

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

February 20, 1995 3:00 P.M.

Hearing Room B
Tapes 23 - 24

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 313
SB 444
SB 27
SB 28
SB 29
SB 161
SB 165

Public Hearing and Work Session Public Hearing and Work Session Work
Session Work Session Work Session Work Session Work Session

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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 23, A

002 CHAIR BUNN: Convenes the meeting at 3:07 P M
Announcements
-There will be no Work Session on SB 95 today
-Next Monday's meeting will run to 6:00-6:30 P.M .

017 MOTION: SEN. KENNEMER: Moves introduction of LC DraR #2146 as a
committee bill [EXHIBIT A].

023 VOTE: CHAIR BUNN: Hearing no objections, the motion CARRIES. SENATOR
LEONARD is EXCUSED

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027 CHAIR BUNN: ODens PUBLIC HEARING iointlv on SB 313 and SB 444
Invites Sen. Timrns to testify.
029 SENATOR GENE TIMMS: Begins testimony IN SUPPORT of SB 444.
063 Finishes testimony on SB 444.
065 MCCOY: What is full medical assistance reimbursement?
067 TIMMS: I haven't test)fied on SB 313 yet.
072 HANNON: So SB 444 is just an appropriation bill?
074 TIMMS: That's what it looks like to me. This is basically already in the
statute.
078 HANNON: There was an NCSL meeting in Arizona in December to discuss
rural health
issues. Has any penalty provision been thought of or given consideration to
future changes in the statute that would address some of these concerns?

087 TIMMS: I don't believe so.
100 MCCOY: Today, where are you getting money from for the Off'ce of Rural
Health? From
the Lottery?
101 TIMMS: The ORH is funded through the Oregon Health Sciences University
budget.
104 TIMMS: Begins testimony IN SUPPORT of SB 313.
-SB 313 extends the rural health tax credit to the year 2001
131 Finishes testimony on SB 313.
132 KENNEMER: When did this tax credit first begin?
136 TIMMS: Approximately eight years ago.
137 CHAIR BUNN: Addresses committee: Every witness we have today is in favor
of these bills.
There are no opponents. I'd like to move one of these to Ways and Means
today and one to
Revenue. If the committee is so disposed, we might as well do that without
a lot of testimony and save everyone a lot of time.
-Invites Karen Whitaker to give brief testimony.
155 KAREN WHITAKER, Director, Offrce of Rural Health at Oregon Health
Sciences
University: Begins testimony IN FAVOR of SB 313 and SB 444 [EXHIBIT B].
218 CHAIR BUNN: ODens WORK SESSION on SB 444

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231 MOTION: SEN. HANNON: Moves that SB 444 be sent to the Ways and Means
Committee with a DO PASS recommendation.

234 VOTE: CHAIR BUNN: Hearing no objections, the motion CARRIES. SENATOR
LEONARD is EXCUSED.

237 MOTION: SEN. HANNON: Moves that SB 313 be sent to the Revenue
Committee with a DO PASS recommendation.

239 VOTE: CHAIR BUNN: Hearing no objections, the motion CARRIES. SENATOR
LEONARD is EXCUSED.

248 CHAIR BUNN: Opens WORK SESSION on SB 27

250 ART WILKINSON, Committee Administrator: Gail Ryder asked that the bill
not be passed as it is written, having to do with the section on
confidentiality (Section 4). She indicated that there isa piece of
legislation that is going to come through that makes these kinds of records
more public than what they are. I think we can deal with that at the time
that particular bill comes up. Other than the confidentiality issue, there
is no other problem with this bill. There are no proposed amendments.

271 KENNEMER: Is the relating clause such in SB 28 that we can amend that
revision into here?

287 WILKINSON: That was going to be my recommendation on SB 28 that if you
want to delete the reference to ;'doctoral degree", that you do so in SB 27.

295 MOTION: SEN. KENNEMER: Moves that the needed content of SB 28 be moved
into SB 27 through conceptual amendment.

303 VOTE: CHAIR BUNN: Motion CARRIES. SEN. HANNON votes NAY. SENATOR
LEONARD is EXCUSED.

308 WILKINSON: Discusses Section 4.

323 GAIL RYDER, Oregon Newspapers: Refers to HB 2493.

335 KENNEMER: Is the new language consistent with how most professional boards are dealing with the issue in Section 4?

341 WILKINSON: I believe it's consistent.

344 MOTION: SEN. KENNEMER: Moves that SB 27, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

349 VOTE: CHAIR BUNN: Motion CARRIES. SEN. HANNON votes NAY. SENATOR LEONARD is EXCUSED.

SEN. KENNEMER will CARRY the bill.

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354 CHAIR BUNN: Closes WORK SESSION on SB 27
ODens WORK SESSION on SB 28

358 MOTION: SEN. KENNEMER: Moves that SB 28 BE TABLED.

361 VOTE: CHAIR BUNN: Hearing no objections, motion CARRIES. SENATOR LEONARD is EXCUSED.

362 CHAIR BUNN: Onens WORK SESSION on SB 29

364 WILKINSON: Addressing the committee about SB 29--hands out chart 1EXHIBIT C].

TAPE 24,A

001 WILKINSON: Still talking about SB 29.

010 KENNEMER: Regarding the Mortuary and Cemetery Board, there is a bill that will have a

hearing tomorrow.

014 WILKINSON Hands out -1 Amendments to SB 29 [EXHIBIT D].

020 CHAIR BUNN: For the record, the testimony was clear by the agency that the technical expertise

provided by the dealers is an essential component of making this advisory

board work, therefore I

think it's important that we keep that strong component there.

024 MOTION: SEN. KENNEMER: Moves the -1 Amendments.

026 VOTE: CHAIR BUNN: Hearing no objections, motion CARRIES. SENATOR LEONARD is EXCUSED.

027 MOTION: SEN. KENNEMER: Moves that SB 29, AS AMENDED, be sent to the Floor with a DO PASS recon~rtendation.

033 VOTE: CHAIR BUNN: Motion CARRIES. SEN. HANNON votes NAY. SENATOR LEONARD is EXCUSED.

SEN. MCCOY will CARRY the bill.

037 CHAIR BUNN: Closes WORK SESSION on SB 29
Opens WORK SESSION on SB 161

040 WILKINSON: Addresses the committee about SB 161--hands out written testimony/proposed Amendment to SB 161 by the Oregon Organization of Nurse Executives (submitted after the start of the hearing) [EXHIBIT E].

060 HANNON: Asks for Brian DeLashmutt, Lobbyist for ONA, to come forward to the witness table.

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071 SEN. LEONARD arrives (3:40 P.M.).

072 MOTION: SEN. MCCOY: Moves the -1 Amendment.

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

090 WILKINSON: Discusses Gail Ryder's concerns about the part of the bill which deals with confidentiality.

101 HANNON: I have a problem with what we're doing here and I intend to vote No.

107 MCCOY: 678.442 does away with the openness?

109 GAIL RYDER, Oregon Newspapers: Responds.

113 CHAIR BUNN: Asks Joan Bouchard to come forward to the witness table.

120 JOAN BOUCHARD, Executive Director, Oregon Board of Nursing: Essentially what this bill does is make the confidentiality law for Nursing Assistants the same as it is for licensed Practical Nurses and Registered Nurses.

136 MCCOY: Today, when a nurse is suspended for any violation, that's public information...you want to say no?

140 BOUCHARD: Currently the complaint is not disclosed. The final action of the Board of Nursing is made public but the complaint and the investigative files of the Board of Nursing are not public at this time. Our intent is that if HB 2493 or SB 94 passes and it affects all licensing boards, that this would then amend that statute to be the same for all boards.

145 CHAIR BUNN: So if we do what you're proposing and don't do what Gail's proposing, then whatever's done on that other bill will treat you the same way the rest of the boards are treated?

148 BOUCHARD: That's correct, that's our understanding.

149 WILKINSON: That's also my understanding.

157 CHAIR BUNN: I want to express a position on this. At times, I may ask support as Committee Chair. I am not doing that in this situation, but it seems reasonable to me that we pass this and bring this group into line with the others and then let the next bill take care of how they're all treated equally. Sen. Hannon seems to have strong feelings about this.

164 MCCOY: I think I do, too. I think we should take care of what s before us and not think thatwhatever comes over from the House will be okay.

169 RYDER: When I called Mr. Wilkinson this morning, it was to ask whether or not I should bring in Amendments that would in fact make SB 27 and SB 161 conform with HB 2493, to bring in the actual language as it related to Clinical Social Workers and Nursing Assistants. He suggested that

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I not do that. We do view any confidentiality for either of these groups as something we don't want to have.

181 WILKINSON: Addresses Chair Bunn about the telephone conversation referenced by Gail Ryder.

194 CHAIR BUNN: It seems to me that the choice we have at this point is between passing the bill as it is, or passing it with the deletion of that expansion.

197 WILKINSON: Responds.

200 CHAIR BUNN: If we leave the bill as it is, we bring this group into line with the other groups. If we delete it, we don't do that but we also don't expand confidentiality.

205 KENNEMER: To me it doesn't make any sense to bring a new group into a board and then give them a two-tiered system of confidentiality. It seems to me that if we don't want to include them in confidentiality, then let's not include them in these provisions at all. I think it would be most unworkable to have a board that has two different sets of standards for their members.

231 HANNON: I'd like to be in a position to support this, but at this point I've made a decision to be as acceptable as possible to the Oregon Newspapers on this issue of confidentiality. I don't think we as a society should start limiting access to information insofar as closing anybody's right to know.

247 CHAIR BUNN: If we pass this with the confidentiality portion deleted, can it be conformed later by the larger bill that's moving through the process?

249 RYDER: Yes. If you were to add to it, however, you might have a further conflict.

253 MOTION: SEN. HANNON: Moves that the expansion of the confidentiality provision on Line 16 be DELETED.

260 VOTE: CHAIR BUNN: In a roll call vote, SEN. LEONARD votes AYE, SEN. MCCOY votes AYE, SEN. HANNON votes AYE, SEN. KENNEMER votes NAY, CHAIR BUNN votes NAY. Motion CARRIES.

264 MOTION: SEN. HANNON: Moves that SB 161, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

270 KENNEMER: I'm going to fight this on the Floor. I think it's absurd that we're going to put these people in a position of having mandatory reporting and we're not going to grant to them the standards that are granted to everybody else. I think it's unethical.

276 CHAIR BUNN: I basically share Sen. Kennemer's view on this issue. Even though we've got a Motion on the floor, if the committee decided to hold this issue for a time and come out with the bill later, would that do any damage? (Committee consensus is No, it wouldn't do any damage.) My intent, if we table the bill, would be to take it off the table later at the appropriate time and deal with it then.

289 MOTION: SEN. HANNON: Withdraws last motion; moves that SB 161 BE

TABLED.

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295 CHAIR BUNN: For the record, tabling this bill is not an attempt by this committee to kill the bill.

304 LEONARD: Does the Amendment we adopted remain effective if we table the bill?

305 CHAIR BUNN: Yes.

313 HANNON: WITHDRAWS motion to TABLE SB 161.

314 CHAIR BUNN: SB 161 will be removed from today's schedule and we will come back to it at a more appropriate time.

315 CHAIR BUNN: Closes WORK SESSION on SB 161

ODens WORK SESSION on SB 165

321 WILKINSON: Addresses committee about SB 165--hands out -1 Amendments to SB 165

[EXHIBIT F1.

362 WILKINSON: Hands out -2 Amendments to SB 165 [EXHIBIT G].

380 MOTION: SEN. LEONARD: Moves -1 Amendments.

395 HERSH CRAWFORD, Acting Director, Office of Medical Assistance Programs:

We are

opposed to specifically listing a dentist in the bill. We want one on the board, but we are concerned about what may happen to the bill in the future. Currently we have listed only one provider type in the bill, and that is a physician. That is because physicians are referenced in the Federal Medicaid regulations which we are subject to.

TAPE 23, B

476 CRAWFORD: We are afraid that if we start listing other providers, such as a dentist, that many other health care providers will come forward and want to be listed also.

487 MCCOY: Why would it be bad to have a broader perspective?

490 CRAWFORD: We believe that there should be a broader perspective. We have put language in the bill which covers dentists, in a category called "Other Health Care Providers." This category would also cover any other type of health care provider that could or should be a member of this committee. We want the committee to remain at 15 members.

500 CHAIR BUNN: What's the public policy that demands or suggests that a dentist be on the

committee as opposed to another health care provider?

509 CRAWFORD: Responds.

515 JANE MYERS, Oregon Dental Association: The ODA has not been invited to participate in meetings about the capitation rate.

539 HANNON: (Addresses Crawford) What happens if this bill doesn't pass?

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540 CRAWFORD: Nothing. We go back to our existing two separate advisory

committees.

543 HANNON: Who introduced the bill?

544 CRAWFORD: We did.

559 MCCOY: You have a dentist who is currently Chair of the committee?

560 CRAWFORD: That's correct.

578 VOTE: Motion to ADOPT -1 Amendments CARRIES. CHAIR BUNN votes NAY.

584 MOTION: SEN. HANNON: Moves the -2 Amendments.

585 VOTE: CHAIR BUNN: Motion CARRIES. All members are present and vote AYE.

599 CHAIR BUNN: Closes WORK SESSION on SB 165

600 CHAIR BUNN: Adjourns the meeting at 4: 15 P.M.

FOR THE RECORD: SEN. LEONARD VOTES AYE on 313 and 444; EXCUSED on votes for which he was not present.

Submitted by

Mary Gallagher
Committee Assistant

Reviewed by,

Art Wilkinson
Committee Administrator

EXHIBIT SUMMARY:

A - LC Draft #2146--Art Wilkinson--2 pages

B - "Retention of Health Care Practitioners in Rural Oregon"--Karen Whitaker--40 pages SB 3 13

C - Chart of State Boards--Art Wilkinson-- 1 page S15 2~9

D - -1 Amendments to SB 29--Art Wilkinson--1 page

E -Written Testimony/Proposed Amendment to SB 161 by DONE--Art Wilkinson--1 page

F - -1 Amendments to SB 165--Art Wilkinson--1 page

G - -2 Amendments to SB 165--Art Wilkinson--1 page

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