

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

March 20, 1991Hearing Room D 1:00 p.m.Tapes 86 - 88

MEMBERS PRESENT:Rep. Mary Alice Ford, Chair Rep. Beverly Stein, Vice-Chair Rep. Jerry Barnes Rep. Cedric Hayden Rep. John Meek (arrived 1:10) Rep. Hedy Rijken (arrived 1:05) Rep. Jackie Taylor

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

MEASURES CONSIDERED: SB 86-A - Establishes expiration date for dietitian licenses - PAW HB 2957 - Increases number of members appointed to the Oregon Board of Dentistry to include dental specialist - PAW HB 2697 - Creates Clinical Laboratory board in Health Division to regulate clinical laboratory personnel - Pub

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TAPE 86, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:02 p.m., as a subcommittee.

PUBLIC HEARING: SB 86-A - ESTABLISHES EXPIRATION DATE FOR DIETITIAN LICENSES Witnesses: Peggy Smith, Dietitians Board Dorothy Hagan, Dietitians Board

015 PEGGY SMITH, DIETITIANS BOARD: Submits and reads written testimony in support of SB 86-A (EXHIBIT A).

(Full Committee)

030 - In response to CHAIR FORD, the original bill was for the license fee be pro-rated for six months or less. It then was amended for 12 months.

DOROTHY HAGAN, DIETITIANS BOARD: Testifies in support of SB 86-A. - In

response to REPRESENTATIVE HAYDEN, we have not discussed making licensure mandatory.

WORK SESSION SB 86-A - ESTABLISHES EXPIRATION DATE FOR DIETITIAN LICENSES

MOTION: REPRESENTATIVE STEIN MOVES TO RESCIND THE REFERRAL TO THE WAYS AND MEANS COMMITTEE.

THE MOTION PASSES 4-0. REPRESENTATIVE HAYDEN, REPRESENTATIVE STEIN, REPRESENTATIVE TAYLOR, AND CHAIR FORD VOTE AYE. REPRESENTATIVE BARNES, REPRESENTATIVE MEEK, AND REPRESENTATIVE RIJKEN ARE EXCUSED.

MOTION: REPRESENTATIVE STEIN MOVES SB 86-A TO THE FLOOR WITH A DO PASS RECOMMENDATION.

VOTE: THE MOTION PASSES 4-0. REPRESENTATIVE HAYDEN, REPRESENTATIVE STEIN, REPRESENTATIVE TAYLOR, AND CHAIR FORD VOTE AYE. REPRESENTATIVE BARNES, REPRESENTATIVE MEEK, AND REPRESENTATIVE RIJKEN ARE EXCUSED. REPRESENTATIVE STEIN CARRIES SB 86-A TO THE FLOOR.

PUBLIC HEARING: HB 2957 - INCREASES NUMBER OF MEMBERS APPOINTED TO THE OREGON BOARD OF DENTISTRY TO INCLUDE DENTAL SPECIALIST Witnesses: Jane Edwards, Board of Dentistry Nan Dewey, Oregon Dental Association Brian Delashmutt, Oral and Maxillofacial Surgeons Dr. Rod Nichols, Oral and Maxillofacial Surgeons

100 BRIAN DELASHMUTT, ORAL AND MAXILLOFACIAL SURGEONS: Testifies in favor of HB 2957. - Submits testimony from Dr. John MacKinnon, Jr. (EXHIBIT C). - HB 2957 expands the composition of the Board of Dentistry from eight members to nine members. The current composition is five dentists, two dental hygienists, and one public member. The bill states that at least one of the dental members shall be a specialist. The governor's office indicated that they had no problem in receiving and selecting members and that no task force for that purpose was needed.

140 DR. ROD NICHOLS, ORAL AND MAXILLOFACIAL SURGEONS: Submits and reads written testimony in favor of HB 2957 (EXHIBIT B).

170 REPRESENTATIVE STEIN: Concerned about the vagueness of language in statute - feels that it should be indicated that one list with five names be submitted or any organization, which is a specialty can submit five names.

DeLASHMUTT: Willing to change language. Does not oppose to the governor selecting from list submitted by specialty organizations. This language is permissive as far as the governor's selection.

190 REPRESENTATIVE TAYLOR: Do each of the seven specialty groups have their own associations?

NICHOLS: Yes.

REPRESENTATIVE TAYLOR: And do also belong to the Oregon Dental Association?

NICHOLS: Some do, some don't.

CHAIR FORD: What percent of members belong to specialty associations?

NICHOLS: Can't speak for the other groups but for the Oral Maxillofacial Association approximately 80% belong to a specialty group.

CHAIR FORD: How many maxillofacial surgeons are there in Oregon?

NICHOLS: 60.

CHAIR FORD: Why increase the number of board members? Why not just state one member belong to a specialty group.

DeLASHMUTT: The Oregon Dental Association (ODA) felt there were 5 dentists and in order not cause concerns with other groups (i.e. hygienists) they felt that another member should be added.

238 CHAIR FORD: This does make an imbalance by having one public member -- was that discussed?

DeLASHMUTT: In designing this language, I used the same criteria as in existing statutes for the Board of Nursing and the Board of Medical Examiners.

CHAIR FORD: Will there be a problem with staggering of appointments?

DeLASHMUTT: Staggering would occur for this board as with other boards, at different intervals for continuity sake.

265 REPRESENTATIVE BARNES: Feels that eight or nine people are too many to make decisions. Somewhere down the line, for cost reduction and effectiveness, we should discuss making these boards smaller.

REPRESENTATIVE STEIN: Concerned about fiscal impact - \$10,000 to add one additional board member (EXHIBIT D).

MELANIE ZERMER: We can discuss this with the Legislative Fiscal Office.

320 NAN DEWEY, OREGON DENTAL ASSOCIATION (ODA): Submits and reads written testimony on HB 2957 (EXHIBIT E) . - Not sure if ODA would be in support of moving a dentist from the board and adding a specialist, this has not been discussed.

365 REPRESENTATIVE TAYLOR: Has a specialist ever served on the board?

380 JANE EDWARDS, BOARD OF DENTISTRY: Not to my knowledge. - Current biennial costs for eight board members is a little over \$80,000. - Board members are allowed \$30 a day for related board activities (i.e. board meetings). - We pay additional funds for SSI, assessments to the State Personnel Division, etc. - The biggest expense is for travel (which includes room and board costs). - Board members do receive approximately \$10,000 a biennium.

CHAIR FORD: I understand that your budget has already been approved by the Ways and Means committee.

EDWARDS: Correct. We will try to absorb as many of those costs within the approved budget. If we run into a problem, then we will need to go

to the Emergency Board.

TAPE 87, SIDE A

030 REPRESENTATIVE HAYDEN: The current 8 members are defined by legislative

jurisdiction.

EDWARDS: The statute states five dentists (not restricted to general districts), two hygienists, and one public member.

REPRESENTATIVE HAYDEN: So there currently could be a specialist on the board?

EDWARDS: Yes.

REPRESENTATIVE HAYDEN: Are the dentists in the state willing to absorb additional costs of an additional board member?

EDWARDS: Thinks the association would be better to speak to that. - Our board would support having a new board member. - The average cost is \$10,000 biennium per board member. - Discusses membership fees.

060 REPRESENTATIVE MEEK: Since your budget for 91-92 has already been approved, have you considered enacting this legislation for July 1993?

CHAIR FORD: They prefer it sooner because of staggering of appointments.

WORK SESSION: HB 2957 - INCREASES NUMBER OF MEMBERS APPOINTED TO THE OREGON BOARD OF DENTISTRY TO INCLUDE DENTAL SPECIALIST

074 REPRESENTATIVE STEIN: Discusses options for proposed amendments.

DeLASHMUTT: Offers additional suggestions.

DEWEY: Comments of suggested amendments.

124 REPRESENTATIVE HAYDEN: Suggests language for amendments.

CHAIR FORD: Asks DeLASHMUTT to work on that language. - Wants to make sure the amendment does not take away the "may".

138 REPRESENTATIVE BARNES: Discusses intent.

REPRESENTATIVE STEIN: Suggests language: "one name suggested by each of the

organizations representing a dental specialty member."

CHAIR FORD: Will reschedule bill for work session after amendment is worked out.

WORK SESSION SB 86-A - ESTABLISHES EXPIRATION DATE FOR DIETITIAN

LICENSES

MOTION: REPRESENTATIVE MEEK ASKS UNANIMOUS CONSENT TO CAST VOTE ON SB 86-A.

THERE WERE NO OBJECTIONS.

VOTE: REPRESENTATIVE MEEK, REPRESENTATIVE BARNES, AND REPRESENTATIVE RIJKEN VOTE AYE.

PUBLIC HEARING: HB 2697 - CREATES CLINICAL LABORATORY BOARD IN HEALTH DIVISION TO REGULATE CLINICAL LABORATORY PERSONNEL Witnesses: Ilsa Kaattari, Association for Oregon Medical Technology (AOMT) Catherine Otto, AOMT Elizabeth Smith, AOMT Ed Patterson, Oregon Association of Hospitals Bill Railsback, Oregon Association of Hospitals/St. Charles Hospital Sharon Johnson, Clinical Laboratory Scientist Justine Knot, Clinical Laboratory Scientist Karen Bennett, Clinical Laboratory Scientist Terry Crandell, Clinical Laboratory Scientist Marilyn Ewell, OHSU Kelly Barious, OMAT Jim Carlson, Oregon Medical Association Brian DeLashmutt, Oregon Nurses Association Jeff Heatherington, Osteopathic Physicians and Surgeons of Oregon Art Keil, Oregon Health Division Chuck Brokott, Oregon Health Division Lois Davis, OSHU/Office of Rural Health

200 ILSA KAATTARI, THE ASSOCIATION OF OREGON MEDICAL TECHNOLOGY: (AOMT) Submits and reads written testimony in favor of HB 2697 (EXHIBIT F).

280 CATHERINE OTTO, ASSOCIATION FOR MEDICAL TECHNOLOGY: Testifies in favor of HB 2697. - Tells why this bill is important (See: Exhibit F). - Refers to article in the Oregonian's "Parade" section (See: Exhibit F).

TAPE 86, SIDE B

020 REPRESENTATIVE HAYDEN: If we can't provide physicians to rural areas, how will we be able to provide high qualified laboratory personnel?

OTTO: The people working in labs in Eastern Oregon as currently qualified. We have provided a provision in the bill for a trainee license to allow the ability to set up training programs.

030 ELIZABETH SMITH, AOMT: Testifies in favor of HB 2697. - Describes an outline on complete blood count (CSC) (See: Exhibit F) - uses slides to illustrate. 155 - Section 5 of the bill includes a grandfather clause which should resolve staffing problems. - Discusses board members. - Describes language in Section 6, line 26. - In response to REPRESENTATIVE HAYDEN, we do not conduct lung tests in shopping malls. - In response to REPRESENTATIVE HAYDEN, a clause is in the bill addressing non-renewable trainee license. - Presently, pathologists are determining the level of training, but it is not mandated. 250 - Discusses potential lawsuits.

264 SMITH: In response to Representative Meek, there are two organizations for clinical laboratories.

REPRESENTATIVE MEEK: Suggests having chapters throughout the state.

390 ED PATTERSON, OREGON ASSOCIATION OF HOSPITALS: Submits and reads written testimony in opposition to HB 2697 (EXHIBIT G).

TAPE 87, SIDE B

045 BILL RAILSBACK, OREGON ASSOCIATION OF HOSPITAL/ST. CHARLES HOSPITAL DIRECTOR: Testifies on HB 2697. - Addresses by federal regulations CLIA 88. - As a hospital, we would not hire anybody who was not qualified or educated in the field. - Physicians want quality lab service. - As it is, phlebotomists have a high turnover rate. It would be quite difficult to find one with higher qualifications. We do train them over a six month period. - Many eastern Oregon health care facilities are having a difficult time finding qualified personnel. - Services will not be equitable to all Oregonians in the state. 105 - Explains criteria from the Oregon Health Division when licensing laboratories (quality control, procedures, proficiency testing, quality assurance). They also review certification and qualification of laboratorians. 114 - Discusses life threatening errors.

155 PATTERSON: Points out that hospital laboratories have medical directors who are physicians trained in pathology.

165 SHARON JOHNSON, CLINICAL LABORATORY SCIENTIST: Testifies in support of HB 2697. - Gives background.

169 JUSTINE KNOT, CLINICAL LABORATORY SCIENTIST: Testifies in support of HB 2697. - Gives background. - There are approximately eight states requiring licensure.

190 KAREN BENNETT, CLINICAL LABORATORY SCIENTIST: Testifies in support of HB 2697. - Gives background.

97TERRY CRANDELL, CLINICAL LABORATORY SCIENTIST: Testifies in support of HB 2697. - Gives background. - The College of American Pathologists' certification does not recognize continuing education as a criteria.

238 MARILYN EWELL, O.H.S.U.: Testifies in support of HB 2697. Supports testimony from OMAT.

BENNETT: I average approximately 40-50 hours of continued education per year. My current employer assists in paying for the continued education.

CRANDELL: On my own, I try to keep up with the latest information.

270 KELLY BARIOUS, OMAT, PUBLIC MEMBER: Testifies in support of HB 2697. - Was surprised when I learned there was no standardized educational requirements. - As a citizen of the state I feel it is my right to know that the people performing tests are qualified.

296 JIM CARLSON, OREGON MEDICAL ASSOCIATION: Submits and reads written testimony in opposition to HB 2697 (EXHIBIT J).

429 BRIAN DELASHMUTT, OREGON NURSES ASSOCIATION: Testifies on HB 2697. - Discusses language on page 2 section 3 - it is my interpretation that nurses and doctors would need to be licensed under this statute. Willing to work with interested parties on this language.

TAPE 88, SIDE A

020 JEFF HEATHERINGTON, OSTEOPATHIC PHYSICIANS AND SURGEONS OF OREGON: Testifies in opposition to HB 2697. - Agrees with DeLashmutt regarding Section 3 of the bill. - The burden on family doctors, either being urban or rural, is going to be considerable in terms of costs and training of personnel. - Most family doctors probably would respond by sending lab work out, resulting in an increased cost to the patient and a lengthier time for diagnosis.

040 ART KEIL, OREGON HEALTH DIVISION: Submits and reads written testimony on

HB 2697 (EXHIBIT H).

070 CHUCK BROKOTT, OREGON HEALTH DIVISION: Testifies on HB 2697. - About 80% of laboratories tests are performed in licensed facilities. However, about 20% of the facilitates are licensed. 087 - Concerned about individuals drawing blood that are not adequately trained to do so. - There is not a good mechanism to report mistakes made in laboratories.

REPRESENTATIVE BARNES: Do you have a check off sheet regarding continuing education?

BROKOTT: When we do a laboratory inspection, our staff looks at the qualifications of laboratory personnel.

REPRESENTATIVE BARNES: Do you treat them all as "in training" as long as there is a qualified director?

BROKOTT: Yes.

122 LOIS DAVIS, OSHU/OFFICE OF RURAL HEALTH: Submits and reads written testimony in opposition to HB 2697 in behalf of Karen Whittaker, Office of Rural Health (EXHIBIT I).

BROKOTT: Discusses metropolitan areas offering continuing education.

240 CHAIR FORD: Adjourns the meeting at 3:15 p.m.

Submitted by,

Reviewed by,

Pamela Berger

Melanie Zermer

EXHIBIT LOG: A - SB 86-A - Testimony - Smith - 2 pp. B - HB 2957 - Testimony - Nichols - 1 p. C - HB 2957 - Testimony - MacKinnon - 1 p. D - HB 2957 - amendments - Staff - 1 p. E - HB 2957 - Testimony - Dewey - 1 p. F - HB 2697 - Testimony - Kaaltari - 46 pp. G - HB 2697 - Testimony - Patterson - 2 pp. H - HB 2697 - Testimony - Keil - 2 pp. I - HB 2697 -

Testimony - Davis - 2 pp. J - HB 2697 - Testimony - Carlson - 2 pp.