

SENATE COMMITTEE ON  
HEALTH AND HUMAN SERVICES

Hearing Room  
Tapes - 94

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 3340 Work Session  
HB 3227 Work Session

HB 3050 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 3:07 P.M.  
Opens WORK SESSION on HB 3340

010 STATE REP. JIM WELSH, Dist. #43: Speaking IN SUPPORT OF HB 3340.  
Document reflecting consensus amendment reached with BME and others:  
[EXHIBIT A]. Outlines consensus amendment.

044 CHAIR BUNN: (Asks Kathleen Haley and the representative from Drug-Free Oregon to come forward.) There are two concerns here that we're dealing with. The first is that we truly want to recognize the alternative medical treatments and the opportunity for physicians to move into doing that. At the same time, we want to assure that there are some limitations in terms of the Board of Medical Examiners being able to get at unprofessional or inappropriate practice. To Haley: Does this meet the concerns of the Board, in terms of being satisfied that you have adequate review powers if we adopt the amendment?

056 KATHLEEN HALEY, Board of Medical Examiners: Our Assistant Attorney General worked together with other physicians that have been working on this bill, and we feel that it will give the BME the guidance that it needs, and Board will hear from the legislature that alternative medicine is here to stay in Oregon.

061 HANNON: To Haley: Why do you need the language "and the use of which presents no greater risk to a patient than the generally recognized or standard treatment?" I have difficulty with that language, because maybe alternative medicine by somebody else's definition could provide a greater risk.

068 CHAIR BUNN: To Sen. Hannon: Let me express a concern: When we have asked people to go out and develop consensus, each side generally gives up something and gets something, and I'm reluctant, unless we break this wide open for discussion, to invade what they've been able to develop a consensus on.

072 HANNON: If you allow that, you're allowing the Board to set the risk factor. Why even develop the bill, if you're going to allow someone to arbitrarily say that it's a risk, so therefore it's an unnatural process, so therefore it's not a process that should be considered?

077 CHAIR BUNN: Let me suggest this: The committee clearly needs to have a debate of that issue and air it fully. What I was hoping was that we would arrive at was something where it made it absolutely clear in statute that alternative medicine was going to be looked at, was going to be dealt with, was going to be used in Oregon, but that we did not say in effect to the BME that they have no power here; whatever a physician wants to do, they can do; that in fact they (the BME) would have a meaningful review process, but under a different quality of standard than they do now. If this works okay, maybe we could have each of the parties involved express their concerns and attitudes and get them all out on the table, and then take out the concern that you (Sen. Hannon) had and deal with it in some detail. Is that okay?

091 HANNON: That's fine; I just want to point out that where that language is, for example, if a person is going for cancer treatment and chemotherapy by Board standard is not a risk, but if you use alternative medicine it's a risk, then they're going to come down on that doctor and say that they're going to discipline him for using treatment that is not normal. It's self-defeating for what you're trying to do here.

100 CHAIR BUNN: That provision, however, is not a part of the compromise language. That was in the original bill.

102 HANNON: Why do we need it in the language to begin with?

103 CHAIR BUNN: Asks Rep. Welsh to answer Sen. Hannon's question after the rest of the parties get their comments on the record.

106 ROSANNA CREIGHTON, Executive Director, Citizens for a Drug-Free Oregon: The language they've adopted is quite acceptable. I think it covers most of my concerns.

122 JOHN GREEN, M.D.: Responds to Sen. Hannon's earlier concern about the BME's proposed language: I don't think any of the physicians involved in the drafting of this bill are uncomfortable about that clause. We hold ourselves to a standard that we wouldn't want to offer a treatment that's more dangerous or hazardous than the standard treatment, and in the case of the chemotherapy situation, chemotherapy is very dangerous treatment, and any alternative treatment would be less dangerous in terms of the treatment causing injury. I don't feel at all uncomfortable with that language.

129 HANNON: That's fine; if you want it, you can have it, but I just want you to make sure that you don't come back in here two years from now and say "well, that was not our intention."

137 MCCOY: I'm concerned that this is not in the language from Legislative

Counsel.

138 CHAIR BUNN: If the committee feels comfortable with it, we'll adopt it with the understanding that it's translated from this amendment into Legislative Counsel language.

173 KENNEMER: I was going back to this chemical dependency piece--so that safeguards against the use of nontraditional medicines for addictive purposes; and I guess the other statutes precluding physicians from engaging in the distribution of illicit substances are covered under existing statutes relating to their licensure, so that Ms. Creighton's concerns and the rest of our concerns are addressed through those statutes.

Am I understanding how this all pulls together correctly?

184 HALEY: That's correct.

190 CHAIR BUNN: Thanks those that worked together on the compromise.

200 MOTION: SEN. HANNON: Moves that the proposed compromise amendments as presented, subject to them being developed into final amendments by LC with no need to bring them back to the committee, conceptually be ADOPTED.

208 VOTE: CHAIR BUNN: There being no objection, motion CARRIES 4-0. Sen. Leonard is EXCUSED.

210 MOTION: SEN. HANNON: Moves that HB 3340-A Engrossed, as amended, be sent to the Floor with a DO PASS recommendation.

214 VOTE: CHAIR BUNN: There being no objection, motion CARRIES 4-0. Sen. Leonard is EXCUSED.

SEN. HANNON will CARRY the bill on the Floor.

226 CHAIR BUNN: Submits faxed testimony of various parties for the record. [EXHIBITS B-M]

231 Closes WORK SESSION on HB 3340  
Opens PUBLIC HEARING and WORK SESSION on HB 3227

238 GERALD PETERSON, Current President, Oregon Podiatric Medical Association: Speaking IN SUPPORT OF HB 3227. [EXHIBIT N]

271 ART WILKINSON, Committee Administrator: There may be a very minor fiscal impact on this legislation.

276 TOM BURROWS, Oregon Podiatric Medical Association: There's a \$4,000 fiscal impact.

280 MOTION: SEN. HANNON: Moves that HB 3227-A Engrossed be sent to the Floor with a DO PASS recommendation.

286 VOTE: CHAIR BUNN: There being no objection, motion CARRIES 4-0. Sen. Leonard is EXCUSED.

SEN. KENNEMER will CARRY the bill on the Floor.

292 CHAIR BUNN: Opens WORK SESSION on HB 3050  
Let me remind the committee that HB 3050 is the Jobs Plus portion of the welfare reform effort, and the intent, if the committee is so inclined, would be to do the necessary amendments to make HB 3050 reflect the same language that SB 1117 reflects and send it out so that the two bills are moving parallel, so that we have the opportunity to deal with both of them.

307 HANNON: Would the -A7 amendments add the amendments from SB 1117 into HB  
3050?

KEITH hands out -A7 amendments [EXHIBIT O]

310 KEITH PUTMAN, Committee Liaison/Researcher: The -A7 amendments would  
make HB 3050 identical to the Jobs Plus portion of SB 1117, with the  
exception of the names of the sections.

332 MOTION: SEN. HANNON: Moves that the -A7 amendments be ADOPTED.

335 VOTE: CHAIR BUNN: There being no objection, motion CARRIES 4-0. Sen.  
Leonard is EXCUSED.

336 MOTION: SEN. HANNON: Moves that HB 3050-A Engrossed, as amended, be sent  
to the Floor with a DO PASS recommendation.

344 PUTMAN: These amendments are the ones that Mark Gibson of the Governor's  
Office testified to when he was here at an earlier hearing.

352 VOTE: CHAIR BUNN: OBJECTING: SEN. MCCOY. Motion CARRIES 3-1. Sen.  
Leonard is EXCUSED.

CHAIR BUNN will CARRY the bill on the Floor.

360 CHAIR BUNN: Thanks committee members for all of their hard work during  
the session.

381 SEN. LEONARD arrives at 3:33 P.M.

TAPE 95, A

029 CHAIR BUNN: Adjourns at 3:37 P.M.

Submitted by, Reviewed by,

Mary Gallagher Art Wilkinson  
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - Proposed compromise amendments to HB 3340-A--Rep. Jim Welsh--1 page  
B - Proposed BME amendments to HB 3340-A--Art Wilkinson--2 pages  
C - Written Testimony of Paul Dart on HB 3340-A--Art Wilkinson--1 page  
D - Written Testimony of Robert Henderson on HB 3340-A--Art Wilkinson--1  
page  
E - Written Testimony of Nadyne Jehimura on HB 3340-A--Art Wilkinson--1  
page  
F - Written Testimony of Nancy Worlein on HB 3340-A--Art Wilkinson--1 page  
G - Written Testimony of Paul Dart on HB 3340-A--Art Wilkinson--1 page  
H - Written Testimony of Garry Kappel on HB 3340-A--Art Wilkinson--1 page  
I - Written Testimony of Roslyn Hamilton on HB 3340-A--Art Wilkinson--1  
page  
J - Written Testimony of Rosanna Creighton on HB 3340-A--Art Wilkinson--2  
pages  
K - Written Testimony of Roslyn Hamilton on HB 3340-A--Art Wilkinson--1  
page  
L - Written Testimony of Rebecca Daneman on HB 3340-A--Art Wilkinson--1  
page  
M - Written Testimony of Kristin Webb-Tomson on HB 3340-A--Art Wilkinson--1  
page  
N - Written Testimony on HB 3227--Gerald Peterson--1 page

O - -A7 Amendments to HB 3050-A--Keith Putman--2 pages