

HOUSE COMMITTEE ON
COMMERCE SUB-COMMITTEE ON BUSINESS

Hearing Room
Tapes -41

MEMBERS PRESENT:

REP. LYNN LUNDQUIST, Chair
REP. TONY FEDERICI, Vice-Chair
REP. LARRY WELLS
REP. LYNN SNODGRASS

MEMBER EXCUSED:

STAFF PRESENT:

DANIEL JARMAN, Committee Administrator
JODIE HALL, Committee Assistant

MEASURES HEARD:

HB 3029 - Public Hearing
HB 2345 - Public Hearing
HB 2659 - Public Hearing
HB 3082 - Public Hearing

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks

report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE , A

000 CHAIR LUNDQUIST OPENS MEETING AT 1:35 PM.

004 OPENS PUBLIC HEARING ON HB 3029.

007 TED DICKEN, President and Chief Executive Officer, Pacific Health and Life Insurance Company: Testifies in SUPPORT of HB 3029. . (Exhibit A)

050 -In response to Rep. Federici: Want to remain in the market place as a risk assuming carrier.

070 ED: Comments that within the Oregon Health Plan, beneficial to have many small group carriers.

076 SEN. LEN HANNON, District 26: Insurance Agent in Medford. Is not against Pacific Health and Life (PH & L) reentering the small group insurance market. Believes that to allow PH & L back in to the market without the five year wait period is not preferable unless PH & L receives

a penalty for their past actions. Doing so without a penalty would send a message to other insurance carriers that they can opt in and out by submitting bills in the legislature.

123 -In response to Chair Lundquist: No, he does not have any other solutions.

133 -In response to Rep. Federici: Does not have a specific penalty in mind.

148 -In response to Rep. Wells: Is not aware of any other carriers. Small employer plan is for 2 - 25 employees.

172 -In response to Rep. Snodgrass: Does not believe they lost much business.

182 -In response to Rep. Federici: Clarifies what type of business they lost.

187 -In response to Rep. Wells: Stopped small group business. DCBS specified that PH & L could not participate in the small employer market. Yet, they did keep their other insurance.

209 CHAIR LUNDQUIST: Requests that previous testifiers return to answer questions.

226 DICKEN: Responds to Rep. Wells: Explains problems PH & L faced in the past, DCBS did not agree with wording of the policy.

269 ED HUGHES, Pacific Health and Life, Co.: Responds further to Rep. Wells: Explains line 8 further concerning contracts and agreements with the Department.

303 -In response to further questions of Rep. Wells: Explains the relationship between this bill and the Oregon Health Plan.

323 DICKEN: PacifiCare is the other carrier that opted out. There is no indication whether PacifiCare will opt back in or not.

328 HUGHES: In response to Chair Lundquist: PH & L has talked to the Department. Director suggested amending a senate bill.

344 DICKEN: Responds to Rep. Snodgrass explaining what would happen if this bill does not pass, PH & L would be left out of the small group market. PH & L is beginning to downsize now.

362 -In response to Rep. Federici: PH & L insures approximately 54,000 people within the state, employing approximately 100 people in the state of Oregon. Referring to first line in 2nd page of Exhibit A.

402 -Responds further to Rep. Federici concerning complications regarding being a former domestic carrier and now a foreign carrier.

414 HUGHES: In support of fixing premium tax situation.

424 CLOSES PUBLIC HEARING ON 3029.

438 OPENS PUBLIC HEARING ON HB 2345.

TAPE 39, SIDE A

035 JIM CARLSON, Oregon Health Care Association: Testifies in SUPPORT of HB 2345 -1 Amendments. (Exhibit B)

067 MERLIN HEART, Owner and Operator of Nursing Home in Corvallis: Testifies in SUPPORT of HB 2345 -1 Amendments. Explains financial problems

he has faced in regards to assets of his clients in the nursing homes.

124 MARGARET CARLY: In response to Rep. Wells' inquiries concerning Section
7 of the - 1 amendment. Want the members in the house to be protected.

168 -In response to Rep. Federici: If a home is in joint custody, other than
spouse, the lien would attach. When house is sold, half proceeds would
have to go towards paying the debt.

216 HEART: Responds to Chair Lundquist: Attempts to describe situations in
other states.

231 CARLY: Responds to Rep. Federici concerning retention of property in
another state.

240 MEREDITH COTY, Director of the Long Term Care Ombudsman: Testifies in
OPPOSITION to HB 2345. Explains concerns for elderly population. Gives
one class of health care providers the opportunity to cloud all possessions

of the individual.

326 -Concerned residents would not be made aware of Medicaid.

344 -Concerned about how to administer the bill.

353 -In response to Chair Lundquist: Strongly supports Nursing Homes being
paid for their services. Clarifies that the bill only applies to one class
of Health Care Provider.

410 REP. FEDERICI: Clarifies the Senior Deferral Program as an option for
protecting ones home form liens. This program is not utilized.

TAPE 38, SIDE B

035 COTY: Responds to Rep. Wells: Explains further what is required under
probate law.

053 -Clarifies for Rep. Wells who this bill applies to. Wonders why only
one class of health care provider should be affected?

084 -Responds further to inquiries of Rep. Wells concerning threat of a
lien.

122 -In response to Rep. Federici: Defers answers concerning state Medicaid
being able to attach a lien to another individual with more expertise.

131 -In response to Rep. Snodgrass: Explains her experiences directly with
liens.

148 REP. SNODGRASS: Explains that she is attempting to clarify what Ms.
Coty had mentioned earlier within her testimony.

154 COTY: Responds further to Rep. Snodgrass: Yes, on two occasions, she
has seen family members squander moneys of relatives.

172 REP. KEVIN MANNIX, Salem: Testifies in SUPPORT of HB 2345. Explains
his reasons for filing this bill. Believes Long Term Health Facility
should be able to protect themselves from financial difficulties.

215 -Agrees with Chair Lundquist that if homes are to be exempt from this
process, is a policy issue.

224 -In response to Rep. Snodgrass's concerns that there is no time line
stated in the amendment when the lien must be filed. Explains his
familiarity with time lines in reference to liens. Explains the lien and
the process of recovery. Would consider an amendment with reference to a

time frame.

278 -In response to Rep. Federici concerning the definition of long term care facilities as defined in Oregon Statutes. Refers to lines 21- 23 of the -1 amendments. Explains reasons for specifying these facilities.

320 -In response to Chair Lundquist: Would support a friendly amendment to include foster care facilities.

337 SUSAN DECI: Has a couple of concerns. State of Oregon does not place a lien on property. Has a unit that works on recovery issues. Explains concerns 1. no specification on specific costs, vague as to the care 2. vague as to

398 -Clarifies for Rep. Wells that liens are not placed on Medicaid clients.

431 -In response to Chair Lundquist: Provision in the bill stating fall in line behind State of Oregon.

460 CLOSES PUBLIC HEARING ON HB 2345.

TAPE 39, SIDE B

028 OPENS PUBLIC HEARING ON HB 2659.

030 HEIDI ANDERSON, Architects Council of Oregon: Testifies in SUPPORT of HB 2659. Submits -1 Amendment (Exhibit C)

Submits Exhibits D - H.

-Exhibit D explains SUPPORT of Architects Council of Oregon, AIA for HB 2659. (Exhibit D)

-Explains that this is one area where the board and the industry disagree.

(Refer to Exhibits E, F and G)

-Refers to hand engrossed copy of HB 2659. (Exhibit H)

163 -Responds to Rep. Wells concerning proposed rule to fix this problem. Refer to Exhibit E concerning prior discussions of changing administrative rules.

181 BILL CIDER, Architect in Eugene: Testifies in SUPPORT of HB 2659. Explains importance of using AIA to him. Explains problems he has seen within his architectural firm and the use of AIA after a name.

239 -Responds to Rep. Wells: Explains his affiliation.

249 RAY BOUCHER, Architect, Boucher, Mouchka, Larson: Board voted unanimously to oppose HB 2659. Explains why. Explains several acronyms. AIA, ACO, NCARB, NARC. The American Institute of Architecture initials has, over time, created recognition with architects who are licensed. A rule is

currently in the process of being promulgated.

404 -Explains initial reason for problems with this bill. Uses example of individual not licensed to practice in this state.

437 -In response to Chair Lundquist: No, the amendment does not completely clarify for the Board of AIA concerning using AIA. Makes enforcement very difficult.

TAPE 40, SIDE A

040 BOUCHER: Responds to Rep. Federici concerning the use of titles making reference to utilizing the word architect or even AIA.

083 -Responds further to Rep. Wells: Explains positions in other states concerning use of AIA initials.

127 -Explains for Rep. Wells the process in adopting a rule concerning this issue. Will be promulgated within the next few weeks. The idea first originated with the board last May or June.

150 DARWIN DOSS, Architect in Salem: Past President Salem chapter and AIA. Believe object is to support the public.

151 CLOSES PUBLIC HEARING ON HB 2659.

167 OPENS PUBLIC HEARING ON HB 3082.

182 REP. FRANK SHIELDS, District 16: Submits Testimony in SUPPORT of HB 3082. (Exhibit I) Explains personal experiences with such minor repairs.

216 -Refers questions of Rep. Wells to the experts.

225 PETER GRUNDFOSSEN, Association of Oregon Housing Authorities: Testifies in SUPPORT of HB 3082. (Exhibit J) Makes reference to HB 2247; HB 3082 is not as broad as HB 2247, scope is much more limited. Offers an amendment to make smoke detectors a part of this.

332 -In response to Rep. Federici: Clarifies if smoke detectors or heat detectors.

342 -In response to Rep. Wells: Attempts to explain permit process.

402 BARRETT PHILPOTT, Director, Public Housing Authority of Portland: Testifies in SUPPORT of HB 3082. (Exhibit K) Explains that there could be immense savings for the Housing Authority of \$60,000

TAPE 41, SIDE A

044 TOM ANDERSON, Director of Maintenance, Housing Authority of the City of Salem: Testifies in SUPPORT of HB 3082. (Exhibit L)

083 PHILPOTT: Explains maintenance allowed under the plumbing code for Rep. Federici. Explains what you cannot do as a non-plumber; anytime you break the wall line.

101 REP. FEDERICI: Clarifies that this bill is the same as current laws allowing for electrical work as long as an individual does not break the wall line.

109 GRUNDFOSSEN: Attempts to answer questions of Rep. Wells.

121 PEGGY COLLINS, Building Codes Division: Explains concerns of the bill from the perspective of the Building Codes Division.

-Concerns of replacing water heaters.

-Referring to word "alteration" on line 21, page 2 as defined in rule. "Alteration" is perhaps not the word that should be used, suggests amending, using another word.

-What is "not-for-profit?" Perhaps reference to particular statutes would clarify.

-Lines 26-28; concerned about no specification on what types of buildings.

Explains master permit program.

179 -Responds to Rep. Federici concerning the master permit program. Is not sure if what was intended is the end result by referring to the master permit program.

198 -In response to Rep. Federici: Is not sure if there is another reference in ORS concerning this.

-Questions intent of deleting language on page 2 concerning commercial buildings.

221 REP. FEDERICI: Clarifies that we perhaps need to look at other ORS in order to do this.

223 COLLINS: Responds to Rep. Federici. Explains that there are some other bills the Committee made be interested in concerning master electrical permits.

230 JUNIOR OWENS, Chief Electrical Inspector: Responds to Rep. Federici concerning ORS 479.540 subsection b. Perhaps a better place to move that language.

257 COLLINS: In response to Rep. Wells: Explains when a permit is required.

281 JUNIOR: In response to Rep. Wells: Explains intent was to avoid having to request a license, yet not necessarily be exempt from permit requirements.

291 CLOSES PUBLIC HEARING ON HB 3082.

295 VICE-CHAIR FEDERICI ADJOURNS MEETING.

Submitted by, Reviewed by,

JODIE HALL DANIEL JARMAN
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

- A - Testimony on HB 3029 - Ted Dicken, President, Pacific Health and Life Insurance Company - 2 pages
- B - HB 2345 -1 Amendment - Jim Carlson, Oregon Health Care Association - 4 pages
- C - HB 2659 -1 Amendment - Heidi Anderson, Architects Council of Oregon - 1 page
- D - Testimony on HB 2659 - Anderson - 1 page
- E - Testimony on HB 2659 - Anderson - 7 pages
- F - Testimony on HB 2659 - Anderson - 2 pages
- G - Testimony on HB 2659 - Anderson - 1 page
- H - Hand Engrossed HB 2659 - Anderson - 1 page
- I - Testimony in SUPPORT of HB 3082 - Rep. Frank Shields, District 16 - 1 page
- J - Testimony in SUPPORT of HB 3082 - Peter Grundfossen, Association of Oregon Housing Authorities - 2 pages
- K - Testimony in SUPPORT of HB 3082 - Barrett Philpott, Director, Public

Housing, Housing Authority of Portland - 1 page

L - Testimony in SUPPORT of HB 3082 - Tom Anderson, Director of
Maintenance, Housing Authority City of Salem - 1page