

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

June 15, 1993 Hearing Room C 3:00 p.m. Tapes 101 - 102

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: HB 2998-A relating to special education, WS HB 2332
relating to the financial administration of

moneys collected by the State Board of Barbers and

Hairdressers; appropriating money, PH/WS

WITNESSES: Rocky King, Insurance Pool Governing Board Jim
Green, Oregon School Boards Association Brian DeLashmutt, Oregon Nurses
Association Bruce Bishop, Kaiser Permanente Carolyn Oakley, District
36, Oregon State

Representative Susan Wilson, Health Division Licensing Board of

Barbers and Hairdressers

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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 101, SIDE A

006 Chair Shoemaker: Meeting called to order at 3:36 p.m.

PUBLIC HEARING

HB 2332 RELATING TO THE FINANCIAL ADMINISTRATION OF MONEYS COLLECTED BY
THE STATE BOARD OF BARBERS AND HAIRDRESSERS; APPROPRIATING MONEY

013 Susan Wilson, Health Division Licensing Board of Barbers
and Hairdressers: Speaks in support of the bill, Exhibit A.

034 Chair Shoemaker: Why are these people high risk?

039 Rocky King, Insurance Pool Governing Board: Responds.

048 Wilson: Continues with testimony, Exhibit A.

055 Sen. Cohen: Maybe if we organized this way we wouldn't need the
health plan.

058 King: Speaks in support of the bill.

122 Chair Shoemaker: Would the trust be set up through the Department of Insurance and Finance (DIF) and adhere to SB 1076, the mandates, etc.?

Would the same kind of scrutiny that govern Multiple Employer Welfare Arrangements (MEWA) be used here?

127 King: Responds.

139 Chair Shoemaker: This group would not be subject to the mandates?

147 King: Responds.

152 Chair Shoemaker: This isn't a \$53.33 program is it?

155 King: Responds.

157 Chair Shoemaker: You could approach employers free of the mandates and free of the substantial similarity requirement; giving you free rein to construct a program not fettered by the rules everyone else is subject

to, correct?

162 King: Responds.

166 Chair Shoemaker: The bill has two pieces to it: 1) \$50,000 to be used to develop the program, and 2) \$300,000 to implement the program,

correct?

170 King: Concurr.

171 Chair Shoemaker: Once the program is developed there is no further review or approval required outside of the Insurance Pool Governing

Board?

173 King: Responds.

181 Chair Shoemaker: From a policy standpoint, why should this group be favored by being exempted from the rules that govern others?

188 King: Responds.

189 Chair Shoemaker: They can come in individually and buy any of the policies available from the Insurance Pool Governing Program?

190 King: Responds.

203 Sen. Cohen: The Board of Hairdressers, which is governed by its members, could make assessments giving them an ability to add to the

\$300,000. If we semi-privatized this Board they would not have to come back to Ways and Means for a budget assessment.

WORK SESSION

HB 2998-A RELATING TO SPECIAL EDUCATION

220 Carolyn Oakley, District 36, Oregon State Representative:
Speaks in support of the bill.

241 Chair Shoemaker: It makes the health assessment permissive rather than mandated?

247 Oakley: Responds.

253 Chair Shoemaker: Concern has been expressed by the Nurses regarding the multi-disciplinary teams which advise the school administration or

board. There is no requirement that the multi-disciplinary team include any medical professionals. They see that as a potential problem because decisions could be made without medical input. Do you have any comment regarding that?

258 Oakley: Responds.

262 Chair Shoemaker: Did you find this to affect a cost savings?

265 Oakley: Responds.

267 Chair Shoemaker: Throughout the state?

270 Oakley: Responds.

272 Chair Shoemaker: If we were to adopt the HB 2998-A5 amendment what would be the response of your Committee?

279 Oakley: If it was the best we could get we would take it. We would prefer it as it left the House. Anytime we can soften or eliminate a

mandate we would like to do so.

285 Sen. Cohen: Cites local suit in her district. How could you make certain kinds of judgement without some medical assessment?

302 Oakley: Responds.

304 Sen. Cohen: How would they know if it is not based on medical fact?

311 Oakley: Responds.

314 Sen. Cohen: My concern would be as a potential school board person.

321 Sen. Smith: Would a "reasonable standard of care" apply to

schools who undertake this.

339 Sen. Hamby: The problem is Public Law 94.142.

342 Sen. Smith: Why were they successfully sued?

344 Sen. Cohen: Discusses basis of the suit.

350 Sen. Smith: If they undertake to provide this then certain standards of care must be provided.

359 Chair Shoemaker: What does federal law require?

363 Sen. Hamby: It requires "offering" special education. I don't know what is required of the medical exam or assessment.

369 Oakley: Responds.

HB 2332 RELATING TO THE FINANCIAL ADMINISTRATION OF MONEYS COLLECTED BY THE STATE BOARD OF BARBERS AND HAIRDRESSERS; APPROPRIATING MONEY

389 Chair Shoemaker: I'm hesitant because of the freedom that this gives to a select few; that no others enjoy. I need to think about it.

394 Bruce Bishop, Kaiser Permanente: Speaks in support of the bill.

402 Chair Shoemaker: Do you think that view would be generally held by others in the health care delivery system?

404 Bishop: Responds.

407 Sen. Cohen: I would be in favor of the bill. I think we need to be innovative and try things.

417 MOTION: SEN. COHEN MOVED HB 2332 TO THE FLOOR WITH A DO PASS RECOMMENDATION.

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

TAPE 102, SIDE A

HB 2998-A RELATING TO SPECIAL EDUCATION

024 Brian DeLashmutt, Oregon Nurses Association: Discusses history of HB 2998. We would strongly oppose the bill, as it now stands. Speaks in

support of the amendments, Exhibit B.

060 Sen. Smith: If we do what you are suggesting will it die on the House side?

065 DeLashmutt: Responds.

082 Chair Shoemaker: I'm having a problem in moving backward from permissive to mandatory.

083 DeLashmutt: Responds.

101 Chair Shoemaker: From a self-interest standpoint it is a great bill for nurses.

103 DeLashmutt: Responds.

113 Chair Shoemaker: What would happen if you returned to the language of the present law "made on the advice of qualified educational and medical authorities", but let it be permissive?

117 DeLashmutt: Responds.

124 Sen. Hamby: Is it your understanding that a health assessment or medical exam is not mandated by 94.142?

128 Jim Green, Oregon School Boards Association: Responds.

144 Chair Shoemaker: What is your view on the bill?

147 Green: Responds.

155 Chair Shoemaker: Why would the school districts favor a mandatory system over a permissive system?

158 Green: Responds.

172 Chair Shoemaker: Requests that Mr. DeLashmutt find out if moving back to the requirement that there be qualified educational/medical

authorities advising the school administration on the necessity of a health assessment might be the way to go.

180 DeLashmutt: What are we talking about as far as medical authorities?

184 Chair Shoemaker: Present law requires that. I don't have a definition.

185 DeLashmutt: That does not solve the problem as far as nurse practitioners or physician assistants.

187 Chair Shoemaker: We would stay with that. If a health assessment were decided upon it could be done either by doctors or nurses.

193 Chair Shoemaker: I would be open to enlarging on what medical authorities would be.

199 Green: Are you suggesting that on ln. 7 of the HB 2998-A5 amendments, Exhibit B, "shall" would be changed to "may"?

201 Chair Shoemaker: I would return to the A-engrossed version of the bill and on lns. 7-8 delete "multi-disciplinary team" and reinsert "qualified educational and medical authorities".

209 Sen. Cohen: That language would still include a medical examination? 210 Chair Shoemaker: On ln. 18 of the A-engrossed bill after "assessment" we need to insert a ",".

218 General concurrence from Committee.

222 Shoemaker: How would medical authorities give advice without a medical assessment?

227 Chair Shoemaker: It would be based upon what the particular needs of the child are.

228 Shoemaker: Maybe Mr. DeLashmutt could give us an example of what a medical assessment would involve in a case where the student had very

up-to-date medical records, and what a nurse practitioner might do in that case under the dash A5 amendment.

230 DeLashmutt: Responds.

246 Shoemaker: Isn't it duplicative to give a child a full medical workup if they have a current one?

254 DeLashmutt: Responds.

256 Shoemaker: If it was mandatory that a medical assessment be made they would not have to start from the ground up, but could rely on already

available medical records?

260 DeLashmutt: Responds.

264 Green: Responds.

271 Barbara Coombs, Administrator: I asked if the school board currently has the ability to waive a medical examination in cases where the person is under close supervision by a medical care person and the answer was

no. This is an eligibility for the program. I asked what the difference between a medical examination and a health assessment was and there is basically no difference. It is basically a terminology issue.

285 Sen. Cohen: With the dash A5 amendments, Exhibit B, we have an ability to waive?

290 Chair Shoemaker: Only for speech defects, learning problems or mild behavioral problems.

298 Chair Shoemaker: I would like to approach the bill on what is best for the school and the children, in as cost effective manner as possible.

328 Green: I would say the dash A5 amendments, Exhibit B, are the best for both.

352 Sen. Cohen: I would like the dash A5 amendments, Exhibit B, amended further to clarify that a recent medical examination/assessment could be used as a grounds for waiver.

356 Shoemaker: Is the school board paying any kind of fee-for-service

for a work-up by a salaried school nurse?

364 Green: Responds.

373 Chair Shoemaker: Are there places where there would be a fee-for-service?

377 Green: Responds.

385 Chair Shoemaker: If there is a recent health assessment would waiving it be an adequate resolution for the school, both fiscally and for the

kids?

390 Green: Conkurs.

394 Coombs: Would the fiscal impact increase if it were mandated?

403 Green: Responds.

TAPE 101, SIDE B

012 MOTION: SEN. COHEN MOVED TO AMEND THE HB 2998-A5 AMENDMENTS, EXHIBIT B, LINE 10, TO READ "THE DISTRICT SCHOOL BOARD MAY WAIVE A MEDICAL

EXAMINATION OR A HEALTH ASSESSMENT BECAUSE OF SPEECH DEFECT, LEARNING PROBLEMS, MILD BEHAVIORAL PROBLEMS OR RECENT MEDICAL EXAMINATION OR

HEALTH ASSESSMENT".

035 VOTE: HEARING NO OBJECTION, SO ORDERED.

038 MOTION: SEN. COHEN MOVED THAT THE HB 2998-A5 AMENDMENTS, EXHIBIT B, BE ADOPTED.

039 VOTE: HEARING NO OBJECTION, SO ORDERED.

040 MOTION: SEN. COHEN MOVED HB 2998-A, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

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

Meeting adjourned at 4:34 p.m.

Submitted by:

Reviewed by:

Joan Green
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - Testimony on HB 2332 - Wilson - 2 pages B - HB 2998-A5 amendments
- Staff - 2 pages