

SENATE COMMITTEE ON HEALTH CARE AND BIO-ETHICS

June 22, 1993 Hearing Room C 3:00 p.m. Tapes 105 - 106

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 2135 relating to optometry, PH/WS HB 2315
relating to the Oregon Board of Optometry, PH HB 3472 relating to
generic drugs, WS

WITNESSES: David Plunkett, Board of Optometry Dennis
Pearson, Optometrist Dell Isham, Opticians Association of Oregon Chuck
Gress, Oregon State Pharmacists Association Jim Gardner, Pharmaceutical
Manufacturers Association

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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 105, SIDE A

006 Chair Shoemaker: Meeting called to order at 3:24 p.m.

WORK SESSION

HB 3472 RELATING TO GENERIC DRUGS

027 Jim Gardner, Pharmaceutical Manufacturers Association: On ln. 23
of the HB 3472-A4 amendments we would request that the words "by
regulation" be deleted.

028 Chuck Gress, Oregon State Pharmacies Association: Concurrs
with the amendments, as revised.

037 Barbara Coombs, Administrator: Could you delineate the methods by
which the Food and Drug Administration (FDA) makes these determinations.

039 Gardner: "When the FDA reviews an ANDA it makes an evaluation
as to whether the product is therapeutically equivalent to the listed
product. The specific criteria used by the FDA in this evaluation are
set forth

in the introduction to the FDA publication Approved Drug Products with
Therapeutic Equivalents Evaluations. While FDA has the authority to
adopt regulatory criteria for therapeutic equivalence evaluations it has

chosen often to state these criteria informally and to make the evaluation as a part of the approval process for individual products; in a sort of case by case determination fashion. The evaluations made by FDA are thus not always codified in the Code of Federal Registry (CFR) and this quote "code of federal regulations". And this simply broadens that language so that it encompasses the various ways in which FDA can act."

051 Gress: "If I might add to that. In relation to that language that Jim has just mentioned there is a national compendia which is called the

Orange Book which is a compendia that's published by the FDA which lists therapeutically equivalent drugs. It is a common bible used in practicing pharmacies and in pharmaceuticals; and with that the pharmacists, that when dispensing, references most commonly the Orange Book in the event that the pharmacist wants to find a therapeutically equivalent drug."

058 MOTION: CHAIR SHOEMAKER MOVED THAT ON LN. 23 OF THE HB 347 2-A4 AMENDMENTS THE WORDS "BY REGULATION" BE DELETED.

064 VOTE: HEARING NO OBJECTION, SO ORDERED.

065 MOTION: CHAIR SHOEMAKER MOVED THAT THE HB 3472-4 AMENDMENTS, AS AMENDED, BE ADOPTED.

066 VOTE: HEARING NO OBJECTION, SO ORDERED.

067 MOTION: CHAIR SHOEMAKER MOVED HB 3472-A, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

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

069 Sen. Cohen: Reserves the right to change her vote on the floor.

PUBLIC HEARING

HB 2135 RELATING TO OPTOMETRY

077 David Plunkett, Board of Optometry: Speaks in support of the bill. Distributes testimony from Dr. Knutson, Exhibit A.

125 Chair Shoemaker: What is the standard expiration date of a prescription?

133 Dennis Pearson, Optometrist: Responds. Speaks in support of the bill.

155 Chair Shoemaker: What is the need for an expiration date

for prescriptions? Would this apply to eyeglasses, as well as contacts?

170 Pearson: Responds.

190 Chair Shoemaker: Why do you need it at all? Can't a patient tell when there is a change in vision? Relates personal eye history.

198 Pearson: Responds.

247 Chair Shoemaker: How can requiring a prescription expiration date on glasses be in the public interest?

254 Pearson: Responds.

261 Chair Shoemaker: Can you tell, based on an examination of myopia, the rate of change that is occurring in a patient's eye?

262 Pearson: Responds.

282 Sen. Hamby: Why do we need the expiration date in law? Why wouldn't your counsel to the patient be equally effective?

289 Pearson: Responds.

330 Sen. Cohen: Relates experience that occurred in her family. What would happen in that situation?

346 Pearson: Responds.

352 Sen. Cohen: I would rather see this done by rule instead of statute.

368 Dell Isham, Opticians Association of Oregon: Speaks to the bill. Distributes handout, Exhibit B.

397 Chair Shoemaker: Reads (3), lns. 13-16 of the A-engrossed bill. Does that not say what I think it does?

399 Isham: Responds. Continues with testimony.

TAPE 106, SIDE A

012 Chair Shoemaker: Why is "examinations" plural?

015 Pearson: Responds.

041 Chair Shoemaker: I would think if it takes more than one examination it is encompassed within the words "necessary visual examination".

042 Plunkett: Responds.

058 Barbara Coombs, Administrator: Could you clarify how that works, if it takes more than one examination to determine which contact lens is the

correct fit?

061 Pearson: Responds.

093 Coombs: The optometrist would absorb the cost of the wasted lenses?

094 Pearson: Concur.

095 Coombs: How often does that happen?

096 Pearson: Responds.

097 Coombs: Does it make a difference whether the lenses are hard or soft?

098 Pearson: Responds.

112 Coombs: Do soft lenses come in different sizes?

114 Pearson: Responds.

WORK SESSION

131 MOTION: CHAIR SHOEMAKER MOVED THAT "EXAMINATIONS" READ "EXAMINATION" ON LINE 13 AND TO REMOVE THE LAST SENTENCE ON LINE 17.

140 VOTE: HEARING NO OBJECTIONS, SO ORDERED.

144 MOTION: CHAIR SHOEMAKER MOVED HB 2135-A, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

145 VOTE: MOTION CARRIED, 3-0. (EXCUSED: SEN. SMITH, SEN. McCOY).

PUBLIC HEARING

HB 2315 RELATING TO THE OREGON BOARD OF OPTOMETRY

154 David Plunkett, Board of Optometry: Speaks in opposition to the bill, Exhibit C.

183 Sen. Cohen: I don't think the bill is appropriate in the context presented. The purpose of the licensing is to sanction people who

pretend to be professionals in that arena and actually are not qualified.

192 Plunkett: Concur.

203 Dell Isham, Opticians Association of Oregon: Speaks in opposition to the A-engrossed bill. Reviews changes made to the original bill.

228 Chair Shoemaker: The present statute uses the phrase "where appropriate". Has there been any incident where the Board has stepped

over what one would regard as "reasonable"? 230 Isham: Responds. We would request that the bill, in its present form, be tabled.

244 Chair Shoemaker: Were these threatening letters to the effect that these opticians were beginning to practice optometry?

245 Isham: Responds.

Meeting adjourned at 4:10 p.m.

Submitted by:

Reviewed by:

Joan Green
Administrator

Dick Shoemaker Assistant

EXHIBIT LOG:

A - Testimony on HB 2135 - Knutson - 1 page B - Handout on HB 2135 -
Isham - 2 pages C - Testimony on HB 2315 - Plunkett - 1 page