

HOUSE COMMITTEE ON HUMAN DEVELOPMENT

June 8, 1993 Hearing Room E 8:30 a.m. Tapes 215 - 217

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: SB 798 - Optometric Formulary Council -
Public Hearing & Work Session HB 2309 - Long Term Care - Work Session
SB 484 - Nurse Practitioners - 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 215, SIDE A

CHAIR FORD: Calls the meeting to order at 8:40 a.m.

SB 484 - Work Session

Submitted for the record, -B7 amendments by Rep Eighmey (EXHIBIT A)

005 MOTION: Rep Meek moves the -B7 amendments to SB 484

010 CHUCK GRESS, OREGON STATE PHARMACISTS ASSOCIATION: agree
with -7 amendments, although prefer -3 amendments

017 REP LUKE: discusses reference to Pharmacy Board

020 GRESS: If the Board of Pharmacy and the Board of Nursing
reach an impasse, then nothing would be done -discusses equal
representation 035 REP FORD: the four drug groups that are
included would not be in dispute?

040 REP EIGHMEY: the basic four would not be in dispute, any others
added would be by equal agreement by the parties -intent is equal
representation -suggests language clarification

067 VOTE: Hearing no objection, the motion carries

070 MOTION: Rep Shields moves to amend the amendment to add the words,
"and equally" after the word, jointly on line 5 of the -B7 amendments

075 BRIAN DELASHMUTT, OREGON NURSES ASSOCIATION: no objection

078 GRESS: no objection, it clarifies the language

080 VOTE: Hearing no objection, the motion carries

082 MOTION: Rep Meek moves SB 484 as further amended by the committee to the floor with a do pass recommendation

VOTE: In a roll call vote the motion carries, with all members present voting AYE

Rep Eighmey will carry the bill

HB 2309 - Work Session

098 MELANIE ZERMER, COMMITTEE ADMINISTRATOR: reviews -2 amendment (EXHIBIT B) Submitted for the record, fiscal impact statement from Senior and

Disabled Services Division (SDSD) (EXHIBIT C) -section by section analysis of amendment describing changes from the

former -2 amendment 119 section 1: broader definition of abuse sections 5, 6 & 7: time frames and protocol 142 section 9: how reports are kept for public inspection section 10: gives SDSD rulemaking authority to adopt rules -clarifies that nothing in the act repeals SDSD's authority to issue

civil penalties for other violations -mandates civil penalty for abuse for which the facility is responsible and for certain facility responsible abuses and increases the maximum

penalty up to \$1000 -requires contested case hearings for facilities if a civil penalty is

imposed 171 section 15: hiring practices section 16: provides protocol for providing nurse assistants full

contested case hearings 177 section 17: technical change 192 section 18: reverts penalties recovered under this act to SDSD for specified purposes as required by federal law section 19: repeals a statute which is current SDSD guidelines for

determining penalties

discusses fiscal impact from SDSD (exhibit C) 215 describes options for the committee: -keep contested case hearings and send the bill to Appropriations -keep contested case hearings, send the bill to Appropriations and work with the Attorney General's office to allow for the hiring of a staff

person to do hearings -substitute hearing for an administrative review and avoid the

Appropriations committee

230 REP LUKE: discusses appeal process to SDSD -alternative dispute resolution

252 REP FISHER: clarification of language, standardization of terms
-discusses sexual abuse language

339 REP SHIELDS: suggests language concerning the sexual contact
issue

383 ZERMER: this language is solely for the purpose of
triggering an investigation -nursing home policies are not addressed

392 REP EIGHMEY: proposes language change

395 REP FORD: suggests further language

TAPE 216, SIDE A

010 REP FISHER: continues discussion of sexual contact issue

022 PENNY DAVIS, MULTNOMAH COUNTY LEGAL AID: suggests substituting
"agents" for "owners" -"deception" will be addressed in the rules
that relate to when a

facility is responsible -there is no effort to make facilities
responsible for what may be poor decisions by residents -part of the
bill will require SDSD to meet with providers and advocates before the
proposed rules are published for comment

070 PHYLLIS RAND, GOVERNOR'S COMMISSION ON SENIOR SERVICES:
submits and summarizes written testimony in support of the bill (EXHIBIT
D)

104 LEE HAZELWOOD, CHAIR, GOVERNOR'S COMMISSION ON SENIOR
SERVICES: discusses issues raised by Rep Fisher -supports the bill

118 REP SHIELDS: suggests addressing Rep Fisher's concerns and
moving the bill out of committee

150 SALLY GOODWIN, OREGON ASSOCIATION OF HOMES FOR THE AGING:
submits letter from OAHA showing a consensus in support of the bill
(EXHIBIT E) -SDSD signed the letter of support, with the exception of
the fiscal

statement related to the CNA appeal process -Oregon Health Care is in
support of the general concept, but they still have points of concern
-suggests moving ahead with the bill as it is now, then working on

issues during the interim REP FISHER: relates perspective of nursing
home administrator

195 GOODWIN: encourages participation from nursing home
administrators on task force during the interim

210 REP FORD: asks Rep Fisher if he is satisfied with current law

215 REP FISHER: no

220 REP FORD: even though this bill is not perfect, would you
consider it better or worse than the way things are now?

130 REP FISHER: I don't see it makes much difference

255 MOTION: Rep Meek moves the adoption of the -2 amendments to HB
230 9 with two other amendments as proposed by the committee to
Legislative

Counsel for redrafting of the amendments

REP FISHER: agrees

REP SHIELDS: agrees, Rep Eighmey has language

VOTE: Hearing no objection, the motion carries

Submitted for the record, testimony from Alice Pickard (EXHIBIT F)

SB 798 - Public Hearing & Work Session

290 REP FORD: this bill is in the possession of the House
Commerce committee, whose chair asked that this committee hear the bill
because

it's issue has come through Human Resources over the years and the
concept was passed out of this committee two years ago. The bill will
be returned to the Commerce committee with this committee's
recommendation for the bill or for the bill with amendments

309 CHARLIE RADEBAUGH OD, OREGON OPTOMETRIC ASSOCIATION: submits
and discusses written testimony in support of SB 798 (EXHIBIT G)

TAPE 215, SIDE B

005 RADEBAUGH: continues testimony -this is not a scope of practice
issue -this is not a public safety issue -this is an issue of
jurisdiction 020 describes Board of Medical Examiners Formulary
Committee Process -refers to Optometric Formulary (blue pages of exhibit
G) describes what treatments the proposed formulary prevents 075
discusses malpractice and liability issues discusses access and cost
containment 109 ERIC KNUTSON OD, OREGON BOARD OF OPTOMETRY:
submits and summarizes written testimony in support of SB 798 (EXHIBIT
H)

183 LES WALLS MD OD, PACIFIC UNIVERSITY COLLEGE OF OPTOMETRY:
submits and reads written testimony in support of SB 798 (EXHIBIT I)

254 REP FORD: questions voting procedures of the Medical Board

260 WALLS: continues testimony 280 -description of training of
Optometrists 390 -describes difference of training between
medical doctors and optometrists relating to ocular pharmacology

TAPE 216, SIDE B

010 WALLS: continues testimony

015 ROB DOUGLAS, OREGON ACADEMY OF OPHTHALMOLOGY: urges
resistance to amendments to SB 798 as it came over from the senate

041 MICHAEL PASSO MD, OREGON ACADEMY OF OPHTHALMOLOGY: -compares
Optometrists vs Ophthalmologists (EXHIBIT K) 080 -discusses diagnosis
and treatment of Glaucoma (EXHIBIT J) 350 -discusses composition of
Board of Medical Examiners

TAPE 217, SIDE A

010 REP MEEK: discusses possible options, risks to public

075 ZERMER: explains -5 amendment submitted by the Oregon
Optometric Association (EXHIBIT L) -replaces the bill -discusses
provisions

095 MOTION: Rep Meek moves that a letter be sent to the Commerce
committee supporting the substitution of the -A5 amendments for the
A-engrossed SB 798

103 REP EIGHMEY: supports the motion -wants highest level of medical
treatment for lowest cost -concerned about high number of
ophthalmologists in Oregon

141 REP DELL: level of expertise is not available in every geographic
area and to every economic level, it is important to offer an
alternative

care

152 REP LUKE: doesn't have enough information to vote intelligently
on the bill

VOTE: In a roll call vote the motion passes, with all members present
voting AYE

170 CHAIR FORD: relates experience with Board of Medical Examiners

CHAIR FORD: Adjourns the meeting at 10:50 a.m.

Submitted by:

Reviewed by:

Barbara Porter
Administrator

Melanie Zermer Clerk

EXHIBIT LOG:

A - Amendments to SB 484B - Rep Eighmey - 2 pages B - Amendments to HB
2309 - staff - 16 pages C - Fiscal statement on HB 2309 - SDS - 1 page
D - Testimony on HB 2309 - Rand - 2 pages E - Testimony on HB 2309 -
OAHA - 1 page F - Testimony on HB 2309 - Pickard - 1 page G -
Testimony on SB 798 - Radebaugh - 14 pages H - Testimony on SB 798 -
Knutson - 8 pages I - Testimony on SB 798 - Walls - 3 pages J -
Testimony on SB 798 - Passo - 1 page K - Testimony on SB 798 - Passo -
.5 page L - Amendments to SB 798 - OOA - 3 pages