

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

Hearing Room
Tapes - 75

MEMBERS PRESENT:

Sen. Stan Bunn, Chair
Sen. William McCoy, Vice-Chair
Sen. Lenn Hannon
Sen. Bill Kenemer
Sen. Randy Leonard

MEMBERS EXCUSED:

STAFF PRESENT:

Art Wilkinson, Committee Administrator
Mary Gallagher, Committee Assistant

MEASURES HEARD:

HB 2298 Public Hearing and Work Session
HB 2021 Public Hearing and Work Session
HB 2024 Public Hearing and Work Session
HB 2025 Public Hearing and Work Session
HB 2679 Public Hearing
SB 1037 Work Session
HB 2973 Public Hearing and Work Session

HB 2604

Public Hearing and 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 , A

003 CHAIR BUNN: Calls the meeting to order at 3:03 P.M.
Opens PUBLIC HEARING on HB 2298

004 STATE REP. KEVIN MANNIX, Dist. #32: Speaking IN SUPPORT OF HB 2298 with
-2 Amendments. [EXHIBIT A]

047 ARLENE WOOD, Family Member, Oregon Alliance for the Mentally Ill:
Speaking IN SUPPORT OF HB 2298. [EXHIBITS B-1, B-2]

059 MARGARET JOHNSON, Deputy Administrator, Mental Health/Developmental
Disabilities Services Division: Speaking IN SUPPORT OF HB 2298. [EXHIBIT C]

078 CHAIR BUNN: Closes PUBLIC HEARING on HB 2298
Opens WORK SESSION on HB 2298

086 MOTION: SEN. KENNEMER: Moves the -2 Amendments.

088 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. KENNEMER, SEN.

HANNON. EXCUSED: SEN. LEONARD.
Motion CARRIES 4-0.

090 MOTION: SEN. KENNEMER: Moves that HB 2298, as amended, be sent to the
Floor with a DO PASS recommendation.

094 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. KENNEMER, SEN.

HANNON. EXCUSED: SEN. LEONARD.
Motion CARRIES 4-0.
SEN. KENNEMER will CARRY the bill on the Floor.

101 CHAIR BUNN: Opens PUBLIC HEARING on HB 2021

106 KEITH PUTMAN, Committee Liaison/Researcher: Outlines HB 2021 for the

Committee.

126 CHAIR BUNN: So what we end up with is a triggering device that allows us to increase in the event that parallel increases occur?

128 CHUCK SHEKETOFF, Legal Aid Service: Responds. -1 Amendments. [EXHIBIT D]

148 CHAIR BUNN: What is your position on the amendments; the top portion and the bottom portion?

149 BILL WALKER, Adult & Family Services: We have no problem with the top portion. We have been assured by Food/Consumer Services that putting in a higher amount will not jeopardize our current energy assistance disregard. We disagree with #2, because we've been told in writing and verbally by them that they will not approve an increase in that energy assistance disregard unless we get a raise in the standards. (Continues response)

161 MCCOY: Did you bring us a copy of that correspondence? (Keith Putman hands it out--[EXHIBIT E])

163 PUTMAN: If the request for the waivers were not there, is there any reason why you could not request a waiver without this language in the law?

169 SHEKETOFF: Responds.

177 CHAIR BUNN: Let me tell you a concern I have: one of you is saying there's no danger from this thing, and the other one of you is saying there is danger.

178 SHEKETOFF: I don't think you heard the DHR say that there's a danger.

180 WALKER: There was not a danger of putting a higher amount of there. (Continues response.)

186 SHEKETOFF: My point is that they haven't put anything in writing about whether they would accept a waiver. All they've said is that under the rules, they can't approve it without a grant increase.

191 CHAIR BUNN: You indicated that the waiver effort is a waste of time; it's not going to happen. Is that right?

194 WALKER: Yes, that's what the federal government has told us.

195 CHAIR BUNN: Was that orally or in writing?

196 WALKER: Both orally and in written correspondence.

198 CHAIR BUNN: We're going to take this bill off the agenda right now and go on to the next one. I want the two of you, and whoever else is interested, to visit out in the hall and I want you to circle on the correspondence where it talks about this issue, and we'll then read it and see what it does say, because one of you is saying it tells us that the waiver is a waste of time, and the other one of you is saying that it doesn't tell us that it's a waste of time to apply.

206 SHEKETOFF: I'd be happy to do that. I suspect that I'm going to come back and tell you that there's no place on the letter where they say a waiver would not be a concern. They only say that under current rules, they would not approve it.

209 CHAIR BUNN: The basic question I want answered is, whether the federal government is saying that we shouldn't waste our time. I don't want us to spend time and effort on things that are a waste of time.

216 SHEKETOFF: I think the correspondence answers that. (Walker/Sheketoff go out in the hall.)

217 CHAIR BUNN: Closes PUBLIC HEARING on HB 2021
Opens PUBLIC HEARING on HB 2024

237 KAM DELANEY, Staff Person, Speech Pathology & Audiology Licensing Board: Speaking IN SUPPORT OF HB 2024. [EXHIBIT F]

254 JOHN MCCULLEY, representing Oregon Speech-Language & Hearing Association: Speaking IN SUPPORT OF HB 2024. [EXHIBIT G]

Discussion between McCoy and Don Plappinger, Audiologist.

340 ART WILKINSON, Committee Administrator: Recommendation to Bunn regarding taking action on HB 2025/HB 2024.

350 JOHN MCCULLEY: I don't see a conflict to doing that. We have some separate comments on HB 2025 as it comes before you.

360 CHAIR BUNN: Closes PUBLIC HEARING on HB 2024
Opens PUBLIC HEARING on HB 2025

368 KAM DELANEY, Staff Person, Speech Pathology/Audiology Licensing Board: Speaking IN SUPPORT OF HB 2025. [EXHIBIT H]

TAPE 75, A

003 JOHN MCCULLEY, representing Oregon Speech-Language & Hearing Assn: Speaking IN SUPPORT OF HB 2025. [EXHIBIT I]

043 MCCOY: Is there a real cause for optimiSM in your statement?

044 CHAIR BUNN: I had visited with Mr. McCulley earlier about this issue and expressed a desire rather than amendments coming forward at this time, that the two parties work together in good faith. I intended to ask Mr. Gervais as he came to the table if he was willing to put forward that same effort, and it would be my request as Chair of the committee that those two work together in good faith so that we wouldn't have to consider amendments if we could come up with an alternative. It's also my hope that with that sort of direction from the Chair of the committee, that optimiSM would increase on the issue.

056 MCCULLEY: I should add that even if we're not able to come to an agreement, we would urge the committee to move forward with HB 2025.

058 CHAIR BUNN: I'm assuming then that you will work very hard to reach some kind of compromise in that area.

060 MCCULLEY: That's correct.

064 JOHN GERVAIS, representing Oregon Hearing Society: Speaking IN SUPPORT OF HB 2025, with proposed amendment. [EXHIBITS J-1, J-2]

096 CHAIR BUNN: Let me suggest this: We're going to set this bill for work session again one week from today. At that time, we're going to consider all of the issues involving the bill, and we have one of several choices. First of all, I want to make it very clear to both sides that I don't think, under the direction of a Chair to seek consensus or any other process, that you should give away issues that you believe to be critical to your group, and I don't suggest that for a moment. But, if we haven't come to a consensus process at that point, we are going to consider amendments to the bill. There is some significant benefit to both groups if you reach consensus, because if you don't, it falls to the hands of the committee. I just want to give you that opportunity before the committee takes it on its own.

115 GERVAIS: There are some fiscal concerns that must be dealt with.

120 CHAIR BUNN: That's a legitimate concern that needs to be addressed.

WRITTEN TESTIMONY OF SCOTT AUSTIN ON HB 2025: [EXHIBIT K]

134 CHAIR BUNN: Closes PUBLIC HEARING on HB 2025
Opens WORK SESSION on HB 2024

138 MOTION: SEN. MCCOY: Moves that HB 2024 be sent to the Floor with a DO PASS recommendation.

141 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. KENNEMER, SEN. HANNON, SEN. LEONARD.
Motion CARRIES 5-0.
SEN. MCCOY will CARRY the bill on the Floor.

147 CHAIR BUNN: Opens PUBLIC HEARING on HB 2679

163 NAN HEIM, Oregon Academy of Opthamology: Speaking IN OPPOSITION TO HB 2679. [EXHIBIT L]

172 MICHAEL PASSO, President, Oregon Academy of Opthamology: Speaking IN OPPOSITION TO HB 2679.

Discussion between Members/Heim/Passo

303 JACK KANE, representing Oregon Optometric Assn.: Turns presentation over to Dr. Overton.

310 DR. SCOTT OVERTON, Oregon Optometric Assn.: Speaking IN SUPPORT OF HB 2679. [EXHIBIT M]

354 Discussion between McCoy/Kennemer/Hannon/Overton

TAPE 74, B

478 Discussion between Hannon/Chair Bunn/Overton

530 Discussion continuing.

559 CHAIR BUNN: Closes PUBLIC HEARING on HB 2679
Calls 10-minute recess.

562 Re-convenes at 4:20 P.M.
Opens WORK SESSION on SB 1037

567 STATE REP. CAROL OAKLEY, Dist. #36: Speaking IN SUPPORT OF SB 1037.

578 STATE REP. JANE LOKAN, Dist. #25: Speaking IN SUPPORT OF SB 1037.
[EXHIBIT N]

605 DENNIS RUSSELL, Oregon Association of Homes for the Aging: Speaking IN SUPPORT OF SB 1037. [EXHIBIT O]

650 VERA LARSON, lives in Holiday Park Plaza: Speaking IN SUPPORT OF SB 1037.

663 CLARE MCFARLAND, resident of Willamette View: Speaking IN SUPPORT OF SB 1037.

Discussion.

792 CHAIR BUNN: Could you spend some time over the next few days trying to identify for us a clear outline of how what we're doing in a very modest way now, could not expand into a major component?

800 RUSSELL: I'd be happy to.

801 CHAIR BUNN: Please provide that to our staff in writing as soon as possible.

808 MIKE ANDERSON, Special Services Manager, Kaiser Permanente: Speaking IN OPPOSITION TO SB 1037. [EXHIBIT P]

858 Continuing testimony.

867 Discussion between Hannon/Anderson.

TAPE 75, B

478 Discussion continuing.

530 Discussion continuing.

564 CHAIR BUNN: Closes WORK SESSION on SB 1037
Opens PUBLIC HEARING on HB 2973

570 JEANNE ARANA, Legislative Assistant to State Rep. Bob Repine, Dist. #49: Speaking IN SUPPORT OF HB 2973.

582 KENNEMER: The approval must be prior to the taking of the course?

584 ARANA: Correct.

593 MCCOY: What would you do with a person who moved here from another

state, where they had not training at all?

595 ARANA: The Board would have to require additional training in the state of Oregon for that person to take the test and become licensed.

598 CHAIR BUNN: Closes PUBLIC HEARING on HB 2973
Opens WORK SESSION on HB 2973

599 MOTION: SEN. HANNON: Moves that HB 2973 be sent to the Floor with a DO
PASS recommendation.

600 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. KENNEMER, SEN.
HANNON, SEN. LEONARD.
Motion CARRIES 5-0.
SEN. KENNEMER will CARRY the bill on the Floor.

602 CHAIR BUNN: Opens PUBLIC HEARING on HB 2604

604 BETTY UCHYTIL, Assistant Administrator, Children's Services Division:
Speaking IN SUPPORT OF HB 2604. [EXHIBIT Q]

633 CHAIR BUNN: Did the ACLU have any position on the bill?

634 UCHYTIL: No, they did not.

636 CHAIR BUNN: Closes PUBLIC HEARING on HB 2604
Opens WORK SESSION on HB 2604

637 MOTION: SEN. HANNON: Moves that HB 2604 be sent to the Floor with a DO
PASS recommendation.

642 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. KENNEMER, SEN.
HANNON, SEN. LEONARD.
Motion CARRIES 5-0.
SEN. LEONARD will CARRY the bill on the Floor.

647 CHAIR BUNN: Re-opens WORK SESSION on SB 1037

652 GERRY THOMPSON, representing Health Insurance Association of America:
Speaking IN OPPOSITION TO SB 1037.

677 KENNEMER: Do you really think six cases per year is going to undo managed care in the state of Oregon?

679 THOMPSON: Quite honestly, probably six cases a year would not undo it, but it does set that dangerous precedent that opens the floodgates for all the others that are waiting there.

701 CHAIR BUNN: Closes WORK SESSION on SB 1037
Opens WORK SESSION on HB 2021

705 KEITH PUTMAN: Addresses Committee re: -1 amendments to HB 2021.

712 MOTION: SEN. MCCOY: Moves the -1 Amendments.

716 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. KENNEMER, SEN.
HANNON, SEN. LEONARD.
Motion CARRIES 5-0.

719 MOTION: SEN. MCCOY: Moves that HB 2021, as amended, be sent to the Floor
with a DO PASS recommendation.

724 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. KENNEMER, SEN.
HANNON, SEN. LEONARD.
Motion CARRIES 5-0.
SEN. MCCOY will CARRY the bill on the Floor.

733 CHAIR BUNN: We did not finish our testimony on SB 1037, but I believe that we can accommodate additional testimony and have the opportunity for a work session in the near future.

739 Adjourns at 5:03 p.m.

Submitted by, Reviewed by,

Mary Gallagher Art Wilkinson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - -A2 Amendments to HB 2298--State Rep. Kevin Mannix--2 pages
B-1 Written Testimony on HB 2298 A-Engrossed--Arlene Wood--1 page
B-2 Written Testimony of Nancy Terry on HB 2298 A-Engrossed--Arlene Wood--2

pages

C - Written Testimony of Barry Kast on HB 2298 A-Engrossed--Margaret
Johnson--3 pages

D - -1 Amendments to HB 2021--Chuck Sheketoff--2 pages

E - Documents from Chuck Sheketoff pertaining to HB 2021--Keith Putman--4

pages

F - Written Testimony on HB 2024--Kam Delaney--1 page

G - Written Testimony on HB 2024--John McCulley--1 page

H - Written Testimony on HB 2025--Kam Delaney--1 page

I - Written Testimony on HB 2025--John McCulley--1 page

J-1 DOJ Documents pertaining to HB 2025--John Gervais--13 pages

J-2 Proposed Amendment to HB 2025--John Gervais--1 page

K - Letter from W. Sheridan pertaining to HB 2025--Scott Austin--2 pages

L - Written Testimony on HB 2679--Nan Heim--2 pages

M - Written Testimony on HB 2679--Scott Overton--1 page

N - Written Testimony on SB 1037--State Rep. Jane Lokan--1 page

O - Written Testimony on SB 1037--Dennis Russell--5 pages

P - Written Testimony on SB 1037--Mike Anderson--2 pages

Q - Written Testimony on HB 2604--Betty Uchytel--1 page