

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

March 25, 1993      Hearing Room C 3:00 p.m.      Tapes 33 - 34

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

EXCUSED:                    Senator Bill McCoy Senator Gordon Smith

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

MEASURES HEARD:        SB 706 relating to acupuncture, PH/WS HB 2134  
relating to optometry; declaring an emergency, PH/WS HB 2136 relating to  
optometry, PH/WS SB 484 relating to State Board of Pharmacy, WS

WITNESSES:                Stephen Kafoury, Oregon Acupuncture Association  
Gene Bruno, Licensed Acupuncturist Elizabeth Goldblatt, Oregon  
College of Oriental

Medicine Jared L. Zeff, ND, L.AC., Oregon Association of

Naturopathic Physicians Eric Knutson, OD, Oregon Board of Optometry  
David Plunkett, Board of Optometry Don Walker, Naturopathic Physician  
John Ulwelling, Executive Director, Board of Medical

Examiners John Black, Vice President, Board of Pharmacy Brian  
DeLashmutt, Oregon Society of Hospital

Pharmacists Laurie Wimmer, Director, Oregon Commission for Women

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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 33, SIDE A

006    Chair Shoemaker: Meeting called to order at 3:11 p.m.

PUBLIC HEARING

SB 706 RELATING TO ACUPUNCTURE

020 Stephen Kafoury, Oregon Acupuncture Association: Speaks in  
support of the bill. Refers to SB 706-1 amendments, Exhibit A.

034 Gene Bruno, Licensed Acupuncturist: Speaks in support of the  
bill, Exhibit B.

049 Chair Shoemaker: Do you think there will be confusion in the  
public mind when you have a word, which is now associated with a  
particular

treatment, now describing a course of practice which is much broader than that?

050 Bruno: Responds.

070 Chair Shoemaker: The other phrase to describe it might be "oriental medicine", does that make sense?

072 Bruno: Responds.

081 Sen. Cohen: Requests clarification on moxibustion?

083 Bruno: Responds.

110 John Ulwelling, Executive Director, Board of Medical Examiners: Speaks in support of the amendments, which address concerns of the Board of

Medical Examiners, Exhibit A.

149 Sen. Cohen: Refers to 2, (1) " . . . a license to practice medicine and surgery or a license to practice acupuncture . . . .", Exhibit A. A

person who is a straight physician could take up Acupuncture without coming to the Board, as I read the amendments before us. That's a little bit of my concern.

150 Ulwelling: Responds.

172 Chair Shoemaker: Do you think that is appropriate?

173 Ulwelling: Responds.

179 Sen. Cohen: The old language says "and".

182 Chair Shoemaker: I think that was the principal mistake in the bill and the amendment addresses that. Those are amendments from the bill, not

the law.

184 Ulwelling: Responds.

207 Sen. Hamby: What kind of an alarm would run through the medical community, if we were to further define the need for any M.D.?

213 Ulwelling: Responds.

238 Chair Shoemaker: Reads ORS 677.755.

252 Sen. Cohen: Do we include naturopaths as physicians under this?

258 Ulwelling: Responds. 261 Sen. Hamby: We are just speaking to D.O's and M.D.'s?

263 Ulwelling: Responds.

273 Chair Shoemaker: Could Dr. Bruno speak to this?

289 Bruno: Responds.

324 Chair Shoemaker: It would be an improvement to require an examination and license for all people wishing to practice Acupuncture?

334 Bruno: Responds.

338 Chair Shoemaker: In 2, (1) " . . . a license to practice medicine and surgery or a license to practice acupuncture . . .", Exhibit A it is

"or" not "and", I think if they're licensed to practice medicine and surgery they don't need to go further.

344 Bruno: Responds.

364 Elizabeth Goldblatt, Oregon College of Oriental Medicine: Speaks in support of the bill.

TAPE 34, SIDE A

011 Jared L. Zeff, ND, L.AC., Oregon Association of Naturopathic Physicians: Speaks in opposition to the bill, unless amended, Exhibit C.

042 Chair Shoemaker: How does this interfere with the licensing of naturopaths?

046 Zeff: Responds.

046 Chair Shoemaker: Do you object to the amendment, Exhibit A.

050 Zeff: Responds.

054 Sen. Cohen: Does the amendment, Exhibit A, appropriately exclude Naturopathic Physicians from the bill?

063 Chair Shoemaker: He says under the amendment, Exhibit A, it's okay.

064 Zeff: Refers to hand-engrossed amendment, 5, (2), Exhibit A.

066 Sen. Cohen: That's what I was searching for.

071 Don Walker, Naturopathic Physician: Speaks to concerns with the bill. Refers to hand-engrossed amendment, 1, (2)(a), and ln. 17 of SB 706-1

amendments, Exhibit A.

084 Chair Shoemaker: How would the Board of Medical Examiners deal with those concerns?

088 Ulwelling: I don't know what the Board would do, but they are not going to let Acupuncturist do some of the things Dr. Walker has indicated.

103 Sen. Cohen: What is the Board's perception of education and training; will the assumption be that most people have some M.D. basic training or not?

112 Ulwelling: Responds.

WORK SESSION

135 MOTION: CHAIR SHOEMAKER MOVED THE SB 706-1 AMENDMENTS, EXHIBIT A.

136 VOTE: HEARING NO OBJECTION, SO ORDERED.

138 MOTION: SEN. HAMBY MOVED SB 706, AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

140 VOTE: MOTION CARRIED, 3-0. (EXCUSED: SEN. G. SMITH, SEN. McCOY). CHAIR SHOEMAKER WILL LEAD THE FLOOR DISCUSSION.

PUBLIC HEARING

HB 2134 RELATING TO OPTOMETRY; DECLARING AN EMERGENCY

147 Eric Knutson, OD, Oregon Board of Optometry: Speaks in support of the bill, Exhibit D.

197 David Plunkett, Board of Optometry: Speaks in support of the bill, Exhibit E.

HB 2136 RELATING TO OPTOMETRY

221 Eric Knutson, OD, Oregon Board of Optometry: Speaks in support of the bill.

238 Chair Shoemaker: Is the Council of Optometric Education the same organization as the Oregon Board of Optometry?

239 Knutson: Responds.

244 Chair Shoemaker: Is that the accrediting agency for all schools of optometry?

246 Knutson: Responds.

247 Chair Shoemaker: Does the Oregon Board of Optometry engage in that same accreditation process?

248 Knutson: No.

250 Chair Shoemaker: Is the Council on Post-Secondary Education the same as The National Commission on Accrediting?

251 Knutson: Responds.

253 Chair Shoemaker: Is the Council on Post-Secondary Education a private organization?

254 Knutson: Responds.

257 Barbara Coombs, Administrator: Responds.

260 Chair Shoemaker: There's a question in my mind whether delegating this kind of accrediting right to a private agency is an appropriate

delegation of legislative authority.

#### WORK SESSION

#### SB 484 RELATING TO STATE BOARD OF PHARMACY

279 John Black, Vice President, Board of Pharmacy: Speaks to amendments, Exhibit F. Refers to handout, Exhibit I and Administrative Rules,

Exhibit H.

337 Chair Shoemaker: If it doesn't pass then we still do have a consulting pharmacy?

349 Black: Responds.

352 Chair Shoemaker: Refers to Ruth Vandever's letter, third paragraph, Exhibit F. How does that relate to this bill?

363 Black: Responds.

449 Barbara Coombs, Administrator: Reviews pg. 2, Exhibit F. If you were to change on ln. 9, "pharmacist" to "pharmacy" and change the engrossed word "licensed" to "registered" the language would represent a

compromise that both the Board of Pharmacy and the proponents of the bill could agree to.

#### TAPE 33, SIDE B

032 Brian DeLashmutt, Oregon Society of Hospital Pharmacists: Refers to pg. 2, ln. 11, Exhibit F the word "consultant" would be deleted.

043 Laurie Wimmer, Director, Oregon Commission for Women: Speaks in support of bill, Exhibit G.

#### PUBLIC HEARING

#### HB 2136 RELATING TO OPTOMETRY

054 Barbara Coombs, Administrator: Legislative Counsel stated that every time they get a change like this they very strongly advise that the

authority remain in the public body. If they choose to consult with or receive information from a private body they may do so and the private body may be cited in the bill, but in order to maintain constitutional integrity the School of Optometry, which is recognized and approved by

the Oregon Board of Optometry would remain. If you wanted to add "in consultation with" or "the Board may seek the recommendations of" or similar language you may do so.

064 Chair Shoemaker: What about (2), the reference to Council on post-secondary education, which apparently is also a private body?

065 Coombs: Same thing. Reviews Legislative Counsel's recommendation that the delegation of accreditation of schools not occur to private bodies. Either to a body that does the accrediting or the certification of the

individuals or academic institution.

075 Eric Knutson, O.D., Oregon Board of Optometry: Requests the bill be conceptually amended to read "approved by the Board of Optometry, on the advice of the accrediting body".

093 Chair Shoemaker: Do we need to say that or can we just leave the original language in lns. 6-7 with the deletion of "recognized"? How

you decide on that approval would be your judgement. Moving on to the Council on Post-Secondary Education. Do you want a safety valve here, and if so who?

112 Knutson: Responds.

116 Coombs: What if you substituted the National Commission on Accrediting, Oregon Board of Optometry. Then it is up to the Oregon Board of

Optometry to decide whether the Regional Professional Accreditation Organization, Council on Post-Secondary Education or the Department of Education is the most appropriate entity.

121 Chair Shoemaker: Concur. We will use Oregon Board of Optometry on ln. 7 and ln. 13, deleting the reference to the Council on Post-Secondary

Education and the Council of Optometric Education. We'll just speak in terms of approval and remove the recognition language.

124 Knutson: Concur.

126 Coombs: You are going to remove the recognition language or say "which is recognized and approved by the Oregon Board of Optometry . . .".

127 Chair Shoemaker: I was going to say "which is approved by the Oregon Board of Optometry . . .". Line 12 would read "/ . . .".

accrediting

organization which is approved by the Oregon Board of Optometry." again delete "recognized or".

139 Knutson: Line 12 would read ". . . accreditation organization which is approved by the Oregon Board of Optometry, with particular emphasis on . . .".

143 Chair Shoemaker: Concurs. Requests hand-engrossing of the suggested changes.

Recessed at 4:19 p.m.

Reconvened at 4:42 p.m.

WORK SESSION

SB 484 RELATING TO STATE BOARD OF PHARMACY

168 MOTION: SEN. COHEN MOVED THE CONCEPTUAL AMENDMENTS, EXHIBIT F TO SB 484.

177 Sen. Hamby: The nurses agree and they will be able to dispense, as they have?

178 Coombs: Responds.

182 VOTE: MOTION ADOPTED BY CONSENSUS.

181 MOTION: SEN. COHEN MOVED SB 484, AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

184 VOTE: MOTION CARRIED, 3-0. (EXCUSED: SEN. SMITH, SEN. McCOY). SEN. HAMBY WILL LEAD THE FLOOR DISCUSSION.

HB 2134 RELATING TO OPTOMETRY; DECLARING AN EMERGENCY

191 MOTION: CHAIR SHOEMAKER MOVED HB 2134 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

197 VOTE: MOTION CARRIED, 3-0. (EXCUSED: SEN. SMITH, SEN. McCOY). CHAIR SHOEMAKER WILL LEAD THE FLOOR DISCUSSION.

HB 2136 RELATING TO OPTOMETRY

202 Chair Shoemaker: Reviews hand-engrossed amendments, Exhibit J.

230 MOTION: CHAIR SHOEMAKER MOVED THE HAND-ENGROSSED AMENDMENT, EXHIBIT J.

231 VOTE: MOTION ADOPTED BY CONSENSUS.

232 MOTION: CHAIR SHOEMAKER MOVED HB 2136, AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

234 VOTE: MOTION CARRIED, 3-0. (EXCUSED: SEN. SMITH, SEN. McCOY). CHAIR SHOEMAKER WILL LEAD FLOOR DISCUSSION.

Meeting adjourned at 4:45 p.m.

Submitted by:

Reviewed by:

Joan Green  
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - SB 706-1 amendments - Staff - 4 pages B - Testimony on SB 706 -  
Bruno - 1 page C - Testimony on SB 706 - Zeff - 3 pages D - Testimony  
on HB 2134 - Knutson - 2 pages E - Testimony on HB 2134 - Plunkett - 2  
pages F - Testimony on SB 484 - Vandever - 2 pages G - Testimony on SB  
484 - Wimmer - 2 pages H - Administrative Rules on SB 484 - Black - 4  
pages I - Handout on SB 484 - Black - 23 pages J - Hand-engrossed  
amendments on HB 2136 - Staff - 1 page