

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

Hearing Room
Tapes - 81

MEMBERS PRESENT:

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

MEMBERS EXCUSED:

STAFF PRESENT:

Art Wilkinson, Committee Administrator
Mary Gallagher, Committee Assistant

MEASURES HEARD:

HB 2473 Public Hearing and Work Session
SB 49 Work Session
SB 1126 Work Session
SB 1115 Work Session
SB 671 Work Session
HB 2025 Work Session
SB 1063 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 3:09 P.M.
Opens WORK SESSION on HB 2473

007 STATE SENATOR NEIL BRYANT, Dist. #27: Speaking IN SUPPORT OF HB 2473.

029 STATE REP. DENNIS LUKE, Dist. #54: Speaking IN SUPPORT OF HB 2473.

038 CHAIR BUNN: SB 814 will be removed from today's agenda.
-Other announcements.
Opens WORK SESSION on SB 49

054 ART WILKINSON, Committee Administrator: Addresses committee re: SB 49.
Hands out -8 amendments, the product of the work group. [EXHIBIT A]

083 DIANA GODWIN, representing Steve Wert & Associates: Outlines the -8 amendments at the request of the Chair.

110 CHAIR BUNN: We have -8 Amendments. I was told by the parties involved that they had come to concurrence on those. I need to understand how we came up with -9 Amendments after that concurrence.

115 KEN KOFFMAN, Member, Sanitarians Registration Board: You asked and instructed us to come to compromise on these issues several times, and we attended a compromise meeting. We took to that meeting, meaning the

Registration Board, significant compromise proposals involving specialization, involving waiver of the trainee examination. We don't have any difficulty accommodating Mr. Wert's amendments.

123 CHAIR BUNN: I don't want to go into the detail unless it's absolutely essential. I met with the representatives of your group in our office. They

indicated agreement had been reached on the -8 Amendments. I need to know how we got from that to -9 Amendments. (Koffman responds: I understood that

Ron Baker, in discussing individually with legislators after that meeting, had expressed serious concerns about--") Why didn't he come back and express serious concerns to me? (Koffman responds: I can't speak for that. I'm sorry.) We're going to recess this process now, and I want the three of

you to go out in the hall and visit, and see if we have the agreement that was represented to me was made, and then we'll determine where we're at.

137 CHAIR BUNN: Opens WORK SESSION on SB 1126

There's some amendments we need to get before we work on this bill. It would be a good idea if we had them for the committee members before we try

to consider them, so we're going to move away from this bill until we get those amendments.

154 Closes WORK SESSION on SB 1126
Opens WORK SESSION on SB 1115

165 MOTION: SEN. HANNON: Moves that the rules be suspended for the purpose of reconsidering the vote by which SB 1115, as amended, was sent to the Floor with a DO PASS recommendation.

168 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES and the rules have been suspended. SEN. LEONARD and SEN. MCCOY are EXCUSED.

178 MOTION: SEN. HANNON: Moves that the committee reconsider the vote by which SB 1115, as amended, was sent to the Floor with a DO PASS recommendation.

187 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES and the vote has been reconsidered. SEN. LEONARD and SEN. MCCOY are EXCUSED.

188 HANNON: The intent remains the same; the only change is that the effective date moves from 1996 to 1997? Is that correct?

190 KEITH PUTMAN, Committee Liaison/Researcher: That's correct.

191 HANNON: Is there still a \$5 million fiscal impact in 1997-1999?

192 PUTMAN: That's debatable. The information available to Legislative Revenue is so fuzzy that they are really having difficulty putting a number

on it.

197 MOTION: SEN. HANNON: Moves adoption of amendments to change the effective date of the bill.

205 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. LEONARD and SEN. MCCOY are EXCUSED.

207 MOTION: SEN. HANNON: Moves that SB 1115, as amended, be sent to the Floor with a DO PASS recommendation.

213 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. LEONARD and SEN. MCCOY are EXCUSED.

CHAIR BUNN will CARRY the bill on the Floor.

245 CHAIR BUNN: Re-opens PUBLIC HEARING on HB 2473

256 BOB NIPPER, Deschutes County Commissioner: Speaking IN SUPPORT OF HB
2473.

315 DON HAMON, Chair, Commission on Children and Families: Speaking IN
SUPPORT OF HB 2473. [EXHIBIT B]

365 Continuing testimony.

387 CHAIR BUNN: Addresses Sen. McCoy regarding the other committee members'
desire to expedite this bill out of the committee, which was discussed
while Sen. McCoy was out of the room.

399 MCCOY: I'd like to find out just what has been done and if what has been
done has been mostly through the efforts of the already established CSD
agency, or just where all of this work is. I see here that CSD has played a
role, the mental health people have all played a role, but that was being
done before this commission was set up. Also, who did you hire to be the
Staff Director?

TAPE 81, A

010 HAMON: The staff director is Scott Johnson. He is here and is prepared
to testify.

011 MCCOY: Does he have a staff?

012 HAMON: He has a staff of two.

015 MCCOY: How do they work with the other bodies that were already
organized and on-going--CSD, mental health and all the rest?

018 CHAIR BUNN: We have got to keep a priority on Senate Bills today or
we're going to lose some Senate Bills. This is a House Bill. I want to
accommodate all of the committee members, and since you (McCoy) have
indicated a concern on this issue, I want to suspend the hearing on this
bill for the moment so that we can work on the Senate Bills, and then come
back to this.

050 Closes PUBLIC HEARING on HB 2473
Re-opens WORK SESSION on SB 1126

061 CHAIR BUNN: Let me describe what has occurred between this meeting and
the last meeting we had on this bill. The committee, with three members,
adopted the -10 Amendments. There were two members that voted against the
-10 Amendments. Since that time, all of the public has had an opportunity
to review--Planned Parenthood did not express specific comments. (Invites
representatives from Planned Parenthood and Oregon Right to Life to come
forward). Planned Parenthood had taken the position that they are opposed
to the bill and opposed to the amendments; Right to Life indicated after
the hearing that they had some concerns about those amendments. As a result

of that, there have been -11 [EXHIBIT C] and -13 Amendments [EXHIBIT D]
drafted. The -11 Amendments had particular provisions that I want the
committee to have an opportunity to look at. The -13 Amendments were those
that came out of discussions with Right to Life. (Asks Lynda Harrington of
ORL to describe to the committee her concern about the earlier amendments
and how the -13 Amendments change that, and why she thinks it's important
that change occur.)

083 LYNDY HARRINGTON, Oregon Right to Life: We were concerned with the -11
Amendments because, essentially, the hands of CSD would be tied in
potential cases of abuse. I think we're all in agreement that the last
thing we want is for this bill or any bill to increase the chances of
unreported abuse being investigated by CSD, so we suggested some
amendments. One was that we opt out CSD from being prohibited from
investigating certain abuse situations, so we feel that the -13 Amendments
allow three check-offs...(reads the three possible check-offs). We feel
that the -13 Amendments take out the potential likelihood of abuse going

unreported to and even uninvestigated by CSD.

097 CHAIR BUNN: Let me re-cap that. If the young woman involved says she has

been sexually abused, physically abused, or neglected (those are criminal activities under the statute), this bill has the effect that anyone who's responsible for investigating or pursuing those would have to do so. But, if the young woman specifies that there is an alcohol-related or mental health problem, they do not currently require investigation. The young woman could then check a box stating that she does not want an investigation.

110 HARRINGTON: We enthusiastically support the bill, with the -13 Amendments.

112 MAURA ROCHE, Planned Parenthood: I would still be concerned about the -13 Amendments, but the law stands as you stated, except for the third option, which means that the young woman has to opt in to prohibiting the investigation. That's an extra step that she would have to take in order to secure her confidentiality.

125 CHAIR BUNN: The entire committee is aware that there are parties, groups

and organizations beyond the two sitting at the table across from the committee who have substantial and significant concerns about the issues and about the -13 Amendments. I would encourage you to feel free to continue to express your views in writing to the committee members and to the entire Senate, and to the House as well. The -11 Amendments are amendments that I put forward. Right to Life expressed concerns that, even with the effort we had made to assure that child abuse was not ignored, felt that those amendments were not sufficient and proposed the -13 Amendments.

157 MOTION: SEN. HANNON: Moves the -13 Amendments.

176 WILKINSON: Before you vote on those, I want to make sure that the committee record is complete. The -13 Amendments simply amend the original SB 1126. The -10's were a complete bill. The -11's were a complete bill. I want to make sure that we know what the committee is voting on, and I heard you say that this in addition to the -10's, except when it was in conflict.

184 HANNON: Responds.

190 CHAIR BUNN: Clarifies what was just discussed.

203 VOTE: ROLL CALL: SEN. LEONARD votes NO. All other members are present
and vote AYE. Motion CARRIES 4-1.

204 MOTION: SEN. HANNON: Moves that SB 1126, as amended, be sent to the
Floor with a DO PASS recommendation.

211 VOTE: ROLL CALL: SEN. LEONARD votes NO. All other members are present
and vote AYE. Motion CARRIES 4-1.

CHAIR BUNN will CARRY the bill on the Floor.

216 CHAIR BUNN: Opens WORK SESSION on SB 671

219 KENNEMER: SB 671 was introduced by me on behalf of Scott Burman, who's at the table along with several other people. This is a bill about intractable pain treatment, and we have worked with a number of experts and other people to arrive at the current version, and as you noted, we've been

working until the last possible moment, so I apologize that our amendments [EXHIBIT E] are not in better form. It responds to the needs of patients who suffer intractable pain. It allows the physician to prescribe or administer controlled substances for a diagnosed condition causing intractable pain and requires the evaluation by one or more physicians. It

removes the threat of censure or disciplinary action by the BME for prescribing such substances appropriately. (Continues introduction.)

242 SCOTT BURMAN, intractable pain patient: Speaking IN SUPPORT OF SB 671. (Testimony submitted at 4-14-95 hearing.)

266 DAVID LEAR, intractable pain patient: Speaking IN SUPPORT OF SB 671.

288 GLORIA PAULSON, daughter of intractable pain patient: Speaking IN SUPPORT OF SB 671.

338 PAULSON: Continuing testimony.

388 Continuing testimony.

TAPE 80, B

476 Continuing testimony.

494 DR. JOHN MAURER, Jackson Co. Medical Society: Speaking IN SUPPORT OF SB 671. (Testimony submitted at 4-14-95 hearing.)

538 CHAIR BUNN: The concern I have is this: while we obviously need to deal with the concerns you've testified about, how do we deal with the abuses? This is a very difficult area and it seems to me to be impossible to magically know when the judgement is right in treating intractable pain as opposed to giving too much of something because the person has either become addicted or has a pattern of use, or something like that. How can we control the other side of the coin, which would be an actual abuse?

548 MAURER: The bill very expressly deals with this issue. We're not trying to restrict the powers of the Board of Medical Examiners. They do an excellent job, and they're doing their best. I think, though, that they need some guidelines. Number one, they need to hear what they have heard from national experts, and that is that the simple use of narcotics over time for the treatment of pain does not create an addict. That's a fact; we have studies that have proven that fact. (Continues response.)

570 CHUCK GRESS, Executive Director, Oregon State Pharmacists Association: Speaking IN SUPPORT OF SB 671.

591 BOB CASTAGNA, Oregon Catholic Conference: We support the concept behind SB 671. The Catholic Church has proclaimed for a long time that pain relievers can be morally administered, and it's been part of medical ethics for quite some time, even in the case of the unintended side effect of medication being administered to relieve pain but having the consequence of shortening respiration or shortening one's life. Our concern is working on final language with the OMA. We've received copies of their amendments today. (Continues comments.)

623 KENNEMER: So you don't think the OMA amendment goes far enough?

624 CASTAGNA: I think it needs some further clarification, and I discussed it with Tim Martinez and Scott Gallant, about what happens if Ballot Measure 16 becomes legally effective.

Letter to Tim Martinez, OMA, from Cooney & Crew, P.C.: [EXHIBIT F]

637 ROSANNA CREIGHTON, Citizens for a Drug-Free Oregon: We feel that the -3 Amendments address the concerns that we had with the original bill. We support the bill as amended with the -3 Amendments.

663 SCOTT GALLANT, Director of Government Affairs, Oregon Medical Association: We believe there is a legitimate concern in balancing the ability of physicians to appropriately treat patients with medication to relieve circumstances of intractable pain. What we have attempted to do is to work with Sen. Kennemer to come to consensus on the balance between

addressing those who are inappropriately prescribing and those who are appropriately prescribing pain medications for intractable pain. (Continues

comments.)

691 CHAIR BUNN: Let me suggest this: if the committee takes action on the bill today, it would be with the understanding that the bill will be brought back on Wednesday for a final review by the committee. The two parties involved in this need to work together to find language that's agreeable to both parties, to be put in the final bill.

700 GALLANT: Responds and resumes comments.

749 ED PATTERSON, Oregon Association of Hospitals & Health Systems: Speaking IN SUPPORT OF SB 671.

760 KENNEMER: I'd like to move into work session and conceptually amend the bill. We'll get it re-drafted and bring it back for a final review and approval by the committee on Wednesday.

765 CHAIR BUNN: We have an extremely tight schedule on Wednesday. I want to suggest how this bill would need to come into play on Wednesday. We're going to have a very difficult time getting through all of our bills at that meeting. If we don't get the bills done that day, they're dead. So, we've got to bring this one back in a way that the committee has made a decision today on embracing or rejecting the bill, and then subject only to

the minor revision discussion in about a five-minute segment, and then moving the bill at that point.

778 MOTION: SEN. KENNEMER: Moves to amend the -3 Amendments to include subsection 3, sub A, and take the OMA conceptual amendment on section 3, subsection 3C, and the OMA conceptual amendment in cooperation with the hospitals revising subsection 4.

800 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are present.

804 MOTION: SEN. KENNEMER: Moves that SB 671, as amended, be sent to the Floor with a DO PASS recommendation, SUBJECT TO REVIEW OF THE FINAL BILL BY

THE COMMITTEE.

810 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are present.

SEN. KENNEMER will CARRY the bill on the Floor.

826 CHAIR BUNN: Opens WORK SESSION on HB 2025

843 WILKINSON: The result of this work group's compromise is reflected in the -A8 Amendments, dated today. [EXHIBIT G]

851 JOHN GERVAIS, Oregon Hearing Society: Speaking IN SUPPORT OF HB 2025 with -A8 Amendments. I would note on Page 3 of the amendments, number C at the top of the page, line 1, it says "passes an examination related to Oregon law in the area of audiology," and that should be "in the area of hearing aid dispensing."

TAPE 81, B

476 GERVAIS: Continuing remarks.

480 CHAIR BUNN: So it's your understanding that not only your group, but Mr. McCully's group is supportive?

481 GERVAIS: Yes, very much so. Mr. McCully actually prepared these amendments.

483 KAM DELANEY, Speech Pathology & Audiology Licensing Board: We support these amendments as drafted, with the correction Mr. Gervais pointed out.

485 MOTION: SEN. KENNEMER: Moves amendment of the -A8 Amendments as outlined by John Gervais.

490 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are present.

491 MOTION: SEN. KENNEMER: Moves the -A8 Amendments as amended.

VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are present.

494 MOTION: SEN. KENNEMER: Moves that HB 2025, as amended, be sent to the Floor with a DO PASS recommendation.

497 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are present.

SEN. KENNEMER will CARRY the bill on the Floor.

505 CHAIR BUNN: Calls 10-minute recess.

506 Re-convenes at 4:55 P.M.
Opens WORK SESSION on SB 1063

525 PAT WESTON, Oregon State Firefighters Council: Speaking IN SUPPORT OF SB 1063 with conceptual -3 Amendments. [EXHIBIT H]

552 LEONARD: I think the important point is that the Health Division and the OSFC have come to an agreement on the language.

554 DR. DAVID FLEMING, State Epidemiologist: The Health Division supports the proposed conceptual amendments.

557 MOTION: SEN. LEONARD: Moves the conceptual -3 Amendments, subject to bill being reviewed by committee at 5-3-95 hearing.

566 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are present.

567 MOTION: SEN. LEONARD: Moves that SB 1063, as amended, be sent to the Floor with a DO PASS recommendation, SUBJECT TO COMMITTEE REVIEW OF FINAL BILL AT 5-3-95 COMMITTEE MEETING.

572 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are present.

SEN. LEONARD will CARRY the bill on the Floor.

575 CHAIR BUNN: Closes WORK SESSION on SB 1063
Re-opens PUBLIC HEARING on HB 2473

591 ERNIE MAZOROL, Court Administrator, Deschutes County: Speaking IN SUPPORT OF HB 2473. [EXHIBIT I]

596 CHAIR BUNN leaves momentarily; SEN. MCCOY will Chair until he returns.

642 CHAIR BUNN returns & resumes Chairing the committee.

650 SCOTT JOHNSON, Director, Commission on Children & Families: Speaking IN SUPPORT OF HB 2473.

680 CHAIR BUNN: There are clearly the votes on the committee to pass this bill. Let's take a vote on this bill and then we'll have a brief recess to determine if we're going to come back to SB 49.

Closes PUBLIC HEARING on HB 2473
Opens WORK SESSION on HB 2473

688 MOTION: SEN. MCCOY: Moves that HB 2473 A-Engrossed be sent to the Floor
with a DO PASS recommendation.

690 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. LEONARD and
SEN. HANNON are EXCUSED.

SEN. BRYANT will CARRY the bill on the Floor.

700 CHAIR BUNN: Calls 5-minute recess.

701 Re-convenes in subcommittee at 5:14 P.M.
Opens WORK SESSION on SB 49

SEN. LEONARD arrives, making a quorum.

712 MOTION: SEN. MCCOY: Moves the -8 Amendments.

718 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. HANNON and
SEN. KENNEMER are EXCUSED.

720 MOTION: SEN. MCCOY: Moves that SB 49, as amended, be sent to the Floor
with a DO PASS recommendation.

725 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. HANNON and
SEN. KENNEMER are EXCUSED.

CHAIR BUNN will announce CARRIER of the bill later.

730 CHAIR BUNN: It is my intent, for the record, that while we had asked for

a consensus process here, I do not view this development in the -8
Amendments as binding any of the parties present to stay with that as this
moves to the House. Each of the parties has the right to work for
modifications.

744 Adjourns at 5:17 P.M.

Submitted by, Reviewed by,

Mary Gallagher Art Wilkinson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - -8 Amendments to SB 49--Diana Godwin--17 pages
B - Written Testimony on HB 2473--Don Hamon--7 pages
C - -11 Amendments to SB 1126--Senator Bunn--6 pages
D - -13 Amendments to SB 1126--Lynda Harrington--2 pages
E - Proposed Amendments to SB 671--Senator Kennemer--3 pages
F - Letter to Tim Martinez re: SB 671--Tim Martinez--1 page
G - -A8 Amendments to HB 2025--Art Wilkinson--4 pages
H - Proposed Amendments to SB 1063--Senator Leonard--2 pages
I - Feasibility Study relating to HB 2473--Ernie Mazorol--23 pages