

HOUSE COMMITTEE ON HUMAN DEVELOPMENT

May 27, 1993 Hearing Room E 8:30 a.m. Tapes 198 - 201

MEMBERS PRESENT: Rep. Mary Alice Ford, Chair Rep. Dennis Luke,
Vice-Chair Rep. Marilyn Dell Rep. George Eighmey Rep. Bill Fisher Rep.
John Meek Rep. Frank Shields

STAFF PRESENT: Melanie Zermer, Committee Administrator Barbara
Porter, Committee Clerk

MEASURES CONSIDERED: HB 2654 - Methadone - Work Session

HB 3580 - Naturopathic Physicians Formulary - Work Session HB 2309 -
Long Term Care - Public Hearing & Work Session

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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 ---]

TAPE 198, SIDE A

CHAIR FORD: Calls the meeting to order at 8:45 a.m.

HB 2654 - Work Session

009 AL ARMSTRONG, CLINICAL SUPERVISOR, ALLIED HEALTH SERVICES:
describes inquiry on behalf of Dr Marva Graham -refers to Methadone Task
Force Report 062 -Dr Graham believes the two year limit on treatment
is dangerous -Methadone treatment is cost-effective -discusses central
intake system

135 SEN HAMBY: encourages retaining language from -4 amendment
-detox should be tried first, before methadone treatment is started
-discusses detox with acupuncture -methadone should be last resort
-describes concerns of long term methadone treatment -refers to
Mail-Tribune article

205 ARMSTRONG: methadone is the last chance treatment for chronic
addicts -acupuncture is not effective

262 HAMBY: encourages calling witnesses from the Hooper Detox
Center to discuss detox with acupuncture - requests retaining
prioritized list from section 1 from -4 amendment

CHAIR FORD: discusses -4 amendment

285 SEN HAMBY: discusses importance of independent analysis

295 ARMSTRONG: comments on Hooper Detox Center -every methadone clinic should have a full time medical director on the staff

340 REP EIGHMEY: requests empirical data on methadone vs acupuncture treatment -discusses -5 amendment (EXHIBIT A) -prioritized list of treatment

389 ARMSTRONG: If this bill is passed, there is the possibility of the Methadone Advisory Committee will establish their own rules -submitted for the record, written statement from Marva Graham, MD (EXHIBIT D)

TAPE 199, SIDE A

HB 2309 - Work Session

005 REP SHIELDS: discusses -2 amendments to HB 2309 -outlines underlying issues of the bill -discusses positions of the industry, advocates, and the Senior &

Disabled Services Division -the two main unresolved issues are the definition of abuse and the

hearings process

075 MELANIE ZERMER, COMMITTEE ADMINISTRATOR: -submits list of work group participants (EXHIBIT B) -summary of sections and identification of unresolved issues (EXHIBIT C) -2 amendments (EXHIBIT F) -Section 1: Definitions of abuse -Sections 2, 3, & 4 are technical changes -Section 5: Revision of Investigation Process

110 REP MEEK: concerned about 2 hour mandate

153 ZERMER: continues review: -Section 5: status report 172 -Section 6: Violations Other Than Abuse 185 -Section 7: Letter of Determination -Section 8: Technical -Section 9: Record of Reports 230 -Section 10: Sanctions -Sections 11, 12, 13, & 14: Technical -Section 15: Nursing Personnel (CNA, RN, LPN) 285 -Section 16: CNA Registry -Section 17: Technical changes

Definition of abuse and the appeals process are the two largest issues

335 REP LUKE: clarifies Letter of Determination

TAPE 198, SIDE B

005 REP FISHER: declares conflict of interest

010 REP MEEK: determination of licensing violations

055 REP DELL: discusses page 4, Section 5 -degree of protection

120 REP MEEK: Section 10 of -2 amendments needs direction

127 REP LUKE: prioritization of reports

ZERMER: submits relating ORS statutes (EXHIBIT E)

HB 3580 - Informational Hearing

155 ZERMER: this is a report from the Formulary Council -provides background on the Council -summary information of two formulary councils (EXHIBIT G)

170 ROBERT GROMMET MD: The Formulary Council is working fine, there is no need for change -there is no need HB 3580

230 ROBERT SLOVSKY, ND: four of the seven members, those with pharmacy degrees, dominate the Council -the council needs to be balanced -supports amendments to HB 3580

290 JOE SCHNABEL: submits and reads written testimony in opposition to HB 3580 (EXHIBIT H) -removes authority of council to determine which drugs to include or

delete from the list

TAPE 199, SIDE B

060 CAMPBELL MD, LEGISLATIVE CHAIR, OREGON ASSOCIATION OF NATUROPATHIC PHYSICIANS: describes need to prescribe drugs freely for the best

interest of the public 090 DON WALKER MD, CHAIR, NATUROPATHIC FORMULARY COUNCIL: refers to amendments -any drug that is placed on the list can be taken off the list -discusses turnover of members on the board -should be fewer members and more balanced makeup -the Naturopathic Board of Examiners should determine where and when

meetings will be held -one public member should be added to the council 116 -describes statute requirements to become Naturopathic Doctor -continued education

135 REP FISHER: questions value of public member on the council 190 CHAIR FORD: discusses changing appointment process to be determined by the Board of Naturopathic Examiners

HB 2654 - Work Session

245 REP NAITO: supports the bill -changes to -5 amendment: lines 2 & 3, deleting the words, "and repealing ORS 430.560"

280 SEIJI SHIRIATORI: Sen Hamby will support the -5 amendments with the deletion of ORS 430.560

285 JEFF KUSHNER, OFFICE OF ALCOHOL & DRUG ABUSE PROGRAMS: -discusses repealing of ORS 430.560 -the repealing of ORS 430.560 has no fiscal impact -fiscal impact of -5 is significantly lower than the fiscal statement on the -2 amendment -submitted for the record, fiscal impact statement form (EXHIBIT I)

356 REP EIGHMEY: possibility of conflicts

397 CHAIR FORD: potential conflict in section 8

TAPE 200, SIDE A

019 MOTION: Rep Meek moves that the -5 amendment be amended by

the deletion of all reference to repealing ORS 430.560

REP EIGHMEY: comments on section 8

035 REP FISHER: discusses -4 amendment

105 REP EIGHMEY: LC needs to review the language

110 REP FISHER: this would not include the changes made by the -4 amendment

127 VOTE: Hearing no objection, the motion carries

130 MOTION: Rep Luke moves the -5 amendments as amended by the committee 138 VOTE: Hearing no objection, the motion carries

150 CLARK CAMPBELL, OFFICE OF ALCOHOL & DRUG ABUSE PROGRAMS: pleased with agreement

HB 2309 - Public Hearing & Work Session

195 CINDY HANNUM, SENIOR & DISABLED SERVICES DIVISION: -satisfied with the -2 amendments -definition of abuse

269 REP FISHER: discusses number of complaints

290 HANNUM: out of 2000 abuse complaints, one-third have been substantiated, and one third of those substantiated received civil penalties

321 REP MEEK: "serious discomfort" as part of definition of abuse

350 HANNUM: it comes down to a judgement call -gives example of nursing home patients who ask for assistance in using the bathroom and the home won't comply - this is not termed as physical harm, it is called serious discomfort

TAPE 201, SIDE A

015 REP. SHIELDS: Comments on use of abusive language

036 PENNY DAVIS, LEGAL AID, OR COALITION OF NURSING HOME CARE: Discusses the phrase "serious discomfort" -Concerned about one's loss of dignity - bill needs prior language which addresses this

076 REP. EIGHMEY: Clarification about situations which are considered abuse

087 MARGARET CARLEY, OREGON HEALTH CARE ASSOCIATION: -submits and summarizes amendments (EXHIBIT J)

160 DAVIS: patterns of inability to provide basic care and services results in delicensure -problem with adding word, "reckless" -submits press release from the Attorney General (EXHIBIT K)

275 REP FISHER: comments on press release

315 REP DELL: discusses process of complaints -concern with page 3, section 3 of the -2 amendment

378 HANNUM: discusses hearings process SDDS would like to reduce fiscal impact of bill -facilities are entitled to due process -"administrative review"

TAPE 200, SIDE B

010 HANNUM: continues testimony 143 -effect on hearing process if the term, "abuse" is deleted

156 CARLEY: addresses issue of contested case hearing process -page 9, sections 2 & 3 of OHCA amendments -Certified Nursing Aids do not receive hearings

244 HANNUM: discusses CNA registry fiscal impact of full contested case hearings

300 REP FISHER: discusses section 1, subsection c

375 REP DELL: comments on subsection c of section 1 of the -2 amendment

TAPE 201, SIDE B

010 DAVIS: discusses hearings process

027 REP FISHER: provision for "honest mistakes"

037 RITA BAUMAN, STATE BOARD OF NURSING: discusses federal regulations relating to permanent barring of employment in the industry
070 -discusses contested case hearings issue

075 REP FISHER: recommendations for hearings process

110 REP DELL: definition of abuse is too broad -discusses arbitration

CHAIR FORD: Adjourns the meeting at 12:00 p.m.

Submitted by:

Reviewed by:

Barbara Porter

Melanie Zermer Clerk Administrator

EXHIBIT LOG:

A - Amendments to HB 2654 - staff - 5 pages B - Work Group List (HB 2309) - staff - 1 page C - HB 2309 Summary - staff - 2 pages D - Testimony on HB 2654 - Armstrong - 2 pages E - Relating statutes to HB 2309 - staff - 2 pages F - Amendments to HB 2309 - Rep Shields - 13 pages G - Formulary Council information - staff - 3 pages H - Testimony on HB 3580 - Schnabel - 1 page I - Testimony on HB 2654 - OADAP - 1 page J - Testimony on HB 2309 - Carley - 3 pages K - Testimony on HB 2309 - Davis - 2 pages