

HOUSE COMMITTEE ON EDUCATION

March 9, 1993 Hearing Room E 1:30 p.m. Tapes 27-28

MEMBERS PRESENT: Rep. Carolyn Oakley, Chair Rep. Jim Whitty, Vice-Chair
Rep. John Meek Rep. Patti Milne Rep. John Schoon Rep. Larry Sowa Rep.
Sharon Wylie

STAFF PRESENT: Linda Sample Brown, Committee Administrator
Carolynn Gillson, Committee Assistant

MEASURES CONSIDERED: HB 2061 - Del. obsolete or unnecessary
references & dates in ed. law, WRK HB 2998 - Auth. med. exam by nurse
practitioner to determine special ed eligibility, PUB HB 2093 -
Deletes req'mt for statewide accounting system, WRK

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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. [--- Unable To Translate Graphic
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TAPE 27, SIDE A

005 REP. CAROLYN OAKLEY, chair: Calls the meeting to order at 1:35
p.m.

Work Session on HB 2061

030 GREG McMURDO, deputy superintendent, DOE: Explains the only
difference between the -3 amendments (EXHIBIT A) and -4 amendments
(EXHIBIT B) is the form in which the DOE would report to the Legislative
Assembly (EXHIBIT A). > Prefers the -3 amendment.

070 KATHLEEN BEAUFIT, Legislative Counsel: Explains how the original
bill cleans up the education statutes. > Refers to the -1 from private
schools and the -2 amendments from the OSB A which were adopted on
2/4/93 (see Exhibits B and C, 2/4/93) > -3 amendment (EXHIBIT A) is from
the Department of Education mostly in the special education area. > -4
amendment is from COSA (EXHIBIT B) and the -5 amendment is a composite
of -1 thru -4 (EXHIBIT C). > -6 amendment indicates intent of the
bill is not to change substance (EXHIBIT D). > ORS 192.245 responds to
the reporting to the Legislature requirement.

MOTION: Rep. Meek moves to adopt amendments -5 and -6. > There are no
objections.

MOTION: Rep. Whitty moves HB 2061 as amended to the floor with a do
pass recommendation. VOTE: In a roll call vote, the motion carries with
all members voting AYE. Carrier: Rep. Whitty Public Hearing on HB 2998
Witnesses: Rep. Gail Shibley Greg McMurdo, DOE Julie Gies, Oregon
Nurses Association (ONA) Arde Dunn, Oregon Pediatric Nurse Practitioners
Assoc. Keith Brown, DOE James Jacobson, Multnomah County ESD Pat
Doolling, Multnomay County ESD Board of Directors

170 REP. GAIL SHIBLEY, District 12: Talks about the examination
process used in most schools to determine eligibility for special

education. Because of a federal mandate, there is a problem with the bill as drafted.

200 GREG McMURDO, DOE: DOE has no problem with licensed nurse practitioners or physician assistants performing these examinations. > Discovered the Federal Code of Regulations defines what medical services are and that definition precludes anyone other than a medical doctor from doing the exams. > Federal government does not understand why the state has this statute. Fundamental question is do we want to continue doing this if it is not required by federal law. > Suggests repealing the entire statute, lessening the mandate on local school districts or adding different language to allow for an evaluation or physical by a nurse practitioner or physician assistant in addition to a licensed practitioner. > Evaluations are funded by local school districts.

237 REP. JOHN SCHOON: Since special ed kids get extra funding, there might be a greater incentive to have them on campus and maybe there needs to be someone available to verify eligibility.

McMURDO: Reads exemptions that are already available to school districts.

266 REP. SHIBLEY: I believe the medical examinations are for medical problems or disabilities. Abuse of the system would happen with more minor problems such as behavior or speech problems. > Talks about two different options - do away with mandate or work on an amendment changing the "shall" to "may" so local school districts have options.

330 McMURDO: The bill as printed would save school districts \$1,160,000. It could not be totally eliminated for some special ed students but it could be substantially reduced.

REP. JIM WHITTY: How is dyslexia determined?

343 JULIE GIES, ONA: Explains how problems such as dyslexia are identified. > There are nurse practitioners and physician assistants who provide basic health services to children all the time. We would like these children to be able to continue seeing a nonphysician provider if they do not have their own provider. > Provides background information (EXHIBIT E).

407 ARDE DUNN, past president of the Oregon Pediatric Nurse Practitioners Assoc.: Decisions on placement of children with learning disorders or behavioral problems are made collaboratively with all the people involved. > Strongly supports any way to streamline the process. The word "may" would be suitable.

TAPE 28, SIDE A

010 REP. SHARON WYLIE: What types of physical conditions does the exam look for and where are the typical places screening takes place for those medical conditions?

DUNN: It is a general physical exam looking for contributing factors to the behavior of the child.

REP. WYLIE: The word "may" would still allow the school district to gather the information. Is that what you are asking for?

REP. SHIBLEY: It was my intent that by changing "shall" to "may" we loosen the mandate. Other wording could be included providing for screening or eligibility evaluations by school officials.

054 REP. WYLIE: In some school districts, it is possible the school physical exam might be the only one a child gets because of the lack of medical coverage or access to medical care. In some circumstances, school districts may have to decide who gets medical care and the choice would be easier under the mandate.

DUNN: The legislation is not designed to provide a primary provider for the child. It is often a secondary result or side effect.

REP. SHIBLEY: We plan to come back to the committee with solutions.

REP. JOHN MEEK: Suggests amendments be drafted to withdraw the mandate.

101 KEITH BROWN, Special Ed, DOE: Guidance for the evaluation by a multi-disciplinary team is already in administrative rule so the DOE supports either amending the statute or repealing it.

REP. SCHOON: How can a child be referred to a nurse practitioner in absence of statutory language when the federal government says it can't be done that way?

McMURDO: Medical exams cannot be performed by anyone other than a licensed physician. Other procedures could be performed by a nurse practitioner and physician assistant such as a physical or evaluation.

REP. SCHOON: Sounds like you are talking about two procedures.

BROWN: We would expect the team to make a good decision which procedure is necessary. Currently, there is no option in statute to use a medical professional other than a licensed physician.

McMURDO: We will bring back an amendment to make the mandate less on local districts.

165 JAMES JACOBSON, superintendent of Multnomah ESD: Provides written testimony in support of HB 2998 (EXHIBIT F). > Supports concept of discretion in identifying children who need special ed services, any cost savings that can be passed on to local districts and ESDs, and collaborative efforts that produce better delivery system.

185 PAT DOOLING, Multnomah ESD Board of Directors: We could have saved two-thirds of the amount spent to have 200 students examined if the exams had been by a nurse practitioner.

Work Session on HB 2093

215 CHAIR OAKLEY: Reminds committee members the bill ran into trouble on the House floor because of the deletion of the word "basic". McMURDO: The reason for repealing ORS 326.400 and ORS 326.410 is because the State Board has already done what is required except for what is in (3). The Board found it could not develop an accounting system with the resources it had. The bill as drafted and the -2 amendments (EXHIBIT F) do the same thing. > Talks about the deletion of the word "basic" and what happened on the House floor. > HB 2093-1 (EXHIBIT G) restores the word "basic". The -2 amendments repeals the statute plus ORS 326.400

which is the policy statement (EXHIBIT H).

295 REP. CARL HOSTICKA, District 40: Explains he would prefer the -2 amendments because it is best to repeal both sections and get on with the process.

REP. SCHOON: Suggests talking to Rep. Calouri and Rep. Jones about deleting these sections.

360 CHAIR OAKLEY: Agrees to do that. > Adjourns the meeting at 2:30 p.m.

Submitted by:

Reviewed by:

Carolynn Gillson
Administrator

Sample Brown Assistant

EXHIBIT LOG: A - HB 2061-3 - DOE - 3 pages B - HB 2061-4 - COSA - 1 page C - HB 2061-5 - Committee staff - 4 pages D - HB 2061-6 - Committee staff - 1 page E - Testimony on HB 2998 - ONA - 5 pages F - Testimony on HB 2998 - James Jacobsen - 2 pages G - HB 2093-1 - DOE - 1 page H - HB 2093-2 - DOE - 1 page