

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

April 22, 1991Hearing Room D 1:00 p.m.Tapes 121 - 124

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

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

MEASURES CONSIDERED:HB 2664 - Establishes measure of damages for injuries resulting from unprovoked attack on assistance animal - wrk HB 2565 - Authorizes licensed physical therapist to administer therapy to patient without physician, podiatrist or dentist referral only after evaluation of dysfunction using recognized evaluative physical therapy test - wrk HB 2960 - Declares state policy that by year 2005 state shall provide services to mentally disabled in community-based setting and that Fairview Training Center can be closed - Pub HB 3423 - Establishes State Board of Dentistry - Pub

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TAPE 121, SIDE A

010 CHAIR FORD: Calls the meeting to order at 1:02 p.m.

MELANIE ZERMER: Submits and explains a letter from CHAIR FORD to Roy Timm regarding HB 2665 (EXHIBIT A).

CHAIR FORD: Submits and explains policy recommendation letter and prioritization list (EXHIBIT E).

WORK SESSION: HB 2664 - Establishes measure of damages for injuries resulting from unprovoked attack on assistance animal

MELANIE ZERMER: Submits and explains HB 2664-2 proposed amendments (EXHIBIT B), a hand engrossed version of the proposed amendments

(EXHIBIT C), and HB 2664-3 proposed amendments (EXHIBIT D).

MOTION: REPRESENTATIVE TAYLOR MOVES ADOPTION OF THE HB 2664-3 PROPOSED AMENDMENTS.

VOTE: THERE BEING NO OBJECTIONS, THE MOTION PASSES.

MOTION: REPRESENTATIVE MEEK MOVES ADOPTION OF THE HB 266 4-2 PROPOSED AMENDMENTS.

REPRESENTATIVE BARNES: What happens if the dog is killed?

100 CHAIR FORD: There will be compensation by receiving right of action from the perpetrator. The guide dog association will replace the dog, at no cost to the handicapped person. This would be through a civil suit.

VOTE: THERE BEING NO OBJECTIONS, THE MOTION PASSES.

MOTION: REPRESENTATIVE TAYLOR MOVES HB 2664, AS AMENDED, TO THE FLOOR WITH A DO PASS RECOMMENDATION.

VOTE: THE MOTION PASSES UNANIMOUSLY. REPRESENTATIVE MANNIX WILL CARRY HB 2664 TO THE FLOOR.

WORK SESSION: HB 2565 - Authorizes licensed physical therapist to administer therapy to patient without physician, podiatrist or dentist referral only after evaluation of dysfunction using recognized evaluative physical therapy test Witnesses: Stephen Kafoury, Physical Therapists Association Charlie Williamson, Oregon Trial Lawyers Association Jim Carlson, Oregon Medical Association

150 STEPHEN KAFOURY, PHYSICAL THERAPIST ASSOCIATION: Submits and explains HB 2565-1 proposed amendments (EXHIBIT F). - We are not interested in mandatory insurance coverage.

233 CHARLIE WILLIAMSON, OREGON TRIAL LAWYERS ASSOCIATION: Submits and explains proposed amendments to HB 2565 (EXHIBIT X).

KAFOURY: Agrees with Exhibit X proposed amendments. - Concerns have been expressed by physicians regarding liability.

WILLIAMSON: Currently, if I were hurt, due to negligence by a physical therapist, I could sue the clinic and the physical therapist. With the amendment, I could only sue the physical therapist. - Currently, if a physical therapist working in a school, was negligent, the school would be liable, not the physical therapist.

303 KAFOURY: Physical therapists treat the result of disease, not the disease (i.e. amputation due to cancer).

REPRESENTATIVE HAYDEN: In the event of a whip lash, if a patient went to a physical therapist, without a referral, and due to negligence that person ended up with severe damage, the physical therapist would be responsible.

KAFOURY: Physical therapists are taught, in training and through continuing education, when a referral needs to take place. An examination would provide necessary

information. An examination would occur no matter what type a physician first saw the patient.

380 JIM CARLSON, OREGON MEDICAL ASSOCIATION: Opposes proposed amendments submitted by Williamson. - Discusses 1987 legislation.

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- Explains bill. - Discusses medical providers roles versus the role of a massage therapist. - Explains that physical therapists and chiropractors receive different training. - Explains training that osteopaths receive. - Physical therapists do not diagnose. - We believe that diagnosis should be done at a first visit before any service is performed. - Physicians find physical therapists to be an important part of the provider team.

CHAIR FORD: Discusses chiropractor statutes.

CARLSON: Explains that in many cases the physical therapist and the physician co- determine treatment plan.

090 REPRESENTATIVE STEIN: Concerned about the reason that physical therapists to be careful. troubled about liability for physical therapists.

CARLSON: The bill does say that physical therapists will take sole responsibility.

REPRESENTATIVE STEIN: You'll want to go after the supervisors and the persons running clinic in the event of negligence.

CARLSON: Physical therapists would be involved in a joint liability suit.

KAFOURY: Suggests additional possible amendments.

CHAIR FORD: Asks interested parties to work out differences.

PUBLIC HEARING: HB 2960 - Declares state policy that by year 2005 state shall provide services to mentally disabled in community-based setting and that Fairview Training Center can be closed Witnesses: Janna Starr, ARC James Toews, MHDDSD David Beem, Citizen Jan Kral, Shangrila Corp. Mary Botkin, AFSCME

Staff submits HB 2960-2 proposed amendments from the Association of Retarded Citizens (EXHIBIT G) and a fiscal analysis (EXHIBIT H).

160 JANNA STARR, ASSOCIATION OF RETARDED CITIZENS (ARC): Explains proposed amendments to HB 2960 (See: Exhibit G). - Suggests additional proposed amendments which would eliminate appropriations referral.

330 JAMES TOEWS: MENTAL HEALTH DEVELOPMENTALLY DISABLED SERVICES

DIVISION (MHDDSD): Testifies on HB 2960. - Discusses MHDDSD long range plan for the MR/DD population, which includes

stabilizing existing programs, putting a meaningful dent in the wait list, and options for Fairview. - Agrees with policy recommendation but points out that there has not been an administrative decision to phase out Fairview. - Discusses cost analysis on closing Fairview. - It was determined that after 6 years of completely replacing Fairview with community programs, there would be little savings.

TAPE 121, SIDE B

- Part of the closure includes an element involving workers compensation. - Discusses costs of closing Fairview. - Discusses community wait list. - It will be expensive to meet the needs of this population. - Discusses possible worth of Fairview land. - Discusses possible uses for Fairview structures and costs to renovate those. - If Fairview were kept open, major repairs will be needed. - Addresses amendment language referring to the development of a comprehensive long range plan which do not address costs or specifics.

183 MARY BOTKIN, AFSCME: Testifies on HB 2960. - Not sure if mandating the closure date of Fairview is in the best interest.

CHAIR FORD: There are Fairview residents who will never be employed or even be able to walk down the street.

BOTKIN: Former Fairview residents say they are having a hard time finding practitioners (i.e. dentists). If Fairview is closed we will lose the resource of medical staff. - Suggests maintaining Fairview as a medical resource and training center.

CHAIR FORD: Those buildings are in need of major renovation, to do that for just a few remaining people would be absurd.

BOTKIN: Part of the reason Fairview is in need of significant repair is because of legislative decisions not to put money into Fairview. It was let go until deterioration occurred. - Capital construction resources and staff need to be maintained. - Seems like every session there are Fairview closure bills. - After opening of more community homes we still have wait lists, still have tells of concerns by aging parents if Fairview closes what guarantee is there that adequate care will be provided. - Need more money to care for MR/DD population. - Physicians are not trained in treating this population, they just receive on-the-job training. - Need to look at Fairview as a resource, not a white elephant.

TAPE 122, SIDE B

- Suggests removing date of closure from the bill.

CHAIR FORD: The date is in the bill because community based hopefuls who have no services need to keep their feet in fire for the state to hold to their word.

BOTKIN: What if the state is not prepared to close Fairview by the closure date?

CHAIR FORD: The legislature meeting in 2003 can change that.

REPRESENTATIVE BARNES: Wonders if attempts to close Fairview is because of adverse publicity or the need to serve clients in a different setting.

BOTKIN: Things have gotten better for variety of reasons. - This bill addresses the "old" Fairview. - Shamefully, it took the federal government to mandate us to make needed improvements. - Fairview clients are getting really good care that they can't get elsewhere. - Braces that are made at Fairview are not only for Fairview residents. - Dental services are provided at Fairview. - Don't understand what we have to do to get the proponents of this bill off our back; we are doing everything they have asked us (i.e. community services, more money for community providers - who are now unionized, raised standard of living).

075 REPRESENTATIVE TAYLOR: Concerned about this issue. - Have sympathy for older parents of MR/DD children. - Need to accommodate them as well are those who are able to function well in community based setting. - We should not be so concerned about job security and the condition of the building but we should be concerned about how to deal with the MR/DD population and what is best for them.

BOTKIN: Discusses double budget. - You can't provide services in the community for any cheaper than those services being provided at Fairview. - Discusses the need for livable wages for care givers.

REPRESENTATIVE STEIN: Wants to make sure people are paid a decent wage.

BOTKIN: This is not about job protection - this is about appropriate care. - Need to think about what Fairview could be by the year 2005 and what kind of valuable resources it could offer. - Need to think about further organizing group homes. - Need money from legislature for group homes providers, making wages compensable to those working at Fairview.

230 DAVID BEEM, CITIZEN: Submits and read written testimony in favor of HB 296 0 (EXHIBIT I).

290 JAN KRAL, SHANGRILA CORP: Submits and reads written testimony in favor of HB 2960 (EXHIBIT J). - Institutionalization in incarceration.

CHAIR FORD: A good point was made by Botkin regarding medical care; what do you suggest we do?

KRAL: There is a problem and I do believe this can be resolved. There needs to be access to medical specialists and providers.

CHAIR FORD: Recesses the meeting at 3:00 p.m. - Re-convenes the meeting at 3:18 p.m.

TAPE 123, SIDE A

PUBLIC HEARING: HB 3423 - Establishes State Board of Dentistry  
Witnesses: Jim Davis, United Seniors Bob Van Houte, United Seniors Bob

Burzynsky, Denturist John Cooper, OSDA - Denturist Nan Dewey, Oregon Dental Association Dr. Jaren Poulson, Oregon Dental Association Dr. Janet Peterson, Oregon Dental Association Ken Holden, C.D. Mark Rogers, ODA Glenn Purdy, DDS Robert Carmichael, DDS Dr. George Kirk, DDS Dr. Catherine Lach, DDS Art Keil, Oregon Health Division Sue Wilson, Oregon Health Division

Staff submits HB 3423-3 proposed amendments (EXHIBIT K), testimony submitted for the record from Dennis Cain (EXHIBIT L), and testimony submitted for the record from Melanie Block (EXHIBIT M).

010 JIM DAVIS, OREGON STATE COUNCIL OF SENIOR CITIZENS, UNITED SENIORS OF OREGON, THE GRAY PANTHERS, AND THE OREGON STATE DENTURISTS ASSOCIATION: Submits and reads written testimony on HB 3423 (EXHIBIT N).

140 BOB VAN HOUTE, UNITED SENIORS: Testifies in support of HB 3423.

CHAIR FORD: United Seniors has been trying to pass this for long time, do you know any seniors who are not happy with functions or costs of denturists?

Van Houte: Not to my knowledge.

CHAIR FORD: How many seniors do you know that use denturists?

Van Houte: Never surveyed that.

200 ROBERT BURZYNSKI, DENTURIST: Submits and reads written testimony in favor of HB 3423 (EXHIBIT O).

375 JOHN COOPER, DENTURIST: Submits and reads written testimony in favor of HB 342 3 (EXHIBIT P).

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020 NAN DEWEY, OREGON DENTAL ASSOCIATION (ODA): Submits and reads written testimony in opposition to HB 3423 (EXHIBIT Q).

065 Dr. JAREN POULSON, OREGON DENTAL ASSOCIATION: Submits and reads written testimony in opposition to HB 3423 (EXHIBIT R).

110 Dr. GEORGE KIRK, DDS: Submits and reads written testimony in opposition to HB 342 3 (EXHIBIT S). - If it is working, why change it? - Would like board composition to remain as it currently is. - Describes definition of "denture". - Concerned about the expansion of scope of treatment. - Describes different types of dentures.

REPRESENTATIVE TAYLOR: Doesn't the dentist supervise the fitting of an implant?

180 KIRK: There may or may not be supervision. We fear abuse. Concerned about having the best treatment we can have in this state.

300 DR. CATHERINE LACH, DDS: Submits and reads written testimony on HB 3423 (EXHIBIT T).

350 Dr. JAN PETERSON, ODA, CORVALLIS: Submits and reads written

testimony on HB 3423 (EXHIBIT U).

TAPE 123, SIDE B

010 KEN HOLDEN, C.D.: Submits and summarizes written testimony on HB 3423 (EXHIBIT V). - Discusses letter from the Attorney General's Office to Davis.

124 MARK ROGERS, ODA: Testifies on HB 3423. - Tells why the bill was introduced. - Discusses ODA amendment. - Discusses soft and hard tissue. - Describes improvement in the denturist's field and clinical technician profession. - If we don't make these, who will? - Discusses make-up of the board. - Reads letter about dentistry policy (EXHIBIT W).

250 DR. ROBERT CARMICHAEL, DDS: Testifies on HB 3423. - Describes implants. - Whatever we do regarding this legislation needs to be for the safety of the public. - Describes work he has done on partial dentures. - Wants people to keep all of their teeth, if possible. - Implants are expensive because of costs of materials. - Describes dentures over implants. - Describes fixed dentures.

TAPE 124, SIDE B

CHAIR FORD: Have any people come to you about problems with denturists?

CARMICHAEL: Yes, usually 2-3 a year. I then charge them 1/2 price to correct the problem. - Keep dentistry reversible, not irreversible.

076 DR. GLENN PURDY, DDS: Testifies on HB 3423. - Tells of how dentistry has changed over the years. - Discusses dental prices.

110 ART KEIL, OREGON HEALTH DIVISION (ODA): Testifies on HB 3423. - Has no problem with the -3 proposed amendments. - Favor the penalty provision.

SUE WILSON, OREGON HEALTH DIVISION: Testifies on HB 3423. - Describes advisory council meetings. - One disagreement has come up causing the Attorney General's opinion regarding clarity in statute on denturist scope of practice. The Opinion did not clarify the statute.

200 CHAIR FORD: Adjourns the meeting at 5:03 p.m.

Submitted by,

Reviewed by,

Pamela Berger

Melanie Zermer

EXHIBIT LOG: A - HB 2665 - letter - Chair Ford - 1 p. B - HB 2664 - proposed amendments - staff - 1 p. C - HB 2664 - proposed amendments - staff 1 p. D - HB 2664 - proposed amendments - staff - 1 p. E - Policy Recommendation - staff - 11 pp. F - HB 2565 - proposed amendments - Kafoury - 4 pp. G - HB 2960 - proposed amendments - Starr - 4 pp. H - HB

2960 - fiscal analysis - staff - 1 p. I - HB 2960 - testimony - Beem - 1 p. J - HB 2960 - testimony - Kral - 3 pp. K - HB 3423 - proposed amendments - staff - 10 pp. L - HB 3423 - testimony from Cain - staff - 1 p. M - HB 3423 - testimony from Block - staff - 1 p. N - HB 3423 - testimony - Davis - 13 pp. O - HB 3423 - testimony - Burzynski - 8 pp. P - HB 3423 - testimony - Stout - 2 pp. Q - HB 3423 - testimony - Dewey - 2 pp. R - HB 3423 - testimony - Poulson - 2 pp. S - HB 3423 - testimony - Kirk - 1 p. T - HB 3423 - testimony - Lach - 6 pp. U - HB 3423 - testimony - Peterson - 2 pp. V - HB 3423 - testimony - Holden - 2 pp. W - HB 3423 - testimony - Rogers - 1 p. X - HB 2565 - testimony - Williamson - 1 p.