

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

April 20, 1993 Hearing Room C 3:00 p.m. Tapes 56 - 58

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 766 relating to health care SB 757 relating to
health care SB 758 relating to health education SB 759 relating to
Health Resources Commission

WITNESSES: Rick Rebel, Oregon Life Underwriters
Association/Oregon Association of Health Underwriters Charles
Williamson, Oregon Travelers Association Karl Humiston, American
Association of Retired Persons

Nan Dewey, Oregon Life Underwriters Association/Oregon Association of
Health Underwriters Walter McDonald, Internist Ellen Pinney, Oregon
Health Action Campaign Dave Fiskum, Sisters of Providence Greg Smith,
Oregon Travelers Association Scott Gallant, Oregon Medical Association
Brian DeLashmutt, Oregon Counseling

Association/American Association for Marriage and

Family Therapy Katherine Fisher, Member, Oregon Health Resources

Commission Lois Davis, Oregon Health Sciences University Jeff
Heatherington, Osteopathic Physicians and

Surgeons/Member, Oregon Health Council Amy Klare, Consumer
Representative, Health Services

Commission

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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 56, SIDE A

006 Chair Shoemaker: Meeting called to order at 3:12 p.m.

WORK SESSION

SB 758 RELATING TO HEALTH EDUCATION

Fiscal impact statement entered for the record, Exhibit B.

020 Chair Shoemaker: Refers to the SB 758-2 amendments, Exhibit D and the SB 758-1 amendments, Exhibit C.

033 Lois Davis, Oregon Health Sciences University: Speaks to the bill, does not feel the bill is necessary.

036 Chair Shoemaker: The statement of policy regarding the importance of primary care physicians and moving towards the goal of 50 could be as

well stated in SB 766, correct?

041 Davis: Responds affirmatively.

060 Katherine Fisher: Speaks to the bill, Exhibit E.

094 Chair Shoemaker: Your speaking to the SB 758-1 amendments, Exhibit C?

090 Jeff Heatherington, Osteopathic Physicians and Surgeons: Speaks to the SB 758-1 amendments, Exhibit C.

128 Chair Shoemaker: You would favor a measure rather than putting it as a part of a broader assignment to the interim Commission?

131 Heatherington: Responds.

132 Sen. Cohen: I need more information to verify that these numbers are reasonable, rational and approachable.

135 Heatherington: Responds.

145 Fisher: Responds.

152 Sen. Cohen: Is that the failing of the program that you don't have enough patients or is it the failing of the planners or is it the

failing of somebody who puts a number of slots there?

154 Fisher: Responds.

167 Barbara Coombs, Administrator: Reviews the SB 758-2 amendments, Exhibit D. On pg. 2, ln. 12 would suggest the use of Mr. Heatherington's

language replacing "specialist" with "specialty".

185 Chair Shoemaker: I am not ready to work the bill today. I'm frankly not sure we need the bill.

187 Sen. Cohen: Concurr.

PUBLIC HEARING

SB 757 RELATING TO HEALTH CARE

SB 759 RELATING TO HEALTH RESOURCES COMMISSION

Fiscal impact statement for SB 757 entered for the record, Exhibit A.

200 Chair Shoemaker: It has occurred to the Chair and Committee staff that the Health Services Commission is a more appropriate locus for the

responsibility to develop guidelines; since it is that Commission which also does the prioritization of health care services.

219 Amy Klare, Consumer Representative, Health Services Commission: Speaks to Chair Shoemaker's statement.

245 Barbara Coombs, Administrator: Refers the Committee to the SB 757 -1 amendment, Exhibit F.

272 Sen. Smith: If they have this power what, if any authority does the Legislature retain in these decisions?

274 Chair Shoemaker: Responds.

290 Sen. Smith: Expresses concern in Legislature making decisions beyond their level of training and competence. However I'm concerned that the

Legislature may be giving up a constitutional responsibility.

303 Sen. Cohen: I'm not willing to give them the power to impose practice guidelines on anybody and formally integrate them within the plan, in

the way they are formally integrated in mental health, etc.

323 Sen. Smith: I think the bill goes much further than your comfort level.

330 Chair Shoemaker: I'm not sure there is a constitutional issue when professions determine amongst themselves what the appropriate standard

of treatment for a particular condition is.

348 Sen. Smith: I'm specifically referring to Sen. Kennemer's floor speech the other day, as it related to his displeasure to what the Board of

Medical Examiners did related to Optometrists and Ophthalmologists.

344 Chair Shoemaker: You can have a legislative inquiry.

346 Sen. Cohen: The bill allows us to rewrite their authorities. I don't see practice guidelines in that mode at all.

363 Sen. Smith: I'm comfortable with that.

369 Klare: Responds.

381 Sen. Cohen: Relates a conversation she had. We must be careful in adopting practice guidelines not to drive the costs up.

TAPE 57, SIDE A

016 Walter McDonald, Internist: Speaks to SB 757 and in support of practice guidelines; when carefully done.

053 Sen. Cohen: Could you define what you mean by "big ticket item"?

059 McDonald: Responds. Continues with testimony.

093 Sen. Cohen: There are two pieces; one you shall not do more than "x", but the other is to hold the quality up.

100 Sen. Hamby: I see it almost as an excepted protocol; sort of a consensus on the approach to the prioritized list.

106 Sen. Smith: Is there anything in the Oregon Health Plan that says if the doctor exceeded the guidelines it would be on someone else's nickel?

109 Chair Shoemaker: Not currently.

110 Sen. Smith: That is where we are going though?

112 Chair Shoemaker: Yes.

118 Scott Gallant, Oregon Medical Association: Reviews amendments, Exhibit G to the SB 757-1 amendments, Exhibit F.

151 Sen. Cohen: If I were redrafting this paragraph I would want some directive to the Commission that they actually do some geographic

community polling.

173 Sen. Hamby: Requests clarification of the term "community".

177 Sen. Cohen: I would say "the Commission shall actively solicit testimony and community based information from the medical community and the public to build a consensus".

179 Sen. Hamby: We would accept the notion that there are community standards that may differ from community to community?

180 Sen. Cohen: We need to look to find out. We might find that there are important outcomes that are better in one community than the other.

186 Sen. Hamby: You are speaking about the larger medical community per se, rather than a town hall sort of meeting?

188 Sen. Cohen: Agrees. 190 Chair Shoemaker: Much of the information they are dealing with has been generated nationally. They are guidelines coming from professional

groups.

192 Sen. Cohen: I still think you need to look at some kind of outcomes that are justifiable. I want the guidelines to be based on some outcome performance in the end.

233 Sen. Hamby: I hope we didn't leave an impression that we would expect a different system/approach/protocol from all of the communities.

234 Greg Smith, Oregon Travelers Association: Speaks to the bill.

292 Sen. Hamby: How do we measure outcome?

311 Smith: Responds.

313 Sen. Hamby: Requests his thoughts on how the medical community can more accurately measure outcomes.

320 Smith: Responds.

337 Sen. Cohen: If all doctors are to practice appropriately by these books why do we have incredible differences in hysterectomies in one town

versus another town, etc.?

350 Sen. Hamby: That is what I was trying to get at.

360 Smith: Responds.

382 Sen. Cohen: I didn't want to close off the Health Services Commission's options to do what is needed to add on the kind of information we have

been talking about.

401 Smith: Responds.

406 Charles Williamson, Oregon Travelers Association: Responds.

TAPE 56, SIDE B

007 Sen. Smith: How do you feel about these eventually being used as a shield in tort litigation?

010 Williamson: Responds.

019 Ellen Pinney, Oregon Health Action Campaign: Speaks to the bills.

SB 766 RELATING TO HEALTH CARE

047 Nan Dewey, Oregon Life Underwriters Association/Oregon Association of Health Underwriters: Speaks in opposition to the bill.

050 Rick Rebel, Oregon Life Underwriters Association/Oregon Association of Health Underwriters: Speaks in opposition to the bill, Exhibit H.

Entered for the record testimony from Sandra Millius, Exhibit I and Jeff Davis, Exhibit J.

136 Barbara Coombs, Administrator: Reviews the SB 766-1 amendments, Exhibit K.

153 Chair Shoemaker: Explains reason behind the suggestions.

187 Dave Fiskum, Sisters of Providence: Speaks to the bill and distributes testimony from Mr. Lee, Exhibit L.

252 Scott Gallant, Oregon Medical Association: Speaks to the bill and the SB 766-1 amendments, Exhibit K.

303 Sen. Hamby: You feel strongly it should be legislators only and not the public at large? Refers to task forces held in the past that have had a successful mix of people.

321 Gallant: Responds.

361 Chair Shoemaker: I think a successful outcome would depend upon a consensus emerging from that group that includes the legislators. Don't we in effect have a legislatively driven committee even though they are a minority in number on that committee?

376 Gallant: Responds.

TAPE 57, SIDE B

005 Chair Shoemaker: Explains the bill's intent.

033 Brian DeLashmutt, Oregon Counseling Association/American Association for Marriage and Family Therapy: Speaks to the bill, Exhibit M.

076 Sen. Smith: Shouldn't all of those groups be represented to the Legislature?

082 DeLashmutt: Responds.

086 Chair Shoemaker: The Oregon Health Council membership was chosen specifically by the Governor with the task of recommending health policy to the Legislature. This would preempt their charge. Requests Barbara

Coombs review a list of the people.

097 Coombs: Reviews list.

115 DeLashmutt: Responds.

133 Jeff Heatherington, Member, Oregon Health Council: Discusses the composition of the Council.

159 Karl Humiston, American Association of Retired Persons: Speaks to the bill.

180 Ellen Pinney, Oregon Health Action Campaign: Speaks to the bill, Exhibit N and SB 766-1 amendments, Exhibit K.

WORK SESSION

329 General discussion by Committee Members of fundamental differences, approaches and suggestions regarding SB 766.

TAPE 58, SIDE A

025 Continues with general discussion by Committee Members of fundamental differences, approaches and suggestions regarding SB 766.

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200 Continues with general discussion by Committee Members of fundamental differences, approaches and suggestions regarding SB 766. Meeting

adjourned at 5:34 p.m.

Submitted by:

Reviewed by:

Joan Green
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - Fiscal impact statement on SB 757 - Staff - 2 pages B - Fiscal impact statement on SB 758 - Staff - 2 pages C - SB 758-1 amendments - Staff - 1 page D - SB 758-2 amendments - Staff - 2 pages E - Testimony on SB 758 - Fisher - 2 pages F - SB 757-1 amendments - Staff - 1 page G - Proposed amendment to SB 757 - Gallant - 1 page H - Testimony on SB 766 - Rebel - 4 pages I - Testimony on SB 766 - Millius - 1 page J - Testimony on SB - Davis - 1 page K - SB 766-1 amendments - Staff - 3 pages L - Testimony on SB 766 - Lee - 4 pages M - Testimony on SB 766 - DeLashmutt - 1 page N - Testimony on SB 766 - Pinney - 5 pages