

SENATE COMMITTEE ON HUMAN RESOURCES

June 2, 1993           Hearing Room B 3:00 p.m.   Tapes 76 - 77

MEMBERS PRESENT:   Sen. Bill McCoy, Chair Sen. Dick Springer, Vice-Chair  
Sen. Neil Bryant Sen. Wes Cooley Sen. Grattan Kerans

STAFF PRESENT:           Mike Meriwether, Committee Administrator Alyssa  
Valenti, Committee Assistant Joan Green, Researcher

MEASURES CONSIDERED:           Executive Appointment, Board of Medical  
Examiners Executive Appointments, Board of Examiners of Nursing Home  
Administrators Executive Appointment, State Board of Pharmacy SB 750 SB  
1030 SB 311 SB 41 Informational Meeting, Oregon Disabilities Commission

WITNESSES:   John   Ulwelling,   Executive   Director,   Board   of  
Medical Examiners Rosemary Lee Selinger, MD, Board of Medical Examiners  
Appointee Joseph G. Schnabel, State Board of Pharmacy Appointee Nancy E.  
Findholt, Board of Examiners of Nursing Home Administrators Appointee  
Joy A. Smith, Board of Examiners of Nursing Home

Administrators Appointee Jeannette L. Bremer, Board of Examiners of  
Nursing

Home Administrators Appointee Pam Edens, Board of Examiners of  
Nursing Home

Administrators Reappointee David Fidanque, Executive Director, ACLU Jim  
Gardner, Philip Morris Mark Nelson, RJ Reynolds Richard Kosesan, Public  
Affairs Counsel John Ellis, Department of Justice Phil Yarnell, Adult  
and Family Services Division Art Keil, Occupational Therapy Licensing  
Board Eugene Organ, Executive Director, Oregon Disabilities Commission  
David Powell, Chair, Oregon Disabilities Commission Gary Dominick,  
Commissioner, Oregon Disabilities

Commission

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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 76, SIDE A

006   CHAIR McCOY:   Calls the meeting to order at 3:05 p.m.

EXECUTIVE APPOINTMENT, BOARD OF MEDICAL EXAMINERS

010   JOHN ULWELLING, EXECUTIVE DIRECTOR, BOARD OF MEDICAL  
EXAMINERS: Presents Rosemary Lee Selinger to the committee.

016   ROSEMARY LEE SELINGER, MD, BOARD OF MEDICAL EXAMINERS: Gives

background information for her executive appointment.

028 SEN. COOLEY: Asks questions about how to get more doctors to practice in rural parts of Oregon.

045 ROSEMARY SELINGER: Responds.

061 CHAIR MCCOY: Why would serving on the liaison committee to the Board of Medical Examiners be a conflict of interest?

063 ROSEMARY SELINGER: Responds.

071 JOHN ULWELLING: Also responds.

094 ROSEMARY SELINGER: Continues with testimony.

#### WORK SESSION, BOARD OF MEDICAL EXAMINERS, EXECUTIVE APPOINTMENT

108 MOTION: SEN. COOLEY: Moves the executive appointment of ROSEMARY LEE SELINGER to the BOARD OF MEDICAL EXAMINERS with a DO PASS

recommendation.

117 CHAIR MCCOY: Hearing no objection, it is so ordered.

#### EXECUTIVE APPOINTMENT, STATE BOARD OF PHARMACY

125 JOSEPH G. SCHNABEL, PHARMACIST: Gives background for appointment to the State Board of Pharmacy.

142 CHAIR MCCOY: What are your goals for the board?

143 JOSEPH SCHNABEL: Responds.

153 SEN. COOLEY: Asks questions on enforcing statutes.

162 JOSEPH SCHNABEL: Responds.

178 SEN. COOLEY: Continues discussion of enforcement.

186 JOSEPH SCHNABEL: Responds.

195 SEN. COOLEY: Proposes potential enforcement scenarios and asks Joe Schnabel how he would handle them.

204 JOSEPH SCHNABEL: Responds.

#### WORK SESSION

228 MOTION: VICE-CHAIR SPRINGER: Moves the confirmation of JOSEPH G. SCHNABEL to the STATE BOARD OF PHARMACY with a DO PASS

recommendation.

235 VOTE: In a roll call vote, SEN. BRYANT, SEN. KERANS,

VICE-CHAIR SPRINGER, AND CHAIR MCCOY VOTE AYE. SEN. COOLEY VOTES NO.

238 CHAIR MCCOY: It is so ordered.

EXECUTIVE APPOINTMENTS, BOARD OF NURSING HOME ADMINISTRATORS

259 JOY A. SMITH, RN: Gives background for executive appointment to the Board of Examiners of Nursing Home Administrators.

284 JEANNETTE L. BREMER: Gives background for executive appointment to the Board of Examiners of Nursing Home Administrators.

299 NANCY E. FINDHOLT: Gives background for executive appointment to the Board of Examiners of Nursing Home Administrators.

322 PAM EDENS: Gives background for executive reappointment to the Board of Examiners of Nursing Home Administrators.

366 SEN. KERANS: Asks Pam Edens to expand on her comment that the Board is just now getting around to performance based evaluation of

administrators.

379 PAM EDENS: Responds.

390 SEN. KERANS: Asks each of the appointees to respond to the Board's responsibility to provide performance reviews and analyze the activities of the licensees relative to the complaints and problems that arise.

413 NANCY FINDHOLT: Responds.

TAPE 77, SIDE A

007 NANCY FINDHOLT: Continues with response.

010 JEANNETTE BREMER: Responds.

014 JOY SMITH: Responds.

037 SEN. KERANS: You would support the Board allocating a good portion of its time to the statutory function of oversight concerning already

licensed administrators and their behavior/activities?

042 JOY SMITH: Responds.

WORK SESSION

049 MOTION: SEN. KERANS: Moves the CONFIRMATION EN BLOC, of JOY A. SMITH, NANCY E. FINDHOLT, JEANNETTE L. BREMER, AND PAM EDENS

(reappointment) to the BOARD OF NURSING HOME ADMINISTRATORS with a DO PASS recommendation.

057 VOTE: CHAIR MCCOY: Hearing no objection, it is so ordered.

WORK SESSION, SB 750

062 MIKE MERIWETHER, COMMITTEE ADMINISTRATOR: Gives update on SB 750.

083 SEN. KERANS: Speaks to the bill.

087 MOTION: SEN. KERANS: Moves the amendments proposed by OHGOSH to SB 750.

094 SEN. BRYANT: Speaks to the OHGOSH amendments.

124 DAVID FIDANQUE, EXECUTIVE DIRECTOR, ACLU: Testifies on amendments dealing with constitutionality.

155 SEN. BRYANT: Proposes different phrasing of amendments.

161 DAVID FIDANQUE: Responds. 171 SEN. KERANS: Asks Jim Gardner which amendments he prefers, the ACLU or the OHGOSH ones?

177 JIM GARDNER, PHILIP MORRIS COMPANY: Finds both the ACLU and the OHGOSH amendments constitutionally defective and provides explanation.

210 SEN. KERANS: Responds to previous discussion, and speaks to the amendments.

227 JIM GARDNER: Clarifies his previous comments.

258 MARK NELSON, RJ REYNOLDS: Concurrs with Mr. Gardner.

264 RICHARD KOESAN, PUBLIC AFFAIRS COUNSEL: Speaks to the amendments.

274 SEN. KERANS: WITHDRAWS MOTION to adopt the OHGOSH amendments.

280 MOTION: SEN. KERANS: Moves to ADOPT the ACLU AMENDMENTS to SB 750.

286 SEN. KERANS: Discusses his motion.

333 SEN. COOLEY: Comments on the amendments. Wants a public hearing to further discuss this issue.

371 SEN. BRYANT: Responds to Sen. Cooley's concerns, and clarifies intent of ACLU amendments.

396 MOTION: SEN. KERANS: Restates his previous motion to ADOPT the ACLU AMENDMENTS to SB 750.

422 CHAIR MCCOY: Hearing no objection, it is so ordered.

426 MOTION: SEN. KERANS: Moves SB 750 as amended to the Floor with a DO PASS recommendation.

434 VOTE: In a roll call vote, SEN. BRYANT, SEN. KERANS, VICE-CHAIR SPRINGER, AND CHAIR MCCOY VOTE AYE. SEN. COOLEY VOTES NO.

437 CHAIR MCCOY: It is so ordered.

TAPE 76, SIDE B

WORK SESSION, SB 1030

009 MIKE MERIWETHER: Gives update on SB 1030.

031 SEN. BRYANT: Discusses fiscal impact statement.

060 MIKE MERIWETHER: Discusses Children First's position.

069 SEN. KERANS: Proposes moving the bill as a back-up position.

102 SEN. BRYANT: Supports moving the bill along because it would go to Ways and Means.

114 MOTION: SEN. COOLEY: Moves the -2 amendments to SB 1030.

117 VOTE: CHAIR MCCOY: Hearing no objection, it is so ordered.

118 MOTION: SEN. COOLEY: Moves SB 1030 to the Floor with a DO PASS recommendation.

123 VOTE: In a roll call vote, all members are present and vote AYE.

125 CHAIR MCCOY: It is so ordered.

WORK SESSION, SB 311

127 MIKE MERIWETHER: Gives update on SB 311. - To move the bill along, the sponsors have agreed to withdraw their names from the next printed version (Karen Grinnell,

F.A.T.H.E.R.S, D.A.D.S.)

136 SEN. KERANS: Does Sen. Hamby want her name to remain?

139 JOAN GREEN, COMMITTEE RESEARCHER: Reports that Sen. Hamby is indifferent to having her name stay or be removed.

151 VICE-CHAIR SPRINGER: Is this bill still going to Judiciary?

152 MIKE MERIWETHER: The suggestion is that the subsequent referral be rescinded.

156 VICE-CHAIR SPRINGER: Do you want to give a court discretion to have a hearing or upon application to an award, an amount less than 25% on an

employers order? I thought that we were doing this administratively, mostly.

169 JOHN ELLIS, DEPARTMENT OF JUSTICE: Responds, discusses both parts of the bill. Submits testimony, EXHIBIT A.

208 SEN. KERANS: What would be the parameters for determining the withholding if we decouple from the present statutory standard, go to

court and use the form, and petition for some relief using the elements for calculation in the -1 amendments?

216 JOHN ELLIS: Responds.

228 PHIL YARNELL, ADULT AND FAMILY SERVICES DIVISION: Responds to Sen. Kerans, and submits testimony, EXHIBIT B.

263 VICE-CHAIR SPRINGER: What position do we put the obligee (or the state) if the person gets a raise to \$1500 or \$1800 a month, or takes a second job and all of the sudden isn't in a jam anymore? Does the obligee then have the burden of coming back to Support Enforcement and jumping

through all of the hoops to get his/her arrearages or, for the state to get their arrearages?

274 PHIL YARNELL: Responds.

294 SEN. KERANS: Speaks to the bill.

303 SEN. BRYANT: We would have to add 8 FTE to accomplish the paperwork that is anticipated?

307 PHIL YARNELL: That was the fiscal impact from the first version of the bill.

310 SEN. BRYANT: What is the fiscal impact of the amended bill?

312 JOHN ELLIS: Responds.

326 SEN. KERANS: Sen. Springer, do you want to give further study to this in a more expansive hearing before the Judiciary Committee.

333 VICE-CHAIR SPRINGER: Discusses Rep. Carter's written testimony to the Committee (EXHIBIT C).

348 SEN. BRYANT: Discusses concern about the potential burden on the circuit court.

357 JOHN ELLIS: Responds to Sen. Bryant's concerns.

377 VICE-CHAIR SPRINGER: Discusses further complications that could arise in the process.

391 JOHN ELLIS: Agrees with Sen. Springer. Reports that HB 2287 has the same language in it as SB 311.

417 SEN. KERANS: Proposes that the Committee wait and see what the house does with HB 2287, and take it up when it comes to the Senate.

Also submitted for the record: EXHIBIT C from REP. MARGARET CARTER, DISTRICT 18, in SUPPORT of SB 311.

TAPE 77, SIDE B

WORK SESSION, SB 41

004 MIKE MERIWETHER: Gives update on SB 41.

018 SEN. KERANS: Discusses amendments.

021 ART KEIL, OCCUPATIONAL THERAPY LICENSING BOARD: Testifies in SUPPORT of the amendments.

028 MOTION: SEN. KERANS: Moves to ADOPT the -1 AMENDMENTS.

031 VOTE: CHAIR MCCOY: Hearing no objection, it is so ordered.

032 MOTION: SEN. KERANS: Moves SB 41 to the Floor with a DO PASS recommendation, and request that the subsequent referral to

JUDICIARY be RESCINDED.

035 SEN. BRYANT: What are the privileges and immunities that are granted from civil and criminal proceedings arising by official actions and

prosecuting judicial officers of the state. Is that unlimited?

039 SEN. KERANS: Responds.

051 VOTE: All members present vote AYE. VICE-CHAIR SPRINGER IS EXCUSED.

053 CHAIR MCCOY: It is so ordered.

OREGON DISABILITIES COMMISSION INFORMATIONAL HEARING

071 EUGENE ORGAN, EXECUTIVE DIRECTOR, OREGON DISABILITIES COMMISSION: Submits and summarizes testimony on EXHIBIT D and F.

091 DAVID POWELL, CHAIR, OREGON DISABILITIES COMMISSION: Submits and summarizes testimony on EXHIBITS E and F. - Presents priorities and goal settings that the Commission did for

the biennium.

180 DAVID POWELL: Continues testimony.

280 DAVID POWELL: Continues testimony.

361 GARY DOMINICK, COMMISSIONER, OREGON DISABILITIES COMMISSION: Testifies on ODC programs and activities.

396 SEN. KERANS: Do you have a time period on your commission meeting in which any person may come and speak to the Commission and take up

matters of interest? Is that a normal business?

406 GARY DOMINICK: Yes, we do (passes out sample agendas). We generally meet all day, and we have two periods, one in the morning, and one in

the afternoon for public comment. 409 SEN. KERANS: If persons submit material in writing and ask for resolution, does the Commission give resolution to the question

submitted to it?

413 GARY DOMINICK: Sure. Yes they certainly may.

Also submitted for the record:

EXHIBIT G: MIKE BULLIS, PRESIDENT, EMPATHETIC COMMUNICATION, INC. (ODC support)

EXHIBIT H: LOREN SIMONDS (ODC concerns and budget considerations)

EXHIBIT I: LYNNAE RUTTLEDGE, VOCATIONAL REHABILITATION DIVISION CHAIR  
McCOY ADJOURNS MEETING AT 4:31 p.m.

EXHIBIT LOG:

A - Testimony on SB 311 - John Ellis - 1 page B - Testimony on SB 311 - Phil Yarnell - 2 pages C - Testimony on SB 311 - Margaret Carter - 2 pages D - Testimony on ODC Info Hearing - Eugene Organ - 12 pages E - Testimony on ODC Info Hearing - David Powell - 5 pages F - Testimony on ODC Info Hearing - Eugene Organ - 4 pages G - Testimony on ODC Info Hearing - Mike Bullis - 2 pages H - Testimony on ODC Info Hearing - Loren Simonds - 2 pages I - Testimony on ODC Info Hearing - Lynnae Ruttledge - 2 pages

Submitted by:

Reviewed by:

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