

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

March 11, 1993 Hearing Room C 3:00 p.m. Tapes 24 - 25

MEMBERS PRESENT: Senator Bob Shoemaker, Chair Senator Jeannette Hamby,
Vice Chair Senator Joyce Cohen Senator Bill McCoy Senator Gordon Smith

STAFF PRESENT: Barbara Coombs, Administrator Dick Shoemaker,
Administrator/Assistant Joan Green, Assistant

MEASURES HEARD: SB 479 relating to hospitals, PH SB 484 relating to
State Board of Pharmacy, PH SB 397 relating to naturopaths, WS

WITNESSES: Mary Ann Curry, Governor's Maternity Care
Access Planning Commission Ed Patterson, Oregon Association of Hospitals
Wes Cooley, Oregon State Senator, District 28 Mary Carpenter, American
College of Nurse-Midwives Carol Howe, CNM, CNSC, Oregon Health
Sciences

University Kathy Pfister-Minogue, Citizen, NP Jennifer Roy, NP,
Citizen, Willamette University

Health Center Jane Lesser, Oregon Student Lobby Chuck Gress,
Executive Director, Oregon State

Pharmacists Association Marilyn Rader, President, Oregon State
Pharmacists

Association John Cook, Oregon State Board of Pharmacy Joe Schnabel,
Assistant Director of Pharmacy, Salem

Hospital Don Walker, Board of Examiners Steven Rotter, M.D. [--- Unable
To Translate Graphic ---]

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
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TAPE 24, SIDE A

006 Chair Shoemaker: Meeting called to order at 3:02 p.m.

PUBLIC HEARING

SB 479 RELATING TO HOSPITALS

017 Wes Cooley, Oregon State Senator, District 28: Speaks in support
of SB 479, and the SB 479-1 amendment, Exhibit F. 048 Sen. Hamby: Why
is your amendment permissive, especially when you have the closure that
the hospital may refuse such privileges?

050 Sen. Cooley: Responds.

059 Sen. Hamby: A nurse-midwife is not necessarily a nurse

practitioner?

060 Sen. Cooley: Responds.

065 Chair Shoemaker: Is the intent of the language to exclude the whole class, if the hospital excludes whole classes, or to exclude only an

individual?

071 Sen. Cooley: Responds.

092 Mary Carpenter, American College of Nurse-Midwives: Speaks in support of the bill, Exhibits B and C.

106 Chair Shoemaker: The amendment relates to licensed and certified nurse practitioners, whereas the bill refers to licensed nurse-midwives.

107 Carpenter: Continues with testimony, Exhibits B and C.

167 Chair Shoemaker: What happens if a birth, that was to be normal, turns out to be difficult?

168 Carpenter: Responds.

172 Chair Shoemaker: What happens in a case like this in Florence?

173 Carpenter: Responds.

187 Chair Shoemaker: What happens to the mother and child?

190 Carpenter: Responds.

191 Sen. Smith: Do most of the births take place at home or in the hospital?

192 Carpenter: Responds.

203 Sen. Smith: Are obstetricians fearful to practice with a nurse-midwife because of the liability?

205 Carpenter: Responds.

223 Sen. Smith: It has not resulted in significant litigation to the obstetrician?

225 Carpenter: Responds.

232 Sen. Hamby: In rural areas do nurse practitioners practice in preventive or well-baby kinds of clinics and if so are there problems? 234 Carpenter: Responds.

241 Sen. Hamby: If that is already functioning then the language in this bill would not need to be broadened?

244 Carpenter: Responds.

262 Carol Howe, CNM, CNSC, Oregon Health Sciences University: Speaks in support of the bill, Exhibit H. Submits testimony on behalf of Richard

Lowensohn, Exhibit I.

372 Chair Shoemaker: What capacity are you speaking in?

373 Howe: Responds.

392 Mary Ann Curry, Governor's Maternity Care Access Planning Commission: Speaks in support of the bill, Exhibit G.

425 Sen. Smith: Which is the most effective working relationship, that with general practitioners or obstetricians?

428 Howe: Responds.

451 Sen. Smith: Would your insurance premiums increase because of an expanded scope of practice?

452 Howe: Responds.

460 Chair Shoemaker: What are your thoughts on the proposed amendment, Exhibit F?

462 Curry: Responds.

TAPE 25, SIDE A

035 Chair Shoemaker: There can be no question can there that if we extend the bill to licensed and certified nurse practitioners that it will

include certified nurse-midwives?

027 Curry: Responds.

036 Chair Shoemaker: That being true, do you support the broader bill that would extend hospital privileges to nurse practitioners?

040 Curry: Responds.

050 Sen. Smith: Requests an approximation of what an obstetrician, a general practitioner or a midwife would charge for a delivery?

052 Curry: Responds.

053 Sen. Hamby: If this legislation is successful would it affect costs? 055 Carpenter: Responds.

064 Sen. Hamby: Do you have an idea of the range of fees charged in Eugene for example?

065 Howe: Responds.

077 Sen. Hamby: How does the situation in Oregon compare to another state that has hospital privileges in place, as related to fees?

083 Howe: Responds.

107 Ed Patterson, Oregon Association of Hospitals: Speaks in

opposition to the bill.

132 Sen. McCoy: The amendment, Exhibit F, does not say "must".

138 Patterson: Responds. Speaks in support of the SB 479-1 amendments, Exhibit F, if the Committee should support the bill.

142 Chair Shoemaker: The intent of the SB 479-1 amendments, Exhibit F, is to not permit refusal of privileges to nurse practitioners as a class,

but to permit refusal to individuals based upon appropriate nondiscriminatory criteria. Does Oregon Association of Hospitals (OAH) have a position on that?

151 Patterson: Responds.

WORK SESSION

161 MOTION: SEN. McCOY AND SEN. COHEN MOVED THAT THE SB 479-1 AMENDMENTS BE ADOPTED.

165 VOTE: HEARING NO OBJECTION, SO ORDERED.

PUBLIC HEARING

175 Kathy Pfister-Minogue, Citizen, NP: Speaks in support of the bill, Exhibit A.

200 Sen. Smith: Were you aware of midwives being denied access to the Grande Ronde hospital?

204 Pfister-Minogue: Responds.

218 Sen. Smith: Requests that Ms. Pfister-Minogue share why the hospital denied nurse practitioners admitting privileges.

220 Pfister-Minogue: Responds.

231 Sen. Smith: Are the obstetricians' concerns about liabilities legitimate?

232 Pfister-Minogue: Responds. 238 Chair Shoemaker: What is it in your scope of practice that would require hospitalization, other than the midwifery situation?

244 Pfister-Minogue: Responds.

259 Sen. Hamby: Refers to lns. 5-7 of the amendment, Exhibit F. Could a hospital set up rules and regulations that would allow you admitting

privileges, however force you, under rule, to hand the patient over to an internist?

290 Pfister-Minogue: Responds.

Testimony submitted for the record: Ian Timm, Exhibit D, Kathleen Smail, Exhibit E, Tom Lloyd, Exhibit K and Sharen Blake, Exhibit J.

SB 484 RELATING TO STATE BOARD OF PHARMACY

320 Kathy Pfister-Minogue, Citizen and Oregon College Health Association: Speaks in support of the bill, Exhibit L.

TAPE 24, SIDE B

032 Jennifer Roy, NP, Citizen, Willamette University Health Center: Speaks in support of the bill, Exhibit M.

064 Chair Shoemaker: Requests that the issue of a prescribing professional not having access to a data base, which lists other medications and

medical history for the patient, be addressed.

076 Roy: Responds.

077 Sen. McCoy: Do all campuses have records like this?

080 Pfister-Minogue: Responds.

082 Sen. McCoy: Are you suggesting that the formulary be thrown out and go to all medications?

084 Pfister-Minogue: Responds.

090 Jane Lesser, Oregon Student Lobby: Speaks in support of the bill, Exhibit N.

125 Chuck Gress, Executive Director, Oregon State Pharmacists Association: Speaks in opposition to the bill.

173 Chair Shoemaker: Refers to memorandum, Exhibit P. Could you please speak to this?

180 Gress: Defers to Mr. Cook.

184 John Cook, Oregon State Board of Pharmacy: The Board has no official position at this time. Presents for the record a memorandum from Ruth

Vandever, Executive Director, Board of Pharmacy, Exhibit P.

206 Sen. Hamby: What has changed since last session?

207 Cook: Responds.

209 Sen. Hamby: You don't feel nurses are capable of counseling on medications?

212 Cook: Responds.

217 Marilyn Rader, President, Oregon State Pharmacists Association: Speaks in opposition to the bill, Exhibit O.

290 Sen. Hamby: How are we currently implementing OBRA 90 and the

State of Oregon regulations in rural hospitals that do not employ pharmacists?

293 Cook: Responds.

320 Sen. Hamby: In reality nurses provide the counseling, etc. on the wards?

323 Cook: Responds.

324 Sen. McCoy: Does it make any difference to you that the nurses would not be practicing full scope, but to the narrow formulary that has been worked out between the Board of Pharmacy and the nurses?

331 Cook: Responds.

352 Sen. McCoy: The nurses would need to have the training in those drugs that they would use?

358 Cook: Responds.

363 Sen. McCoy: What is your interpretation of the scope of practice in SB 484?

370 Cook: Responds.

377 Sen. McCoy: They can't go outside of their scope of practice?

382 Cook: Responds.

386 Chair Shoemaker: What was the statutory reference?

392 Cook: Responds.

398 Barbara Coombs, Administrator: Reads ORS 678.385.

TAPE 25, SIDE B

005 Sen. Hamby: Are nurse practitioners currently given dispensing privileges?

009 Cook: Responds.

013 Sen. Hamby: Are there more severe drug reactions in the rural areas where nurse practitioners are dispensing than there might be

proportionately to other geographic areas of the state?

019 Cook: Responds.

020 Sen. Hamby: You would object to prepackaged medications being dispensed on college campuses by nurse practitioners?

025 Cook: Responds.

Testimony submitted for the record: Mary Jane Isensee, RN, BSN, Exhibit Q,

WORK SESSION

SB 397 RELATING TO NATUROPATHS

044 Chair Shoemaker: Are all naturopaths clear about the limitations relating to their scope of practice?

056 Don Walker, Board of Examiners: Responds.

062 Sen. Hamby: Reviews her concerns about injections of Vitamin C. I am satisfied that was an isolated incident.

072 Chair Shoemaker: Refers to injections of cortisone in joints for treatment purposes. Requests clarification.

073 Walker: Responds.

077 Chair Shoemaker: Do you inject cortisone for diagnostic purposes?

080 Walker: Responds.

083 Chair Shoemaker: Does the Formulary deal only with how drugs are dispensed or does it only deal with what particular drugs are permitted?

087 Walker: Responds.

090 Chair Shoemaker: Requests that one of the other witnesses speak to the Formulary and what kind of constraint that would provide to an

inappropriate injection of drugs.

097 Joe Schnabel, Assistant Director of Pharmacy, Salem Hospital: Responds.

129 Sen. Cohen: If this bill were to pass would the Formulary group go back to work; to review within the scope of practice the type of Formulary to be used?

136 Schnabel: Responds.

136 Chair Shoemaker: This bill could open up a new array of drugs and new forms for administering those drugs. Would the Formulary reconvene to

focus on that issue and to designate what drugs are appropriate for injection? If so would you also deal with the protocols for those injections you anticipate?

140 Schnabel: Responds.

156 Steven Rotter, M.D.: Speaks in support of SB 397.

166 Sen. Hamby: How frequently do you receive a request for intramuscular oxytocin in pre-birth or a delivery situation?

168 Schnabel: Responds.

170 Sen. Hamby: When pitocin is given by intramuscular injection how long of a period does it cover, four hours?

171 Schnabel: Responds.

173 Sen. Hamby: Are there any potential side reactions to the uterus in the remaining time that the drug is in the system, after delivery?

174 Schnabel: Responds.

182 Sen. Hamby: Is there a danger of uterine rupture prior to delivery with an intramuscular injection?

183 Schnabel: Responds.

185 Sen. Hamby: Were you concerned when it was included on the Formulary?

186 Schnabel: Responds.

187 Sen. Hamby: What other products are on the Formulary that you have concerns about?

191 Schnabel: Responds.

200 Sen. Hamby: Is there a way to track that there may be an undue proportion of patients being admitted to emergency room situations

following a reaction to a drug recommended by a naturopath?

205 Schnabel: Responds.

208 Sen. Cohen: Why would it be difficult to track, you know who these patients belong to? 213 Schnabel: Responds.

224 Sen. Hamby: Two of the most recent ones that he mentioned are oral medications. It would be nice to know who is recommending and not

counseling recipients of potential side reactions.

232 Schnabel: Responds.

245 Rotter: Responds.

249 Sen. Hamby: Is there a medication on the Formulary list that would counteract and/or stop an uterine rupture?

254 Schnabel: Responds.

262 Sen. Hamby: Under the current rules and regulations are naturopaths allowed to excise tissue?

272 Walker: Responds.

283 Sen. Hamby: A registered medical laboratory is used?

289 Walker: Responds.

291 Sen. Smith: Is it your opinion that your colleagues in internal medicine share your view on the expanded scope of practice for

naturopaths? If not, why not?

299 Rotter: Responds.

315 Sen. Smith: Do you sense any opposition from them?

319 Rotter: Responds.

321 Chair Shoemaker: What sort of a clinic are you associated with?

325 Rotter: Responds.

332 Chair Shoemaker: Should the Council reconvene to address injectable drugs that would be involved with this new scope of practice?

344 Walker: Responds.

358 Chair Shoemaker: Should the Formulary list be reviewed to determine which of the listed drugs should be approved for injection?

364 Walker: Responds.

366 Sen. Cohen: Expresses her desire to reactivate the Formulary Council for purposes of looking at the existing Formulary for any protocols that they think appropriate, with respect to injectable drugs.

378 Walker: Addresses Sen. Hamby's questions on Pitocin.

386 Sen. Hamby: Refers to testimony from an earlier hearing.

392 Walker: Responds.

408 Chair Shoemaker: What are the investigative procedures on complaints against naturopaths, and what is the record of internal discipline and

enforcement?

422 Walker: Responds.

TAPE 26, SIDE A

011 Barbara Coombs, Administrator: Should I request an amendment to direct the Formulary Council to convene and address the potential use for each drug on the Formulary?

022 Chair Shoemaker: Yes. Meeting adjourned at 5:06 p.m.

Submitted by:

Reviewed by:

Joan Green
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - Testimony on SB 479 - Pfister-Minogue - 2 pages B - Testimony on SB 479 - Carpenter - 7 pages C - Privileges for Nurse-Midwives - Carpenter - 3 pages D - Testimony on SB 479 - Timm - 4 pages E - Testimony on SB 479 - Smail - 4 pages F - SB 479-1 amendments - Cooley - 1 page G - Testimony on SB 479 - Curry - 6 pages H - Testimony on SB 479 - Howe - 2 pages I - Testimony on SB 479 - Lowensohn - 2 pages J - Testimony on SB 479 - Lloyd - 1 page K - Testimony on SB 479 - Blake - 3 pages L - Testimony on SB 484 - Pfister-Minogue - 2 pages M - Testimony on SB 484 - Roy - 2 pages N - Testimony on SB 484 - Lesser - 2 pages O - Testimony on SB 484 - Rader - 2 pages P - Memorandum on SB 484 - Vandever - 1 page Q - Testimony on SB 484 - Isensee - 2 pages