

HOUSE COMMITTEE ON  
HUMAN RESOURCES AND EDUCATION

Hearing Room  
Tapes - 16

MEMBERS PRESENT:

Rep. Dennis Luke, Chair  
Rep. Frank Shields, Vice-Chair  
Rep. Bill Fisher  
Rep. Mike Lehman  
Rep. John Meek  
Rep. Patti Milne  
Rep. Barbara Ross  
Rep. Lynn Snodgrass  
Rep. Charles Starr  
Rep. Terry Thompson  
Rep. Sharon Wylie

STAFF PRESENT:

Jan McComb, Committee Administrator  
Tom Mann, Committee Administrator  
Shelley Jones, Committee Assistant

MEASURES HEARD:

HB 2021 Work Session  
HB 2023 Work Session  
HB 2077 Work Session  
HB 2053 Public Hearing and Work Session  
HB 2103 Public Hearing  
HB 2298 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 , SIDE A

005 CHAIR LUKE: Calls the meeting to order at 8:00 a.m.

HB 2021 Work Session

010 MANN: HB 2021 comes with a unanimous approval from the Human Resources  
Subcommittee. Submits and reviews preliminary SMS (EXHIBIT A). Submits  
written testimony from SHERWIN CULLISON, DEPARTMENT OF HUMAN RESOURCES  
ADULT AND FAMILY SERVICES DIVISION. (EXHIBIT B)

018 ROSS: Explains HB 2021 that allows Adult and Family Services Division  
to continue to provide the highest amount of food stamp benefits allowable  
under federal law.

030 LUKE: Suggest REP. ROSS define "poor" families.

032 ROSS: These are defined as families that receive food stamps under the  
ADC program.

047 MOTION: REP. MEEK: Moves HB 2021 be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

CHAIR LUKE: The motion CARRIES.

CHAIR LUKE: REP. ROSS will lead discussion on the Floor.

#### HB 2023 Work Session

060 MANN: HB 2023 comes to the full committee with a unanimous recommendation from the Human Resource Subcommittee. Explains the bill and

submits hand engrossed bill amended by sponsor, LC amendment and Fiscal Impact. (EXHIBIT D)

072 FISHER: Explains the reason behind the proposed bill, the current testing schedule for licensing done by the Board of Massage Technicians. This bill allows the test to be given at professional testing centers around the state.

090 VICKY WILLIAMS, ADMINISTRATOR OF THE BOARD OF MASSAGE TECHNICIANS: Explains the purpose of the bill to the committee.

103 MILNE: Questions the increase in the fee.

106 WILLIAMS: Explains the increase is to cover the cost of administering the test by a professional testing company and not buy a lay-person Board.

They are attempting to keep the cost reasonable.

120 MELANIE ZERMER, FORMER COMMITTEE ADMINISTRATOR: Explains that she will be sitting for the exam soon, but at this time does not want to comment on the proposed bill.

152 ROSS: Questions on massage therapy.

163 MOTION: REP. FISHER: Moves the ADOPTION of the amendments to HB 2023.

CHAIR LUKE: Hearing no objections the MOTION is ADOPTED.

166 MOTION: REP. FISHER: Moves that HB 2023, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

CHAIR LUKE: The motion CARRIES.

CHAIR LUKE: REP. FISHER will lead discussion on the Floor.

#### HB 2021 Work Session

176 REP. FISHER: Request that the work session on HB 2021 be re-opened so REP. WYLIE and REP. THOMPSON can vote.

182 VOTE: REP. WYLIE and REP. THOMPSON vote AYE on HB 2021.

#### HB 2077 Work Session

186 McCOMB: This bill is proposed by the State Library. Submits and reviews preliminary SMS, and amendments. (EXHIBIT C)

200 MOTION: REP. MEEK moves the ADOPTION of the amendments to HB 2077.

CHAIR LUKE: Hearing no objections the MOTION is ADOPTED.

MOTION: REP. MEEK: Moves that HB 2077, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

VOTE: In a roll call vote, all members are present and vote AYE.

CHAIR LUKE: The motion CARRIES.

CHAIR LUKE: REP. MEEK will lead discussion on the Floor.

HB 2053 Public Hearing

215 MCCOMB: Submits and reviews preliminary SMS and Fiscal Impact. (EXHIBIT E)

228 LYNNE PARTIN, HOUSING AND COUNTY SERVICES DEPARTMENT, MOBILE HOME PARK OMBUDSMAN: Introduces her assistant, Deborah Clark who does the reporting for the office. Explains that the bill re-prioritizes the duties in the office and eliminates or reduces some of the required reports that communities are required to do.

246 -Signed off by consensus by the Mobile Home Park Coalition who represent the entire industry.

257 -There are 227 cities and 36 counties that are currently required to report information, and no more than 10 people have ever asked for the information. It also takes the office staff 110 hours per year to receive and maintain the information.

290 -Minimal financial savings, except staff time will be a significant savings for the office budget.

311 MILNE: Thanks the speaker for her work in the field.

316 ROSS: Asks speaker to give example of what kind of work the office does.

325 PARTIN: Explains the programs and the office of the Mobile Home Park Ombudsman.

TAPE 13, SIDE A

067 ROSS: Ask if the programs offers assistance to mobile home park operators.

078 PARTIN: Yes, we operate as the third party neutral.

095 EMILY CEDARLEAF, MULTIFAMILY FAMILY HOUSING ASSOCIATION: Has some concerns regarding rental agreements, and recommendation is to delete the section on maintaining the agencies rental agreements. Most of the parks have their own rental agreements, and very few use the state one's.

119 PARTIN: Does not have a position on this issue, states that the office has the form, but it is rarely used. Does not care one way or the other.

135 -The Mobile Home Park Coalition did agree that they would like that section deleted, since no one is using the rental agreements but are using their own.

145 ROSS: Ask if vacancy rates survey can be maintained.

156 PARTIN: Responds that there are several agencies and private businesses that do vacancy rates for the mobile home industry, including Portland State University.

164 SHIELDS: If line 17 & 18 is not being done, why keep it.

175 MOTION: REP. MEEK: MOVES that amendments be drafted to eliminate lines

17 & 18 of HB 2053.

CHAIR LUKE: Hearing no objections the MOTION is ADOPTED.

CHAIR LUKE: Refers to staff for changes to be drafted.

TAPE 14, SIDE A

HB 2103 PUBLIC HEARING

005 MANN: Submits and reviews preliminary SMS. (EXHIBIT F)

010 KEN STEVENS, MD, and GIL BELLAMY, OREGON BOARD OF RADIOLOGIC TECHNOLOGY:

012 KEN STEVENS: Submits and reviews testimony in support of HB 2103.  
(EXHIBIT G)

035 -Reviews the draft bill, page by page with recommendations for changes to the bill.

060 -Explains that the definition of physicians is now "one who practices healing arts", the bill clarifies that only practitioners who are exempt from the licensing requirements are "physicians" and changes that language to the word "physicians".

094 -Expands the coverage of the licensing laws to include magnetic resonance imaging, nuclear medicine and ultrasonography.

118 -Explains purpose of the Board and their jurisdiction.

142 -Definition of nuclear medicine and one who practices nuclear medicine.

175 -Allows the Board to contract with an examination or testing agency.

185 THOMPSON: Questions the low fee charged for license renewal of \$70.00 and late fees.

190 STEVENS: Explains the fee schedule.

200 LUKE: Does not like an agency that has the ability to set it's own fees. Suggest the fees set by the Board, be subject to review by the Emergency Board.

215 -Questions on testing sites and testing schedule.

220 STEVENS: There are no changes recommended for the current testing procedure in this draft bill. Explains that the test is given quarterly, in Portland. The only change proposed, is to allow the Board to contract with a testing services. That would allow the test to be given around the state and more often.

234 LUKE: Would like an explanation of the exemptions to licensing in the draft bill when the Board comes back for a work session with the committee.

250 FISHER: Questions the additional \$20.00 fee for new applicant.

255 STEVENS: Explains the additional \$20.00 fee is for administrative cost.

Renewal fees are currently \$70.00, a new applicant would pay \$90.00.

273 LUKE: Questions how long is the test.

275 STEVENS: The Board gives nine different test, each takes a different amount of time.

300 MEEK: Ask if there is continuing education requirements for licensing and are any of those exempt required to have continuing education requirements.

305 STEVENS: There are continuing education requirements.

310 WYLIE: Asks questions about magnetic resonance equipment and training.

TAPE 12, SIDE B

050 STEVENS: Clarifies an error in the draft bill and request deletion of " and payment of the fees set by the Board".

080 FISHER: Comments that the license renewal late fee of \$20.00 is to low.

100 STEVENS: Board has discussed establishing a gradation of the fee schedule. The proposal in the bill is to allow the Board to set fee's and late fee's.

130 -Explains the cost of monitoring renewal of licenses, and the Boards authority to deal with expired licenses and the license renewal process.

155 MILNE: Would like to review the renewal process, and license expiration process.

164 MEEK: Would like to see an amendment that states, that if the license is not renewed by the expiration date, then the license is expired and no good.

170 ROSS: Questions how long it takes the Board to find out if someone is working with an expired license.

185 LUKE: Comments that it looks like the committee would like to see the issue of working with an expired license more stringent, suggest possible amendments be proposed on license renewal and practicing with an expired license.

220 THOMPSON: Suggestion that the Board use certified mail to send out renewal notices. If they do not respond, it is their problem and not up to the Board to keep trying to find them.

243 STEVENS: Delete sections 16,17 & 18.

253 -Line 30 is a mistake listed at \$20.00, it should be \$70.00.

262 -Section 19 is being repealed, because CAT scan operators are not certified by the national agency and so they need to be under the jurisdiction of the Board.

280 ED PATTERSON, OREGON ASSOCIATION OF HOSPITALS AND HEALTH SYSTEMS: Submits and reviews testimony in opposition to HB 2103. (EXHIBIT H)

300 -Some state licenser's are duplication of national registry required for some professions.

-To many licenses and restrictions effect the ability of rural clinics and hospitals to hire professionals.

-Concern that some Boards are attempting to micro-management clinics and hospitals.

315 -Urges the Legislature to use great caution in examining license requirements so as not to burden providers with unnecessary or duplicate licensing.

325 ROBERT CACAK, Ph.D., SALEM HOSPITAL: Testifies in opposition of HB 2103. Explains that HB 2103 seeks to add four disciplines, two of which do

not involve radiation at all. Salem Hospital opposes this bill.

TAPE 14, SIDE B

040 -Quality of technologist is not effected by licensing requirements.

050 -Salem Hospital views this requirement as lowering the available pool of

technicians.

070 -Challenge from President Clinton's recent State of the Union address was to reduce levels of unnecessary regulations, suggest removing this bill

as an excellent beginning.

080 STEVENS: Explains that this is not new technology, and licensing does not effect the ability to perform as a qualified technician. Training is more important to keep up with the new and emerging technology, than licensing.

123 MEEK: Questions if there is a national licensing that people have to pass to qualify for in order to practice and wants to know if people are being licensed in Oregon that do not hold the national license.

133 BELLAMY: Responds that there are technicians that hold a limited license and can take limited radiographs. This is especially true in the rural areas of Oregon.

155 JULIA GIES, OREGON NURSES ASSOCIATION: Submits and reviews testimony in opposition to HB 2103. (EXHIBIT I) The language will exempt nurse practitioners who currently are trained to operate the equipment. This effects rural clinics in Oregon that do not have quick access to a local hospital.

177 -The issue is training, and nurse practitioners do receive training.  
-The bill is unnecessary, and a duplicate license.

190 BRIAN DeLASHMUTT, OREGON NURSES ASSOCIATION: Spoke in opposition to HB 2103 because of the effect to nurse practitioners and physician assistants.

211 -States that this was discussed during the 1993 legislative session and the Board of Radiology continues to pursue it although he believes that this was resolved in the last session.

225 JEFF BUTLER, OREGON RURAL HEALTH ASSOCIATION: Spoke in opposition to HB

2103 and the effects it would have on physician assistants in rural communities. Issue is critical for small and rural clinics. Communities that depend on non-physicians would have restricted access to necessary services.

258 -Limits services in small rural communities.

280 -No documentation that the services are being performed badly by non-physicians.

295 -Unnecessary licensing for nurse practitioners and physician assistants and states this bill serves no purpose, and was proposed without justifiable cause.

300 -States that all films are reviewed by a radiologist who directly supervise NP's and PA's.

307 TOM BARROWS, OREGON PODIATRIC MEDICAL ASSOCIATION: Does not have a position on this draft bill except Section 1, (4) the definition of physicians that is being used; wants to make sure Podiatrists are not left out of that definition. Concern is that the definition not be limited to M.D.'s and D.O.'s.

TAPE 15, SIDE A

040 CHUCK BENNETT, CHIROPRACTIC ASSOCIATION OF OREGON: Agrees with the comments made by the previous speaker. Wants to make sure Chiropractors are not excluded.

046 JANE MYERS, OREGON DENTAL ASSOCIATION: A problem with the bill is the definition of the use of the word "physicians" on page one, might exclude dentist who are D.D.S. and D.D.MD's or they might not be covered by the

exemptions listed on page 2.

- Also students who are in training might be excluded.

- Suggest dental assistants certified under ORS 679 be included in the exclusion to punitive damages clause.

068 BILL MEDFORD, SOCIETY OF DIAGNOSTIC SONOGRAPHERS: Submits and reviews testimony in opposition to HB 2103 (EXHIBIT J) related to the federal legislation to keep sonographers in a different category from radiological technologists.

095 MEEK: Would like to know how many are practicing that are not-nationally licensed. Also

wonders if there is a need for the Oregon Board of Radiologic Technicians or if the licensing could be administered by the Oregon Medical Examining Board.

HB 2298 Public Hearing

107 McCOMB: Submits and reviews preliminary SMS. (EXHIBIT K)

120 BOB JOONDEPH, EXECUTIVE DIRECTOR, OREGON ADVOCACY CENTER: Submits and reviews testimony in opposition to HB 2298. (EXHIBIT L)

140 ROSS: Ask for an example of how this bill would erode the constitutional rights of someone.

145 JOONDEPH: Relates a story of a person who's fundamental right to communication was infringed upon.

167 ROSS: Would this allow withholding of mail to be used as a disciplinary measure.

168 JOONDEPH: In the state hospital there is a disciplinary process, called the level system in which the withholding of mail might be used as a disciplinary measure.

215 REP. KEVIN MANNIX, SPONSOR OF THE BILL: Clarifies some of the issues of the bill.

- There is constitutional case law that already says that people have a right to communications with certain people.

- This bill is a statutory change to restrict the offensive conduct.

- This bill does not effect the process to challenge therapy restrictions set by a physician.

262 -Thousands of victims get this garbage in the mail.

-Last session, the House of Representatives passed this legislation, it died in the Senate.

- Effects mentally ill and civilly committed people from victimizing people.

290 -Presents proposed amendment to include contraband. (EXHIBIT M)

300 -Contraband is defined based upon individual circumstances as to the specific patients, depending upon their therapeutic care plan.

308 -Presents letters received by constituent for committee review. (EXHIBIT

N)

310 FISHER: Questions if it really is a travesty to limit statutory rights to those committed, when there are already many other limitations placed upon them.

325 MANNIX: The state of Oregon is very generous in it's provision of statutory rights for those committed.

TAPE 16, SIDE A

050 MANNIX: This bill does not restrict access to elected officials, advocacy groups, family, lawyers, religious leaders and media. In the real world, if someone sent you this mail, you could probably sue them. The defense the committed patient can use, is mentally incompetent.

073 SHIELDS: Would there ever be a circumstance in which a limit could be placed on communicating with the family for someone who commits a crime against a family member.

080 MANNIX: An example would be of a family member that rapes another family member and is committed as mentally incompetent. Currently, you have a constitutional right to communicate with members of your family, but the courts have ruled that the right of the victim contravenes the right of the perpetrator under the constitution. But under current Oregon statutes, the Mental Health Division would not be allowed to stop that mail from going out.

105 PAT HOBLIT, CONSTITUENT: Testified on the material she received and forwarded to REP. MANNIX. (EXHIBIT N)

140 BERRY KAST, ADMINISTRATOR, MENTAL HEALTH AND DEVELOPMENT DISABILITY SERVICES DIVISION: Submits and reviews testimony in support of HB 2298. (EXHIBIT O).

160 -Would also like to have the opportunity to bring forward some additional amendments.

163 STAN MAZURHART, SUPERINTENDENT, OREGON STATE HOSPITAL: Testified in favor of HB 2298. The facility administration receives hundreds and hundreds of complaints when these mailings go out. This is not an attempt to ever have complaints not investigated, or to take away any rights.

180 -There is a grievance procedure for patients to grieve treatment decisions. It is not the sole decision of one person such as the patients psychiatrist. The process to place those restrictions includes many people in the decision process.

195 -To his knowledge there has never been an example or grievance filed by patients who have had a restriction placed upon mail privileges as a part of treatment plan.

230 THOMPSON: What kind of assurance can you give that an over zealous psychiatrist won't use this to impose punishment.

235 MAZURHART: There is a stringent process in place for review of restrictions.

243 EUGENE ORGAN, EXECUTIVE DIRECTOR, OREGON DISABILITIES COMMISSION: Expresses opposition to HB 2298. Understands the situations which have prompted this bill, the actions are abominable, but this bill takes away civil rights to a wide variety of people.

HB 2313 Public Hearing

264 MANNIX: Introduces video tape to present testimony of a physician to explain the psychology of youngster between the ages of 15 - 18, which is what this bill addresses.

276 SHIELDS: States that the committee does not have the time to review the tape.



281 MANNIX: Thinks it is important for the committee to understand this information, this bill does not create a new law, it takes an existing inform consent statute related to sterilization and changes the age of which you can give automatic informed consent from 15 to 18 years of age.

318 VICE CHAIR SHIELDS: Request RER. MANNIX do his presentation on HB 2313 at a future meeting.

-Adjourns meeting at 11:15 a.m.

Submitted by:

Reviewed by:

Shelley M. Jones  
Committee Assistant

Jan Mc Comb  
Committee Administrator

EXHIBIT LOG:

A- HB 2021- Preliminary SMS- Staff- 1 p  
B- HB 2021-Testimony- Cullison- 1 p  
C- HB 2077- Preliminary SMS/LC Amendments- Staff- 2 p  
D- HB 2023- Fiscal, LC Amendments, Hand Engrossed Bill- Staff- 3 p  
E- HB 2053- Preliminary SMS/Fiscal- Staff- 2 p  
F- HB 2103- Preliminary SMS- Staff- 1 p  
G- HB 2103- Testimony- Stevens- 4 p  
H- HB 2103- Testimony- Patterson- 1 p  
I- HB 2103- Testimony- Gies- 2 p  
J- HB 2103- Testimony- Medford- 2 p  
K- HB 2298- Preliminary SMS- Staff- 1 p  
L- HB 2298- Testimony- Joondeph- 1 p  
M- HB 2298- LC Amendments- Mannix- 1 p  
N- HB 2298- Testimony- Mannix- 13 p  
O- HB 2298- Testimony- Kast- 3 p