

SENATE COMMITTEE ON HUMAN RESOURCES

Monday February 11, 1991                      Hearing Room A 3:15 p.m.                      Tapes 22  
- 23 MEMBERS PRESENT:    Sen. Bill McCoy, Chair Sen. Cliff Trow, Vice  
Chair Sen. Shirley Gold Sen. Bill Kennemer Sen. Paul Phillips STAFF  
PRESENT: Janice J. Fiegenger, Committee Administrator Mike Meriwether,  
Research Assistant Michael Sims, Committee Assistant Andra Woodrum, Page  
MEASURES CONSIDERED:    SB 26 - Relating to Public Welfare Review  
Commission, PH/WS SB 28 - Relating to energy assistance, PH/WS SB 205 -  
Relating to psychologist licensing, PH/WS SB 206 - Relating to  
psychologist licensing, PH/WS SB 207 - Relating to psychologist  
licensing, PH

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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. \_

TAPE 22, SIDE A 003    CHAIR McCOY: Calls the meeting to order at 3:18  
p.m.

(Tape 22, Side A) PUBLIC HEARING ON SENATE BILL 26 Witnesses: Victor  
Merced, Deputy Administrator, Adult and Family Services Division  
Kathleen P. Eymann, Public Welfare Review Commission

008        VICTOR MERGED, DEPUTY ADMINISTRATOR, ADULT AND FAMILY SERVICES  
DIVISION (EXHIBIT A): Speaks in favor of SB 26 and details Exhibit A.  
028        KATHLEEN P. EYMANN, PUBLIC WELFARE REVIEW COMMISSION: The  
Commission thought long and hard about this. The main reason we went for  
it is that we found that people operating in the field of welfare were  
real knowledgeable. They were very involved with our issues but weren't  
on our Commission because they didn't fit these criteria. So this was a  
way of bringing all of these people who were vitally concerned about  
welfare and services we provide under one commission, so we can more  
effectively work together. We wanted to preserve the representation of  
the county boards, and the statewide representation, and felt we could  
do that by asking the Governor to consider that as opposed to making it  
just a requirement. Senate Committee on Human Resource' February 11,  
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038    CHAIR McCOY: Is there a commission for the Children's Services and  
Senior and Disabled Services divisions, etc., as well? 044    MERGED: Yes,  
and CSD in its regional structure has a couple of advisory bodies as  
well.

045    CHAIR McCOY: What about the Vocational Rehabilitation Division? Do  
they have one, too?

046    MERGED: I don't know. 047    CHAIR McCOY: Since there is so much  
overlapping, I wonder if we should consider puking them all in one. 049  
MERGED: I think that is something that Rep. Bev Clarno's House Agency  
Reform and Reorganization CommiKee is looking at. But the issues are so  
diverse in some areas - for example, ours in welfare reform - those are  
taking a majority of the committee's time. One would have to consider  
whether those other agencies or committees will be able to address all  
the real important issues that the agencies themselves need to address.  
054    CHAIR McCOY: So they are looking at this over in the House?

055    EYMANN: It didn't appear that they were broken down by agency;

often they're broken down by a particular problem, like access to medical care or job training under a particular Federal statute. Maybe when they look at reorganization, they might want to look at making them follow the structure of state government rather than having commissions on each particular issue that - \_ arises. They overlap when there are so many on one issue.

064 SEN. KENNEMER: I have a question about the name of the commission.

067 EYMANN: Obviously, it should be the Public Adult and Family Services Review Commission. Some people on the Commission tried to get that changed, but I think it's stayed the same because most people think of it as welfare.

072 KENNEMER: Yes, I guess either that or at least Public Assistance would be a more current and accurate term.

078 CHAIR McCOY: Closes public hearing on SB 26.

(Tape 22, Side A) PUBLIC HEARING. SENATE BILL 28 Witnesses: Jim Neely, Adult and Family Services Division

078 JIM NEELY, ADULT AND FAMILY SERVICES DIVISION (EXHIBIT B): Speaks in favor of SB 28 and details Exhibit B. 104 JANICE J. FIEGENER, COMMITTEE ADMINISTRATOR: Is this required by Federal statute?

105 NEELY: It's required by state statute if we're going to take advantage of this.

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105 CHAIR McCOY: If that's the case, then it certainly isn't this year's law. Was this in effect last year? 107 NEELY: Yes. 108 CHAIR McCOY: And were you operating this way last year? -NEELY: Yes, we were.

109 CHAIR McCOY: Without our authority? 110 NEELY: No, this was and currently is part of Oregon statute. This bill updates it for 1991-93.

111 CHAIR McCOY: Suppose something comes up in the meantime, say, for the beginning of next year. You'd have to wait a whole year, maybe more, before acting? 115 NEELY: Yes. Technically, if the Oregon statute were not updated, we would not offer this service. 118 CHAIR McCOY: Closes public hearing on SB 28. (Tape 22, Side A) WORK SESSION, SENATE BILL 28

120 MOTION: SEN. TROW moves SB 28 to the floor with a "do pass" recommendation.

VOTE: In a roll-call vote, the motion passes with all members present voting aye.

(Tape 22, Side A) PUBLIC HEARING, SENATE BILL 20S Witnesses: David Sweet, Vice Chair, Oregon Board of Psychologist Examiners Bonnie Wilson, Administrator, Oregon Board of Psychologist Examiners

147 DAVID SWEET, VICE CHAIR, OREGON BOARD OF PSYCHOLOGIST EXAMINERS (EXHIBIT C): Speaks in favor of SB 205 and details Exhibit C. 162 SEN. KENNEMER: It's been a real problem trying to determine exactly what the real responsibilities of the psychological residents are, without any specific guidelines. And, at least, it's been my understanding that there have been some problems in the past. Since the guidelines were

unclear, it's been hard to tell if someone might be out of compliance, for example. 168 SWEET: That's correct. And what the Board has done, with the help of a subcommittee, during this past year is do a lot of research into the issue and work on developing a better, more comprehensive contract that outlines those requirements.

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172 SEN. TROW: I just heard a review of your budget a while back in another committee. Was this something that we talked about at the time, when we did the budget? 175 BONNIE WILSON, ADMINISTRATOR, OREGON BOARD OF PSYCHOLOGIST EXAMINERS (EXHIBITS C, F) No. It was an ongoing process that we've been reviewing - the resident contract. But this was not a part of the proposed budget. 178 SEN. TROW: Is this going to create more work for you? -WILSON: No. 179 SEN. TROW: So you don't see any additional expense. It doesn't affect the Board's operation in any way particularly? 183 WILSON: No. Currently, the law allows the Board to require 2 years of supervised work experience. What this bill would do would require one of those years to be post-doctoral. That's stated clearly in the statute, as required for licensure. 189 SEN. TROW: Who does the supervision? 189 WILSON: A licensed psychologist or someone deemed the equivalent by the Board. 190 SEN. TROW: What's your role in that? What's the Board's role? 191 WILSON: The Board looks at the contract (EXHIBIT F) and requires each person who wants to provide a psychological service before being licensed for that year of post-doctoral study to agree to the stipulations in that contract. 197 SEN. TROW: That's basically what you do, and you can do that without any problems? 198 WILSON: Yes. 199CHAIR McCOY: That's similar to what they do in social work for the Master of Social Work (MSW) degree. 200 SEN. KENNEMER: Basically, isn't this basically putting into a specified format what already is current practice for the Board? You're already charged with regulating these people; this just helps put it in a codified manner? 203 WILSON: Yes. 204SEN. KENNEMER: So that's why there's no cost impact. They're essentially doing this, although I think there was some risk in the way it was being done, since it wasn't codified. People could argue that perhaps it wasn't fair. And this helps make it explicit. 212 CHAIR McCOY: Closes public hearing on SB 205.

lllcsc 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 proceeding., please refer to the tapes. Senate Committee on Human Resources February 11, 1991- Page 5 (Tape 22, Side A) WORK SESSION. SENATE BILL 205 215 MOTION: SEN. KENNEMER moves SB 205 to the floor with a "do passe recommendation.

VOTE: In a roll-call vote, the motion passes unanimously.

(Tape 22, Side A) PUBLIC HEARING. SENATE BILL 206 Witnesses: David Sweet, Vice Chair, Board of Psychologist Examiners Bonnie Wilson, Administrator, Board of Psychologist Examiners 228 SWEET (EXHIBIT D): Speaks in support of SB 206 and details Exhibit D.

248 CHAIR McCOY: If I lived in the state of Oregon, and passed the test

in Idaho, California and Washington, for example, could I be considered without taking the written exam?

255 SWEET: This just covers the oral examination. There is a required written exam. 258 CHAIR McCOY: So now, they will have to take the written exam.

259 SWEET: No. They can take credit for the written examination, and not have to re-take it, if it's passed at our level. This is requiring them to take an oral examination. All candidates take a written and then oral examination at this time.

265 SEN. TROW: Was this discussed at the time your budget was there?

266 WILSON: No.

267 SEN. TROW: Why not? This clearly does take some time, doesn't it?

268 WILSON: As Senator Kennemer brought up with SB 205, SB 206 is a similar process. The Board has the discretion in its statute to waive the written and oral examination. The Board has chosen to waive the written examination if the individual passes it at Oregon's level of passing. It has considered the oral examination to be a requirement for licensure in Oregon, so currently, it requires everyone wishing to practice in Oregon to take an oral exam.

It is confusing because if you read the statute without the Board's proposed amendment, and you're coming from out of state, you've got to indicate that you'd like to be licensed under ORS 675.050. Then the Board has to go through the back door and say it'll accept your written examination, but you are still required to sit or an oral exam. If we have this amendment to the statute (SB 206), it very clearly states that we'll waive the written if it's passed at the Board's level, but everyone would need to take an oral examination.

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289 SEN. TROW: But that's not changing your existing practices, and isn't likely to create any more work for you. 290 WILSON: That's correct.

292 SEN. KENNEMER: It is current practice not to accept reciprocity in terms of oral exams. I think that's pretty consistent with all psychology-licensing boards across the U.S. But it's a little more honest to the consumer, because it would appear that when you apply, you have the option of opting out. Because of liability, the Board's policy has been not to allow that, to make people aware of Oregon law. I think it's much more straightforward. 301 CHAIR McCOY: This would take care of a case we had for a couple of sessions which involved a person from Medford. This person was licensed in California.

306 WILSON: I know the case to which you are referring. That went back even a step further. That individual did not meet the educational requirements, and so the Board was saying it didn't have a reciprocal agreement with any other state and the person in question did have to meet Oregon's minimum educational standards. 316 SEN. TROW: Just a

caution - do you give the same oral exam to everybody? Is there a prescribed exam, or does it vary? Do some people not qualify because they don't pass the oral exam; do they get another chance to take it? Is this a way of screening people out? 324 SWEET: We have developed as standardized a process as possible for administering oral exams covering a variety of areas that we feel are important. The questions aren't absolutely the same for each person but they have to demonstrate competence in a variety of domains. There's a point in the licensing process where someone could be screened out, but not permanently. If someone does not pass an oral examination, they are given a report explaining what areas they were weak in and giving recommendations - more supervised experience, reading about child abuse reporting laws, things like that. They're given a second opportunity to go before an ad hoc oral-examination committee, and a third opportunity to go before the full Board of Psychologist Examiners. 340 SEN. TROW: That answers my question to an extent. But these people will have passed a written test someplace, right? 343 SWEET: Yes.

344 SEN. TROW: Many of them will have been certified in another state, right?

-SWEET: Yes, some are.

345 SEN. TROW: And then they come in and the purpose of the oral exam is to talk to them about the peculiarities of practicing in Oregon, state law, etc?

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348 SWEET: That's correct. -SEN. TROW: And it's really not a device to screen people out, but to make sure they know Oregon law, right?

350 SWEET: It is not.

351 SEN. TROW: So if they don't pass one time, they can study Oregon law and then come back and take it again.

353 SWEET: Yes.

354 CHAIR McCOY: But your standards are floating standards - based on what? Your exam score is sort of a floating one. Every time there is a written examination, there is a different minimum score, right?

363 WILSON: That is correct. However, the Board in April 1990 adopted an administrative rule that had an absolute of 75%. So what we've done is require that an individual pass at the level of all doctoral-level candidates taking the exam for the first time, or 75%, whichever is lower. So as long as the candidate achieves 75%, that would be adequate for passing. Or if the mean for doctoral-level candidates is lower, that would be OK, too. 375 CHAIR McCOY: But this is just something new?

376 WILSON: Yes.

377 CHAIR McCOY: Sort of a floating thing. 378 WILSON: It was

determined by that administration.

-CHAIR McCOY: You could screen people out easily.

379 WILSON: We didn't determine the mean; it was determined on a national level by all candidates taking the exam for the first time on that day. So we received a report from the examination service that measured that level - the Board didn't do that. We just determined which mean we were going to accept, and then it was up to the examination service to determine what that score was.

387 CHAIR McCOY: California and Washington use the same score, same rating, same examination as you do? 390 WILSON: I believe they use the same examination. I don't know what their required passing score is.

393 SEN. PHILLIPS: Of the people who take the oral exam, what is the percentage of people who fail, who are rejected on their first try?

400 SWEET: I'd estimate maybe a quarter of them.

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403 SEN. PHILLIPS: So 25% don't show the proper sensitivity to the nuances of Oregon law. Then, according to the answer you gave Senator Trow, you have an ad hoc committee and the full Board. Of that approximate 25% who fall through, how many get back in or eventually don't get in at all? Are we talking about 3 or 4%? 412 SWEET AND WILSON: Almost 100%, about 99.9%. 414 SEN. PHILLIPS: You've really got to work at it not to get through eventually, with the cooperation you demonstrate to these people, right? 417 SWEET: Yes. I think you'd have to work really hard at not getting licensed. You pick up that extra information. Most people who are competent as psychologists have an understanding of the field. It's just that when you get to the oral exam that I have found people really get stuck, as they have not read the law. We provide them with stacks of information to study before they even take the exam, and I guess some don't even bother looking at it.

427 SEN. TROW: Is Oregon law that much different from other states? 430

SWEET: Yes, in some respects. I can't speak about other laws, but where I find this out is during an oral examination when I chair an exam and have a candidate who says that in Washington it's done this way, and in California that way. My reaction is to tell them they are planning to practice in Oregon and we don't necessarily do it that way - our laws are written differently. So there are some differences and that's why it's important to look at this. 444 CHAIR McCOY: Closes public hearing on SB 206.

(Tape 22, Side A) WORK SESSION. SENATE BILL 206 447 MOTION: SEN. KENNEMER moves SB 206 to the floor with a "do pass" recommendation. VOTE: In a roll-call vote, the motion passes unanimously. TAPE 23, SIDE A (Tape 23, Side A) PUBLIC HEARING! SENATE BILL 207 WITNESSES: David Sweet, Vice Chair, Board of Psychologist Examiners Bonnie Wilson, Administrator, Board of Psychologist Examiners

012 SWEET (EXHIBIT E): Speaks in support of SB 207 and details Exhibit E. 028 CHAIR McCOY: Who would you prefer to rely upon to accredit schools of psychology? 029 SWEET: Any recognized regional accrediting body, that accredits colleges and universities in various parts of the country. (

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030 CHAIR McCOY: What about outside the country? 031 SWEET: In that case, we would rely upon an accrediting body from that country or region. In that case, we would have to assume that it would be comparable.

034 CHAIR McCOY: Do they rate, accredit colleges in other places like we do?

035 SWEET: I believe they do in Canada. And I'm assuming they do in other countries.

037 CHAIR McCOY: For example, we have a few psychologists from Switzerland, and Austria - I don't know whether they have the same kind of accreditation or not. -WILSON: I believe that the Board has reviewed an application from an individual who received his degree in France. We corresponded with the French university, found out its coursework, then compared it to what the United States offers. We made the decision based on that. That was several years ago; I don't remember if there was a regional accrediting body. But I know we did accept that individual's candidacy. 046 SEN. TROW: Why do we need to do this? What's wrong with the previous definition?

048 SWEET: Occasionally, we get applicants who come through the process who've taken a course here and a course there, from unfamiliar and unaccredited universities. It's difficult to determine if they have an education equivalent to that of someone who has gone through an accredited university. They may, but it becomes more of a burden on the board and involves guesswork at times to determine whether it is a comparable program. By going with this change in statute, it would give us more assurance of the quality of education.

057 SEN. TROW: How many people do you get who might fit that category?

060 SWEET: Sometimes we can't even be sure if it's from a psychology program. That's part of the difficulty. It might be people who've taken psychology classes from different schools, or different kinds of programs. It's difficult to determine comparability. As to the number of persons, Ms. Wilson might be able to venture a guess.

064 SEN. TROW: What does the old language say? Accredited college or university means any college or university offering a full-time resident graduate program of study in psychology leading to the doctoral degree?

066 SWEET: Yes. This is just clarifying who accredits it - a regional accrediting body.

069 SEN. TROW: Who is being excluded? How many people, and why? 073

WILSON: I think it would just be so minimal. What the Board has been faced with is looking at educational background, as Doctor Sweet indicated, the Board has to determine is if you take a course in cognitive and a course in behavioral, and maybe scientific statistics or ethics, maybe you can qualify. So the Board has to review those transcripts and be an accrediting agency. That's very difficult for the Board to do. So this would streamline and standardize it.

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Both the other two mental-health licensing boards in the state - the clinical social workers and the counselors - require that the individuals graduate from an accredited school, a university. So this would be consistent with their requirement, as a minimum standard. 085 SEN. TROW: How many people a year do you have who come from something that's nonaccredited? Is this a tremendous burden to you; do you need this because you're overburdened by those kinds of people? And you have the final discretion to decide whether or not they really qualify or don't qualify? 091 SWEET: This doesn't represent a significant burden to the Board to look at these. It helps streamline it, gives more assurances about the type of program they're coming from. It could potentially be exclusionary, but we also have the option of reviewing those types of records if a person hasn't gone through an accredited program. They still have the opportunity to take additional coursework, so they might be excluded on a temporary basis, until such time as they have completed not necessarily an entire program but coursework in a variety of areas.

102 SEN. TROW: If you make this change, would a person have to come from an accredited program to get licensed, or not? By making this change, aren't you saying that by golly, you have to have come from an accredited program before you get licensed?

106 SWEET: It still says, or a comparable program as determined by the Board. That's why I say it's not totally exclusionary. It might be a temporary deterrent to getting a license. 110 CHAIR McCOY: Do you have to follow a certain sequence of courses to qualify? And if the applicant doesn't have that sequence, does the Board send the applicant back to get that sequence of courses?

114 SWEET: Yes.

118 CHAIR McCOY: What schools do you know of, who offer doctorate programs in psychology, that would not meet Board standards? Are there any local ones or any outside Oregon that you know of?

125 SWEET: There are; I can't think of the names. I don't know of any in Oregon but know of a couple in California where we've reviewed candidates - non-standard programs.

134 CHAIR McCOY: If you get to that doctorate level, what are you talking about as far as substandard programs? Some Bible colleges, or something like that, just turning out people calling themselves psychologists? Is that it? 139 SWEET: We're possibly talking about mail-order degrees, but they're usually off-campus programs. Some of these places don't have campuses, per se. They have offices, but people are out working in the field, doing readings, consulting, etc. So they're not even residents of a program. 145 CHAIR McCOY: Would you ever admit one of these people, if they went back and took another year or more? .

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147 SWEET: Yes, and that has happened. 151 SEN. KENNEMER: I wonder  
if part of the problem isn't that it was diff~cult to determine what an  
accredited college was, and you wanted to say an accredited college is  
one that's accredited by a regional authority, so you can be careful -  
some of the mail-order places accredit themselves. I almost wonder if  
there shouldn't be a recognized regional accrediting association or  
something like that. 160SWEET: We are now essentially in the  
business of accrediting new programs, but the Board doesn't see that as  
appropriate for us. We're not in that business but the way it's stated  
right now, it's up to us to do. 167 CHAIR McCOY: Closes public  
hearing on SB 207.

(Tape 23, Side A) WORK SESSION, SENATE BILL 207

169 SEN. TROW: It seems to me that SB 207 makes the Board an  
accrediting agency. By determining a comparable program, you get to say  
that a person is accredited. 172 CHAIR McCOY: Only if they come from an  
accredited university or college, or whatever.

173 SEN. TROW: It's just interesting, the way it's put together.  
Because we're defining an accredited college and university; it means  
that. And then, at the end, we say or comparable program as determined  
by the Board. So you can say what's accredited, almost.

181 SEN. McCOY re-opens public hearing on SB 207.

185 SWEET: I don't know whether we want to take this back and find  
better wording, but in response to Senator Trow's question, I think your  
concern is that the Board not be exclusionary in its efforts. I think  
the effort here is to accommodate those who may still not meet the  
standard, with at least the possibility of appeal, but to eliminate that  
appeal as much as reasonably possible. So if there is an organization  
that accredits, the Board will accept that on a regular basis. If there  
isn't, the Board still has the discretionary ability to review the  
material. I don't think it's written in the best language and if we're  
going to set it out, there needs to be some homework done to find a  
better way. 208 SEN. McCOY: Directs staff to find better language for  
SB 207.

-Closes public hearing on SB 207.

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Raources February 11,1991- Page 12 (Tape 23, Side A) WORK SESSION.  
SENATE BILL 26 220 SEN. KENNEMER: We're not going to further discuss  
the name of the commission?

221 CHAIR McCOY: No. There's another committee working on putting the Welfare Commission from Adult and Family Services, Children's Services, Vocational Rehabilitation and all the rest into one. Maybe that will come over to us from the House. 226 SEN. TROW: Who wants this bill? 227 CHAIR McCOY: AFS. 230 FIEGENER: They've already formed a Welfare Commission. That happened during the 1989 90 interim; it's already consolidated. 238 MOTION: SEN. TROW moves SB 26 to the floor with a "do pass" recommendation.

VOTE: In a roll-call vote, the motion passes unanimously. 251 CHAIR McCOY: Adjourns meeting at 4:05 p.m.

Submitted by: Reviewed by: Michael Sims Janice J. Fiegener  
Assistant Administrator

EXHIBIT LOG:

A - Testimony on SB 26 - Victor Merced - 2 pages B - Testimony on SB 28 - Jim Neely - 1 page C - Testimony on SB 205 - Bonnie Wilson, David Sweet - 1 page D - Testimony on SB 206 - David Sweet - 1 page E - Testimony on SB 207 - David Sweet - 1 page F - Testimony on SB 207 - David Sweet - 7 pages

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