

HOUSE COMMITTEE ON  
HUMAN RESOURCES & EDUCATION  
SUBCOMMITTEE ON HUMAN RESOURCES

March 13, 1995 Hearing Room D  
8:30 a.m.

Tapes 16-19

MEMBERS PRESENT:

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

ADDITIONAL MEMBERS:

Rep. Cedric Hayden  
Rep. John Meek

STAFF PRESENT:

Tom Mann, Committee Administrator  
Shelley Jones, Committee Assistant

MEASURES HEARD:

HB 2166 Public Hearing  
HB 2027 Public Hearing  
HB 2525 Public Hearing & Work Session  
HB 2679 Public Hearing & Work Session  
HB 2067 Public Hearing & Work Session

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 STARR: Calls meeting to order at 8:36 a.m.  
  
HB 2166 PUBLIC HEARING

010 FISHER: Introduces bill to committee and introduces Ed Patterson.

015 ED PATTERSON, OREGON ASSOCIATION OF HOSPITALS: Reviewed the issues of the bill with a work group which included Rep. Ross and Rep. Fisher. Submits LC-3 amendments. (EXHIBIT A)

060 -Proposing additional amendments on fees charged by Health Division.

080 -Requesting the Health Division prepare a report to the next Legislature on reduction of fees, license fees and redundant inspections. Submitted the survey on required inspections for Tuality Community Hospital and the various fees charged. (EXHIBIT B)

114 -Consensus of the work group was to not add licensing fee for hospice programs at this time.

160 -Submitted additional amendments to HB 2166. (EXHIBIT C)

175 ROSS: The amendments proposed and explained reflect the work groups consensus.

222 ELIZABETH FLORIO, OREGON ASSOCIATION OF HOME CARE: Submits and reviews testimony in support of HB 2166 but would like to see the license fees set in statute rather than through the rule making process. (EXHIBIT D)

250 ROSS: Asked if it is reasonable for Legislature to ask the Health Division to review all the required inspections and fees and report back to the next session.

254 KATHLEEN SMAIL, OREGON HEALTH DIVISION: There are some constraints in

allowing inspections to be announced in advance, but it is workable to have the Health Division review and report back.

HB 2027 PUBLIC HEARING

MANN: Submits staff measure summary. (EXHIBIT E)

260 REP. HAYDEN: Introduces HB 2027 to the committee. Looking at ways to reinvent government and the privatization of government. He looked at privatizing inspections on X-ray equipment throughout the state.

300 -Looking at ways to improve the efficiency of government.

340 -Reviewed privatization of inspections, with the use of federal funds.

390 WYLIE: Asked if there were enough inspectors currently available and what credentials are required for inspectors.

440 REP. HAYDEN: Current practice is to call a national manufacturer for repair, and the Health Division for inspection.

TAPE 17, SIDE A

035 LUKE: Questions the language on fee setting and suggest the fees be fixed in statute.

070 FISHER: Comments that page 4, line 5,6,7 does have division employees retained to monitor the private inspectors.

093 WYLIE: Ask what is our role in privatization and assuring proper accreditation.

095 REP. HAYDEN: State would be in a back up role, assure there are enough people and that they are properly accredited.

119 -Market based service, with technicians around the state servicing the equipment.

125 ED PATTERSON, OREGON ASSOCIATION OF HOSPITALS: The association supports the privatization of these services.

160 -Reviewed the amendments proposed on the hand engrossed bill. (EXHIBIT F)

200 LUKE: Questions on inspection and calibration of X-ray machines.

260 PATTERSON: Reviews hand engrossed amendments, suggesting that division inspectors do spot checks on private inspectors.

280 -Amendments add new language limiting inspection fees.

305 WYLIE: How often after getting an inspections does a machine need calibration. Is one year or two years too long. Why are we privatizing this when we have to have such accreditation for licensing the inspectors.

Who takes the liability if the inspection occurs and then the machine causes harm, the manufacturer, the supplier, the state inspection agency.

360 PATTERSON: Comments on Rep. Wylie's questions, addresses liability exposure.

390 LUKE: Current law is inspection occurs every year, this bill does not change that. If there are private inspections out there, having the division do spot checks of their work is a good practice.

440 PATTERSON: Supportive of an amendment that would clarify nuclear medicine issues and whether that is covered under this bill.

TAPE 16, SIDE B

070 FISHER: Questions fees and whether they are biennial or annual.

090 PATTERSON: Thinks that the fees charged should only cover the administration of the program and not generate additional funding for the agency.

125 RAY PARIS, SECTION MANAGER, RADIATION CONTROL, HEALTH DIVISION: Reviews

the division's process when they inspect and check the calibration of equipment. The division is not opposed to the privatization concept, but machine inspection is only one of several issues they inspect for. Other factors besides the technical aspects of the machine need to be included in

the language of this bill. This includes operator use, training and the facilities.

154 -Many times it is the operator error that cause over-exposure, those issues need to have controls and be inspected for, not just the equipment.

170 LUKE: If some of the language said that if a machine or operator deviates from set standards, then it needs to be reported to the Health Division; would that help the division in overseeing that correct procedures are followed.

223 -Asked if it was true the fee for nuclear medicine licensing went up from \$600 to \$3000 after the last session.

225 PARIS: The radioactive program fees did go up, and nuclear medicine fees did go up to about \$3000. The division set the fee to cover the cost.

The US Nuclear Regulatory Commission would have jurisdiction to administer a program if the state does not have a program and the fees would be more in the \$15,000 range.

275 FISHER: Again question the fees and if they are annual or biennial fees.

310 JANE MYERS, DIRECTOR, OREGON DENTAL ASSOCIATION: Submits and reviews testimony in opposition to HB 2027. (EXHIBIT G)

330 -May result in an increase cost, when all health care providers are trying to keep cost down.

365 -Uncertain that the implementation of privatization of the inspections has been thoroughly looked at.

-Explains the cycle for inspection on various hospital and clinic equipment.

416 FISHER: Questions on cost breakdown of cost of inspections and the frequency of inspections.

TAPE 17, SIDE B

074 ROSS: Question on rural dental offices and higher private inspection fees that might be charged and will be higher because of the mileage and travel cost.

100 LUKE: Ask if the bill envisions any inspectors to remain in the Health Division.

120 PATTERSON: Reviews the concerns with public safety issues on inspections and how privatization might be done in the rural areas. It will be market driven by demand.

171 CHAIR STARR: Appoints a work group to discuss the issues and bring back to committee the recommended changes.

HB 2525 PUBLIC HEARING

190 MANN: Reviews work group issues that were discussed on HB 2525 and submitted information on the bill. (EXHIBIT H)

290 REP. MEEK: Reviewed the changes made to the draft bill by the work group.

313 -Adds language that prohibits the movement to another care facility.

363 -Adds 60-day provisional license to qualified care giver in an emergency situation.

385 -Has some impact on some other foster care bills.

419 FISHER: Asked about non-compete clause.

TAPE 18, SIDE A

060 CHUCK SHEKETOFF, LEGAL AID SERVICE: Reviews and comments on amendment language in the bill. Addresses the non-compete clause.

100 -Agency was trying to define "provider" and the work done so far does not really define it.

125 LUKE: Ask about the Senior & Disabled Services Division and their oversight of senior care and problems that are occurring with adult foster homes.

160 GROVER SIMMONS, INDEPENDENT ADULT CARE PROVIDERS ASSOCIATION: Participated in the work group and concurs with the proposed amendments.

210 FISHER: Questions on the non-compete clause and what it referred to.

250 DELL ISHAM, OREGON CARE PROVIDERS ASSOCIATION: Amendments clarify the lines of responsibility. The association is in support of the bill.

HB 2525 WORK SESSION

300 MOTION: REP. LUKE: Moves the ADOPTION of the amendments in concept to  
HB 2525, that will be developed by the work group.

VOTE: Hearing no objection the motion CARRIES. All members are present.

330 MOTION: REP. LUKE: Moves HB 2525, AS AMENDED conceptually, be sent to the full committee with a DO PASS recommendation.

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

CHAIR STARR: The motion CARRIES. REP. MEEK will carry to the full committee.

HB 2679 PUBLIC HEARING

380 MANN: Reviews the bill with committee.

HB 2679 WORK SESSION

430 MOTION: REP. FISHER: Moves that HB 2670 be sent to the full committee  
with a DO PASS recommendation.

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

CHAIR STARR: The motion CARRIES. REP. STARR will carry to the full committee.

TAPE 19, SIDE A

HB 2067 PUBLIC HEARING

035 MANN: Submits and reviews staff measure summary and additional background material with committee. (EXHIBIT I)

070 ANITA LEACH, ASSISTANT ADMINISTRATOR, SENIOR AND DISABLED SERVICES DIVISION: Submits and reviews testimony on HB 2067. (EXHIBIT J)  
-Would like further time to draft amendments that Attorney General's office is suggesting.

145 LUKE: Questions on the amendments.

HB 2067 WORK SESSION

178 MOTION: REP. LUKE: Moves to delete Section 2, and add an effective date of July 1st instead of having an emergency clause on this bill.

VOTE: Hearing no objection, motion CARRIES.

MOTION: REP. LUKE: Moves HB 2067, AS AMENDED conceptually to the full committee with a DO PASS recommendation.

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

CHAIR STARR: The motion CARRIES. REP. ROSS will carry to the full committee.

215 CHAIR STARR: Adjourns meeting at 11:17 a.m.

Submitted by,

Reviewed by,

Shelley M. Jones  
Committee Assistant

Tom Mann  
Committee Administrator

EXHIBIT LOG

A- HB 2166, LC-3 amendments- Patterson- 2 pages  
B- HB 2166, Testimony- Patterson- 3 pages  
C- HB 2166, Draft amendments- Patterson- 1 page

D- HB 2166, Testimony- Florio- 3 pages  
E- HB 2027, Preliminary SMS- Staff- 1 page  
F- HB 2027, Draft amendments- Patterson- 6 pages  
G- HB 2027, Testimony- Myers- 1 page  
H- HB 2525, Amendments and background material- Staff- 29 pages  
I- HB 2067, Preliminary SMS and background material- Staff- 6 pages  
J- HB 2067, Testimony- Leach- 2 pages