

HOUSE COMMITTEE ON
HUMAN RESOURCES & EDUCATION
SUBCOMMITTEE ON HUMAN RESOURCES

April 10, 1995 Hearing Room D
8:00 a.m.

Tapes 29 - 32

MEMBERS PRESENT:

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

MEMBER EXCUSED:

Rep. Sharon Wylie, Vice Chair

STAFF PRESENT:

Tom Mann, Committee Administrator
Shelley Jones, Committee Assistant

MEASURES HEARD:

HB 2338 Work Session
HB 2873 Public Hearing & Work Session
HB 2877 Public Hearing & Work Session
HB 3099 Public Hearing
HB 3360 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

002 CHAIR STARR: Calls meeting to order at 8:08 a.m.

HB 2338 WORK SESSION

005 MANN: Submits LC-8 amendments. (EXHIBIT A)

015 MOTION: REP. LUKE: Moves to adopt the LC-8 amendments to HB 2338.

VOTE: Hearing no objections, the motion CARRIES.

MOTION: REP. LUKE: Moves HB 2338 as amended to the full committee with a
DO PASS recommendation.

VOTE: In a roll call vote, all members present vote AYE. REP. WYLIE is excused.

HB 2873 PUBLIC HEARING

040 MANN: Reviews LC-1, LC-2 and LC-4 amendments. Comments that there is a problem with LC-4 and the amendments will need to be revised. (EXHIBIT B)

090 LUKE: Comments on article in the newspaper regarding comments about this bill and the comments by the long term care ombudsman, Meredith Cote.

110 MEREDITH COTE, LONG TERM CARE OMBUDSMAN: Reviews the LC-4 amendments with committee and suggest changes.

170 ROSS: Would it be possible to place some language in the bill that the Long Term Care Advisory Committee has some authority, rather than advisory role.

187 LUKE: Ask is Ms. Cote feels that this committee or individual members have not been receptive to talking with her directly about the problems that have been brought up. Does not appreciate the comments made in the press regarding the actions of this committee.

190 MARCELLE ROBINSON, LONG TERM CARE ADVISORY COMMITTEE: Testifies against placing the position with the Governor's office to oversee. Strongly opposed placing it anywhere where it will be subject to politics.
235 -Concern about the selection process in the amendments.

240 LUKE: In what amendment is the selection process addressed.

242 ROSS: The issue of the selection process has been deleted in the copy of the original bill and does not think it is in any of the amendments.

300 ROBINSON: Comments on how the investigative process of reviewing complaints on volunteers needs to clarify what the facts of the complaints are and help to reach a solution or a compromise.

335 LUKE: Reviews what he believes the process is for "correcting" problems that ombudsman observe, commenting that it is not the role of the ombudsman to resolve issues by themselves, but rather report issues.

375 JEAN WILLIAMS, LONG TERM CARE ADVISORY COMMITTEE: Testifies on the LC-4 amendments and complaints received by the committee.

420 ROSS: The underlying difficulty in this situation, is people feel there is no place to go for their complaints. Ask if the Long Term Care Advisory Committee would be a good place to place a grievance or appeal process.

TAPE 30, SIDE A

045 FISHER: Comments that the long term care providers as a service industry does need to be watched, but there is a feeling out there that the watchers should be watched too.

HB 2873 WORK SESSION

079 MOTION: REP. LUKE: Moves the LC-4 amendments to HB 2873.

VOTE: Hearing no objections, the motion CARRIES.

MOTION: REP. LUKE: Moves conceptual amendments on page (1) of the original bill, eliminate all of the changes on page (1) originally darkened and bracketed.

VOTE: Hearing no objections, the motion CARRIES.

MOTION: REP. LUKE: Moves conceptual amendment to re-add lines 16 and 17 on page (2).

VOTE: Hearing no objections, the motion CARRIES.

114 MOTION: REP. LUKE: Moves HB 2873 as amended to the full committee with a DO PASS recommendation.

ROSS: Would like to add the language to page 2 of the LC-4 amendments regarding consistent with the Older American Act.

LUKE: Accepts those conceptual amendments as a friendly amendment to the original motion.

150 LUKE: Comments on the news article that said this committee was not supportive of the long term care ombudsman position.

160 ROSS: Comments that the Division is going to have to take a closure look and have a stronger role in monitoring issues on long term care for the elderly.

190 VOTE: In a roll call vote, all members present vote AYE. REP. WYLIE is excused.

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

HB 2877 PUBLIC HEARING

210 MANN: Reviews the bill with committee.

230 LUKE: Asked about sections of the bill and whether there are proposed amendments.

240 GROVER SIMMONS, INDEPENDENT ADULT CARE PROVIDERS: Explains the history of establishing the fee at \$250 and that the fee is now \$1000 which was not the original agreed upon amount.

300 ROSS: Asked Mr. Simmons if the Legislature has the authority to change fees.

320 MEREDITH COTE, LONG TERM CARE OMBUDSMAN: Testifies against HB 2877 and reviews the history of the fines that have been assessed. Strongly supports ability to do unannounced inspections during licensing and renewal.

440 ROSS: Questions on unannounced visits and what the process is for such a visit.

TAPE 29, SIDE B

035 COTE: Comments on unannounced visits, and the resources needed to have both unannounced and regularly scheduled visits.

085 FISHER: Asked about unannounced inspections, and whether the person has the ability to produce the necessary documents or follow through, so that the inspections are meaningful inspections.

140 COTE: Good homes maintain their records and the care givers are responsive.

165 -Ombudsman program can only cover about 20 to 25% of the homes in the state and does not have the capacity to visit every home.

190 CHUCK SHEKETOFF, OREGON CITIZENS COALITION FOR BETTER NURSING HOME CARE:

Opposes HB 2877 and it is critical that annual re-licensing visits be unannounced; this is sometimes the only annual inspection done.

211 -Lowering the penalty does not resolve any of the problems that have come to light this past year with over 20% of the homes in the state viewed as sub-standard.

232 JACQUELINE ZIMMER, OREGON ASSOCIATION OF AREA AGENCIES ON AGING: Opposes HB 2877 and supports unannounced inspections. Pre-scheduling could cause delays or conflicts, need the ability to pull an unannounced inspection.

270 Long term care versus nursing home care. We need to assure people that the homes they are living in meet certain standards.

287 MARCELLE ROBINSON, LONG TERM CARE ADVISORY COMMITTEE: Issue of protecting people who register complaints.

320 -Concern that unsubstantiated complaints would be thrown away or not considered.

370 -Comments on unannounced annual re-licensing inspections.

423 FISHER: Comments on problems with running an adult foster care home and follow through on documentation and record keeping.

TAPE 30, SIDE B

050 ROBINSON: Comments on the rapid growth of the long term care field and rapid increase of providers.

070 JEAN WILLIAMS, LONG TERM CARE ADVISORY COMMITTEE: Comments on abuse cases and patterns that build up in certain homes. Supports complaints being anonymous, and unannounced inspection visits.

113 GAIL RYDER, DIRECTOR GOVERNMENT AFFAIRS, OREGON NEWSPAPER ASSOCIATION: Comments on collision between this bill and HB 2493 that has passed the House. Suggest that Section 4 be made to conform to the other Legislation

already passed

125 SUSAN DIESTCHE, ASSISTANT ADMINISTRATOR, SENIOR & DISABLED SERVICES DIVISION, HUMAN RESOURCES: Comments on unannounced visits and inspections.

Feels strongly that initial licensing visits and re-licensing visits should be unannounced. By federal law, some of the visits have to be unannounced.

164 -Emergency Board did provide funding for additional staff for inspection.

-Fire Marshall has provided additional training on fire safety.

196 -Identifies seven issues that need to be addressed in this bill and comments on HB 2525.

220 -Abuse complaints need to be in the providers file.

240 LUKE: Comments on unsubstantiated complaints filed for reasons other than care problems such as disgruntled x-employees.

260 DIESTCHE: Comments on how the complaints are kept in the file. The Division has discussed purging the files of complaints that might be unsubstantiated or filed for reasons other than inadequate care or quality of the care provided.

300 -Comments on the growth of adult foster homes, averaging 1400 licenses issued last year.

368 HB 2877 WORK SESSION

370 ROSS: Many things in this bill I cannot support although I have grave concerns about the problems brought up.

390 FISHER: Comments on the bill and unannounced inspections effecting the scheduling and timing for staff in the homes.

438 LUKE: Questions how often unannounced inspections happen to Rep. Fisher's business.

TAPE 31, SIDE A

030 ROSS: If we don't pass this bill, will the other legislation pending effect the confidentially issue.

040 RYDER: Clarifies the difference between the bills and addresses confidentially of the complaints, especially keeping the complainant confidential.

055 ROSS: Is concerned about the obligation of keeping complainant confidential.

HB 3099 PUBLIC HEARING

077 MANN: Submits staff measure summary and reviews. (EXHIBIT C)

090 JERRY BIEBERLE, OREGON RESIDENTIAL PROVIDERS ASSOCIATION: Submits and reviews testimony with committee. (EXHIBIT D)
-Asked for time to work out a solution before requesting legislative action.

HB 3360 PUBLIC HEARING

140 MANN: Submits staff measure summary and reviews bill with committee. (EXHIBIT E)

150 REP. QUTUB: Explains the purpose of the bill, stream lining Medicaid programs.

-Innovative solution to reform the entire Medicaid program.

-Plan to privatize Medicaid program.

200 -Voucher program would eliminate cost shifting and eliminate the two tier medical system.

230 -Reduce health care cost 15 - 20%, not something new, other states have implemented similar programs. Would like to see at least a pilot program

established in the state.

244 ROSS: What are the problems in the draft bill.

249 QUTUB: The dollar amounts that were used could be refined.

267 REP. MILNE: Addresses Medicaid voucher system concept. Submits and reviews testimony with committee. (EXHIBIT F)

330 -At the rate Medicaid care is rising, we need to act. Suggest a pilot program be structured.

340 ROSS: Ask how a pilot program would be done.

360 QUTUB: Explains how a limited pilot program might be set up and be cost effective.

380 FISHER: Ask how the system would be set up, comments that the state would provide a voucher to purchase an insurance program, rather than direct payment for services.

430 QUTUB: Suggest a debit card, rather than direct payment to people so the state retains control over the funds.

TAPE 32, SIDE A

040 JIM SEAGRAVES, OREGON CITY: Submits and reviews testimony on recommendations for a Medicaid voucher system. (EXHIBIT G)

080 CHAIR STARR: Adjourns meeting at 10:45 a.m.

Submitted by,

Reviewed by,

Shelley Jones
Committee Assistant

Tom Mann
Committee Administrator

EXHIBIT LOG:

A- HB 2338, LC-8 amendments- Staff- 1 page
B- HB 2873, LC-1, LC-2, LC- 4 amendments- Staff- 6 pages
C- HB 3099, Staff measure summary- Staff- 1 page
D- HB 3099, Testimony- Bieberle- 2 pages
E- HB 3360, Staff measure summary- Staff- 1 page
F- HB 3360, Testimony- Milne- 2 pages
G- HB 3360, Testimony- Seagraves- 3 pages