

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

May 11, 1993 Hearing Room C 3:00 p.m. Tapes 77 - 79

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 925 relating to immunization registry for
children, PH/WS SB 555 relating to certain health coverage, PH SB 995
relating to investigations by district medical examiner, PH

WITNESSES: Frank McCullar, M.D., Oregon Preschool
Immunization Consortium and Health Systems in Collaboration Mike
McCracken, Oregon Medical Association Craig Urbani, Department of
Insurance and Finance Lloyd Ahearn, Department of Human Resources
Tricia Smith, District 17, Oregon State Senator Gail Stockstill, Home
Nursing Gloria Dunning, Citizen Marilyn Bacon, Oregon Dietetic
Association/Local ASPEN Alzina Conner, Oregon Crohn's Support Group Sara
Wright, M.D., Physician Alicia Perez, Citizen Danielle Dunning, Citizen
Dennis Dunning, Citizen Bob Albers, on behalf of Paul E. Hyman, M.D. and
Scott Tighe David Fidanque, Executive Director, American Civil

Liberties Union Ron Cease, District 10, Oregon State Senator Michael
Wilson, Citizen

Jim Carlson, Oregon Medical Association Mark Campbell, Oregon Christian
Scientists Pamela Hyde, Office of Medical Assistance Programs Brian
Lauer, M.D., Oregon Pediatric Society/Emmanuel

Hospital Judy Ladd, Deputy Administrator, Benton County Health
Department David Fleming, Oregon Health Division

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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
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TAPE 77, SIDE A

006 Chair Shoemaker: Meeting called to order at 3:17 p.m.

PUBLIC HEARING

SB 925 RELATING TO IMMUNIZATION REGISTRY FOR CHILDREN

015 Chair Shoemaker: Requests testimony be directed to the SB
925 -1 amendments, Exhibit D.

020 Frank McCullar, M.D., Oregon Preschool Immunization Consortium and Health Systems in Collaboration: Speaks in support of the bill, Exhibit C.

060 David Fleming, Oregon Health Division: Speaks in support of the bill, Exhibit B.

109 Chair Shoemaker: Are you requesting this go to Ways and Means?

110 Fleming: Responds.

114 Sen. Smith: Is there a pattern of failure to get immunizations based on income?

120 Fleming: Responds.

141 Sen. Hamby: Refers to testimony submitted, Exhibit C; it states that information could not be transferred from the registry system without

consent of the child, the parents, etc. Would this be a sealed public record?

161 McCullar: Responds.

163 Sen. Cohen: I don't mind making it available to providers, but I don't want the list to be available for purchase and solicitation.

169 Sen. Hamby: It is under the tracking and recall testimony on pg. 2, Exhibit C.

170 McCullar: Responds.

183 Chair Shoemaker: Could someone respond to Sen. Cohen's concern that this information not be distributed commercially.

185 McCullar: Responds.

197 Sen. Smith: Requests an amendment relating to religious exemptions.

203 Judy Ladd, Deputy Administrator, Benton County Health Department: Speaks in support of the bill, Exhibit A.

271 McCullar: Requests two amendments, Exhibit E. 324 Mark Campbell, Oregon Christian Scientists: Speaks to an amendment to the bill, Exhibit G.

335 Sen. Cohen: I think we need to use similar language that is already in statute.

338 Campbell: Responds.

353 Pamela Hyde, Office of Medical Assistance Programs: Speaks in support of the bill, Exhibit F.

TAPE 78, SIDE A

015 Brian Lauer, M.D., Oregon Pediatric Society/Emmanuel Hospital:

Speaks in support of the bill

073 Mike McCracken, Oregon Medical Association: Speaks in support of the bill.

107 David Fidanque, Executive Director, American Civil Liberties Union: Speaks to the bill, as amended by the SB 925-1 amendments, Exhibit D.

117 Chair Shoemaker: Would the registry and tracking system still work if a particular parent could insist upon confidentiality regarding their

child?

127 Fidanque: Responds.

WORK SESSION

145 Chair Shoemaker: Would like to move on amendments and then have a public hearing on strictly the confidentiality issue at a later date.

157 Sen. Cohen: Describes a domestic scenario and possible abuse of the system. I think we need to make sure that the information is provided

only for medical reasons and only to medical providers.

168 MOTION: CHAIR SHOEMAKER MOVED THE PROPOSED AMENDMENTS, EXHIBIT E BE ADOPTED.

178 VOTE: HEARING NO OBJECTION, SO ORDERED.

177 Chair Shoemaker: Reads proposal to protect religious sectors.

184 Barbara Coombs, Administrator: Explains intent of the amendment.

191 MOTION: CHAIR SHOEMAKER MOVED THE CONCEPTUAL AMENDMENT TO PROTECT RELIGIOUS SECTORS UNDER ORS 423.267 (1) BE ADOPTED.

193 Sen. Hamby: We need to check with Legislative Counsel to see if there is another subsection that speaks to the medical exemption as well. I

don't think I, as a parent to a child with a medical exemption on immunization, would want to be hassled either.

196 Coombs: That could be addressed by adding (b) and (c). 198 Chair Shoemaker: Revises motion to include those subsections.

210 VOTE: HEARING NO OBJECTION, SO ORDERED.

212 MOTION: CHAIR SHOEMAKER MOVED THE AMENDED SB 925-1 AMENDMENTS BE ADOPTED.

213 VOTE: HEARING NO OBJECTION, SO ORDERED.

PUBLIC HEARING

SB 555 RELATING TO CERTAIN HEALTH COVERAGE

235 Barbara Coombs, Administrator: Reviews the hand-engrossed amendment to tighten language, Exhibit H.

264 Chair Shoemaker: I would like to consider the bill in that context.

268 Tricia Smith, District 17, Oregon State Senator: Speaks in support of the bill, as amended by Exhibit H.

333 Gloria Dunning, Citizen: Speaks in support of the bill, Exhibit I.

TAPE 77, SIDE B

046 Danielle Dunning, Citizen: Speaks in support of the bill.

068 Gail Stockstill, Home Nursing: Speaks in support of the bill, Exhibit J.

092 Marilyn Bacon, Oregon Dietetic Association/Local ASPEN: Speaks in support of the bill, Exhibit K.

093 Chair Shoemaker: Clarifies the intent of the amendments; to limit this to those for whom the formula is medically necessary for treatment of

severe malabsorption and the physician has issued a written order that the formula comprises the sole or an essential source of nutrition.

095 Bacon: Responds.

103 Chair Shoemaker: Wouldn't you think the amendment would include that?

105 Bacon: Responds.

111 Coombs: Clarifies Ms. Bacon's response.

128 Chair Shoemaker: I would hesitate to extend the bill to that extent.

129 Bacon: Responds.

138 Chair Shoemaker: Notes for the record that three hands were raised by people from the Dietary Society who support the bill.

139 Sen. Smith: The circumstances raised and explained to us by Barbara would be covered by medical policies; because the kinds of things

described could really only be performed in a hospital, correct?

145 Coombs: Responds.

147 Chair Shoemaker: The expense is not significant once the tube is in place.

151 Sen. Smith: Is the testimony that insurance companies will not cover that?

153 Chair Shoemaker: I guess it is, but the question is why should they, it is just food and we all buy our own food.

155 Bacon: Responds.

161 Alzina Conner, Oregon Crohn's Support Group: Responds. Speaks in support of the bill, Exhibit L.

206 Chair Shoemaker: Refers to petitions that the members have been handed.

237 Sara Wright, M.D., Physicians: Speaks in support of the bill, Exhibit M.

310 Dennis Dunning, Citizen: Speaks in support of the bill, Exhibit N.

368 Alicia Perez, Citizen: Speaks in support of the bill, Exhibit O.

TAPE 78, SIDE B

024 Bob Albers, on behalf of Paul E. Hyman, M.D. and Scott Tighe: Speaks in support of the bill and submits letters on their behalf, Exhibits P and Q.

083 Coombs: Staff has looked at alternative methods to get to the heart of the problem without passing an insurance mandate. Describes strategies

that have been addressed with Mr. Urbani.

079 Craig Urbani, Department of Insurance and Finance: "Making it a prescription drug would not require that it be covered under an

insurance contract. An insurer could still write a prescription drug benefit that would specifically exclude this particular drug. The term

ancillary service is a term that is primarily used in Medicaid benefits and would have no application in an insurance policy and it still could be excluded."

103 Coombs: Is there any way to cover this without an insurance mandate?

106 Urbani: Responds. Takes no position on the bill.

SB 995 RELATING TO INVESTIGATIONS BY DISTRICT MEDICAL EXAMINER 132
Ron Cease, District 10, Oregon State Senator: Speaks to the bill.

183 Michael Wilson, Citizen: Speaks in support of the bill, Exhibit R.

278 Sen. Smith: What do we do with the information after we collect it?

286 Cease: Responds.

349 Sen. Smith: I assume what we are saying is this would be done under the auspice of the State by the Board of Medical Examiners; and whatever

information found would be a matter of public record?

351 Cease: Responds.

391 Jim Carlson, Oregon Medical Association: Speaks in opposition to the bill.

TAPE 79, SIDE A

020 Carlson: Continues with testimony.

055 Sen. Hamby: What happens when a family orders an autopsy and it is discovered that bad medical care was delivered?

065 Carlson: Responds.

067 Sen. Hamby: What are the chances that the autopsy would show an error in the medical care provided?

073 Carlson: Responds.

087 Lloyd Athearn, Department of Human Resources: Speaks to the fiscal aspects of the bill. Takes no position on the bill.

117 Sen. Smith: What internal disciplines are there among hospitals that would initiate an investigation from a routine visit that results in

death?

125 Carlson: Responds.

151 Sen. Smith: Discusses how it relates to all of the entities and the mechanisms built into the current system. How would those processes be

affected by a public disclosure law, as proposed in SB 449

164 Carlson: Responds.

182 Dick Shoemaker, Administrator: Advises Committee of the additional layer outside of the peer review system that is currently available.

190 Sen. Smith: As a matter of course? 192 Shoemaker: Responds.

199 Sen. Smith: I would hope that when somebody dies under these circumstances that it would cause somebody to go to the Board to trigger an investigation.

204 Shoemaker: Responds. When are medical examiners called upon to carry out an autopsy?

214 Athearn: Responds.

222 Coombs: I wouldn't think the majority of investigations would require an autopsy.

231 Sen. Cohen: I'm not sure that it is the protocol of the Medical Examiner to investigate.

233 Coombs: Under the bill they would.

238 Sen. Cohen: You would be setting up a whole different set of responsibilities.

247 Carlson: Responds.

Meeting adjourned at 5:28 p.m.

Submitted by:

Reviewed by:

Joan Green
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - Testimony on SB 925 - Ladd - 2 pages B - Testimony on SB 925 - Fleming - 3 pages C - Testimony on SB 925 - McCullar - 3 pages D - SB 925-1 amendments - Staff - 4 pages E - Proposed amendments to SB 925 - McCullar - 1 page F - Testimony on SB 925 - Hyde - 2 pages G - Testimony on SB 925 - Campbell - 1# page H - Proposed amendment to SB 555 - Coombs - 1 page I - Testimony to SB 555 - Dunning - 3 pages J - Testimony on SB 555 - Stockstill - 1 page K - Testimony on SB 555 - Bacon - 2 pages L - Testimony on SB 555 - Conner - 1 page M - Testimony on SB 555 - Wright - 1 page N - Testimony on SB 555 - D. Dunning - 18 pages O - Testimony on SB 555 - Perez - 1 page P - Letter on SB 555 - Tighe - 1 page Q - Letter on SB 555 - Hyman - 1 page R - Testimony on SB 995 - Wilson - 12 pages