

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.

HOUSE COMMITTEE ON HUMAN RESOURCES

February 4, 1991Hearing Room D 1:30 p.m.Tapes 18 - 21

MEMBERS PRESENT:Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. Cedric Hayden Rep. John Meek Rep. Hedy Rijken (arrived 1:50 p.m.) Rep. Jackie Taylor

STAFF PRESENT: Melanie Zermer, Committee Administrator Pamela Berger, Committee Assistant

WITNESSES Mike Bullis, Oregon Task Force on Head Injury Mary Bunch, Oregon Task Force on Head Injury Dave Dietz, Oregon Task Force on Head Injury John Powell, State Farm Insurance Company Al Thompson, Standard Insurance Company Bonnie Haun, Traumatic Brain Injury Victim Adrienne Green, O.U.S.U. Art Keil, Oregon Health Divison Edward Neuwelt, M.D./Administrator, "Think First" Joanne Fairchild, Emanuel Hospital and Health Center David Long, Emanuel Hospital Dave Hulse, Senior and Disabled Services Divison Barbara Stone, Head Injury Survivor

CONSIDERED: Oregon Task Force on Head Injury Report - Informational Independent Living Centers - Informational Care Giver demonstration project - Informational HB 2282 - Head Injury Pre-treatment Screening - Pub HB 2283 - Head Injury Cost Reduction Fund - Pub HB 2287 - Revises definition of "disabled" - Pub HB 2288 - Creates Injury Prevention Task Force - Pub HB 2289 - Level 1 Trauma Prevention Programs funding - Pub

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TAPE 18, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:32 p.m.

INFORMATIONAL MEETING: OREGON TASK FORCE ON HEAD INJURY REPORT

030 MIKE BULLIS, OREGON TASK FORCE ON HEAD INJURY: Submits and summarizes the Oregon Task Force on Head Injury Report (EXHIBIT A).

080 - Talks of personal experiences being handicapped and the need for community involvement for people to succeed; need support and guidance  
108 - 5000 people a year in Oregon receive traumatic brain injuries; needing services that insurance does not cover. 121 - Gives a brief explanation of HB 2282. - Gives a brief explanation of HB 2283. - Gives a brief explanation of HB 2287. 161 - Gives a brief explanation of HB 2288. - Gives a brief explanation of HB 2289. - Gives a brief explanation about independent living centers. 177 - Gives a brief explanation about the care giver demonstration project.

181 DAVID DIETZ, SURVIVOR, OREGON HEAD INJURY FOUNDATION: Discusses state and federal legal issues dealing with head injuries. - Discusses HB 2287.

320 MARY BUNCH, HEAD INJURY TASK FORCE: Describes personal experience of having a head injured child. - Discusses educational and prevention issues (HB 2288, HB 2289) described in the report from the Oregon Task Force on Head Injury (See: Exhibit A).

TAPE 19, SIDE A

PUBLIC HEARING: HB 2282 - Head Injury Pre-treatment Screening HB 2283 - Head Injury Cost Reduction Fund HB 2287 - Revises definition of "disabled" HB 2288 - Creates Injury Prevention Task Force HB 2289 - Level 1 Trauma Prevention Programs funding

Staff submits a SMS on HB 2282 (EXHIBIT B), a SMS on HB 2283 (EXHIBIT C), a

SMS on HB 2287 (EXHIBIT D), a SMS on HB 2288 (EXHIBIT E), and a SMS on HB 228 9 (EXHIBIT F).

045 BULLIS: Testifies in favor of HB 2283. - This bill would be a related tax for those who are not insurable or need rehabilitation that is not covered by their insurance. - Since many insurers are from out-of-state, they are not paying any income tax and this is a way have them share the burden of state finance.

REPRESENTATIVE STEIN: Are you aware of other proposals to increase this tax?

BULLIS: No.

REPRESENTATIVE MEEK: Will the insurance companies pay a tax on the premiums?

BULLIS: It is a gross premium tax. As all taxes levied with business, the consumer is the one who pays.

098 REP. TAYLOR: Is there a revenue impact on HB 2283?

ZERMER: Yes, it will be available when a work session is scheduled on the bill.

127 JOHN POWELL, STATE FARM INSURANCE COMPANY: Testifies on HB 2283. - We don't oppose to helping those in need, but we object to using an increase in insurance premium tax as a funding mechanism. - In previous sessions there have been bills introduced which would specify taxes to a particular program. Most of those bills failed. - Currently, in the

Governor's proposed budget, the premium tax is estimated to bring in approximately \$114 million dollars over the next two years, making it the third largest contributor to the state's general fund. - The premium tax automatically increases each year. - The premium tax in the State of Oregon is currently above the national medium. - Insurers are individually assessed based on volume, for the purpose of running the Insurance Division. The regulatory arm is funded purely through assessments. - There is a split nature of the proposed tax in HB 2283 - domestic insurers are exempt from this tax and lieu of it paying the corporate excise tax. - This tax would not only affect foreign and alien companies, but also our domesticated companies. - A second obstacle in this bill is a constitutional question. Some of the eastern companies have filed suit claiming that their premium tax being paid, when other insurers are not paying the same tax, is unconstitutional. 222 - We have, for the time being, developed a moratorium on this warfare. - Insurance policies which have a relationship to potential head injuries already pay the benefits up to their policy limits. - Auto, fire, and life insurance policies would be subject to the increase in tax.

260 AL THOMPSON, STANDARD INSURANCE COMPANY: Testifies in opposition to HB 2283 - Keith Burns, American Council of Life Insurance, couldn't be here; expressed his opposition to HB 2283. - Agrees with testimony from Powell. - Premium tax is a very complex tax. Although Standard Insurance does not pay a premium tax in Oregon since they are a domestic company, we do pay premium taxes in the other 50 states. - This would impact us, in the State of California alone, \$150,000.

292 BONNIE HAUN, TRAUMATIC BRAIN INJURY VICTIM: Testifies on HB 2283. - Some funding is needed for persons who have had traumatic brain injuries. - My insurance company spent money on the wrong places (evaluations), not on the services which I needed (treatment). - Many of my symptoms are classified under psychological disturbances, not cognitive.

290 BULLIS: Am sensitive to the insurance companies' concerns. - The majority of insurers who sell in Oregon are out-of-state insurers. - The issue of constitutionality has been around for long time; yet it has never been taken to the supreme court. - This is an escalating and a fair tax. - Many people think their insurance will cover costs, until an injury occurs and they find out differently. - We are advocating for people who have been injured.

445 REP. TAYLOR: Would like more information about life and fire tax premiums. Have you considered only taxing health insurance premiums?

680 BULLIS: No, we had not considered only taxing health insurance premiums. - We wanted the broadest possible tax so that it would have the least possible effect of consumers.

PUBLIC HEARING: HB 2288

TAPE 18, SIDE B

040 GILL BELLAMY, OREGON TRAFFIC SAFETY COMMISSION: Testifies in favor of HB 2288. - This bill is great in terms of prevention. - The greatest cause of loss of years of life is traffic accidents. - The greatest cause of permanent blindness, permanent pleurolysis, and traumatic brain injuries is traffic crashes. - Refers to the helmet law, voted in a general election and resulting in a reduction in motorcyclist's deaths.

This law costs very little general fund money, but cost very little money from the Oregon Traffic Safety Commission. - Discusses saving of lives through the provisional drivers license, with little costs. - HB 2288 will cost money but will save more money in the long run.

134 CHAIR FORD: Recesses the meeting at 2:40 p.m. - Re-convenes the meeting at 2:54 p.m.

145 ADRIENNE GREEN, O.H.S.U.: Submits and reads written testimony in support of HB 2288 (EXHIBIT G). - Injury prevention, as a whole, needs to be further examined. - Discusses the importance of establishing a governor's task force for prevention. - Injuries to young victim, costs the system a large sum of money.

283 ART KEIL, OREGON HEALTH DIVISION: Testifies on HB 2288. - The Health Division, for a number of years, has been a great supporter for injury prevention. - HB 2299 prescribes a number of expectations for the division to carry out. - Funding, which is not provided to us to carry out these functions, is our concern. - Concerned of what is the duration of the task force.

REP. STEIN: Aware that the division does participate in injury prevention. - Page 2 of bill Section 2, line 2-8 describes tasks of the task force. To what extent does the division participate in the mentioned duties?

323 KEIL: We have an injury registry split within two separate units; hoping to put those two sources together. - Public information is our major issue. Public information of the injuries is the major focus.

PUBLIC HEARING: HB 2289

367 ART KEIL, OREGON HEALTH DIVISION: Testifies on HB 2289. - This bill is a little frightening to us because of all blanks on line 7, 9, 11, and 12. - It is our caution that often the blanks are filled with \$1.00; obviously not adequate. - We need enough money for a staff person and quarter time secretary. - Need enough money for program to be carried out.

398 CHAIR FORD: Discusses the fiscal analysis (EXHIBIT H).

405 KEIL: Would like to work on statutory reference to clarify role in developing process for funding the trauma prevention programs.

TAPE 19, SIDE B

003 EDWARD NEUWELT, M.D./ADMINISTRATOR, "THINK FIRST".: Submits and reads written testimony on HB 2289 (EXHIBIT I). - Prevention will save the insurance companies a large sum of money. - Describes budget for "Think First". - Expresses his concern for the need for education. 144 - Feels "Think First" is cost effective.

172 JOANNE FAIRCHILD, EMANUEL HOSPITAL AND HEALTH CENTER: Submits and reads written testimony on HB 2289 (EXHIBIT J).

217 CHAIR FORD: Do you use pictures of victims?

220 FAIRCHILD: No. The program varies depending on the group I am addressing. I give presentations to children K-12 grades. I do show one slide of a forehead laceration to the older children. I also show

cars which have been wrecked. We make our point by telling stories of what can happen. Graphic pictures take away from hearing the stories.

247 DAVID LONG, EMANUEL HOSPITAL: Testifies in support of HB 2289. - Addresses concerns regarding funding of HB 2289. - Prevention programs usually get cut first. - Prevention does, in the long run, save money. - Will provide the committee with costs to care for head injured victims. - Stopping alcohol and substance abuse is one of the most important prevention measures. - Mandatory seat belts and motorcycle helmets make a major impact on survivorability and lessening head injuries. - We do need to target young people to become more aware of safety and risks in lifestyles. - Hospitals are becoming less likely to be able to provide funding to conduct those types of programs. We can do some cost shifting from insurance premiums to insurance companies who will benefit financially from prevention activities. The hospitals don't benefit financially.

327 FAIRCHILD: Discusses proposed bicycle helmet legislation. - Right of passage laws don't work. - 75% of kids that died in auto crashes were not using seat belts, despite the seat belt laws for children 16 and under. - Discusses costs to society for injuries and deaths due to automobile crashes.

PUBLIC HEARING: HB 2287

387 BULLIS: Describes HB 2287.

410 DAVE HULSE, SENIOR AND DISABLED SERVICES DIVISION: Submits and reads written testimony on HB 2287 (EXHIBIT K).

TAPE 20, SIDE A

PUBLIC HEARING: HB 2282 HB 2287

040 BARBARA STONE, HEAD INJURY SURVIVOR: Testifies on HB 2282 and 2287. - All head injuries are intertwined. - Told of her experiences of rehabilitation and insurance needs. - A certain amount of money is allocated for head injuries; all the insurance resources are used up in screening and evaluation. Very little is left for treatment or completion of treatment. - Needs to see specialist psychologist for head injury. - Describes injuries. - After brief hospital stay, I have had to deal with physical aspects of head injuries. - Next, I had to deal with cognitive issues. - Needed to work, but because of diagnosis was not allowed by the State Board of Nursing to enter the nursing program. - Fought that and requested that the State Board of Nursing let me try again, they agreed but only for Home Health. - Did clinical in home health. - But had permanent record of memory problems. - Had to have limitations on license but treated as disciplinary action. - Only way to get license was under disciplinary act which was limiting employment opportunities. - Was listed in news letter as being under disciplinary action - along with those with drug and alcohol abuse etc. - Has had difficulty in finding a job. - Now resident care manager. 222 - Has to inform anyone she works with about limitations.

230 CHAIR FORD: How is HB 2287 going to help you?

238 STONE: Term head injury is different than physical or mental disability. - There is no set definition for head injury, which is needed within the State.

CHAIR FORD: HB 2284 will not be heard today.

314 BONNIE HAUN, TRAUMATIC BRAIN INJURED: Testifies on HB 2282. - Problems with head injuries need to be told. - There needs to be pre-screening done in the hospital. - The patient/family needs to know if screening needs to be done. - Has memory loss, hospital released her without telling her. - Went home to a house I hadn't lived in for two months. Couldn't figure out what was wrong with me. Thought I was tired. - Need to have a paper stating head injury and someone else responsible for victim. - Some people don't have anyone else to look after them.

TAPE 21, SIDE A

Submitted for the record: HB 2283 - Testimony from Eugene Organ (EXHIBIT L). HB 2282 - Testimony from Eugene Organ (EXHIBIT M). HB 2288 - Testimony from Eugene Organ (EXHIBIT N). HB 2289 - Testimony from Eugene Organ (EXHIBIT O).

CHAIR FORD: Adjourns the meeting at 4:08 p.m.

Submitted by,

Reviewed by,

Pamela Berger

Melanie Zermer

EXHIBIT LOG: A - Oregon Task Force on Head Injury Report - Bullis - 77 pp. B - HB 2282 - SMS - Staff - 1 p. C - HB 2282 - SMS - Staff - 1 p. D - HB 2287 - SMS - Staff - 1 p. E - HB 2288 - SMS - Staff - 1 p. F - HB 2289 - SMS - Staff - 1 p. G - HB 2288 - Testimony - Green - 1 p. H - HB 2289 - Fiscal - Staff - 1 p. I - HB 2289 - Testimony - Neuwelt - 8 pp. J - HB 2289 - Testimony - Fairchild - 13 pp. K - HB 2287 - Testimony - Hulse - 1 p. Submitted for the record: L - HB 2283 - Testimony - Organ - 2 pp. M - HB 2282 - Testimony - Organ - 1 p. N - HB 2288 - Testimony - Organ - 2 pp. O - HB 2289 - Testimony - Organ - 2 pp.