

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

Hearing Room
Tapes - 88

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 2067 Public Hearing and Work Session
HB 2102 Public Hearing and Work Session
HB 2108 Public Hearing and Work Session
HB 3050 Public Hearing and Work Session
SB 1117 Public Hearing and Work Session

HB 2679

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

002 CHAIR BUNN: Calls the meeting to order at 3:09 P.M.
Opens PUBLIC HEARING and WORK SESSION on HB 2067

006 KEITH PUTMAN, Committee Liaison/Researcher: Outlines HB 2067 for the committee.

044 ANITA LEACH, Assistant Administrator, Senior & Disabled Services Division: Speaking IN SUPPORT OF HB 2067. [EXHIBIT A]

058 MOTION: CHAIR BUNN: Moves that HB 2067 be sent to the Floor with a DO
PASS recommendation.

062 VOTE: CHAIR BUNN: OBJECTING: SEN. MCCOY, SEN. HANNON. VOTING AYE: SEN.
BUNN, SEN. KENNEMER, SEN. LEONARD.
Motion CARRIES 3-2.
CHAIR BUNN will CARRY the bill on the Floor.

075 CHAIR BUNN: Closes PUBLIC HEARING and WORK SESSION on HB 2067
Opens PUBLIC HEARING and WORK SESSION on HB 2102

082 BARBARA ORAZIO, Executive Officer, Board of Examiners of Nursing Home Administrators: Speaking IN SUPPORT OF HB 2102. [EXHIBIT B]

116 ART WILKINSON, Committee Administrator: If I could call the committee's attention to Page 2, lines 5 and 6: those were inserted by the House committee, and the words "prior to the effective date of this 1995 act," simply mean that information will be kept confidential and not subject to

public disclosure until this act passes. The reason they did that is because they're assuming that HB 2493 is going to pass. It's out of the House and is now in Senate Rules and Elections, and then it goes to Ways and Means. It's not law yet, and that's the reason why those amendments were put in there.

132 KENNEMER: How narrowly limited is your ability to issue subpoenas and administer oaths?

134 ORAZIO: Responds.

142 HANNON: On Page 2, line 30, "engaging in conduct involving moral turpitude..." what's the definition of that?

145 ORAZIO: I'm really not sure; I think it's just behavior which is not acceptable.

147 HANNON: Well, we've spent the last 20 years trying to repeal moral turpitude in licensure laws. Why are we now all of a sudden changing direction, after 20 years of repealing this, and adding it back in?

151 ORAZIO: I wasn't aware of that. I just know that it's been in our statute for a long time.

156 HANNON: What is the definition?

157 ORAZIO: I would have to go with a legal opinion on that, because I honestly don't know.

167 CHAIR BUNN: To Sen. Hannon: Sen. Kennemer has an amendment he would like to make. Do you want to work on some language on what you would like, while he's doing that? We have three issues to deal with: moral turpitude, confidentiality, and an issue on conducting hearings. (Kennemer responds.)

179 MOTION: SEN. KENNEMER: Moves deletion of language in lines 29, 30 and 31 on Page 3.

185 MCCOY: Why not just leave it there? It's not going to hurt anything.

201 CHAIR BUNN: To Art Wilkinson: Please bring back an amendment to delete that. The committee can think about it, and Sen. Kennemer can present it. We'll ask that an amendment be ready to take out moral turpitude. (Hannon &

Orazio are going to talk about it in private.) The other issue is, on Page 2, as our staff indicated, on lines 5 and 6, this provision provides for confidentiality, but if the other bill passes, this would be the only body that would have that type of confidentiality. What we'll do is ask staff to draft an amendment on that issue, and we'll decide on that Wednesday also.

211 WILKINSON: I can perhaps find out from the Chair of Rules and Elections what their plans are with HB 2493.

219 CHAIR BUNN: Closes PUBLIC HEARING and WORK SESSION on HB 2102
Opens PUBLIC HEARING and WORK SESSION on HB 2108

235 JANIS ELLIOT, Child Care Division Administrator, Oregon Employment Department: Speaking IN SUPPORT OF HB 2108. [EXHIBIT C]

294 HANNON: Does changing the definition from "day care" to "child care" broaden it to include more people who are currently baby-sitting their own children and other children as well?

299 ELLIOT: No. The change to "child care" does not broaden the definitions beyond what's already in the statute.

334 PEGGY COLLINS, Manager, Code Development & Compliance, Building Codes
Division: Speaking IN SUPPORT OF HB 2108, with -A3 Amendments. [EXHIBITS
D-1, D-2]

353 MOTION: SEN. HANNON: Moves the -A3 amendments.

355 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. HANNON, SEN.
KENNEMER. EXCUSED: SEN. KENNEMER.
Motion CARRIES 4-0.

358 MOTION: SEN. HANNON: Moves that HB 2108, as amended, be sent to the
Floor with a DO PASS recommendation.

362 VOTE: CHAIR BUNN: VOTING AYE: SEN. BUNN, SEN. MCCOY, SEN. HANNON, SEN.
KENNEMER. EXCUSED: SEN. KENNEMER.
Motion CARRIES 4-0.
SEN. HANNON will CARRY the bill on the Floor.

389 CHAIR BUNN: Opens PUBLIC HEARING and WORK SESSION on HB 3050
Opens PUBLIC HEARING and WORK SESSION on SB 1117

TAPE 88, A

005 PUTMAN: Addresses committee re: HB 3050; hands out -A6 amendments
[EXHIBIT E] and copies of A-Engrossed HB 3050. [EXHIBIT F]

060 PUTMAN: Hands out Possible Changes to SB 1117-11. [EXHIBIT G]

075 JIM NEELEY, Assistant Administrator, Adult & Family Services Division:
Speaking IN SUPPORT OF HB 3050-A, with proposed changes.

107 MCCOY: How do you go about getting "savings" in the Jobs Plus program?

109 NEELEY: If it were demonstrated that individuals who participated in
Jobs Plus for instance had a shorter stay on the Aid to Dependent Children
program, such that the program expenses were less for those people in Jobs
Plus, the difference between what their expenses were and those people in
the ADC program who were not receiving Jobs Plus program benefits would be
a savings.

127 Discusses Section 13 of the bill.

175 Responds to comments made by Sen. McCoy about making teen parents
attending high school work also.

186 MOTION: SEN. MCCOY: Moves removal of portion just described and
discussed.

190 PUTMAN: Clarifies which sentence is to be removed.

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

204 HANNON: I'd like to offer an amendment. (Hands out and discusses -17
amendments.) [EXHIBIT H]

225 CHAIR BUNN: Calls 10-minute recess.

226 Re-convenes at 4:13 P.M.
Temporarily Closes PUBLIC HEARING/WORK SESSION on HB 3050 and SB 1117
Re-opens WORK SESSION on HB 2102

234 BARBARA ORAZIO: After listening to the committee's concerns, we went
back , and on Page 2, lines 5 and 6, we eliminated the wording that says
"prior to the effective date of this 1995 act." On line 31, we took out
the words "involving moral turpitude." On lines 29-31, we took out the

section regarding subpoenas, at the request of Sen. Kenemer.

247 MCCOY: Does that mean that you can't publish the names of the people that you find in violation?

251 ORAZIO: That's the way I've interpreted that statute. It applies to those people who make complaints to the Board. It does not make the investigation confidential.

255 WILKINSON: When HB 2493, which is a confidentiality statute, has been acted upon, it will impact all of the Boards, including the Board of Nursing Home Administrators.

259 CHAIR BUNN: But, it would impact them uniformly and only if that bill passes.

263 MOTION: SEN. HANNON: Moves the three amendments as outlined to the committee.

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

268 MOTION: SEN. HANNON: Moves that HB 2102, as amended, be sent to the Floor with a DO PASS recommendation.

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

276 CHAIR BUNN: Opens WORK SESSION on HB 2679

277 LEONARD: Asks Gina Bell to come forward to answer questions. Asks about educational requirements.

285 GINA BELL, Intern for Sen. McCoy: I found that you have to have a Bachelor's of Science and it's usually in Chemistry or Biology, to apply to

the program. You have to have a minimum GPA of 3.4. Your OAT scores have to be 380-400 to apply to the program.

292 LEONARD: The program is how long?

293 BELL: Four years.

294 MCCOY: And it's not in any way to be interpreted as a medical school?

295 BELL: They repeated several times that they are not a medical school.

297 MCCOY: And what are the graduates supposed to do?

298 BELL: To do eye exams and prescribe glasses, and that's it.

306 LEONARD: (Asks Jack Kane to come forward.) Not withstanding what we've just heard from Sen. McCoy's assistant, the rules don't appear to require a

Bachelor's degree. However, I did get a memo from the Administrator for the

Oregon Board of Optometry, David Plunkett, that says that an undergraduate degree is required to go to the school of optometry. I would like some assurance that your organization will amend the rules to require a Bachelor's degree.

318 JACK KANE, Oregon Optometric Association: We will make every effort to make that happen as quickly as possible.

326 JODIE FISCHER, Oregon Academy of Opthamology: We oppose this bill because it is very misleading for the public, and because it implies that you have a medical degree, which is general medical training in systemic diseases, etc. We called the school of optometry twice this afternoon to try to find out what their requirements were, and they said three years of college.

345 LEONARD: That's why I've asked Mr. Kane to assure me that the rules will reflect the requirement of a Bachelor's degree.

396 CHAIR BUNN: I'm going to vote in favor of this bill, but it's a very close call for me, and I feel there are some very strong arguments against it.

TAPE 87, B

474 HANNON: I'm going to vote against this bill; I think it's bad public policy.

485 KENNEMER: I think it's an issue of fairness.

488 MOTION: SEN. KENNEMER: Moves that HB 2679 be sent to the Floor with a DO PASS recommendation.

491 VOTE: ROLL CALL: VOTING NO: SEN. MCCOY, SEN. HANNON. VOTING AYE: SEN. BUNN, SEN. KENNEMER, SEN. LEONARD.
Motion CARRIES 3-2.
SEN. KENNEMER will CARRY the bill on the Floor.

505 CHAIR BUNN: Re-opens PUBLIC HEARING/ WORK SESSION on HB 3050/ SB 1117

510 CHUCK SHEKETOFF, Legal Aid Service: We supported the minority report on the House side because the majority report takes out some current protections and provisions in the current law. (Continues comments.)

520 CHAIR BUNN: It would be helpful to us if you could talk about the issues not only in terms of the majority and minority reports, but the amendments that have come up since then also.

523 SHEKETOFF: Responds and continues comments.

-The incentive is that an employer who hires someone for 30 days or more gets back one half of their contribution that they made to the individual education account.

586 Continuing comments.

609 PUTMAN: One of the amendments that was made said that unless there's a conflict, the Jobs program rules apply. Do you think that's inadequate to solve this problem?

611 SHEKETOFF: I think it's inadequate because when I hear the Department say they want flexibility, and they want it out of the statute, I can only interpret that to mean that they want the flexibility to get rid of that protection. Why else would they want the flexibility?

618 PUTMAN: My point is that they seem to have agreed to put into the statute that the Jobs program rules will in fact apply to Jobs Plus, unless there's a clear conflict.

621 SHEKETOFF: I understand that, but last session they were saying the same thing, and the legislature said "no, we want to have the protections in statute."

625 Continues presentation, talking about the -A6 amendments.

Discussion between Chair Bunn/Sheketoff about ability of participants to obtain GED's.

647 SHEKETOFF: Continues presentation.

664 MARYANN GEST, representing Oregon Public Employees Union: We have some major concerns with HB 3050 as it stands today and we have, through Sen. Leonard, drafted -2 amendments to SB 1117 [EXHIBIT I]. Our major concerns would be addressed by the SB 1117-2 amendments.

730 Continuing comments, talking about the time limits in the bill..

739 PUTMAN: On the time limit, you're talking about the six months, and they

get to do work search and in nine months they can be dropped--you would like flexibility on that? I think the -2's simply lowered the numbers, but you would prefer flexibility even to a definite but smaller number in those spots?

746 GEST: The -2 amendments did not address that issue. We would just like some flexibility to address individual needs.

752 LAURIE WIMMER, Executive Director, Oregon Commission for Women: The commission is concerned about expanding a pilot program whose purpose is to

test market ideas, before we have the results of that test marketing back. It seems to us that we are in such a rush to judgment, that we may find ourselves down the road having made a mistake, to expand it at this point, particularly with all of the protections that were worked out in 1993.

802 Continuing comments.

814 BOB SHIPRACK, representing Oregon Building & Construction Trades Council: Opposed to expanding Jobs Plus statewide.

TAPE 88, B

475 SHIPRACK: Continuing comments.

484 MCCOY: I would like the committee to consider what these witnesses have brought to us today. We don't have a formal report on what has taken place with the Jobs Plus program in the past two years, and we do need that. Perhaps we should let the Interim take care of this, and work along with the people who are doing the pilot programs, and come up with some suggestions for changes during the Interim.

496 CHAIR BUNN: Reminds committee members that the committee must close on May 17th. There will be an evening meeting on Wednesday, and committee members need to be available for a possible meeting on Friday. The following Wednesday may also need to be an evening meeting. Addresses audience re: welfare reform/coming to consensus on the bill.

514 Adjourns the committee at 4:55 P.M.

Submitted by, Reviewed by,

Mary Gallagher Art Wilkinson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Written Testimony on HB 2067--Anita Leach--2 pages
B - Written Testimony on HB 2102--Barbara Orazio--3 pages
C - Written Testimony on HB 2108--Janis Elliot--4 pages
D-1 Written Testimony on HB 2108--Peggy Collins--1 page
D-2 -A3 Amendments to HB 2108--Peggy Collins--1 page
E - -A6 Amendments to HB 3050-A--Keith Putman--2 pages
F - A-Engrossed HB 3050-A--Keith Putman--17 pages
G - Possible Changes to SB 1117-11--Keith Putman--2 pages
H - -17 Amendments to SB 1117--Sen. Hannon--1 page
I - -2 Amendments to SB 1117--Sen. Leonard--2 pages