

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

May 18, 1993            Hearing Room C 3:00 p.m.    Tapes 85 - 86

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 555 relating to certain health coverage, WS SB  
925 relating to immunization registry for children, WS SB 1063 relating  
to lay midwifery, WS SB 765 relating to health care; declaring  
an

emergency, PH/WS

WITNESSES:                    Ellen Pinney, Oregon Health Action Campaign] Jim  
Carlson, Oregon Medical Association Hersh Crawford, Office Medical  
Assistance Programs David Collins, M.D., Citizen Lee Hazelwood,  
Governor's Commission on Senior

Services Brad Buvinger, Oregon Fair Share Amy Klare, AFL-CIO Rich  
Peppers, Oregon Public Employees Union

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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 85, SIDE A

006    Chair Shoemaker: Meeting called to order at 3:26 p.m.

WORK SESSION

SB 555 RELATING TO CERTAIN HEALTH COVERAGE

013    Barbara Coombs, Administrator: Reviews the SB 555-2 amendments,  
Exhibit A. The purpose of the amendment is to narrow the scope of the  
bill.

032            MOTION: SEN. COHEN MOVED SB 555-2 AMENDMENTS, EXHIBIT A.

033            VOTE: HEARING NO OBJECTION, SO ORDERED.

033 MOTION: SEN. COHEN MOVED SB 555, AS AMENDED, TO THE FLOOR WITH  
A DO PASS RECOMMENDATION.

037    Chair Shoemaker: For the record: "In lines 9-10 it has,  
as a condition, that the formula comprises the sole source or an  
essential

source of nutrition. I had a concern that it might be argued that if the patient could be kept alive on tube feeding of some sort, even if at a greater expense, the formula would not in that situation be the sole source or an essential source of nutrition because there was another way to keep that patient alive. Barbara, I believe you have an explanation . . .".

052 Coombs: "I think that it refers back to the language in reference to severe intestinal malabsorption; that's the underlying condition that makes this enteral formula required. So there may be a variety of conditions for which someone might have a tube feeding, but if they don't have the underlying condition of malabsorption then they wouldn't require this particular kind of elemental enteral formula which is essentially a molecular formulation. I think that would exclude the situation that you are talking about."

056 Chair Shoemaker: If a person had intestinal malabsorption no other kind of feeding would do the job?

062 Coombs: No other kind of feeding would present the nutrients in a simple enough form to be absorbed by the intestinal tract.

064 Dick Shoemaker, Administrator: In the short term intravenous (IV) feeding could suffice, but IV feedings would not be adequate for long-term feeding.

069 Chair Shoemaker: Malabsorption would prevent food in the stomach from being utilized, correct?

073 Concurrence by Coombs and Sen. Hamby.

078 VOTE: MOTION CARRIED, 4-0. (EXCUSED: SEN. McCOY).

#### SB 925 RELATING TO IMMUNIZATION REGISTRY FOR CHILDREN

080 Barbara Coombs, Administrator: Refers to the SB 925-2 amendments, Exhibit B and amended SB 925-2 amendments, which reflect some

hand-engrossing, Exhibit C. The SB 925-2, as amended, would answer Sen. Cohen's concerns about protecting against commercial use of the list; Sen. Smith's concerns about exempting people who are otherwise exempt for religious beliefs; and Sen. Hamby's concerns about exemptions for medical reasons. The concern about protecting the tracking and recall system from potential abuse by a non-custodial parent or abusive

situation is addressed in the typewritten language at the bottom of pg. 4 of the amended SB 925-2 amendments, Exhibit C.

126 Sen. Hamby: Is this still in our public records law?

128 Coombs: Because of the additional language on pg. 4, ln. 25, Exhibit C it's confidential and cannot be exposed to any person who is not

specifically authorized to receive information under this Act. It would be another exemption to the public records law as I understand it. 141 Chair Shoemaker: If you each feel your concerns have been met we are ready to move the bill.

145 Coombs: The Health Division on pg. 3, ln. 11, Exhibit C would like to add after "record" language saying "and immunization tracking and recall record" to allow the provider access to this record and subsequently the address.

154 Chair Shoemaker: Would ". . . from the immunization, tracking and recall records . . ." suffice?

157 Coombs: Concur.

159 Sen. Smith: Is 7 of the amended SB 925-2, Exhibit C the religious exemption?

160 Coombs: Concur.

162 MOTION: CHAIR SHOEMAKER MOVED THE CONCEPTUAL AMENDMENT TO HAVE PAGE 3, LINE 11, EXHIBIT C TO READ ". . . FROM THE IMMUNIZATION, TRACKING AND RECALL RECORDS . . ."

172 VOTE: HEARING NO OBJECTION, SO ORDERED.

173 MOTION: CHAIR SHOEMAKER MOVED THE AMENDED SB 925-2 AMENDMENTS, EXHIBIT C BE ADOPTED.

174 VOTE: HEARING NO OBJECTION, SO ORDERED.

174 Sen. Hamby: Would there be closure on how long a child's name stays on the registry? Is it really necessary to keep them on the registry until age 25?

178 Sen. Cohen: Relates personal story about her son, who at age 29, needed to contact his pediatrician for his records. This is necessary.

197 Sen. Hamby: Why can't a printout be offered by the Health Division at a certain age and automatically sent to the child or family; purging the

name from the registry? I'm concerned about carrying a registry of names for that extended period of time.

225 Chair Shoemaker: Determines to hold the bill over to Thursday and work on that issue.

SB 1063 RELATING TO LAY MIDWIFERY

242 Barbara Coombs, Administrator: The committee has adopted the SB 106 3-1 amendments. Distributes the SB 1063-2 amendments, Exhibit D and SB

1063-3 amendments, Exhibit E. Reviews the SB 1063-3 amendments section by section, Exhibit E.

305 Sen. Smith: Requests the Oregon Medical Association speak to this issue.

313 Jim Carlson, Oregon Medical Association: Expresses concerns about bringing in some people solely for the purposes of receiving

reimbursement and not setting up any standards, qualifications and other requirements across the board for this profession. In the absence of a broader regulatory framework we are in opposition to the bill.

378 MOTION: CHAIR SHOEMAKER MOVED TO WITHDRAW THE SB 1063-1 AMENDMENTS WHICH WERE ADOPTED AT THE MAY 13, 1993 HEARING.

380 VOTE: HEARING NO OBJECTION, SO ORDERED.

384 MOTION: CHAIR SHOEMAKER MOVED THE SB 1063-3 AMENDMENTS, EXHIBIT 3 AND MOVED LINES 1-3 OF PAGE 1 OF THE SB 1063-2 AMENDMENTS, EXHIBIT D TO REPLACE LINES 1-2 OF PAGE 1 OF THE SB 1063-3 AMENDMENTS, EXHIBIT

E.

390 VOTE: HEARING NO OBJECTION, SO ORDERED.

TAPE 86, SIDE A

009 Sen. Cohen: Refers to pg. 6, 10, Exhibit E and the number of layers of midwifery. I count five layers and I am concerned about that.

015 Coombs: Responds.

020 Sen. Cohen: That is different than those certified by Oregon Midwifery, but Oregon Medical Assistance Program (OMAP) would grandfather these

people in.

022 Coombs: It is the Board which would be granting the grandfather clause.

025 Sen. Cohen: OMAP is paying them regardless of whether they are under the Board of Naturopathy or not.

033 Coombs: I don't think that is the intent.

035 Sen. Cohen and Chair Shoemaker concur that is what is said.

038 Coombs: Reads pg. 6, ln. 12, Exhibit E, ". . . may be licensed without examination . . ." by the Board of Naturopathy. When you first

start

you need to define who is already in. If they are currently certified by this private entity they would be grandfathered in and would not be required to take an examination by the Board of Naturopathy, but from that time forward they would be under the Board's jurisdiction.

050 Chair Shoemaker: Would you like to delete the grandfather clause, Sen. Cohen?

053 Sen. Cohen: No I'm not sure what I want to delete, I'm just exercising personal privilege in raising my concern.

057 Hersh Crawford, Office Medical Assistance Programs: We have proposed a change to 10 of SB 1063-3 amendments, Exhibit E to narrow the clause

licensing someone without examination.

069 Sen. Cohen: What are you doing about the Nurse Practitioner midwives, are they not being grandfathered in for payment from OMAP? Doesn't that need to be done?

072 Crawford: We are already reimbursing Nurse Practitioner midwives.

075 Sen. Smith: Reiterates Sen. Cohen's concerns and the layers. Admits to prejudice because of exposure to an obstetrician/gynecologist who has

dealt with the consequences of these layers. I'm in agreement with the OMA's stance.

088 Chair Shoemaker: This bill permits us to meet a need that the State has to poor women to have access to direct entry midwives at a reduced

reimbursement rate for prenatal and obstetrical care. I have heard nothing to indicate that is not good policy.

133 MOTION: CHAIR SHOEMAKER MOVED SB 1063 AS AMENDED TO THE FLOOR WITH A DO PASS RECOMMENDATION.

145 VOTE: MOTION CARRIED, 3-1. VOTING NO: SEN. SMITH. (EXCUSED: SEN. HAMBY).

PUBLIC HEARING

SB 765 RELATING TO HEALTH CARE; DECLARING AN EMERGENCY

157 Chair Shoemaker: Ellen Pinney, Oregon Health Action Campaign, is unable to attend today, but wishes the record to indicate her support for the

bill.

162 Amy Klare, AFL-CIO: Speaks in support of bill, Exhibit F.

199 Rich Peppers, Oregon Public Employees Union: Speaks in support of the bill.

210 Lee Hazelwood, Governor's Commission on Senior Services: Speaks in support of the bill, Exhibit G.

220 David Collins, M.D., Citizen: Speaks in opposition to the bill.

306 Sen. McCoy: Where in Canada are you referring to?

317 Collins: Responds.

333 Sen. McCoy: I don't see barriers being set up, but there can be an oversupply.

341 Collins: Responds.

344 Sen. Smith: Concurs with the witnesses concerns.

359 Brad Buvinger, Oregon Fair Share: Speaks in opposition to the bill, Exhibit H.

WORK SESSION

413 MOTION: CHAIR SHOEMAKER MOVED THE RELATING CLAUSE BE AMENDED TO READ "RELATING TO CERTIFICATES OF NEED; CREATING NEW PROVISIONS; . . ."

414 VOTE: HEARING NO OBJECTIONS, SO ORDERED.

416 MOTION: CHAIR SHOEMAKER MOVED SB 765, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

418 VOTE: MOTION CARRIED: 3-1. VOTING NO: SEN. SMITH. (EXCUSED: SEN. HAMBY).

Meeting adjourned at 4:24 p.m.

Submitted by:

Reviewed by:

Joan Green  
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - SB 555-2 amendments - Staff - 1 page B - SB 925-2 amendments - Staff - 4 pages C - Amended SB 925-2 amendments - Staff - 4 pages D - SB 1063-2 amendments - Staff - 6 pages E - SB 1063-3 amendments - Staff - 6 pages F - Testimony on SB 765 - Klare - 3 pages G - Testimony on SB 765 - Hazelwood - 1 page H - Testimony on SB 765 - Buvinger - 2 pages