motion CARRIES. WILDE will lead discussion on the floor.
087	Chair Fisher	Closes work session on SB 701.
SB 744 PUBLIC HEARING		

101	Chair Fisher	Opens public hearing on SB 744.
108	James Davis	Representing Oregon Society of Physician Assistants (OSPA), provides testimony in support of SB 744 and proposed amendments (EXHIBIT O).
151	Robert Petersen	Physician assistant, provides testimony in support of SB 744 (EXHIBIT P).
178	Dana Gray	President, OSPA, provides testimony in support of SB 744.
196	Chair Fisher	Closes public hearing on SB 744.
<u>SB 70 PUBLIC HEARING</u>		
206	Chair Fisher	Opens public hearing on SB 70.
219	Kevin Wilson	Naturopathic physician, provides testimony in support of SB 70 (EXHIBIT Q).
231	Chair Fisher	Closes public hearing on SB 70.
<u>SB 70 WORK SESSION</u>		
232	Chair Fisher	Opens work session on SB 70.
235	Sen. Wilde	MOTION: Moves SB 70 to the floor with a DO PASS recommendation.
238		VOTE: 4-0 AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Hamby, Hannon
	Chair Fisher	The motion CARRIES. WILDE will lead discussion on the floor.
242	Chair Fisher	Closes work session on SB 70.
<u>SB 73 PUBLIC HEARING</u>		
243	Chair Fisher	Opens public hearing on SB 73.
257	Don Walker	Naturopathic physician, Portland, provides testimony in support of SB 73 (EXHIBIT R).
<u>SB 73 WORK SESSION</u>		
270	Chair Fisher	Opens work session on SB 73.
274	Sen. SHANNON:	MOTION: Moves SB 73 be sent to the floor with a DO PASS recommendation.
		VOTE: 4-0

275		AYE: In a roll call vote, all members present vote Aye. EXCUSED: 2 - Hamby, Hannon
	Chair Fisher	The motion CARRIES. SHANNON will lead discussion on the floor.
280	Chair Fisher	Closes work session on SB 73.
<u>SB 69 PUBLIC HEARING</u>		
284	Chair Fisher	Opens public hearing on SB 69.
289	Don Walker	Naturopathic physician, provides testimony in support of SB 69 (EXHIBIT S).
308	Gallant	Representing OMA, provides testimony addressing concerns regarding SB 69.
332	Walker	Provides clarification of subsection 3.
340	Tweedt	Responds that a student would not be subject to licensing limitations.
358	Gallant	Questions line 18 - 20.
370	Jensen	Responds that clinical training programs are conducted at the campus clinic.
395	Chair Fisher	Questions if the language should be changed to clinic.
410	Gallant	Responds that if this bill is expanding educational study more clarification is needed.
432	Wilson	Provides testimony and clarification for the need of this legislation.
<u>TAPE 63, B</u>		
019	Chair Fisher	Requests language revisions, recommends additional definitions.
028	Chair Fisher	Closes public hearing on SB 69.
<u>SB 282 PUBLIC HEARING</u>		
031	Chair Fisher	Opens public hearing on SB 282.
038	Keil	Representing, Oregon Association of Naturopathic Physicians, provides testimony in support of SB 282 (EXHIBIT T).
060	Jensen	Provides testimony in support of SB 282 (EXHIBIT U).
104	Chair Fisher	Questions if undergraduate requirements include biochemistry, biology and chemistry classes.
106	Jensen	Responds affirmatively.
111	Walker	Provides testimony in support of SB 282 (EXHIBIT V).
		Representing, OMA, provides testimony regarding concerns of SB

141	Gallant	282 (EXHIBIT W).
163	Chair Fisher	Requests concerned parties to address issues raised by the committee. Closes public hearing on SB 282, adjourns the meeting at 6:12pm.

Submitted By, Reviewed By,

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

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EXHIBIT SUMMARY

A - SB 98, Department of Consumer and Business Services, Ed Nieubuur, 5pp

B - SB 98, -1 amendments, Ed Nieubuur, 10pp

C - SB 281, Oregon Association of Naturopathic Physicians, Art Keil, 2pp

D - SB 281, Written testimony, Clyde Jensen, 2pp

E - SB 281, Written testimony, Don Walker, 7pp

F - SB 281, Written testimony, Aris Campbell, 3pp

G - SB 281, Oregon Medical Association, Scott Gallant, 4pp

H - SB 701, Written testimony, Paul Ketcham, 18pp

I - SB 701, -1 amendments, Paul Ketcham, 1pp

J - SB 701, Board of Psychologist Examiners, Bradley Avakian, 6pp

K - SB 701, Oregon Psychological Association, Clifford Johannsen, 1pp

L - SB 701, Written testimony, Robert Weiss, 4pp

M - SB 701, Written testimony, Scott Monroe, 5pp

N - SB 701, Written testimony, Ron Carley, 2pp

O - SB 744, Oregon Society of Physician Assistants, Jim Davis, 2pp

P - SB 744, Written testimony, Robert Petersen, 1pp

Q - SB 70, Board of Naturopathic Examiners, Kevin Wilson, 1pp

R - SB 73, Board of Naturopathic Examiners, Don Walker, 3pp

S - SB 69, Written testimony, Don Walker, 2pp

T - SB 282, Oregon Association of Naturopathic Physicians, Art Keil, 2pp

U - SB 282, Written testimony, Clyde Jensen, 1pp

V - SB 282, Written testimony, Don Walker, 2pp

W - SB 282, Oregon Medical Association, Scott Gallant, 4pp
