

SENATE COMMITTEE ON  
HEALTH AND HUMAN SERVICES

February 8, 1995 3:00 P M

Hearing Room B  
Tapes 16-18

MEMBERS PRESENT: Sen. William McCoy, Vice-Chair  
Sen. Lenn Hannon  
Sen. Bill Kennemer  
Sen. Randy Leonard

MEMBERS EXCUSEL. Sen. Stan Bunn, Chair

STAFF PRESENT: Art Wilkinson, Committee Administrator  
Mary Gallagher, Committee Assistant

MEASURES HEARD: SB 33  
SB 53  
SB 163  
SB 235  
SB 237  
SB 238

PUBLIC HEARING PUBLIC HEARING PUBLIC HEARING PUBLIC HEARING PUBLIC HEARING  
PUBLIC HEARING

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.

Senator McCoy will Chair today's meeting as Senator Bunn is excused

TAPE 16, A

001 CHAIR MCCOY: Convenes the meeting at 3 00 P M  
-Announcements  
-Beginning in subcommittee

018 CHAIR MCCOY: Opens PUBLIC HEARING on SB 33

020 BETTY REYNOLDS, Director, Oregon Board of Dentistry: Submits written  
testimony on behalf of Dr Ben Curtis (immediate past President of the Board) on SB 33 to  
the committee  
1EXHIBIT A]. Testifying IN FAVOR of SB 33 Begins testimony

049 REYNOLDS: Finishes testimony

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050 DELL ISHAM, representing Oregon Dental Hygienists Association: Begins  
testimony IN SUPPORT of SB 33. (No exhibit)  
-We support the bill in all respects, particularly Section 5.

055 ISHAM: Finishes testimony.

056 JANE MYERS, representing Oregon Dental Association: Presents written  
testimony on SB 33  
to the committee [EXHIBIT B]. Testifying IN FAVOR of SB 33 with proposed  
changes.  
-References ORS 679.150  
-References ORS 183.310 to .550  
-References Page 1, Sections 3 and 4  
-References ORS 673.100

-References ORS 680.170

105 MYERS: Continuing testimony.

113 KENNEMER arrives.

132 MYERS: Finishes testimony.

135 CHAIR MCCOY: Does anyone else want to testify on SB 33? (No)

138 CHAIR MCCOY: Closes PUBLIC HEARING on SB 33

Onens PUBLIC HEARING on SB 53

160 DR. RICHARD GORMAN, President, Oregon Board of Chiropractic Examiners:  
Testifying

IN FAVOR of SB 53 with amendments. Presents written testimony to the  
committee 1EXHIBIT

C]. Begins testimony.

-Refers to Page 1, line 8

-Refers to Page 1, lines 10, 18-22

200 GORMAN: Continuing testimony

220 GORMAN: Defers to Dr. Michael Lang, Vice-Pres., OBCE.

225 DR MICHAEL LANG, V.P., OBCE: Testifying IN FAVOR of SB 53 with  
amendments.

Begins testimony.

242 KENNEMER: Are you not going to ask for chiropractic obstetrics, which is  
another part of the  
bill?

246 GORMAN: That part of the bill will be deleted in the amendments.

255 KENNEMER: Do we have these amendments?

257 GORMAN: They were supposed to have been submitted. If you don't have  
them, I'll touch on  
that.

261 LANG: Continues testimony

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275 HANNON arrives.

300 LANG: Continuing testimony.

-Refers to Page 2, line 42

-Refers to Page 3, lines 1-3, 8-10, 35-36, 39~5

-Refers to Page 4, lines 39 '11

350 LANG: Continuing testimony.

366 LANG: Refers to letter from Dr. Gerald Rosen [EXHIBIT D1.

371 LANG: Finishes testimony.

383 DR. STEVEN GARDNER, Chiroprsetor: Begins testimony IN FAVOR of SB 53.  
Presents and reads letter from Dr. Christopher Carter [EXHIBIT E].

TAPE 17,A

001 DR. GARDNER: Continuing testimony.

019 GARDNER: Finishes testimony.

025 KENNEMER: You will remove all reference of chiropractic obstetrics

from the bill?

027 GORMAN: That's correct. We also plan to add a section on over-the-counter nonprescriptive substances.

037 GLEN COMUNTZIS, representing Oregon Doctors of Chiropractic: Presents written testimony to committee 1EXHIBIT Fl. Testifying 1N FAVOR of SB 53, with amendments.

045 COMUNTZIS: Finishes testimony.

050 CHUCK BENNETT, representing Chiropractic Association of Oregon: Presents written testimony [EXHIBITS G-1 to G-51 and proposed amendments [EXHIBIT H] to committee.

Testifying IN FAVOR of SB 53, with amendments.

079 BENNETT: Finishes testimony.

083 CHAIR MCCOY: Does anyone else want to testify on SB 53? (No)

Closes PUBLIC HEARING on SB 53

Onens PUBLIC HEARING on SB 163

089 BETTY UCHYTIL, Assistant Administrator, Children's Services Division: Testifying IN

FAVOR of SB 163. Presents written testimony to committee [EXHIBIT I] and 1995-97

Estimated Costs... [EXHIBIT J].

-CSD has developed a "Level" system based on the level of vulnerability and potential risk of future harm if not served.

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128 UCHYTIL: Finishes testimony.

129 CHAIR MCCOY: Would you define Levels 6 and 7?

130 UCHYTIL: Responds.

159 KENNEMER: What is the impact of these rules . of prioritization based on availability? What is

the net impact of this bill? Does it standardize it statewide?

166 UCHYTIL: Responds.

187 KENNEMER: What's the difference between provisional custody and legal custody?

189 UCHYTIL: Provisional custody does not now exist in statute. This bill would create it. It would be a way of requiring Children's Services to maintain information about those children that it could not serve without requiring the Division to be legally responsible for care and custody.

197 HANNON: What is being done with the children that are currently in Level 7, that you're trying to

eliminate?

199 UCHYTIL: Responds.

214 HANNON: If lack of resources forces you, what happens?

216 UCHYTIL: Responds.

222 HANNON: Then this bill is just a way for you to get legislation passed so that you can wash

your

hands of the problem?

224 UCHYTIL: It's a way for us to bring forward to you the issue of who we can serve with the resources that we've been funded for and who we cannot serve, and what we believe those service

needs are.

227 MCCOY: You might point out that before the Commission on Children and Families, you did serve those kids.

230 UCHYTIL: That's correct.

236 KENNEMER: Question regarding provisional custody.

247 UCHYTIL: Responds.

262 NANCY MILLER, Administrator, Citizen Review Board Program: Testifying AGAINST SB

163. (No exhibit)

310 MILLER: Continuing testimony.

312 MILLER: Finishes testimony.

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315 ART WILKINSON, Committee Administrator: Presents written fiscal analysis on SB 163 to committee [EXHIBIT K].

354 HANNON: I think if we divide CSD up, the problems will be compounded further. We need to think about whether we're putting money into preventive care, or if we're just putting it into bricks and mortar to lock these kids away. My priority isn't in bricks and mortar.

366 CHAIR MCCOY: I am in agreement with Sen. Hannon.

367 CHAIR MCCOY: Closes PUBLIC HEARING on SB 163; calls 10-minute recess.

372 CHAIR MCCOY: Re-convenes the meeting.  
ODens PUBLIC HEARING on SB 235

TAPE 16,B

391 EDWARD JOHNSON, Stste Registrar for Vital Records: Testifying 1N FAVOR of SB 235. Presents written testimony to the committee [EXHIBIT L]. -Information from Vital Records is used by individuals, local government, state agencies, federal agencies and private concerns for monitoring health status of Oregonians.

480 EDWARD JOHNSON: Continuing testimony.  
-References ORS 432  
-SB 235 increases access to death records

522 JOHNSON: Finishes testimony.

523 HANNON: Who currently has access to Vital Records information, and who is excluded from obtaining it?

525 JOHNSON: Currently, only family members have access, except in the case of death certificates, in which case anyone with "direct and tangible interest" has access. It's not really clear who may get a copy of the death certificate.

536 HANNON: If I were the Executor of an estate for someone who was not a family member in any way, would I be able to get a copy of the death certificate?

540 JOHNSON: Responds.  
-For the purpose of settling estates, we do give out death certificates.

546 LEONARD arrives.

547 HANNON: What is your definition of purpose of deception?

548 JOHNSON: Responds.

557 HANNON: How many cases of fraud like that do you have each year?

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558 JOHNSON: We have two to three every week people claiming that they are someone that they

aren't for purpose of obtaining records, or trying to change a birth record that is not theirs.

563 HANNON: Why don't you adopt administrative rules so that people have to sign an affidavit stating that they are in fact who they claim to be, and if their claim proves to be fraudulent, you can bring legal charges against them?

569 JOHNSON: Responds.

576 HANNON: It troubles me that you're trying to pass legislation stating that only certain people can have access to those records, and the records are locked up to everyone else.

582 JOHNSON: The penalty phase does not apply to anybody that has legitimate access to the records. It only applies to those people who are trying to make fraudulent claims.

585 KENNEMER: Where is the language about gaining access?

586 JOHNSON: Refers to Page 6, lines 4 and 7.  
-Refers to usage of Vital Records for genealogical purposes.

601 HANNON: Gives Mr. Johnson a scenario to consider regarding adoptions/sealed birth records.

607 JOHNSON: Responds.

610 HANNON: Is that fraudulent use?

612 JOHNSON: Responds.

620 HANNON: Question to Mr. Johnson regarding genealogical searches.

625 JOHNSON: Responds.

632 RUTH JOHNSON, Marion County Registrar, representing Coalition of Local Health Off.cials: Testifying IN FAVOR of SB 235. (No exhibit)

676 JOHNSON: Finishes testimony.  
684 KAREN HIGHTOWER, Assistant Legal Counsel, State Court Administrator's Off'ce,  
representing Oregon Judicial Dept.: Testifying IN FAVOR of SB 235, with proposed  
amendments. Presents letter from Kingsley Click, Acting State Court Administrator, and  
Proposed Amendments [EXHIBIT M].  
730 HIGHTOWER: Finishes testimony.  
732 HANNON: Have you experienced problems with getting information from Vital Statistics?  
739 HIGHTOWER: We aren't aware of any problems.  
745 HANNON: Are you aware of any fraud or deception by people using this system?

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747 HIGHTOWER: No, I am not.  
759 HANNON: Asks Edward Johnson to come forward again. Question to Mr. Johnson regarding  
access to death certificates.  
770 JOHNSON: Responds. The bill tries to create a type of death certificate that anyone can get a  
copy of, but it will not have the confidential medical information about the cause of death on it.  
783 HANNON: Will it have surviving family members on it?  
785 JOHNSON: It will have whatever information is provided to us. Surviving family members are  
not currently listed on death certificates.  
856 CHAIR MCCOY: Closes PUBLIC HEARING on SB 235  
Opens PUBLIC HEARING on SB 237  
872 DR. GEORGE PORTER, member of Oregon Board of Medical Examiners:  
Testifying IN  
FAVOR of SB 237. Presents written testimony to committee [EXHIBIT N].

TAPE 17,B

480 DR. PORTER: Continuing testimony.  
530 PORTER: Continuing testimony.  
551 PORTER: Finishes testimony.  
552 HANNON: Comment to Dr. Porter regarding accountability. Refers to Exhibit N.

576 KATHLEEN HALEY, Executive Director, Oregon Board of Medical Examiners:  
Responds to Hannon.

590 DR. PORTER: What we are asking for is a more expeditious way to deal with administrative  
matters. We'd like to use this bill to streamline the administrative process of the Board.  
604 CHAIR MCCOY: Dr. Porter, you don't think too much of the idea of just cutting you loose from  
the State?  
610 PORTER: We're not trying to become an independent agency; we're just trying to improve the

administrative aspects of the Board.

620 KENNEMER: Comments to Porter/Haley about problems with processing work  
efficiently in the  
BME.

633 PORTER: Responds.

655 CHAIR MCCOY: Addresses Dr. Matt Gruber; asks him to come back during  
work session for  
this bill, when his presentation is in amendment form.

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673 KEITH PUTMAN, Committee Researcher: Addresses the committee regarding  
Gruber's

proposed amendments to SB 237.

689 DR. MATT GRUBER: Begins testimony AGAINST SB 237. 1EXHIBIT O]. 1EXHIBIT  
P]:

Letter from Gruber to Mike Greenfield.

730 GRUBER: Continuing testimony.

780 GRUBER: Continuing testimony.

-Believes the Board needs more supervision and accountability, not less.

845 GRUBER: Finishes testimony.

846 LEONARD: Addresses Porter/Haley regarding the accountability issue.

863 PORTER: Responds.

870 LEONARD: Why do you think you should be allowed to be semi-independent?

883 PORTER: Responds.

TAPE 18,A

001 DR. PORTER: Still responding to Sen. Leonard's question.

005 LEONARD: Question regarding the BME's hiring process.

018 PORTER: We're not interested in hiring a specific person; we're  
interested in hiring a person with specific skills. We could not achieve  
that skill level with the class)fication that was provided to us.

021 LEONARD: Couldn't you have asked that that position be re-classified?

023 KATHLEEN HALEY: Responds.

-We weren't able to offer enough money. We offered the position to three  
qualified applicants,  
all of whom turned us down for jobs with considerably higher salaries.

030 LEONARD: Is that a problem unique to your agency, or could it be a  
problem throughout state  
government, in regard to compensation of employees?

031 HALEY: It could be across the board; we're just talking about our  
particular experience.

037 HANNON: Do you license and regulate EMT's?

038 HALEY: That's in the Health Division.

043 LEONARD: Comments to Sen. Hannon regarding his question.

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047 DR. MATT GRUBER: Comments about Ms. Haley's remark~s.

061 CHAIR MCCOY: Closes PUBLIC HEARING on SB 237

Opens PUBLIC HEARING on SB 238

065 KATHLEEN HALEY: Testifying 1N FAVOR of SB 238 with amendments. 1EXHIBIT

Q]

080 HALEY: Finishes testimony.

085 KENNEMER: What is the purpose of removing Chapter 677?

088 DR. PORTER: Responds.

096 KENNEMER: Follow-up question.

097 DR. PORTER: Responds.

105 JOHN GERVAIS, representing Osteopathic Physicians and Surgeons of Oregon: Begins testimony. 1N FAVOR of SB 238 with proposed amendment. [EXHIBIT R] -References Page 1, line 9.

113 GERVAIS: Finishes testimony.

114 DELL ISHAM, representing Oregon Association of Naturopathic Physicians: Dr. Don Walker is with me. Begins testimony 1N FAVOR of SB 238, with amendments. (No exhibit)

-References Page 7

-References ORS 677.757

150 ISHAM: Continuing testimony.

170 ISHAM: Finishes testimony.

193 CHAIR MCCOY: Closes PUBLIC HEARING on 238

195 KEITH PUTMAN, Committee Researcher: Presents a written fiscal impact analysis on SB 235 to the committee [EXHIBIT S] as it was not presented during the public hearing.

229 CHAIR MCCOY: SB 239 will be re-scheduled for a Public Hearing at a later date.

-Adjourns the meeting at 5:20 P.M.

Submitted by, /~;) Reviewed by,

Mary G her            Art Wilkinson  
Committee Assistant    Committee Administrator

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EXHIBIT SUMMARY:

A - Written Testimony of Dr. Ben Curtis on SB 33--Betty Reynolds--1 page

B - Written Testimony on SB 33--Jane Myers--3 pages

C - Written Testimony on SB 53--Dr. Richard Gorman/Dr. Michael Lang--4 pages

D - Letter from Dr. Gerald Rosen--Dr. Michael Lang--1 page

E - Letter from Dr. Christopher Carter--Dr. Steven Gardner--1 page

F - Written Testimony on SB 53--Glen Comuntzis--1 page

G-1 "Chiropractic Association of Oregon"--Dr. Chuck Bennett--3 pages ~ ~3

G-2 "Comparative Education"--Dr. Chuck Bennett--4 pages

G-3 "Chiropractic Effectiveness"--Dr. Chuck Bennett--4 pages

G-4 "Chiropractic Management of Low-Back Pain" (Brochure)--Dr. Chuck Bennett--1, pages 513 S 3

G-5 "Studies on Chiropractic" (Brochure)--Dr. Chuck Bennett--2 pages 5 ~5

H - Written Testimony on SB 53--Dr. Chuck Bennett--3 pages 4

I - Written Testimony on 9~3--Betty Uchytel--2 pages SJi lCo'

J - 1995-97 Estimated Costs and Client Counts by Vulnerability Level--Betty Uchytel--1 page  
SB 163  
K - Fiscal Analysis on SB 163--Art Wilkinson--1 page  
L - Written Testimony on SB 235--Edward Johnson--2 pages  
M - Written Testimony of Kingsley Click on SB 235--Karen Hightower--3 pages  
N - Written Testimony on SB 237--Dr. George Porter--8 pages  
O - Proposed Amendments to SB 237--Dr. Matt Gruber--5 pages  
p - Letter to Mike Greenfield from Matt Gruber--Dr. Matt Gruber--2 pages 5  
B 2 31  
Q - Written Testimony on SB 238--Kathleen Haley--6 pages  
R - Proposed Amendment to SB 238--John Gervais--1 page  
S - Fiscal Analysis on SB 235--Keith Putman--1 page

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