

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

February 6, 1995 3:00 P.M.
Hearing Room B
Tapes 14- 15

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: SB 1S2
SB 120
SB 121
SB 164
SB 233

PUBLIC HEARING PUBLIC HEARING PUBLIC HEARING PUBLIC HEARING PUBLIC HEARING
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TAPE 14, A

000 CHAIR BUNN: Calls the meeting to order at 3:05 P M

Onens PUBLIC HEARING on SB 164

008 DICK JOHNSON, Acting Assistant Administrator, Children's Services
Division: We are no
longer requesting legislative action on SB 164. This bill is no longer
needed

-Presents written testimony to the committee [EXHIBIT A]

024 CHAIR BUNN: I would entertain a motion that we table this bill.

025 MOTION: SEN. HANNON: Moves that the committee table SB 164

SENATE HEALTH AND HUMAN SERVICES

February 6, 1995 - Page 2

031 VOTE: In a roll-call vote, all members present vote AYE; MOTION
PASSES; BILL IS
TABLED. Sen. McCoy is not present.

033 CHAIR BUNN: Do any of the agencies oppose the tabling of SB 233? (No)

035 MOTION: SEN. HANNON: Moves that the committee table SB 233.

036 VOTE: In a voice vote, all members present vote AYE; MOTION PASSES; BILL
IS

TABLED. Sen. McCoy is not present.

039 CHAIR BUNN: I need to open a public hearing on SB 233 before we can
officially move to
table the bill.

Onens PUBLIC HEARING on SB 233

042 MOTION: SEN. HANNON: Moves that the committee table SB 233.

043 VOTE: In a voice vote, all members present vote AYE; MOTION PASSES; BILL
IS

TABLED. Sen. McCoy is not present.

LC 050 MOTION: SEN. KENNEMER: Moves to introduce committee bills: LC 2153 and
2152.
055 CHAIR BUNN: Does anyone desire to have to the vote on the two bills
separated? (No)
057 LEONARD: On LC 2153, could this cause a chilling effect on reporting of
child abuse?

060 KENNEMER: I suspect it might. I am only asking that this bill be
introduced as a courtesy. We
would discuss that at the time of any hearing on this bill.

065 MCCOY: Is this the request of an agency?

066 KENNEMER: No, there is an individual constituent involved.

067 VOTE: NO OBJECTIONS; MOTION PASSES to introduce both bills.

085 JOEL ARIO, Policy Advisor to the Director, Dept. of Consumer and
Business Services:

(Continuing testimony from 2- 1 -95 committee meeting) With me is Ed
Nieuburt, also a
Policy

Advisor. We are testifying IN FAVOR OF SB 152.

-Written testimony is [EXHIBIT B].

093 CHAIR BUNN: Ouens PUBLIC HEARING on SB 152

145 ARIO: Re-caps presentation from 2-1-95 meeting; moves on with today's
presentation.

-Pregnancy cannot be considered as a pre-existing condition.

186 HANNON: (Question to Mr. Ario regarding the six-month rule in regard to
terminally ill
patients)

195 ARIO: If the condition has not been treated within the past six
months, the pre-existing condition rule would not apply. In the look
forward condition, only the six months could be excluded.

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SENATE HEALTH AND HUMAN SERVICES

February 6, 1995 - Page 3

203 HANNON: Who's idea is this'?

205 ARIO: This idea is in SB 1076. It is part of what was adopted by the
legislature in 1991, for
the

small group market only. What we are proposing here is to expand the
applicability of the
rule.

The rule itself was a legislative enactment from 1991.

211 HANNON: You're saying you want to have this applied to all insurance's
contained in SB
1076?

215 ARIO: (Responds, referencing SB 1076)

-We are proposing this year to expand this into the individual insurance
market as well as
groups larger than 25.

240 HANNON: Are all of these proposals contained in SB
152?

243 ARIO: No. This particular proposal is not in SB 152 as written.

250 HANNON: So you want to add this in to SB 152?

251 ARIO: We propose to present the committee by the end of this week with a total re-write of SB

152 to comport with what is presented by us today, and with any additions/deletions that the committee instructs us on today.

264 ARIO: Continuing with the summary of pre-existing conditions.
-Prior coverage is credited toward the exclusion period under certain circumstances.

307 CHAIR BUNN: The committee needs to hold off on questions until the end of the presentation so that we can get through this outline by 3:45.

315 ARIO: Continues presentation.
-Discusses portability reforms and current Federal and State COBRA programs. Would like the State COBRA program to be equal to the Federal COBRA program.
-Discusses small group insurance reforms. Proposes to expand that market to include all groups from 2-50.

400 ARIO: Continuing presentation.

TAPE 15,A

001 ARIO: Continuing presentation.

024 CHAIR BUNN: How would the other plans work if they're not guaranteed issue? Would they be offered to some groups and not other groups?

026 ARIO: That's correct. For products that are not guaranteed issue, it's at the insurer's discretion which customers they offer the plan to. (Continues presentation)
-The guaranteed issue reform is probably the most important reform we are discussing.
-Less than 5*/0 of the small groups currently choose the standard plan.

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SENATE HEALTH AND HUMAN SERVICES
February 6, 1995 - Page 4

-The other important implication of guaranteed issue is that there will be some consolidation of plan options. When everything is guaranteed issue, there will likely be fewer total plans offered in the marketplace.

075 ARIO: Continuing presentation (talking about rating reform/current 2-to-1 rate ban).

097 CHAIR BUNN: Let's skip the discussion on that part and go on to the next part.

090 ARIO: Responds; continues presentation.

139 ARIO: Finishes presentation.

140 CHAIR BUNN: You've indicated that you will have your proposed changes to SB 152 to us by the end of this week. I want to make sure that those materials will be available in advance to those people who will be testifying next week, for their review. This proposed changes will be, in effect, a new SB 152? Is that correct?

146 ARIO: That's correct. We've checked with Legislative Counsel and they asked us to do it that way.

147 CHAIR BUNN: So you'll have it available to us by Friday, so that we in turn can have it available to others by Monday?

148 ARIO: I'm told that our drafter was pulled off onto other things today, but that's the timeline we're looking at.

151 CHAIR BUNN: Please tell Legislative Counsel that this committee has indicated that it is crucial that we have those materials by Friday. If that's a problem for them, I will need to speak with them. We have to have those materials by Friday.

154 CHAIR BUNN: Announcement to audience: The aforementioned materials will be available by noon Monday from the Committee Administrator's office at S401-A.

162 KENNEMER: This will be an A-engrossment?

163 CHAIR BUNN: They're not going to do it by amendment. It's basically going to be a new SB 152 as I understand it. We will be starting over with it, as opposed to working with amendments on the old SB 152.

166 ARIO: It will be an A-engrossed version that indicates which pages of the bill it is replacing.

173 CHAIR BUNN: Opens up the discussion for two questions.

176 HANNON: What affordability would a person have who got laid off in Portland and went to work for someone in Silverton who didn't provide employee health insurance coverage?

183 ARIO: Under our proposal, that person would have access to all products available in the small group market in that region.

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SENATE HEALTH ANI) HUMAN SERVICES

February 6, 1995 - Page 5

195 CHAIR BUNN: Addresses Sen. Hannon: I appreciate your questions; however we don't have

time to go through whole series of questions.

204 HANNON: Who has been involved in drafting this dramatic change in the small employer market?

212 CHAIR BUNN: Addresses Sen. Hannon regarding testimony from the industry.

220 HANNON: Makes some editorial comments.

250 KENNEMER: Suggests that the committee hold off further testimony on SB 152 as there is

going to be a major re-write.

260 CHAIR BUNN: Asks if there is anyone signed up to testify on SB 152 who has come from a

long distance or who has to testify today.

-We will defer testimony on SB 152 for now.

267 AMY KLARE, Lobbyist, Oregon AFLCIO: Comes forward and makes comments. Still wants

her written testimony submitted to the committee for the record [EXHIBIT

C1.

-Wants assurance that people who want to testify on SB 152 will be given

the opportunity to

do so.

283 CHAIR BUNN: Responds.

bill and other -We will allow time for people to give input; however, we need to keep this

legislation moving.

312 CHAIR BUNN: Calls a ten-minute recess.

313 CHAIR BUNN: Re-convenes the meeting at 4:05 P.M.

OPens PUBLIC HEARINGS Jointly on SB 120 AND SB 121

320 MADELINE OLSON, Acting Assistant Administrator, Mental Health Services, Mental

Health and Developmental Disability Services Division: With me is Brett

Asmann, the

Division's Civil Commitment Specialist. We are testifying IN SUPPORT OF SB

120.

Presents

written testimony to the committee [EXHIBIT D].

-References ORS 426.234, Sections 2 and 3.

380 OLSON: Testifying IN SUPPORT OF SB 121. Presents written testimony to the committee

1EXHIBIT E1.

TAPE 14,B

477 OLSON: Continuing testimony in support of SB 121.

486 OLSON: Finishes testimony.

490 MCCOY: When you say "physician," do you mean a group of physicians; i.e. two or three physicians, or just one?

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493 BRETT ASMANN, Civil Commitment Specialist, Mental Health and
Developmental Disability Services Division:: Responds.
 -Once a person is placed on hold, the treatment is administered by one
physician. The
proposed change would allow that physician to release the person from the hold.
500 MCCOY: Is this contrary to what has usually taken place? This is not
usually done by one
 physician, is it?
504 ASMANN: The treating physician is the only physician who is making a
treatment decision
about the person's readiness for discharge. In many counties right now, the
mental health investigator
 who conducts the investigation required by statute will also examine the
person and make a
 recommendation to the court.
509 MCCOY: I wonder if a physician would want to take it upon himself to do
this by himself, even
if he is a treating physician.
512 KENNEMER: Is it correct that these people are in the hospital
voluntarily?
514 ASMANN: This is a totally involuntary process. They are placed there
against their will, so
they want to leave.
520 MCCOY: Who initiated this? Is this being initiated by physicians?
522 ASMANN: Responds.
529 HANNON: What if someone is a danger to himself or someone else? The
doctor would not be
able to release that person, right?
532 ASMANN: That is correct.
533 HANNON: Gives Mr. Asmann a scenario to
consider.
540 ASMANN: Responds.
546 MCCOY: People don't get put on hold if they are not in seriously bad
shape, correct? If
someone is drunk, they would go to detox and not be hospitalized, is that correct?
552 ASMANN: Not always.
553 HANNON: Discusses his previous scenario.
567 MCCOY: Providing a bill like this gives the doctor immunity.
569 LEONARD: Addresses Sen. McCoy and Sen. Hannon regarding their comments.
580 ASMANN: Of all the people who are placed on hold, 75% of them are
released by the time
the statutory limit's expired. Only 25% of them are referred by the
investigators to a
commitment hearing. Most of the 5,000 people placed on a hold in Oregon each year are
released.

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SENALL HEALTH AND HUMAN SERVICES
February 6, 1995 - Page 7

595 LEONARD: Of those people that are placed on hold, are most of them placed on a hold by a police officer, because they have been drinking?

598 ASMANN: No. About 15% of the people on hold have a primary alcohol/drug abuse diagnosis.

98% of those people are released in 24 hours. Once the substance dissipates from their body, their

psychotic/suicidal tendencies go away.

608 LEONARD: How long can a person be put on hold?

609 ASMANN: The statute states that a person can be placed on a hold for five judicial days.

610 LEONARD: Does that not count weekends?

612 ASMANN: That does not count weekends and holidays.

613 HANNON: If the treating physician felt it was okay to release the person from a hold on a Friday,

would the person still have to stay over the weekend?

621 ASMANN: Yes, unless a judge is called on a weekend to release the person.

624 OLSON/ASMANN: Finish presentation.

625 CHAIR BUNN: Calls John McCully to testify on both bills jointly.

630 JOHN MCCULLY, Oregon Psychiatric Association: Testifying IN SUPPORT OF

SB 120
and

SB 121.

645 MCCULLY: Finishes testimony.

646 DENNIS EKANGER, Psychologist, Lane Co. Mental Health: TESTIFYING IN FAVOR OF

SB 120 and 121, with amendments [EXHIBIT F].

-References ORS 426, Section 234.

720 EKANGER: Continuing presentation.

735 HANNON: If "John Smith" was picked up in a county where there was no regional facility, you're

saying that the county Mental Health Officer would be notified that "John Smith" was picked up

and taken to a regional facility in another county?

761 EKANGER: That's correct.

770 HANNON: Question regarding his scenario.

775 EKANGER: Responds.

796 HANNON: Question regarding his scenario.

811 EKANGER: Responds; continues presentation.

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SENATE HEALTH AND HUMAN SERVICES
February 6, 1995 - Page 8

860 EKANGER: Continuing presentation.

873 CHAIR BUNN: Addresses Dr. Ekanger: We have to quit promptly at 4:45.
Also, please provide in writing to our Committee Administrator your
specific changes to the bill; not in amendment form.

TAPE 15,B

481 EKANGER: Continuing presentation.
-References ORS 426.2321B

520 EKANGER: Continuing presentation.
-Discusses court procedures.

530 EKANGER: Finishes presentation.

531 KENNEMER: Comments re: Multnomah/Clackamas Co. backlog of court
cases.

542 EKANGER: Responds.

547 CHAIR BUNN: Sen. McCoy will chair Wednesday's meeting as I will be out
of town. If
Wednesday's agenda is completed on Wednesday, we will not need a meeting on
Friday.

553 CHAIR BUNN: Adjourns the meeting at 4:45 P.M.

Submitted by,

Mary Gallagher
Committee Assistant

Reviewed by,

Art Wilkinson
Committee Administrator

EXHIBIT SUMMARY:

- A - Written Testimony on SB 164--Dick Johnson--1 page
- B - Outline of Insurance Market Reform (SB 152 and Related Reforms)--Joel
Ario--15
pages
- C - Written Testimony on SB 152--Amy Klare--2 pages
- D - Written Testimony on SB 120--Madeline Olson--2 pages
- E - Written Testimony on SB 121--Madeline Olson--2 pages
- F - Amendments to SB 120 and SB 121--Dennis Ekanger--3 pages

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