

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

April 29, 1993      Hearing Room C 3:00 p.m.      Tapes 65 - 68

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    859 relating to declaration for mental  
health treatment, WS SB 580 relating to mental health services, WS SB  
864 relating to maternity care, PH/WS SB 766 relating to health care, WS  
SB 683 relating to cooperative programs for transplant services, WS SB  
756 relating to hospital cooperative programs, WS SB 798 relating to  
designation of pharmaceutical

agents in the practice of optometry, PH SB 988 relating to  
cardiopulmonary resuscitation,

PH/WS

WITNESSES:                Roger Auerbach, Governor's Office Bob Tibolt,  
Physician Sid Lezak, Mediator Mike Crew, Oregon Medical Association  
Scott Gallant, Oregon Medical Association Steve Telfer, Legacy Health  
Systems Joyce Bernheim, Oregon Association of Hospitals Tim Goldfarb,  
Oregon Health Sciences University Barry Kast, Office of Mental Health  
Services Bob Joondeph, Oregon Advocacy Center John McCulley, Oregon  
Psychiatric Association Lloyd Athehrn, Health Division Larry  
Blumenstein, Oregon EMS President's Council Randy Garner, Oregon EMS  
Presidents' Council/Oregon

Ambulance Association Brett Asmann, Office of Mental Health Services  
MaryAnn Curry, Governor's Maternity Access Commission Richard  
Lowenson, Governor's Maternity Access

Commission Nancy Sayan, Governor's Maternity Access Commission Tom  
Stewart, Healthy Mothers, Healthy Babies Eric Knutson, O.D., Oregon  
Board of Optometry John Hills, M.D. Charlie Radebaugh, O.D. Les Walls,  
O.D., M.D.

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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 65, SIDE A

006      Chair Shoemaker: Meeting called to order at 3:14 p.m.

WORK SESSION

SB 766 RELATING TO HEALTH CARE

028 Chair Shoemaker: Reviews the hand-engrossed amendments to SB 766 , Exhibit A.

045 Roger Auerbach, Governor's Office: Responds to the recommendation that the bill include the Oregon Health Council.

085 Sen. McCoy: Is there anything in writing that the Committee can see?

090 Auerbach: Responds. Continues with testimony on an integrated Commission.

121 Chair Shoemaker: The bill, as it has been revised provides that in its deliberations the Commission will give serious consideration to

implementation that include, but are not limited to the following . . .; and then it sets forth the particular aspects of the managed competition plan that we have talked about.

124 Auerbach: Responds.

132 Chair Shoemaker: Requests background on the Oregon Health Council. References ORS 442.035, Exhibit B.

134 Auerbach: Responds.

168 Sen. Smith: Reviews the business representation. The closest representative of small business is Pendleton Flour, which really is not a small business. The representation in this area is lacking.

182 Auerbach: Responds.

214 Chair Shoemaker: It is anticipated that this group would work through subcommittees and task forces allowing for people from different sectors to be brought in to work on those groups.

220 Auerbach: Responds. Continues with testimony.

231 Sen. Smith: Discusses the other proposal which would have 4 House members, 4 Senate members and 7 members of Oregon health care interests comprising the membership of this Committee. What would be your opinion on that approach and its workability? 242 Auerbach: Responds.

260 Sen. Smith: When you add the numbers that Senator Shoemaker is proposing from the Legislature do you create a group that is too big?

263 Auerbach: Responds.

PUBLIC HEARING

SB 864 RELATING TO MATERNITY CARE

296 MaryAnn Curry, Governor's Maternity Access Commission: Speaks in support of the bill, Exhibit C.

329 Richard Lowenson, Governor's Maternity Access Commission:  
Speaks in support of the bill, Exhibit C.

395 Nancy Sayan, Governor's Maternity Access Commission: Speaks in  
support of the bill, Exhibit C.

TAPE 66, SIDE A

035 Sen. Cohen: What currently is the annual income for the 185% of  
poverty in this State?

041 Lowenson: Responds.

049 Sayan: Continues with testimony, Exhibit C.

077 Chair Shoemaker: To create the framework doesn't cost any money,  
right?

082 Curry: Responds.

088 Tom Stewart, President, Healthy Mothers, Healthy Babies:  
Speaks in support of the bill, Exhibit C.

096 Sen. Cohen: Assuming we get the waiver and move ahead with the  
Oregon Health Plan wouldn't all of these folks be covered in some  
way? I

suppose those up to 185% would not.

099 Curry: Responds.

102 Sen. Cohen: I don't think the recommendations could be adopted  
until next session.

105 Curry: Responds.

112 Stewart: Continues with testimony in support of the bill,  
Exhibit C.

WORK SESSION

148 MOTION: SEN. HAMBY MOVED THAT THE SB 864-1 AMENDMENTS, EXHIBIT  
C, BE ADOPTED.

149 VOTE: HEARING NO OBJECTION, SO ORDERED.

151 MOTION: SEN. HAMBY MOVED SB 864, AS AMENDED TO THE FLOOR WITH  
A DO PASS RECOMMENDATION.

153 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. McCOY). SEN. HAMBY  
WILL LEAD THE FLOOR DISCUSSION.

SB 580 RELATING TO MENTAL HEALTH SERVICES

184 Brett Asmann, Office of Mental Health Services: Reviews the SB  
580 -4 amendments, Exhibit D.

309 Sen. Cohen: Are you talking about review of everyone or just  
emergency holds?

314 Asmann: Responds.

317 Dick Shoemaker, Administrator: Requests that Dr. Asmann touch on the discussions with the psychiatrists and how that proceeded?

323 Asmann: Responds. Continues with review of the amendments, Exhibit D.

329 Chair Shoemaker: That is seen on pgs. 25-26 of the amendments, Exhibit D?

334 Asmann: Responds. Continues with review of the amendments, Exhibit D.

366 Sen. Cohen: On pg. 26, ln. 14, Exhibit D, how would you feel about changing the "may" to "shall"? Explains request.

388 Asmann: Responds.

397 MOTION: SEN. COHEN MOVED THAT ON PAGE 26, LINE 14 OF THE SB 580 -4 AMENDMENTS, EXHIBIT D THE LANGUAGE READ "MAY" INSTEAD OF "SHALL".

425 VOTE: HEARING NO OBJECTION, SO ORDERED.

426 Asmann: Continues with review of the amendments, Exhibit D.

TAPE 65, SIDE B

008 Bob Joondeph, Oregon Advocacy Center: Concurs with proposed amendments, Exhibit D.

020 John McCulley, Oregon Psychiatric Association: Speaks to the Exhibit D amendments, Exhibit E. 041 Sen. Smith: Is there objection to Mr. McCulley's suggestion?

048 Asmann: Responds.

068 Barry Kast, Office of Mental Health Services: Responds to Mr. McCulley's suggestion.

092 MOTION: CHAIR SHOEMAKER MOVED THAT THE SB 580-4 AMENDMENTS, AS AMENDED BY SEN. COHEN'S AMENDMENT, BE ADOPTED.

100 VOTE: HEARING NO OBJECTION, SO ORDERED.

102 MOTION: CHAIR SHOEMAKER MOVED SB 580, AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

104 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. HAMBY). CHAIR SHOEMAKER WILL LEAD THE FLOOR DISCUSSION.

SB 859 RELATING TO DECLARATION FOR MENTAL HEALTH TREATMENT

113 Bob Joondeph, Oregon Advocacy Center: Speaks to SB 859-1 amendments, Exhibit F.

174 Sen. Smith: Where is the reference to mercy killing.

178 Joondeph: It would add ORS 127.570 on pg. 11, ln. 24 of the SB 859 -1 amendments, Exhibit F.

187 Sen. Smith: Would it make sense to add some language in addition to this stating that medication should not be given against medical advice where it might result in the deterioration of health?

192 Joondeph: Responds. Continues with review of amendments, Exhibit F. Refers to concern on the part of the Oregon Psychiatric Association,

Exhibit G.

269 Sen. Cohen: Where would that be in the amendments?

274 Joondeph: On pg. 4, 9 of the SB 859-1 amendments, Exhibit F.

309 Sen. Cohen: Refers to language proposed by the Psychiatric Association, Exhibit G about care and treatment. I think the amendments being

requested don't demand that you override the directive in any way. It just says you can provide care and treatment.

313 John McCulley, Oregon Psychiatric Association: Responds.

350 Chair Shoemaker: It would help if I had examples of the kind of situations that a psychiatrist would confront, notwithstanding a

direction that is contrary from the patient, given when the patient is competent.

365 McCulley: Responds.

378 Sen. Hamby: If I or my family is not continually kept aware of the advances in medical technology how can I update my form?

407 McCulley: Responds.

TAPE 66, SIDE B

011 Sen. Hamby: My concern identifies the potential limitation of "I consent to . . .".

012 Joondeph: Responds.

019 McCulley: Supports legislation with the exception of that one point.

024 Chair Shoemaker: Requests explanation of the first exception in 9 of the amendments, Exhibit F.

033 Joondeph: Responds.

052 MOTION: CHAIR SHOEMAKER MOVED THAT THE SB 859-1 AMENDMENTS, EXHIBIT F BE ADOPTED.

054 VOTE: HEARING NO OBJECTION, SO ORDERED.

SB 683 RELATING TO COOPERATIVE PROGRAMS FOR TRANSPLANT SERVICES/SB  
756 RELATING TO HOSPITAL COOPERATIVE PROGRAMS

064 Barbara Coombs, Administrator: Presents status report on SB 's  
683 and 756.

106 Tim Goldfarb, Oregon Health Sciences University: Speaks to the  
bill, Exhibit H.

220 Chair Shoemaker: I do not agree with your fundamental position  
that the public should not be concerned with capital expenditures in the  
hiring

of expensive professional personnel. That is the price you pay for  
state protection and we have to find a way to accomplish that without  
interfering with the reasonable conduct of the business of the  
cooperative.

242 Goldfarb: Responds.

247 Joyce Bernheim, Oregon Association of Hospitals: Speaks to the  
bill.

340 Chair Shoemaker: Would the original program approval and  
application include review and approval of the equipment to be  
purchased for the

program and for the specialist to be hired for the program? In other  
words would the description of the program include that kind of specific  
information and decisions?

352 Bernheim: Responds.

TAPE 67, SIDE A

025 Steve Telfer, Legacy Health Systems: Speaks to the bill.

050 Sen. Hamby: Help me understand your comfort level in  
deleting any recognition of any of the disadvantages? You are weighing  
benefits, but it appears that you refuse to look at what any of  
the resulting

disadvantages might be.

058 Bernheim: Responds.

075 Barbara Coombs, Administrator: "I have a question, because  
in my conversations with both participants it seems like there is a  
semantic

issue that comes up. I just wonder would the participants have  
difficulty with substituting in the beginning in 1 where you are  
talking about the goals or the benefits; asserting quite plainly that  
those are the State policy goals instead of benefits. Say these are  
the State

policy goals. And then when you are talking about, what you cited Joyce as specific policies on how a cooperative will operate if we called those "operational guidelines". Would the participants have difficulty with those words attached?"

087 Bernheim: Responds.

090 Telfer: Responds. Requests consistency.

100 Scott Gallant, Oregon Medical Association: Speaks to the bill and his concerns.

143 Mike Crew, Oregon Medical Association: Speaks to the bill.

175 Sen. Cohen: I'm concerned about the Health Council being the oversight authority.

Entered for the record proposed amendments from the Oregon Association of Hospitals and the Transplant Partners, Exhibit I.

#### PUBLIC HEARING

#### SB 798 RELATING TO DESIGNATION OF PHARMACEUTICAL AGENTS IN THE PRACTICE OF OPTOMETRY

219 Chair Shoemaker: Reviews the bill and his proposal.

246 Sid Lezak, Mediator: Speaks to the bill, Exhibit J.

308 Chair Shoemaker: It is inappropriate for the legislature to delegate that responsibility to the court?

312 Lezak: Responds.

395 Eric Knutson, O.D., Oregon Board of Optometry: Speaks to the bill.

#### TAPE 68, SIDE A

038 Charlie Radebaugh, O.D.: Speaks in support of the original bill.

051 Knutson: Reviews membership of the Board of Optometry.

069 Les Walls, O.D., M.D.: Speaks to the bill.

084 Sen. Smith: Refers to constituents' letters who support ophthalmologists. How should I, as a legislator, respond to these

constituents if I were to vote for the Board of Optometry?

103 Walls: Responds.

119 Chair Shoemaker: It seems that the mediation/arbitration process would be a way to assure that everything on the formulary is safe.

151 Bob Tibolt, Physician: Speaks in opposition to the bill, Exhibit M.

188 John Hills, M.D.: Speaks in opposition to the bill.

279 Sen. Smith: Refers to constituents' letters. Explains nature of district. How should I, as a legislator, respond to these constituents

if I were to vote against this bill?

314 Hills: Responds.

Testimony submitted by Dr. Traustason, Exhibit L.

SB 988 RELATING TO CARDIOPULMONARY RESUSCITATION

364 Randy Garner, Oregon EMS Presidents' Council/Oregon Ambulance Association: Speaks in support of the bill.

411 Larry Blumenstein, Oregon EMS President's Council: Speaks in support of the bill, Exhibit O.

467 Lloyd Athehrn, Health Division: Speaks in support of the bill.

Fiscal impact statement distributed, Exhibit N.

TAPE 67, SIDE B

WORK SESSION

030 MOTION: SEN. HAMBY MOVED SB 988 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

033 VOTE: MOTION CARRIED, 3-0. (EXCUSED: SEN. COHEN, SEN. McCOY).

Meeting adjourned at 6:15 p.m.

Submitted by: Reviewed by:

Joan Green  
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - Hand-engrossed amendments to SB 766 - Staff - 13 pages B - ORS 442.025 - Staff - 3 pages C - Testimony packet - Curry - 36 pages D - SB 580-4 amendments - Staff - 34 pages E - Testimony to SB 580 - McCulley - 1 page F - SB 859-1 amendments - Staff - 12 pages G - Testimony on SB 859 - McCulley - 1 page H - Testimony on SB 683 - Goldfarb/Sanger/VanPelt/ - 2 pages I - Proposed amendments to SB 683-1 - OAHTP - 16 pages J - Testimony on SB 798 - Lezak - 3 pages K - Letter - Staff - 2 pages L - Testimony on SB 798 - Traustason - 2 pages M - Testimony on SB 798 - Tibolt - 1 page N - Fiscal impact statement on SB 988 - Staff - 1 page O - Testimony on SB 988 - Blumenstein - 3 pages