

SENATE COMMITTEE ON
HEALTH AND HUMAN SERVICES

Hearing Room
Tapes - 71

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 235 Work Session
SB 380 Work Session
SB 381 Work Session
SJR23 Work Session
SB 918 Work Session

SB 739

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

002 CHAIR BUNN: Calls the committee to order at 3:05 P.M.
Opens WORK SESSION on SB 235

009 KEITH PUTMAN, Committee Researcher: Addresses committee regarding why A-Engrossed SB 235 had problems on the Floor of the Senate.

041 ED PATTERSON, Oregon Association of Hospitals: Comments regarding proposed amendments to A-Engrossed SB 235.

056 CHAIR BUNN: Temporarily Closes WORK SESSION on SB 235
Opens WORK SESSIONS on SB 380 and SB 381

068 STATE SENATOR RON CEASE, Dist. #10: Speaking IN SUPPORT OF SB 380 (with proposed amendment) [EXHIBIT A] and SB 381.

086 CHAIR BUNN: So if we adopt your amendment, and send both bills to Ways and Means, SB 380 would then be at \$100,000 and SB 381 would be at \$500,000?

088 CEASE: Yes, that's correct.

091 ART WILKINSON, Committee Administrator: Talks about Fiscal Impact on SB 380 and SB 381 in response to Chair Bunn.

101 CHAIR BUNN: Let me suggest this to the committee, and then open it up for discussion: with the work that the proponents have done in cutting SB 380 to \$100,000 and with SB 381 at \$500,000, I think this committee is justified in sending these bills to Ways and Means--not only sending them there, but recommending funding and sending our strong support. That's my

position as Chair of this committee, but it is ultimately up to the committee.

107 MCCOY: Could I have an explanation of why SB 380 has been cut to one tenth of the original appropriation, and what would it do?

109 CEASE: Responds.

123 MOTION: SEN. MCCOY: Moves the -1 Amendments to SB 380.

VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. LEONARD is EXCUSED.

127 MOTION: SEN. MCCOY: Moves that SB 380, AS AMENDED, be sent to Ways and Means with a DO PASS recommendation.

131 HANNON: I support the concepts contained in both SB 380 and SB 381, but I'm forced to vote against them today for the simple reason that the leadership in the Senate has given us an idea that we're going to hand back

\$100 million to Education--we now send bills down there that have a fiscal impact of \$600,000, and it hasn't been shown to me by the leadership where this so-called "gift money" is coming from to give all this funding to all of these programs. Until such time as the leadership chooses to disclose where the money is originating from, I'm inclined to vote against it.

140 CHAIR BUNN: Frankly, it would be my hope that by passing these two bills, we send a message that if the leadership is looking at priorities, and looking and spending "x" dollars here and "y" dollars there, we are saying very clearly in a unified way in this committee that when it comes to choices, we want this money spent in this way as opposed so some other way.

148 HANNON: I don't disagree with that at all, but you made a statement earlier on in the Session that this committee would not be sending bills to

Ways and Means unless they stood a chance of getting funded. Unless you have assurances that I'm not aware of, this \$600,000 is not available. I'm not willing to support this unless we have a clear, concise statement from the leadership as to how they plan to fund all these things.

159 CHAIR BUNN: I feel if these bills are not in Ways and Means, it gives an excuse not to fund them. I'd like to see them there and press the issue, and say this is a priority as opposed to some of the alternatives.

167 CEASE: If these bills don't go to Ways and Means, we don't even have a chance of making a case.

177 CHAIR BUNN: To Hannon: If the committee is able to support this uniformly, including yourself, I would send a letter which you would be able to review before it was sent, specifically identifying our frustrations with the lack of funding in this area and that it needs to be funded as opposed to some of the other things.

184 HANNON: Not only that, but I'd like to have the letter specifically state that we're serious about having this funded. If we're just sending it

down there to placate someone, without intending to fund it, then I don't think we're being very serious in our effort.

188 CHAIR BUNN: You'll notice that as Chair of the committee, I've been very reluctant to send things without a sort of gatekeeper status, and we would make it very clear that it's not only our desire, but our intent that it be funded.

218 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. LEONARD is EXCUSED.

232 MOTION: SEN. MCCOY: Moves that SB 381 be sent to Ways and Means with a

DO PASS recommendation.

235 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. LEONARD is
EXCUSED.

237 CHAIR BUNN: Closes WORK SESSION on SB 380 and SB 381
Opens WORK SESSION ON SJR23

245 STATE SENATOR MAE YIH, Dist. #19: Speaking IN SUPPORT OF SJR23.

276 MCCOY: I've talked to some people who are diabetic since we first heard
this bill, and they've said that the worst thing that could be done would
be to stick a decal on their license plate stating that they're diabetic.
It would open up their personal situation to the eyes of the public. I
don't think there's general support for this.

295 LEONARD: Did we get any amendments drafted?

296 YIH: No, there are no amendments.

330 SGT. RICHARD KUEHMICHEL, State Police Officer: Responds to concerns
posed by Senator Leonard that the decals could be misused and possibly
endanger police officers by causing them to lower their guard.

353 LEONARD: You say that you have had 18 years experience on the road. Do
you think that a "green" police officer that just hit the streets, would
know to be as cautious as you've indicated that you would be, when pulling
over and approaching a car with one of these decals on the license plate?

371 KUEHMICHEL: I would be concerned about that if the program was
stand-alone, just a sticker. But, along with that comes an education
program for the officers to help identify and deal with these special
situations where an officer may be dealing with a diabetic driver and/or an
intoxicated driver.

386 LEONARD: Do the State Police currently have any trainings in things such
as diabetic reactions and hypoglycemics?

392 KUEHMICHEL: A very minor amount, in First-Responder training.

403 LEONARD: I'm wondering if a cursory course for police officers in this
area even helps. As a firefighter, I have to be re-certified each year to
remain current and up-to-date on this kind of medical information. My
concern is for the police officer who is out alone on the road at night,
maybe tired, maybe inexperienced, and maybe not precisely up on all of the
symptoms, who may lower his or her guard upon seeing that decal on the
license plate.

TAPE 71, A

011 HANNON: Have you cleared the liability issue with the Attorney General's
office, in regard to an officer possibly making an incorrect assessment of
the situation, and having the driver go on down the road to cause a serious
accident?

017 KUEHMICHEL: Not on this particular question. I personally have run
across a very similar situation before, and there are some clauses in there
that talk about good faith and the officer's good faith efforts to attempt
to serve the public and stop people for that. But to answer your question
directly, that issue has not been directly addressed with the Attorney
General's office.

022 HANNON: The second question I have is, for Mike Antrim, the foundation
sells these for how much?

026 MIKE ANTRIM, Albany General Hospital: \$2.50 each if you just buy one
sticker.

027 HANNON: How much does it cost to manufacture them?

028 ANTRIM: Maybe a quarter, I'm not sure.

029 HANNON: So you're making a profit on this?

030 ANTRIM: No, it's not a profit. The program's main focus is education, and so what those stickers are paying for are the videos that have been produced and have been sent out to the State Police training centers, and are going to be sent out to City Police departments and County Sheriff's agencies. It's an educational effort, and the cost of the sticker is to help pay for the videos and brochures, and any other information that we send along with this educational packet. It also covers the postage and our time that is put into doing this.

040 CHAIR BUNN: I'm going to suggest this, at this point: Senator Yih, you have the support of the Chair and one other committee member. I suggest that we not vote on it at this point, and that would give you an opportunity to visit with committee members individually. I am willing to bring it back for another work session later, but I think it's better that we not bring it to a vote at this point.

046 YIH: I thought Sen. Leonard's concerns have been answered.

047 LEONARD: No, with all due respect, the Sergeant has not alleviated my concern. The concern I have is that anybody can just walk in and buy one of these stickers, whether they're diabetic or not.

059 YIH: I'll visit with the members and come back.

060 CHAIR BUNN: Closes WORK SESSION on SJR23
Re-opens WORK SESSION on SB 235

066 ED PATTERSON, Oregon Association of Hospitals: Resumes comments regarding proposed amendment to SB 235. [EXHIBIT B]

080 EDWARD JOHNSON, State Registrar for Vital Records: We have read the amendments and have no problem with them.

085 CHAIR BUNN: In the event that this bill came out, I had asked that the Health Division personnel work the Floor of the Senate to be sure that they had adequate votes. Is someone from your agency prepared to do that?

087 JOHNSON: We have talked with members that had concerns about this bill and feel that their concerns have been resolved.

091 HANNON: Has the Oregon Newspaper Publishers concern about this bill been resolved?

092 JOHNSON: The Oregon Newspaper Associations have not been in contact with me about any concerns with this bill.

094 HANNON: They raised an issue earlier on in the session about confidentiality and disclosure of information. This would lock up certain information that currently is available.

096 JOHNSON: It is our feeling that the people who have had access to birth records or death records in the past, generally, with very few exceptions, will continue to have access in the future. They have not come to me with any of their specific concerns or with any questions.

108 KENNEMER: Does this close it any further on the cause of death?

110 JOHNSON: No, what the bill will do for cause of death is allow us to issue copies of death certificates that do not contain cause of death if an

individual desires that.

012 KENNEMER: But this doesn't further restrict the newspaper's access?

013 JOHNSON: No, it changes the wording of the bill but it does not specifically restrict their access because they currently do not have access.

116 MOTION: SEN. KENNEMER: Moves the proposed Hospital Association amendment.

VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. LEONARD is EXCUSED.

132 MOTION: SEN. MCCOY: Moves that SB 235, AS AMENDED, be sent to the Floor with a DO PASS recommendation.

142 VOTE: CHAIR BUNN: Motion CARRIES. SEN. HANNON OBJECTS. SEN. LEONARD is EXCUSED.

SEN. MCCOY will CARRY the bill.

157 CHAIR BUNN: Opens WORK SESSION on SB 918

163 WILKINSON: Hands out -1 Amendments. [EXHIBIT C]

168 JODIE FISCHER, Oregon Psychological Association: Speaking IN SUPPORT OF SB 918, with -1 Amendments.

217 BRAD AVAKIAN, Board of Psychologist Examiners: Speaking IN OPPOSITION to SB 918.

269 KENNEMER: To Fischer: Is Mr. Avakian correct that anyone who has been dismissed could still use the title of Psychologist, under this bill?

271 FISCHER: Not if they have their license revoked.

281 MOTION: SEN. HANNON: Moves the -1 Amendments.

290 HANNON: To Avakian: I assume that you're opposed to the bill no matter what it looks like? You feel it takes away the power of the Board?

293 BRAD: Yes, that's correct. We're opposed to this bill as it's written, with the amendments. We're not opposed to the concept of a Practice Act.

Discussion between committee members/Fischer/Avakian.

342 FISCHER: I have a suggestion: let's leave in what we had in the original

draft to Legislative Counsel, which basically says that under the conditions we've been talking about, you cannot call yourself a Psychologist, even if you have a Doctorate in Psychology. That would take care of Mr. Avakian's concern. This is not an instance that we anticipated,

but I do think that he is correct and it is easily remedied by leaving out that language that Legislative Counsel put in.

360 CHAIR BUNN: Let's have that amendment drafted, and bring this back for another work session. (Fischer agrees.)

377 CHAIR BUNN: Closes WORK SESSION on SB 918

390 Removes SB 746 and SB 839 from today's agenda.
Opens WORK SESSION on SB 739

399 HANNON: I want to support SB 739, but being from a rural area, is there a possibility we can ask for language to be drafted that would apply this designation out in those areas that are medically needy? (Goes on to explain the reasons for this request.)

TAPE 70, B

488 TIM MARTINEZ, Oregon Medical Association: Speaking IN SUPPORT OF SB 739,
with proposed amendments. [EXHIBIT D]

496 CHAIR BUNN: Would the amendments in any way diminish, reduce or
eliminate any current ability to carry out this activity?

498 MARTINEZ: No.

508 KENNEMER: Question regarding liability in regards to supervision.

513 SCOTT GALLANT, Oregon Medical Association: Physicians would retain
liability for those that they employed and supervised under this
legislation. That would not be changed. Currently, Oregon law provides that
a professional corporation has a \$300,000 vicarious liability cap.
(Continues response.)

527 KENNEMER: The other side of this bill is that you could have one
assistant who is supervised by as many as four physicians.

531 GALLANT: I don't believe that is the intent of this bill.

532 MARTINEZ: That option is available, but it would not be for the same
patient.

550 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. SEN. MCCOY is
EXCUSED.

551 MOTION: SEN. HANNON: Moves that SB 739, AS AMENDED, be sent to the Floor
with a DO PASS recommendation.

552 VOTE: CHAIR BUNN: Hearing no objection, motion CARRIES. All members are
present.

SEN. MCCOY will CARRY the bill.

578 CHAIR BUNN: Adjourns the committee at 4:09 P.M.

Submitted by, Reviewed by,

Mary Gallagher Art Wilkinson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - -1 Amendments to SB 380--Senator Cease--1 page
B - Proposed Amendment to SB 235--Ed Patterson--1 page
C - -1 Amendments to SB 918--Art Wilkinson--1 page
D - Written Testimony of Leigh Dolin/Proposed Amendments to SB 739--Tim
Martinez--3 pages