

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

Hearing Room
Tapes 61 - 62

MEMBERS PRESENT:

Sen. Stan Bunn, Chair
Sen. William McCoy, Vice-Chair
Sen. Bill Kennemer
Sen. Randy Leonard

MEMBERS EXCUSED:

Sen. Lenn Hannon

STAFF PRESENT:

Art Wilkinson, Committee Administrator
Mary Gallagher, Committee Assistant

MEASURES HEARD:

SB 1069 Public Hearing
SB 543 Public Hearing and Work Session
1026 Public Hearing
SB 840 Public Hearing
SB 842 Public Hearing
SB 839 Public Hearing
SB 1075 Public Hearing
SB 1079 Public Hearing

SB 49

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 61, A

002 CHAIR BUNN: Calls the meeting to order at 3:10 P.M.
-Announcements re: changes in agenda schedule.

027 Opens PUBLIC HEARING on 1069

031 STATE SENATOR MARILYN SHANNON, Dist. #15: Speaking IN SUPPORT OF SB 1069, with proposed amendments. [EXHIBIT A]

059 CHAIR BUNN: Temporarily CLOSES PUBLIC HEARING on SB 1069
Opens PUBLIC HEARING on SB 543

061 STATE SENATOR BILL DWYER, Dist. #21: Speaking IN SUPPORT OF SB 543.

WRITTEN TESTIMONY OF LEE HAZELWOOD ON SB 543: [EXHIBIT B]

095 CHAIR BUNN: Temporarily Opens PUBLIC HEARING on SB 1026

102 STATE SENATOR GREG WALDEN, Dist. #28: Speaking IN SUPPORT OF SB 1026.

WRITTEN TESTIMONY OF THEODORE FALK ON SB 1026: [EXHIBIT C]
WRITTEN TESTIMONY OF JANICE BREWER ON SB 1026: [EXHIBIT D]
WRITTEN TESTIMONY OF MICHAEL SEELY ON SB 1026: [EXHIBIT E]
WRITTEN TESTIMONY OF SCOTT MAGUIRE ON SB 1026: [EXHIBIT F]
WRITTEN TESTIMONY OF MARY JANE HUNT ON SB 1026: [EXHIBIT G]
WRITTEN TESTIMONY OF KELLY TAYLOR ON SB 1026: [EXHIBIT H]

151 CHAIR BUNN: Closes PUBLIC HEARING on SB 1026
Opens WORK SESSION on SB 1026

152 MOTION: SEN. LEONARD: Moves that SB 1026 be sent to the Floor with a DO
PASS recommendation.

156 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. HANNON is
EXCUSED.
SEN. WALDEN will CARRY the bill.

165 CHAIR BUNN: Opens PUBLIC HEARINGS on SB 840 and SB 842

176 JANE MYERS, representing Oregon Dental Association: Speaking IN SUPPORT
OF SB 840. [EXHIBIT I]

204 Speaking IN SUPPORT OF SB 842. [EXHIBIT J]

269 Finishes testimony.

288 HERSH CRAWFORD, Acting Director, Office of Medical Assistance Programs,
DHR: Speaking IN OPPOSITION TO SB 842. [EXHIBIT K]

315 CHAIR BUNN: Closes PUBLIC HEARINGS on SB 840 and SB 842
Opens PUBLIC HEARING on SB 839

321 LEONARD: Asks that this hearing be postponed for a few minutes while he
has copies of his amendments made.

324 CHAIR BUNN: Temporarily Closes PUBLIC HEARING on SB 839
Re-opens PUBLIC HEARING on SB 1069

348 CHUCK GRESS, Executive Director, Oregon State Pharmacists Association:
Speaking IN SUPPORT OF SB 1069. [EXHIBITS L-1, L-2]

TAPE 62, A

003 NANCY KAIB, Legislative Chair, Oregon State Pharmacists Association:
Speaking IN SUPPORT OF SB 1069.

035 STEVE TELFER, representing Oregon Right to Die: Speaking IN OPPOSITION
TO SB 1069. [EXHIBIT M]

055 BRIAN DELASCHMUTT, Oregon Society of Hospital Pharmacists: Speaking IN
SUPPORT OF SB 1069.

093 BOB CASTAGNA, Oregon Catholic Conference: Speaking IN OPPOSITION TO SB
1069.

121 GAIL ATEBERRY, Oregon Right to Life: Speaking IN OPPOSITION TO SB 1069.

130 PAIGE CLARK, Chairperson, Statewide Pharmacy Taskforce on Measure 16:
Speaking IN SUPPORT OF SB 1069, with amendments. [EXHIBIT N]

180 Continuing testimony.

234 CHAIR BUNN: Closes PUBLIC HEARING on SB 1069
Re-opens PUBLIC HEARING on SB 839

249 STATE SENATOR RANDY LEONARD; Dist. #9: Speaking IN SUPPORT of SB 839,
with proposed amendments. [EXHIBIT O]

276 JOE GRAY, President, Portland Retired Firefighters Association: Speaking
IN SUPPORT OF SB 839. [EXHIBIT P]

309 ART WILKINSON, Committee Administrator: The Fiscal Impact statement
hasn't been provided to our office yet for this bill, but there is a
Fiscal Impact on the bill.

318 CHAIR BUNN: Closes PUBLIC HEARING on SB 839

Opens PUBLIC HEARING on SB 1075

337 ROCKY KING, Administrator, IPGB/OMIP: Speaking IN SUPPORT OF SB 1075.
[EXHIBIT Q]

383 CHAIR BUNN: Calls 10-minute recess.

384 Re-convenes at 4:18.

392 MARK CAMPBELL, Christian Science Committee on Publication for the State
of Oregon: Speaking IN SUPPORT OF SB 1075, with amendments. [EXHIBIT R]

419 Finishes testimony.

TAPE 61, B

487 CHAIR BUNN: Closes PUBLIC HEARING on SB 1075
Opens PUBLIC HEARING on SB 1079

490 WILKINSON: Addresses committee re: SB 1079.

502 MARK SMITH, Legislative Assistant for State Senator Timms: Speaking IN
SUPPORT OF SB 1079.

516 VICKIE GATES, Administrator, Oregon Health Plan: Speaking IN SUPPORT OF
SB 1079, with proposed amendments. [EXHIBIT S]

WRITTEN TESTIMONY OF FRANK ARMSTRONG ON SB 1079: [EXHIBIT T]

545 CHAIR BUNN: Closes PUBLIC HEARING on SB 1079
Opens WORK SESSION on SB 543

569 CHAIR BUNN: Addresses audience: We will not get to SB 380 and SB 381
today. We will work on SB 543 next, and then attempt to do a work session
on SB 49 today. That's all we'll have time for today.

590 JIM CARLSON, representing Oregon Health Care Association/Oregon
Association of Homes for the Aging: Speaking IN SUPPORT OF SB 543, with -9
Amendments. [EXHIBIT U]

640 Continuing testimony.

670 KENNEMER: Can you speak to the issue of competing interests perhaps
getting into transferring care to different levels, or different competing
interests?

673 CARLSON: This Council would not be charged with any responsibility in
looking at transfer rules or regulations. They would have a fairly narrow
focus of looking at changes to the payment system for services, and then
trying to assess the impact those proposed changes would have--whether they
would have a positive or adverse impact on the quality of care and services
provided to and received by Medicaid clients in the state. I would not see
any circumstance under which they would be involved in transfer rules or
regulations.

685 KENNEMER: I see in Section 2 on Page 3 (referring to -9 Amendments),
that the recommendations is with regard to the reimbursement. Is it limited
then, or is there another place where it opens it up wider than that? In
your previous drafts, you had addressed the issue of the quality of care as
well.

690 CARLSON: If you look on the bottom of Page 2, starting in Subsection
4-D, it talks about acting in an advisory capacity to the Senior and
Disabled Services Division on matters pertaining to quality and
reimbursement. I think this Council's scope would be limited to those two

particular areas in that section.

706 CHAIR BUNN: Discusses how he wants the committee and parties involved to deal with this bill.

727 Closes WORK SESSION on SB 543

743 Opens WORK SESSION on SB 49

761 WILKINSON: Hands out and discusses Amendments to SB 49. [EXHIBITS V-1 to V-8]

WRITTEN TESTIMONY OF SENATOR HAMBY ON SB 49: [EXHIBIT W]

819 KENNEMER: How do my -7 Amendments differ from the -1 Amendments, that would exempt the DEQ?

837 LYDIA TAYLOR, DEQ: The difference would be that DEQ is proposing that some DEQ staff be exempted from the Sanitarians Registration Board, but those who do on-site work, which we feel is relevant to Sanitarian work, would be registered. The amendments that you're proposing would be much broader and would exempt people from other state agencies and would also exempt these people.

844 KENNEMER: It would also allow anyone who wanted to, to join up.

854 MCCOY: Would you respond to the -5 Amendments?

858 RON BAKER, Chair, Sanitarians Registration Board: Our amendments would allow us to do away with the Sanitarians trainee exam, which means that if they have the educational background, which probably 99% of them do, they can be registered as trainees immediately, and we'll give them two years to get the necessary training for the examination.

877 MCCOY: Asks Taylor to respond also.

879 TAYLOR: The Department believes that the Sanitarian Registration Examination is very specific to certain activities which are not done by DEQ: inspections of swimming pools, inspections of restaurants, inspections

of food processing, etc. We don't do that work. Those things that are specific to DEQ, such as on-site septic system inspection, we agree should be registered. But, we don't feel that the test that is offered by the Sanitarians Registration Board relates to what we do, and therefore it does

not add value to protect the public and we had asked the Board to change the exam, but they did not wish to do so.

TAPE 62, B

492 MCCOY: What about the educational background? Is it just about the same for both Sanitarians and DEQ?

493 TAYLOR: I believe Ron Baker could better answer what their expectation is on training. The people who we expect to be registered would have training in soil sciences, in sanitary sewer systems, and that kind of thing. They would not have training in food processing inspection, any radiation kinds of things, or restaurant food handling inspections.

500 BAKER: The exam that's given relates to DEQ probably 75%-80%, more than any other agency or division. We administer the test, we know what's on it.

We've broken it down. It applies to air quality, water quality, solid wastes, hazardous wastes, as well as food and swimming pools. It applies more directly to the things that are done by DEQ than any other agency in the state of Oregon.

507 MCCOY: What about classification for salaries?

509 TAYLOR: Responds.

518 MCCOY: But you call them Sanitarians.

519 TAYLOR: No, we don't. We call them Environmental Specialists, and only people who work in the on-site system who are registered Sanitarians would be called Sanitarians by DEQ.

522 KENNEMER: Are there problems with your people being incompetent and creating problems by their lack of knowledge? Are their difficulties in managing people who don't behave in competent ways in your department?

526 TAYLOR: We have excellent, highly-qualified staff at DEQ. If we do have problems with employees, we take actions as any state agency should to modify that employee's behavior. We have people who typically have Masters degrees or better in their field of expertise.

532 CHAIR BUNN: We're going to bring this bill back for one more work session. You all need to talk amongst yourselves and see if you can find any basis for compromise, because if there isn't, the committee's going to take it over and you have no idea what you're going to get.

538 DIANA GODWIN, representing Steve Wert & Associates: We don't disagree that people who do on-site, sub-surface sewage work should be brought in under the Sanitarians Registration Board. I believe the DEQ also agrees that its employees that do the on-site, sub-surface sewage disposal work should be brought in under the Board. What my -4 Amendments do, is create what we consider a more rational approach to licensing those people under the Sanitarians Board for doing on-site work. We're going to make them meet

the highest possible education and experience requirements, but what our amendments specify is that people who meet those education and experience requirements for being a registered Sanitarian, do not have to take the general exam that deals with swimming pool inspection and food inspection, etc. because it does not relate to what the work that an on-site Sanitarian

would be doing. Therefore, in our -4 Amendments, we also create a special category of Sanitarian called a Waste-Water Sanitarian. They will be limited to doing only on-site waste work. They will not be doing restaurant

or other inspection work, and therefore the DEQ employees who will be registered if they do on-site work will have two ways to become registered.

Hopefully, that will help out the agency when they have to undertake the cost to bring their on-site people in under the Sanitarians Registration Board. They can either meet the high education and experience requirements and be a Waste-Water Sanitarian, or they can take the general exam and be a

general registered Sanitarian.

573 MCCOY: All of them ought to be brought up to the highest possible standards, and they all, if they're doing something that's related, especially the on-site people, in case of an emergency, we would need all of these people and we would need them with the full complement of abilities, background and training. So, I think Mr. Wert ought to be a Sanitarian. He ought to take the exam and be ready to go if we needed him in an emergency.

584 GODWIN: My client has no aversion to taking an examination, if the examination related to the work that he's going to be called on to do. I want to make one other point, and that is that the reason we have this is because DEQ wishes to privatize portions of its on-site permitting process,

and I think all of us who are concerned about re-inventing government support that privatization effort, but DEQ can't contract with my client unless he's a registered Sanitarian, so it thwarts one governmental objective of involving the private sector more in the permit process.

603 LEONARD: I have some concerns about both sides. It would be a relief to me if the parties involved were able to reach some kind of consensus on

this issue.

605 CHAIR BUNN: I can't stress enough the benefit of all three parties to try and come up with some kind of consensus.

608 Adjourns the meeting at 4:59 P.M.

Submitted by, Reviewed by,

Mary Gallagher Art Wilkinson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - -2 Amendments to SB 1069--Senator Shannon--1 page
B - Written Testimony on SB 543--Lee Hazelwood--2 pages
C - Written Testimony/Report on SB 1026--Theodore Falk--34 pages
D - Written Testimony on SB 1026--Janice Brewer--1 page
E - Written Testimony on SB 1026--Michael Seely--1 page
F - Written Testimony on SB 1026--Scott Maguire--1 page
G - Written Testimony on SB 1026--Mary Jane Hunt--2 pages
H - Written Testimony on SB 1026--Kelly Taylor--1 page
I - Written Testimony on SB 840--Jane Myers--3 pages
J - Written Testimony on SB 842--Jane Myers--6 pages
K - Written Testimony on SB 842--Hersh Crawford--1 page
L-1 Written Testimony on SB 1069--Chuck Gress--4 pages
L-2 Supplement to Written Testimony on SB 1069--Chuck Gress--21 pages
M - Written Testimony on SB 1069--Steve Telfer--13 pages
N - Written Testimony on SB 1069--Paige Clark--2 pages
O - -1 Amendments to SB 839--Senator Leonard--4 pages
P - Written Testimony on SB 839--Joe Gray--2 pages
Q - Written Testimony on SB 1075--Rocky King--2 pages
R - Written Testimony on SB 1075--Mark Campell--3 pages
S - Written Testimony on SB 1079--Vickie Gates--11 pages
T - Written Testimony on SB 1079--Frank Armstrong--1 page
U - -9 Amendments to SB 543--Jim Carlson--9 pages
V-1 Summary of Amendments to SB 49--Art Wilkinson--1 page
V-2 -1 Amendments to SB 49--Lydia Taylor--2 pages
V-3 -2 Amendments to SB 49--Lydia Taylor--2 pages
V-4 -3 Amendments to SB 49--Senator McCoy--1 page
V-5 -4 Amendments to SB 49--Diana Godwin--6 pages
V-6 -5 Amendments to SB 49--Senator McCoy--2 pages
V-7 -6 Amendments to SB 49--Senator Kennemer--2 pages
V-8 -7 Amendments to SB 49--Senator Kennemer--2 pages
W - Written Testimony of Senator Hamby on SB 49--Ron Baker--1 page