

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

March 18, 1993 Hearing Room C 3:00 p.m. Tapes 28 - 30

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

EXCUSED: Senator Bill McCoy

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

MEASURES HEARD: SB 450 relating to dental hygiene, PH SB 396
relating to naturopathy, WS SB 397 relating to naturopaths, WS SB 479
relating to hospitals, WS

WITNESSES: Dell Isham, Oregon Dental Hygienists'
Association Karla Girts, Oregon Dental Hygienists' Association Jane
Moreno, Visiting Dental Hygienist Michael Biermann, DMD, Oregon Dental
Association Marion Ratliff, DDS, Citizen Lisa Snider, DMD, Citizen Jane
Myers, Citizen Lynda Ciri, Oregon Dental Hygienists' Association Don
Walker, Member of State Board of Examiners and

Formulary Council Scott Gallant, Oregon Medical Association Ed
Patterson, Oregon Association of Hospitals

[--- 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
Graphic ---]

TAPE 16, SIDE A

006 Chair Shoemaker: Meeting called to order at 3:10 p.m.

PUBLIC HEARING

SB 450 RELATING TO DENTAL HYGIENE

022 Dell Isham, Oregon Dental Hygienists' Association: Speaks in
support of the bill, Exhibit B.

050 Chair Shoemaker: Does the dental side oppose the changes in
planning of hygiene services; participation of public health screening?

054 Isham: Responds.

055 Chair Shoemaker: Is allowing dental hygienists to supervise
dental assistants coupled with those others?

057 Isham: Responds. Continues with testimony, Exhibit B.

111 Sen. Hamby: Does this mean one group is supervised by a dentist

and the other group is not?

112 Isham: Responds.

113 Sen. Hamby: I'm confused on the "16.7% of the dental practices providing hygiene". I don't understand who that was.

115 Isham: Responds. Continues with testimony, Exhibit B.

176 Sen. Smith: What overhead costs in equipment do hygienists have?

178 Isham: Responds.

180 Sen. Smith: That would account for their ability to charge less, they don't have the same equipment overhead cost?

183 Isham: Responds.

185 Karla Girts, Oregon Dental Hygienists' Association: Speaks in support of the bill, Exhibit C.

249 Chair Shoemaker: What services are you providing in a nursing home that might make a dentist think his presence is needed?

251 Girts: Responds.

273 Chair Shoemaker: You don't do any treatment?

275 Girts: Responds.

294 Chair Shoemaker: Refers to ORS 680.150. To what extent are dental hygienists employed by an institution, and if so to what extent is that supervision provided? How does that work?

309 Girts: Responds.

319 Chair Shoemaker: How do dental hygienists work within Health Maintenance Organizations (HMO's)?

322 Girts: Responds.

357 Chair Shoemaker: Do you think every hygienist would have the competency and skills to make tough decisions?

360 Girts: Responds.

372 Chair Shoemaker: This bill doesn't provide for requirements?

380 Girts: Responds.

381 Chair Shoemaker: Who would set rules?

382 Isham: Responds.

388 Sen. Smith: My concern is economic. Dentists have invested heavily in expensive equipment and are stuck with that overhead. I am concerned

about undermining a profession. My fears need to be alleviated

regarding this.

TAPE 29, SIDE A

008 Girt: Responds.

024 Isham: Responds.

039 Sen. Smith: I can see how this could complement a profession. I just want to make sure we aren't setting the dentists up for a fall.

046 Girt: Responds.

068 Sen. Hamby: What percentage is covered, if sealants are covered by insurance?

070 Girt: Responds.

086 Sen. Hamby: Help me understand the \$20 differential in the California study?

092 Girt: Responds.

100 Jane Moreno, Visiting Dental Hygienist: Responds. Speaks in support of the bill, Exhibit D.

165 Sen. Cohen: Do you have a shared-fee arrangement with the dentists that you refer to?

166 Moreno: Responds.

169 Sen. Cohen: Do you and the dentist(s) have a contract together?

171 Moreno: Responds.

173 Sen. Cohen: Do you have an agreement with dentists for a dollar kick-back for referrals.

185 Moreno: Responds.

192 Sen. Hamby: Who's your competition?

194 Moreno: Responds.

195 Sen. Hamby: There's no dentist(s) providing that service?

197 Moreno: Responds.

198 Sen. Cohen: The bulk of the practice, if we were to open this up, would not be to disabled people or medicaid clients.

202 Moreno: Responds.

212 Chair Shoemaker: The State of Washington does not allow you to have an office where you can see insured patients?

219 Moreno: Responds.

252 Michael Biermann, DMD, Oregon Dental Association: Speaks in opposition to the bill, Exhibit E.

372 Chair Shoemaker: Would dental hygienists need to perform any functions that would require anesthesia?

374 Biermann: Responds.

376 Chair Shoemaker: What can they currently do that requires anesthesia?

378 Biermann: Responds.

383 Chair Shoemaker: Would that be subject to rule?

385 Biermann: Responds. Continues with testimony, Exhibit E.

TAPE 28, SIDE B

016 Sen. Hamby: Does Colorado allow a visiting hygienist type of situation; similar to Washington State?

018 Biermann: Responds. Continues with testimony, Exhibit E.

040 Chair Shoemaker: A hygienist can work unsupervised in a nursing home, if authorized to so by the consulting dentist or the patients dentist,

correct?

044 Biermann: Responds.

045 Chair Shoemaker: That testimony seems contrary to what we previously heard?

042 Biermann: Responds.

045 Chair Shoemaker: Each nursing home must have a consulting dentist?

047 Biermann: Responds. Continues with testimony, Exhibit E. Refers to hand-engrossed bill, Exhibit G.

085 Marion Ratliff, DDS, Citizen: Speaks in opposition to the bill, Exhibit F.

140 Lisa Snider, DMD, Citizen: Speaks in opposition to the bill.

209 Sen. Hamby: What are the dangers in applying sealant?

216 Biermann: Responds.

234 Sen. Hamby: You do not use a hygienist to do sealants in your practice?

236 Biermann: Responds.

WORK SESSION

SB 396 RELATING TO NATUROPATHY

273 MOTION: CHAIR SHOEMAKER MOVED SB 396 TO THE FLOOR WITH A DO

PASS RECOMMENDATION.

292 VOTE: MOTION CARRIED, 5-0. SEN. HAMBY WILL LEAD THE FLOOR DISCUSSION.

SB 397 RELATING TO NATUROPATHS

293 Barbara Coombs, Administrator: Distributes amendments, SB 397 -1, Exhibit H; SB 397-2, Exhibit I; SB 397-3, Exhibit J; SB 397-4, Exhibit

K. Reviews SB 397-1, Exhibit H. This amendment would add a continuing education requirement.

343 Chair Shoemaker: Does SB 397-1 stand alone?

348 Coombs: SB 397-4, Exhibit K, would limit that therapeutic use substantially to only vitamins and minerals. SB 397-1 is a little bit

more broad.

360 MOTION: SEN. COHEN CONCEPTUALLY MOVED SB 397-1 AMENDMENTS, EXHIBIT H, WHICH REQUIRES CONTINUING EDUCATION FOR WHATEVER ALL AROUND

PURPOSES BEING DEALT WITH.

368 Chair Shoemaker: Even if we should go with SB 397-4, Exhibit K, which would limit therapeutic injections to vitamins and minerals you would

still be moving continuing education? 372 Sen. Cohen: Concurr.

377 Sen. Hamby: I wrongly assumed that intramuscular injections of Pitocin were being administered prior to the birth. It is not, it is only

injected following the delivery.

386 VOTE: SB 397-1, EXHIBIT H AMENDMENTS ARE ADOPTED BY CONSENSUS.

392 Coombs: Reviews SB 397-2 amendments, Exhibit I. It looks as though on pg. 2, 2 (4) is new language.

409 Chair Shoemaker: Where does this amendment come from?

411 Sen. Hamby: I think it is from Oregon Medical Association (OMA). Refers to new language on pg. 3, 4.

421 Coombs: Refers to additional language on pg. 4, lns. 15-17 of SB 397 -2 amendments, Exhibit I.

428 Chair Shoemaker: Does anyone wish to testify to the SB 397 -2 amendments, Exhibit I? Do the Naturopaths have any objections to SB

397-2 amendments, Exhibit I?

TAPE 29, SIDE B

020 Scott Gallant, Oregon Medical Association: Speaks in support of SB 397-1 amendments, Exhibit H; SB 397-4, Exhibit K and SB 397-3

amendments, Exhibit J.

027 Sen. Cohen: Discusses SB 397-3 amendments, Exhibit J. I'm not interested in having the entire formulary reviewed. I do want the

Formulary reconstituted for the purposes of developing protocols for injections of the formulary.

034 Chair Shoemaker: Requests comments be limited to SB 397-1, Exhibit H and SB 397-2, Exhibit I amendments only.

037 Gallant: We would agree with SB 397-1, Exhibit H and SB 397-4, Exhibit K amendments. Recommends amending SB 397-4, Exhibit K into (4) of pg. 2 of SB 397-2, Exhibit I to clearly indicate that it would be for the

purpose of vitamins and minerals and to give the Formulary Council the ability to put parameters around those activities.

042 Sen. Cohen: If we adopt SB 397-4, Exhibit K then we don't need SB 397-3, Exhibit J. Mr. Gallant, please explain what is meant by

indorsement and where that language is?

059 Gallant: Responds.

059 Sen. Cohen: That means they would be indorsed by having gone through the continuing education?

060 Gallant: Responds.

062 Coombs: I would assume since they are now using skin penetration for diagnostic and preventive purposes, and diagnostic and preventative

purposes is included in the indorsement, that they would require indorsement for doing what they already are doing now?

064 Gallant: Correct.

065 Coombs: So each naturopath, to continue the scope of practice that they are now functioning under, would be required to come back to the Board

and have this indorsement?

067 Sen. McCoy: That doesn't seem to be necessary. Why do they need to be licensed all over again to do what they already do?

071 Gallant: Responds.

079 Sen. McCoy: It seems unnecessary to me to re-institute the Formulary Council.

086 Sen. Hamby: Scott, would you have objections to adopting SB 397 -1, Exhibit H and SB 397-4, Exhibit K amendments?

091 Gallant: No.

092 Sen. Hamby: With those two amendments, OMA is satisfied?

093 Chair Shoemaker: And you don't need SB 397-2, Exhibit I, if you have SB 397-1, Exhibit H and SB 397-4, Exhibit K?

094 Gallant: Conkurs.

095 MOTION: SEN. HAMBY MOVED SB 397-4 AMENDMENTS, EXHIBIT K.

096 VOTE: HEARING NO OBJECTION, SO ORDERED.

096 Sen. Hamby: I understand that SB 397-4, Exhibit K is the naturopaths' amendment, correct?

103 Chair Shoemaker: Correct. Reviews SB 397-4 amendments, Exhibit K.

108 Don Walker, Member of State Board of Examiners and Formulary Council: The Board would support both of the amendments, SB 397-1, Exhibit H and SB 397-4, Exhibit K.

128 Chair Shoemaker: We would add a continuing education requirement and we would extend the scope of practice to permit penetration of the body for therapeutic purpose of administering vitamins and minerals. That would

be the extent of SB 397. That is acceptable to the Board of Naturopathic Examiners?

132 Walker: Conkurs.

135 MOTION: SEN. HAMBY MOVED SB 397, AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION. 140 VOTE: MOTION CARRIED, 5-0. SEN. HAMBY WILL LEAD THE FLOOR DISCUSSION.

SB 479 RELATING TO HOSPITALS

148 MOTION: SEN. COHEN MOVED SB 479, AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

163 Sen. Hamby: For the record, I am hopeful that as we accept SB 479 -1 amendments that hospitals do not go out of there way to set rules that

would not allow nurse practitioners/midwives access.

170 Sen. Cohen: I believe it was on the record that they could not be disqualified as a class, but only as individuals.

173 Chair Shoemaker: Concurs with Sen. Hamby's concern.

177 Sen. Smith: Does the Oregon Medical Association (OMA) have a position on this?

180 Scott Gallant, Oregon Medical Association: As I understand the amendment it is permissive. Facilities would need to determine this on

an individual basis. They would still have the authority to make that determination and we agree with that.

190 Sen. Hamby: You understand that it is by individuals only, not by a class?

195 Gallant: Responds.

197 Sen. McCoy: Did staff check to see if any of the hospitals object to admitting midwives?

203 Barbara Coombs, Administrator: No.

209 Ed Patterson, Oregon Association of Hospitals: Speaks in support of the amended version of the bill.

218 Sen. Cohen: Restates motion.

220 VOTE: MOTION CARRIED 5-0. SEN. COHEN WILL LEAD THE FLOOR DISCUSSION.

PUBLIC HEARING

SB 450 RELATING TO DENTAL HYGIENE

228 Jane Myers, Citizen: Reads Nan Dewey's opposition to the bill, Exhibit M.

285 Chair Shoemaker: In the facility or available to the facility?

289 Myers: Responds.

297 Sen. Cohen: Just because a dentist is available doesn't mean treatment is being delivered, however the bill has problems.

310 Myers: Responds. Presents testimony in opposition from Catherine Lach, Exhibit L.

330 Sen. Hamby: What problems developed between April, 1990 and June, 1992 to cause the rules to be revised in June, 1992?

338 Myers: Responds.

390 Lynda Ciri, Oregon Dental Hygienists' Association: Speaks in support of the bill, Exhibit N.

TAPE 30, SIDE A

025 Sen. Hamby: Requests a copy of the statistics she presented.

028 Ciri: Responds.

Testimony submitted for the record, Robert L. Duehmig, Exhibit A.

Meeting adjourned at 5:03 p.m.

Submitted by:

Reviewed by:

Joan Green
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - Testimony on SB 450 - Duehmig - 1 page B - Testimony on SB 450 -
Isham - 6 pages C - Testimony on SB 450 - ODHA - 11 pages D -
Testimony on SB 450 - Moreno - 4 pages E - Testimony on SB 450 - ODA -
7 pages F - Testimony on SB 450 - Ratliff - 7 pages G - Hand-engrossed
amendments to SB 450 - ODA - 3 pages H - SB 397-1 amendments - Staff -
1 page I - SB 397-2 amendments - OMA - 4 pages J - SB 397-3
amendments - 1 page K - SB 397-4 amendments - Naturopaths - 1 page L -
Testimony on SB 450 - Lach - 5 pages M - Testimony on SB 450 - Dewey -
1 page N - Testimony on SB 450 - Ciri - 1 page