

HOUSE COMMITTEE ON
LABOR

Hearing Room
Tapes -71

MEMBERS PRESENT:

Rep. John Watt, Chair
Rep. Lee Beyer, Vice-Chair
Rep. Kate Brown
Rep. Chuck Carpenter
Rep. Mike Fahey
Rep. Lynn Lundquist
Rep. Lynn Snodgrass

STAFF PRESENT:

Aaron Felton, Committee Counsel
Paula Gilmer Purcell, Committee Assistant

MEASURES HEARD:

Public Hearing on House Bill 3045
Public Hearing on Senate Bill 364
Work Session on Senate Bill 364

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

04 CHAIR WATT: Brings hearing to order at 1:30 p.m.

Open Public Hearing on House Bill 3045

Witnesses: Rep. Dennis Luke
Ed Patterson
Linda Ellis
Pamela Ross
Nancy Moore
Donna Isaacson
John DeZell
Mary Grant
Brian DeLashmutt
Lois Miller
Cheryl Eddy

Melissa Goldsmith
Edith Gibbs
Elizabeth Davis
Cheryl Warran
Cindy Mosser

14 AARON FELTON, COUNSEL: Gives summary of House Bill 3045.

20 REPRESENTATIVE DENNIS LUKE: Testifies on Senate Bill 3045.

34 I hope that people will handle themselves very well.

45 ED PATTERSON, VICE PRESIDENT OF THE ASSOCIATION OF OREGON HOSPITALS:
Testifies in favor of House Bill 3045, providing written testimony [EXHIBIT
A].

71 Continues with testimony on House Bill 3045.

115 I will list the number of standards for nursing care.

136 The governing board is responsible for the patient care in a hospital.

162 There is an avenue through the Health Division to report patient
complaints.

182 If this bill does not pass you will be reading about this in the paper.

188 REP. BROWN: What will be the impact of schools in Oregon by changing
the accreditation for them?

196 PATTERSON: We are willing to amend this section.

200 REP. BROWN: Page three, section three, concerning the removing a Board
member and having them serving at the pleasure of the Governor. Would
that not make it more of a political position?

209 PATTERSON: It already is a political position because of interest
groups such as labor.

217 REP. BROWN: They could be removed if the Governor did not like there
decision.

222 PATTERSON: It is all ready done that way in other areas.

225 REP. BROWN: Why delete the standards and curriculum?

230 PATTERSON: We feel the Board of Nursing should focus on the three main
goals as I stated before.

250 REP. FAHEY: Don't hospitals have their associations also?

253 PATTERSON: The nursing association is recognized by the Labor Relations
Board. The Oregon Medical Association is not.

282 REP. BROWN: Can a nurse be held liable if negligence happens?

291 PATTERSON: Yes

294 REP. BROWN: Could a nurse be sued personally if they were not in the
position to supervise?

303 PATTERSON: Anyone can be sued.

304 REP. SNODGRASS: On attachment A, is the underlined new language and
the italicized is eliminated?

311 PATTERSON: Yes.

315 REP. LUNDQUIST: I have a question referring to the specific issues of
nursing care directed by the bill.

323 PATTERSON: That very much is part of the bottom line. The Board of
Nursing does make management decisions and these are critical issues of
this bill.

335 REP. FAHEY: Supervision of nurses, what happens if somebody else
delegates?

341 PATTERSON: This bill will give a definition of nursing care.

355 LINDA ELLIS, PRESIDENT OF OREGON NURSING EXECUTIVES: Testifies in favor
of House Bill 3045 with written testimony [EXHIBIT B].

388 Health care costs are going up and we are trying to find new and better
ways to provide care.

407 Let me discuss the concerns I have.

423 Certified Nursing Assistants are licensed. We can only teach CNA's
certain things.

438 CHAIR WATT: Could you please go over what they can and cannot do.

439 ELLIS: Goes over what is on the list for CNA's position.

466 REP. BEYER: You could hire people off the street, and if they were not
a licensed CNA you could teach them to do more things.

TAPE 69, SIDE A

44 ELLIS: Yes

47 REP. BEYER: If the Board Of Nursing was like other boards and they do
not oversee that type of care, where is the protection for the public that
the care is being provided in a safe manner.

57 ELLIS: The Health Department.

61 REP. BEYER: How diligent are they?

63 ELLIS: They do very well.

68 Continues with testimony.

104 We do not like the State Board Of Nursing becoming involved in our
management decisions.

121 The accreditation is currently a duplication of process.

135 REP. FAHEY: Maybe I am too close to this situation. Let me give you an
example of what has just happened to me.

153 ELLIS: It is no fun to watch that happen.

155 REP. BROWN: Patient care is deleted and nursing care is inserted, why?

163 PAMELA ROSS, OREGON ORGANIZATION OF NURSE EXECUTIVES: Testifies in
favor of House Bill 3045 with written testimony [EXHIBIT C].

183 We have spent many hours and lots of energy putting this bill together.

122 I will list what the Board's responsibilities are.

217 The Board is imposing collective bargaining requirements on us.

227 REP. BROWN: Is nursing care defined in the bill?

232 ROSS: Yes, section seven and "practice of nursing".

240 Continues with testimony.

246 The intent of the bill is to clarify the Registered Nurse's role in the supervision process.

273 We want to add one more public person to the Board.

297 REP. FAHEY: Have you addressed any of these issues in collective bargaining?

303 ROSS: Yes.

316 REP. BROWN: Can a nurse be held liable for negligent acts of someone they have trained or have authority over?

334 PATTERSON: I cannot answer that but, the first person named would probably the attending physician and then the head of the hospital.

361 NANCY MOORE, ST. CHARLES MEDICAL CENTER: Testifies in favor of House Bill 3045. Provides written testimony [EXHIBIT D].

389 We have utilized our staff by cross training them.

406 We want to train them to do more technical functions.

439 We were called before the Board because we had CNA's doing work outside of their training.

TAPE 68, SIDE B

35 Continues with testimony.

56 I am deeply committed to the profession of health care.

60 REP. BEYER: The definition between nursing and patient care, please help me with the difference between the two.

66 MOORE: We are all involved in patient care, everyone in the hospital.

77 REP. BEYER: So what is nursing care?

78 MOORE: To promote the health and well being, assessment planning care supervising other members, evaluation of care and performing what the doctors want.

89 REP. FAHEY: If someone came up from physical therapy and wanted to take a patient and the patient was not stable?

92 MOORE: The nurse would be the coordinator.

120 DONNA ISAACSON, REGISTERED NURSE: Testifies against House Bill 3045 with written testimony [EXHIBIT E].

139 Continues with testimony.

157 CHAIR WATT: What part of the bill would allow that to happen?

159 ISAACSON: States what pages she is referring to.

178 CHAIR WATT: Do you think the Board of Health would let that happen?

180 ISAACSON: It is happening now.

189 Continues with testimony.

210 JOHN DEZELL, ATTORNEY: Testifies against House Bill 3045. Provides written testimony [EXHIBIT F].

260 Continues with testimony on House Bill 3045.

297 REP. BROWN: How many people are on the Oregon Bar Association's Board?

304 REP. SNODGRASS: Can you show me exactly where the bill would lower the nursing standards?

306 DEZELL: Just in general.

333 REP. BEYER: You said that the number of nurses involved is deteriorating, please explain?

335 ISAACSON: I am the only nurse on duty on the night shift.

371 Continues with response to question.

379 REP. BEYER: Did you have others with you in the situation you described to us?

381 ISAACSON: A ward clerk.

388 REP. BEYER: What is the Board of Nursing doing about this?

389 ISAACSON: They are a buffer.

420 REP. BEYER: Do you say the only ones there should be licensed nurses?

426 ISAACSON: There are workable solutions to that.

446 MARY GRANT, REGISTERED NURSE: Testifies against House Bill 3045 with
written testimony [EXHIBIT G].

TAPE 69, SIDE B

40 Goes over the sections of the bill that she has concerns with.

72 Continues with testimony.

77 REP. BEYER: In a nursing home situation are you suggesting that a
Registered Nurse also supervises, do you have a problem with this?

94 GRANT: If nurses are responsible with what goes on, we do not want them
responsible since we do not assign CNA's the particular tasks. Provides an
example.

115 REP. BEYER: So, how does this section cause a problem?

117 GRANT: The nurse is not the one delegating the responsibility.

144 REP. BEYER: Why would you assume that would be the case?

148 REP. BROWN: Liability reasons.

167 BRIAN DELASHMUTT, OREGON NURSING ASSOCIATION: Explains what can happen
in a liability situation.

184 CHAIR WATT: What loop?

185 DELASHMUTT: The liability loop.

191 REP. BROWN: Mr. Dezell's testimony might help explain this.

193 GRANT: Continues with testimony.

236 Continues with testimony.

280 Continues with testimony.

312 LOIS MILLER, REGISTERED NURSE: Testifies against House Bill 3045.
Provides written testimony [EXHIBIT H].

351 Continues with written testimony.

401 Continues with written testimony.

439 CHERYL EDDY, REGISTERED NURSE: Testifies against House Bill 3045.
Provides written testimony [EXHIBIT I].

TAPE 70, SIDE A

34 States what she does and explains why.

59 MELISSA GOLDSMITH, REGISTERED NURSE: Testifies against House Bill 3045.
Providing written testimony [EXHIBIT J].

89 The aids do not have the ability to asses, or do other things that I can
do for patients.

106 Administrators are pressured to make decisions on an economic basis.

117 I give safe and quality care to my patients that not just anyone can
give.

129 EDITH GIBBS, REGISTERED NURSE: Testifies against House Bill 3045.
Provides written testimony [EXHIBIT K].

161 ELIZABETH DAVIS, REGISTERED NURSE: Testifies against House Bill 3045.
Provides written testimony [EXHIBIT L].

188 Continues with written testimony.

202 Gives an example of a bad nursing situation she started to work in.

212 CHERYL WARRAN, REGISTERED NURSE: Testifies against House Bill 3045.
Providing written testimony [EXHIBIT M].

234 Discusses which sections of the bill she has problems with.

260 Let me give you the nursing code of ethics.

268 We are advocates for the patient.

274 CINDY MOSSER, REGISTERED NURSE: Testifies against House Bill 3045.
Provides written testimony [EXHIBIT O].

287 I feel this bill will allow medical care to be dispensed without
appropriate nursing care.

306 Continues with testimony.
323 Patients are basically much sicker now.
341 Supervisors and nurses should be responsible for their own actions.
348 CHAIR WATT: Please give us your testimony

Closes Public Hearing on House Bill 3045

Open Public Hearing on Senate Bill 364

Witnesses: Scott Aschom
Don Schellenberg
Michael Dale
Jennifer Ball
Paul Tiffany
Martin Desmond
Linda Galan

430 SCOTT ASCHOM, OREGON CANEBERRY ASSOCIATION: Testifies on why this bill is needed. Provides written testimony [EXHIBIT O].

480 Continues with testimony

TAPE 71, SIDE A

42 DON SCHELLENBERG, OREGON FARM BUREAU: Testifies in favor of Senate Bill 364.

57 MICHAEL DALE, OREGON LEGAL SERVICES, Testifies in favor of Senate Bill 364 with written testimony [EXHIBIT P].

62 JENNIFER BALL, OREGON WINE GROWERS ASSOCIATION: Testifies in favor of Senate Bill 364, Offers dash nine amendments to the bill.

86 PAUL TIFFANY, BUREAU OF LABOR AND INDUSTRY: Testifies in favor of Senate Bill 364.

103 REP. BEYER: Do you have objections to the amendments?

107 DALE: We do oppose the amendments.

119 TIFFANY: On page six of the bill, contractors having to be in compliance before they can qualify in the reeducation of the bond.

134 MARTIN DESMOND, NORTHWEST REFORESTATION CONSTRUCTION ASSOCIATION: My association supports this bill.

152 MICKIE BEVINS, LOS CAMPESINOS CONTRACTORS ASSOCIATION: Testifies on Senate Bill 364.

164 The bond costs too much money, we approve of lowering the amount of the bond.

177 We have concerns about the licensing requirement for employees.

191 CHAIR WATT: I encourage you to get together with Ms. Ball

205 MOTION: REP. BEYER: MOVES Senate Bill 364 A Engrossed to the floor

a DO PASS recommendation.

208 VOTE: 7-0 MOTION PASSES

217 CHAIR WATT: Representative Lundquist, will you carry?
AYE: Beyer, Brown, Carpenter, Fahey, Lundquist, Snodgrass, Watt

218 REP. LUNDQUIST: Yes.

219 CHAIR WATT: Hearing stands adjourned at 4:08.

Submitted by, Reviewed by,

Paula Gilmer Purcell Aaron Felton
Committee Assistant Committee Counsel

EXHIBIT SUMMARY:

A - Testimony in support of House Bill 3045, provided by Ed Patterson
B - Testimony in support of House Bill 3045, provided by Linda Ellis
C - Testimony in support of House Bill 3045, provided by Pamela Ross
D - Testimony in support of House Bill 3045, provided by Nancy Moore
E - Testimony against House Bill 3045, provided by Donna Isaacson
F - Testimony against House Bill 3045, provided by John DeZell
G - Testimony against House Bill 3045, provided by Mary Grant
H - Testimony against House Bill 3045, provided by Lois Miller

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I - Testimony against House Bill 3045, provided by Cheryl Eddy
J - Testimony against House Bill 3045, provided by Milissa Goldsmith
K - Testimony against House Bill 3045, provided by Edith Gibbs
L - Testimony against House Bill 3045, provided by Elizabeth Davis
M - Testimony against House Bill 3045, provided by Sharon Warren
N - Testimony against House Bill 3045, provided by Cindy Mosser
O - Testimony on Senate Bill 364, provided by Scott Ashcom
P - Testimony on Senate Bill 364, provided by Michael Dale.
Q - Testimony on House Bill 3045, provided by Jim Carlson
R - Testimony on House Bill 3045, provided by Deborah Burton
S - Testimony on House Bill 3045, provided by William R. Perrin
T - Testimony on House Bill 3045, provided by Pamela Harris
U - Testimony on House Bill 3045, provided by Mary Jones
V - Testimony on House Bill 3045, provided by Donna Sheskeyed
W - Testimony on House Bill 3045, provided by Patti Walloch
X - Testimony on House Bill 3045, provided by Kathleen Poland
Y - Testimony on House Bill 3045, provided by John Lobdell
Z - Testimony on House Bill 3045, provided by Patricia Jacobson
AA - Testimony on House Bill 3045, provided by Gail Lily
BB - Testimony on House Bill 3045, provided by Jill Yarwood
CC - Testimony on House Bill 3045, provided by Jean Weisensse
DD - Testimony on House Bill 3045, provided by Norma O'Mara
EE - Testimony on House Bill 3045, provided by Mary Herrick
FF - Testimony on House Bill 3045, provided by Karen Rutledge
GG - Testimony on House Bill 3045, provided by Elise Dulaney
HH - Testimony on House Bill 3045, provided by Connie VanMetre
JJ - Testimony on House Bill 3045, provided by Carole Cottet
KK - Testimony on House Bill 3045, provided by Maureen Whitman
LL - Testimony on House Bill 3045, provided by Patricia Eich
MM - Testimony on House Bill 3045, provided by Neta Courcey
NN - Testimony on House Bill 3045, provided by Carole Nice
OO - Testimony on House Bill 3045, provided by Marge Batson
PP - Testimony on House Bill 3045, provided by Sue Davidson
QQ - Testimony on House Bill 3045, provided by Linda Arlt
RR - Testimony on House Bill 3045, provided by Linda Bifano
SS - Testimony on House Bill 3045, provided by Nancy MacMorris
TT - Testimony on House Bill 3045, provided by Bruce Brown
UU - Testimony on House Bill 3045, provided by Janice A. Robinson
VV - Testimony on House Bill 3045, provided by Dawn Lokrantz
WW - Testimony on House Bill 3045, provided by Mary Dyson
XX - Testimony on House Bill 3045, provided by Karla Jagow
YY - Testimony on House Bill 3045, provided by Donna Jensen
ZZ - Testimony on House Bill 3045, provided by Nanette Clapper
AAA - Testimony on House Bill 3045, provided by Barbara May
BBB - Testimony on House Bill 3045, provided by Beverly Spink
CCC - Testimony on House Bill 3045, provided by Jane Burke
DDD - Testimony on House Bill 3045, provided by Trudy Sullivan
EEE - Testimony on House Bill 3045, provided by Leslie Tarvin
FFF - Testimony on House Bill 3045, provided by Lois Miller
GGG - Testimony on House Bill 3045, provided by Julia Fontanilla

HHH - Testimony on House Bill 3045, provided by Patricia Krumm

III - Testimony on House Bill 3045, provided by Anne Coleman

JJJ - Testimony on House Bill 3045, provided by Jenice Gibson

KKK - Testimony on House Bill 3045, provided by Dan Laferriere