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CONFERENCE COMMITTEE ON
SB 238

May 31, 1995 Hearing Room H-170
4:15 PM Tape 1

MEMBERS PRESENT:

Sen. Stan Bunn, Chair
Sen. Lenn Hannon
Sen. Randy Leonard
Rep. Dennis Luke
Rep. Kevin Mannix
Rep. John Meek

MEMBERS EXCUSED:

STAFF PRESENT:

Keith Putman, Committee Liaison/Researcher

Mary Gallagher, Assistant

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 1, A

003 CHAIR BUNN: Calls the meeting to order at 4:27 P.M.
Let me describe some discussions I've had with the representatives from the

Oregon Association of Hospitals, the Board of Nursing, and the nurses
concerning what I believe is a compromise between those groups. (Has Keith
Putman hand out the SB 238-B16 Amendments: EXHIBIT A) These are amendments
which those groups I've described have indicated that they will support.
There are several other amendments; one brought by Mr. Barrows that could
be included also (that amendment is incorporated in the -B16 amendments),
and then one that Legislative Counsel needs to mention as a possible issue.

That does not resolve, potentially, concerns that others have, and we want
to give an opportunity for them to be heard.

022 TOM BARROWS, representing Oregon Podiatric Medical Association: All that
my amendment does is remove the last line of the bill, which is a repeal of

ORS 677.455. That was put in last session, requiring continuing medical
education for podiatrists. When the BME originally brought this bill, my
understanding is that they requested that be taken out along with another
section. The second section was taken out, but for some reason, this part
was not, and we're asking that the repeal of ORS 677.455 be taken out of
the bill so that podiatrists would continue to have the requirement of
continuing medical education to keep up-to-date.

031 KEITH PUTMAN: In the -B16's, that's lines 1-3.

032 CHAIR BUNN: There are several things I think it's helpful for the
committee to be aware of, as the various parties present their statements

on the -B16 amendments. The Governor's Office has expressed concern about the original SB 238 as it came through the House, suggesting the possibility of a veto. I would not recommend that this committee be driven by the concern over that suggestion, but I want you to be aware of it, in case you were not. Secondly, if we delve too carefully into what the legislative intent of the -B16 amendments are, we may have those on the hospital side of these amendments that would interpret their meaning differently than the interpretation that the nurses would make. If it is not necessary for us to delve too deeply into that intent, it may be helpful in reaching an ultimate compromise.

051 ED PATTERSON, Oregon Association of Hospitals: The amendments that I think have caused the greatest controversy are amendments put in on the House side by the Committee on Human Resources and Education, and they basically are reflected in section 18 of SB 238-B Engrossed. My comments will be directed strictly at section 18 of the bill. Basically, the House passed the bill over to the Senate with subsection C as you see it in the -B16 amendments, beginning on line 8 through line 11. What the Chair has compromised on, as I understand it, is an expansion of the way the House passed their version of the bill, in that one of the controversial parts was the definition of "direct patient care." (Continues remarks.)...We can support that amendment.

083 BRIAN DELASCHMUTT, Oregon Nurses Association: We have looked at the -B16 amendments; we have a slightly different interpretation of what it does or doesn't do. We will not oppose this amendment. We think that it still allows the Board some flexibility when the issue is safety of the patient; that the Board in fact does still have some flexibility in that because of the area of scope of practice. We will not oppose the bill.

094 CHAIR BUNN: Let me clarify further: You indicated that you will not oppose the amendment, but you will not oppose the bill either?

095 DELASCHMUTT: That's correct.

096 PATRICIA KRUMM, President, Oregon State Board of Nursing: What the Board does, in fact, is regulate our licensees surrounding the issues of scope of practice and licensing standards. Other than that, the Board will remain silent on this issue.

100 CHAIR BUNN: My understanding is that if the amendment were adopted, you would not oppose the bill. Is that correct?

102 KRUMM: The overall bill. (Taken by the Chair to be an affirmative answer.)

104 REP. LUKE: Would you at least stay neutral on the bill? (Krumm hesitates; does not immediately respond.)

107 CHAIR BUNN: Let me make a comment: Mr. Patterson's support of this amendment was contingent upon your (Krumm/Board of Nursing) non-opposition to the bill, so in terms of his statements and that knowledge, is it your position that with the amendment you would no longer oppose the bill?

111 KRUMM: With this amendment, the Board of Nursing would be comfortable remaining neutral.

113 SEN. HANNON: I'd like clarification from the two sides: what you're in essence saying is, those management issues of a hospital will remain in the hospital, but when it comes to patient care and scope of practice, that

will remain with the licensure board. Is that what I understood the parties to basically agree to?

119 PATTERSON: I think our position is, that it appears to be that the public policy issue is that these professional licensing boards guarantee to the public, and by that I include hospitals, who hire a lot of these licensees, that these people have the proper credentials and are properly disciplined for any violations, and meet the highest standards of that licensing board, and that's an individual responsibility. We believe that that's what the primary issue is in terms of what the duties of the board are. We accept that and have no problem with it.

127 CHAIR BUNN: Let me mention further that amendments that were requested by the OMA that in effect opt them out of the provisions of this bill are in the -B16 amendments also.

132 REP. MANNIX: I am proposing a separate set of amendments, that don't directly address this issue, but ask the DHR to have a task force to evaluate these licensure issues. [EXHIBIT B] I wanted to ask these parties what their reaction is to the idea of having a task force that takes a look

at all the various practices in the health care field, the licensure procedures and investigation procedures to review them and try to determine

whether or not there are revisions that are appropriate to line up the various certification and licensing boards. The intent here would be to try

to come up with similar investigation standards, similar disciplinary procedures, etc. There is no proposal here; there would simply be a task force within the DHR to evaluate that. Do you have any reaction to that?

148 KRUMM: The Board of Nursing has extremely high disciplinary and investigatory standards. We are always willing to have dialogue with the other boards and regulatory agencies surrounding those issues.

154 DELASCHMUTT: Adding anything on to a very tenuous agreement, may cause additional concern. We were approached with the -B16's "as-is". We have been pulled to the table somewhat reluctantly, and we would prefer, if this

is going to come out, that we do the -B16's as they are.

161 REP. MANNIX: This does not address that issue. Maybe I should explain: this is my fourth session. Every session of the legislature, particularly in the health care field, we run into differences of opinion as to who does

what and what the procedures are. We never seem to have anybody who sits down and takes a global view of all of this and how the interaction works. This would cause the Health Division to put together a task force to establish a global view.

178 REP. LUKE: Why are doctors being taken out? (Referencing the -B16 amendments.)

180 PATTERSON: The physicians have requested exclusion and I think from a policy standpoint, they are justifiable to be excluded, because when they operate in licensed institutions, which is what the bill is discussing, they have to subscribe to medical staff bylaws that are approved by the governing boards of those institutions, so they're totally different. They have more control and peer-review processes in a health facility setting, so we thought they didn't fit in there, and we agreed that we would support that exemption.

194 CHAIR BUNN: Calls 5-minute recess so that Rep. Mannix can visit with the parties at the table.

Reconvenes and informs committee/audience that Rep. Mannix will withdraw his amendments.

198 REP. MEEK: On page 8 of the bill, in discussing this with the BME, in sub 3, lines 8-12, dealing with a person engaged in clinical training..."degree" was left out; it should say "oriental medicine degree."

I would offer as an amendment that the word "degree" be added there.

212 CHAIR BUNN: Places motion for the addition of Rep. Meek's changed language. Is there any objection to adding that? (No objections registered.) If not, it's so ordered by consensus, and becomes an amendment to the bill.

221 REP. MEEK: Moves the -B16 amendments as amended.

232 CHAIR BUNN: Re-states motion: Rep. Meek moves the -B16 amendments as presented to the committee.

236 PUTMAN: There is no "cleanup" needed for the -B16 amendments.

243 VOTE: CHAIR BUNN: There being no objection, motion CARRIES 6-0.

256 STEVEN KAFOURY, Oregon Acupuncturists Association: Asks for clarification as to whether or not the word "degree" was added in. (Chair Bunn responds affirmatively.)

260 MOTION: SEN. HANNON: Moves that SB 238 B-Engrossed, as further amended by the -B16 amendments, be repassed.

DISCUSSION.

298 VOTE: CHAIR BUNN: There being no objection, motion CARRIES 6-0. Sen. Hannon will lead the Senate Floor discussion. Rep. Luke will lead the House Floor discussion.

305 CHAIR BUNN: Adjourns at 4:53 P.M.

Submitted by Reviewed by,

Mary Gallagher Art Wilkinson
Committee Assistant Committee Administrator

EXHIBIT SUMMARY:

A - SB 238-B16 Amendments--Senator Bunn--1 page

B - SB 238-B14 Amendments with Hand-Engrossed Revisions--Rep. Mannix--3 pages