

HOUSE COMMITTEE ON
HUMAN RESOURCES AND EDUCATION
SUBCOMMITTEE ON HUMAN RESOURCES

Hearing Room
Tapes - 13

MEMBERS PRESENT:

Rep. Charles Starr, Chair
Rep. Sharon Wylie, Vice-Chair
Rep. Bill Fisher
Rep. Barbara Ross
Rep. Dennis Luke, ex-officio

STAFF PRESENT:

Tom Mann, Committee Administrator
Pamela Berger, Committee Assistant

MEASURES HEARD: HB 2338 - Public Hearing
HB 2525 - Public Hearing and Work Session
HB 2679 - 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

CHAIR STARR: Calls the meeting to order at 8:33 a.m.

HB 2525 - Public Hearing

010 SUSAN DIETSCHE, Senior And Disabled Services Division (SDSD): Submits and reads written testimony on HB 2525, including proposed amendments (EXHIBIT A)

-gives examples of leases; will provide at a later date

066 REP. JOHN MEEK, District 5: Testifies on HB 2525

-concerned about language on line 16 because an operator could own more than one home; am having language drafted to address my concern

-concerned about the definition of "operator"; also having language drafted

to address that concern

100 -in response to Luke, points out that Legislative Counsel added "certified resident manager" for clarification purposes

-in response to Luke, wants to make language clear regarding financial interest and decision making

135 DIETSCHE: In response to Fisher, defines "certified resident manager" and "licensed provider"

-in response to Fisher, relates definitions to nursing homes

MEEK: In response to Fisher, discusses contracts

220 DIETSCH: In response to Fisher, discusses lease agreements
-would like to clarify, aside from the lease, other activities or other
requirements in the lease that might interfere with the operation of the
business

-discusses three types of leases that should be clarified

STARR: Requests that those leases be submitted for the record

250 CHUCK SHEKETOFF, Legal Aid: Submits and reads written testimony in
opposition to HB 2525 as it currently written (EXHIBIT C)

277 -in response to Luke, will provide leasing documentation

-continues with written testimony

330 -in response to Fisher, discusses laws relating to a licensed provider
losing their license-in response to Fisher, talks about steps taken to
assure that residents are continually cared for when a provider loses their

license

TAPE 11, SIDE A

-would welcome language about adequate notice to their agency and assurance
that quality care is provided

FISHER: Feels that SDSD could deal with this under administrative rule

SHEKETOFF: Suggests that the committee provide direction to SDSD

020 -in response to Fisher, discusses SDSD administrative rules

-in response to Fisher, discusses "co-provider"

-in response to Fisher, the certified resident manager is not the provider

-in response to Fisher, there is no automatic transfer of the license

070 GROVER SIMMONS, Independent Adult Care Providers Association and the
Columbia Adult Foster Home Association: Submits and reads written
testimony in opposition to HB 2525 (EXHIBIT D)

166 -in response to Luke, will provide administrative rules

SDSD staff provides administrative rules for members to review (EXHIBIT E)

SIMMONS: In response to Fisher, discusses regulations for resident
managers if substitute care is to be provided

218 -in response to Fisher, discusses what happens if a provider leaves
position

-definitions

-in response to Ross, have briefly reviewed Jolly Roger's leases; owner is
available to testify

-in response to Ross, am aware of administrative rule

-in response to Ross, responds to SDSD's testimony

320 FISHER: Advertisements of product versus responsibly of business

SIMMONS: In response to Wylie, discusses financial terms of the lease
putting negative pressure on the way care is provided

-doesn't believe that SDSD should get into the middle of the financial
matters of adult foster homes

WYLIE: Discusses free enterprise; profit

TAPE 10, SIDE B

-protection of vulnerable population versus free enterprise

030 SIMMONS: Responds; industry is vital to our society

-government should regulate the quality of care, training and skills of
providers

-discusses private pay and state pay

-object to bonding; support regulation

LUKE: The administrative rule goes too far, this bill goes too far the other way - you need to work with agency to define "provider"

105 FISHER: Objections to testimony

180 SIMMONS: Deletion of "sole"; this is a bare bones bill

LUKE: Need definition language drafted

195 TIMOTHY L. O'BYRNE, Tenly Companies: Submits and reads written testimony on HB 2525 (EXHIBIT F)

360 DOUGLAS WETTER, Tenly Companies: Submits and reads written testimony on HB 2525 (EXHIBIT G)

TAPE 11, SIDE B

018 JACQUELINE ZIMMER, AAA's: Submits and reads written testimony in opposition to HB 2525 (EXHIBIT H)
-suggests that interested parties get together to work out details
-in response to Ross, discusses definition of "provider" -- suggesting that

interested parties get together to work out details and definitions
-in response to Luke, talks about responsible person to make sure that facility is in working order (i.e. working toilets)
-need to address definition of "provider"
-our concern is for the safety of residents

FISHER: State always has ultimate authority to remove residents if the facility is unsafe

120 MEREDITH COTE, Oregon Long Term Care Ombudsman (OLTC): Testifies in opposition to HB 2525
-Agrees with Luke that rule by SDSO goes too far and the bill does not adequately address concerns
-discusses landlord/tenant relationship
-concerned about prescriptive terms of some leases

300 JAMES ROGERS, Jolly Rogers Inc.: Testifies on HB 2525
-this is a complex problem
-not prepared at this time to defend all of the elements of our contract
-requests that this committee review, in its entirety, the contract we use
-considered other options after learning of the State's opposition to our lease

-in response to Ross, Jolly Rogers is not opposed to the owner of the property being held accountable and being part of the license if they do in fact get involved in the day to day operations
-hard to determine where one steps over the line
-we are willing to work with SDSO
-we stand ready to work with SDSO to come up with language to address concerns
-in response to Ross, we now use simpler lease forms for new leases

TAPE 12, SIDE A

ROSS: Fewer mandates can create a more home type atmosphere
-do you feel that we can move toward a tighter definition and still allow flexible and constructive configurations?

ROGERS: Not sure because in the past we tried to work with SDSO to solve problems but it seemed to fall upon deaf ears

065 CHAIR STARR: Suggests that interested parties meet with staff to work

out details

WYLIE: Suggests that the proposal be reviewed by banking community

CHAIR STARR: Will have staff check that out

ROSS: Need to keep homes flexible to provide different configurations
-concerned about owners having a blind eye on situation

HB 2338 - Public Hearing

MANN: Briefs members on proposed amendments (EXHIBIT I)

Submitted for the record, testimony from Jeff Kushner, OADAP (EXHIBIT B)

130 HEIDI ANDERSON, Oregon Acupuncture Association: Discusses conceptual
amendments which have been agreed to by interested parties

165 REP. JOHN MEEK, DISTRICT 5: Discusses conceptual amendments
232 -in response to Ross, clarification on conceptual amendments

JEFF KUSHNER, Office Of Alcohol And Drug (OADAP): Responds to conceptual
amendments
-we can support them

252 TIM MARTINEZ, Oregon Medical Association: Comments on conceptual
amendments
-heroin addicts
-submits ASAM policy statement on methadone treatment (EXHIBIT J)

310 KUSHNER: Methadone is probably the most highly evaluated drug treatment,
and most controversial
-discusses positive treatment aspects
-methadone should be close to the last resort for type of treatment
-not able to determine which heroin addicts will do well on methadone and
which ones will do well on other types of treatment
-in response to Fisher, discusses language within HB 2338 excluding
pregnant women
-in response to Wylie, discusses infant withdrawals from methadone

TAPE 13, SIDE A

007 MARTINEZ: Responds to Kushner's testimony
-doesn't feel that a physician would automatically place a patient on
methadone; an examination would occur and all options would be considered

HB 2338 - Work Session

MOTION: ROSS MOVES THE 2/20/95 (EXHIBIT L) PROPOSED
AMENDMENTS

028 FISHER: Concerned that there may be a life or death situation and that
harm may be caused because of treatment limitations

WYLIE: Acupuncture use has been proven to be successful in drug addiction

CHAIR STARR: Staff will look into Fisher's concerns

VOTE: HEARING NO OBJECTIONS, THE AMENDMENTS ARE ADOPTED. LUKE EXCUSED

FISHER: Still concerned

MANN: Could have a conceptual amendment to address Fisher's concerns

Discussion on way to proceed with Fisher's concern

134 ANDERSON: Responds to Fisher's concern
 -refers to her testimony submitted at the 2/10/95 hearing

FISHER: Re-states concern

ANDERSON: Richard Harris may better address concern

155 KUSHNER: It is my understanding the amendments do not preclude a
physician from providing methadone to detoxify a heroin addict; expands

174 WYLIE: I understand that there are several drugs used to relieve
stress during detoxification

KUSHNER: That is correct

200 MOTION: ROSS MOVES HB 2338, AS AMENDED TO THE FULL
COMMITTEE

VOTE: NO OBJECTIONS. LUKE EXCUSED

HB 2679 - Public Hearing

Staff submits a preliminary SMS on HB 2679 (EXHIBIT K)

224 JACK KANE, Oregon Optometric Association: Testifies in favor of HB 2679
-introduces Dr. Scott Overton

2679 DR. SCOTT OVERTON, Oregon Optometric Association: Testifies in favor of HB
-briefs members on bill
-Medicare recognizes us as physicians

245 CHAIR STARR: Does this have any effect on other statutes?

KANE: Not that I am aware of

CHAIR STARR: Affect on scope of practice?

KANE: No

OVERTON: Main reason for wanting bill is because there are rules in
insurance and hospital privileges that require "physician"
-expands ability to access

WYLIE: Under what circumstances would an optometrist need admitting
privileges?

OVERTON: They aren't necessarily admitting privileges, there are several
other reasons such as access to the lab

ROSS: Would this reduce costs?

OVERTON: Definitely; we do work at a lesser rate

290 JODY FISCHER, Oregon Academy Of Ophthalmology: Testifies in opposition
to HB 2679 because it is unnecessary - optometrists can already distinguish

themselves by calling themselves doctors of optometry and also because it
can be very confusing to consumers

2679 NAN HEIM, Oregon Academy Of Ophthalmology: Testifies in opposition to HB
-talks about difference in training for Ophthalmologists and Optometrists

350 CHAIR STARR: Adjourns the hearing at 11:12 a.m.

Submitted by, Reviewed by,

Pamela Berger Tom Mann
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - HB 2525 - Testimony - Dietsche - 2 pp.
B - HB 2338 - Testimony - Kushner - 1 p.
C - HB 2525 - Testimony - Sheketoff - 3 pp.
D - HB 2525 - Testimony - Simmons - 3 pp.
E - HB 2525 - Administrative Rules - Dietsche - 3 pp.
F - HB 2525 - Testimony - O'Byrne - 5 pp.
G - HB 2525 - Testimony - Wetter - 5 pp.
H - HB 2525 - Testimony - Zimmer 1 p.
I - HB 2338 - Proposed Amendments - Staff - 3 pp.
J - HB 2338 - ASAM policy statement - Martinez - 1 p.
K - HB 2679 - Preliminary SMS - Staff - 1 p.
L - HB 2338 - Proposed amendments - Staff - 1 p