

001 JOONDEPH: Continues with testimony. 035 RICHARD LIPPINCOTT, M.D., HUMAN RESOURCES ADMINISTRATOR FOR MENTAL HEALTH (EXHIBIT D): Testified in support of SB 509 and SB 510 and outlined EXHIBIT D.

074 EVA KUTAS, MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES DIVISION: They now offer investigations at the training centers and are working on a revision of the administrative rule to do the same for the state hospitals. There are investigations of complaints from individuals served in the community programs. She offered support on SB 509 and SB 510. 086LIAM CALLEN, PRESIDENT ELECT, COMMUNITY MENTAL HEALTH PROVIDER'S ASSOCIATION (EXHIBIT E): Testified in support of SB 509 and SB 510 and outlined EXHIBIT E. 197 JANNA STARR, EXECUTIVE DIRECTOR, THE ASSOCIATION FOR RETARDED CITIZENS OF OREGON (EXHIBIT F): Testified in support of SB 509 and SB 510 and outlined EXHIBIT F. 298 JOHN McCULLEY, OREGON PSYCHIATRIC ASSOCIATION: Testified in opposition to SB 509 and SB 510 and expressed their concerns with the bills. He further offered a statement from Joseph D. Bloom, M.D. of the Oregon Health Sciences University. (EXHIBITS G AND H). H). 369 SEN. PHILLIPS: Where do you see the rights of action occurring in SB 509 ? 375 McCULLEY: This occurs by the fact the bill establishes certain specifics. We feel the Senate Committce on Human Resources April 8, 1991 - Page 3

responsibilities for the providers could be subject to litigation if they are not followed under Section 4. There is great concern with the stigmatization of the mentally ill. Mental illness is a treatable biological illness.

TAPE 61, SIDE B

031 McCULLEY: Offered proposed amendments SB 509-3 and SB 510-3 (EXHIBIT 1). WORK SESSION ON SENATE BILL 509 AND SENATE BILL 510

065 SEN. PHILLIPS: There are slight differences in definitions between SB 509 and SB 510. >Suggested the words "neglect" and "financial exploitation" remain in the bill. 084MOTION: SEN. TROW moves the hand-engrossed SB 520 dated 314191.

VOTE: Hearing no objection, Chair McCoy so moves.

094 MOTION: SEN. PHILLIPS moves to reinstate lines 20 and 29. 114 FIEGENER: Explains the fiscal impact of the bill (EXHIBIT J). 122 ELLA JOHNSON: Agrees with Sen. Phillips. When we find neglect, it is just the tip of the iceberg. The committee needs to be aware that including this language does increase the fiscal impact, substantially.

144 SEN. TROW: Section 2 is defining abuse. If we define abuse and leave out neglect and financial exploitation, this may say something about what you think abuse is, by consciously leaving them out.

149 SEN. PHILLIPS: Do we know that adding this definition costs us \$7 or \$8 million? If we do, we are creating a precedence for what is defined and the rest of the bill is muted in effect.

159 EVA KUTAS: Administrative rule that govern the programs serving the developmental disability section of the state do define neglect and they are being investigated.

VOTE: Hearing no objection, Chair McCoy so moves.

182 SEN. PHILLIPS: In Section 9, if you don't notify the adult guardian

conservator of a complaint, you have taken one essential element out of the bill.

213 MOTION: SEN. PHILLIPS moved to reinstate the entire Section 9.

225 SEN. GOLD: Agrees that this is all common sense, but can we trust the division to see that it happens that way.

234 SEN. KENNEMER: A facility that failed to notify the appropriate people about important allegations would be in serious jeopardy. If we are going to persist in this mode, we are going to add back all of the Ways and Means impact. Senate Committee on Human Resources April 8, 1991 - PJIGE 4

250 SEN. PHILLIPS: Suggested the Chair submit a letter to Ways and Means stating the policy decisions.

278 MOTION: SEN. GOLD moved a friendly amendment taking Section 9, through line 5, after "notice." deleting the specificity of what the notification should contain.

290 SEN. TROW: If you look at the specificity, there are good things which they need to know about the abuse. We should leave the language and see if there is a fiscal problem.

304 SEN. GOLD: Withdraws friendly amendment.

306 VOTE: In a roll call vote, the motion carries, with Senator Kennema voting NAY.

357 SEN. KENNEMER: Explained the proposed amendments submitted by John McCulley (Exhibit I). The proposed amendments eliminate the private right of action which would help deal with some of the adversarial and cost questions. This requires that each program and facility create a list of items that their bill of rights must adjust.

400 BOB JOONDEPH: Posting of rights is a very good thing, but posting of rights does not enforce rights. The question for the committee is how to best enforce rights. The state cannot adequately enforce those rights given its fiscal situation and the capacity of the state to do so.

TAPE 62, SIDE B

020 MOTION: SEN. KENNEMER moves the SB 510-3 amendments dated 4/18/91.

036 VOTE: In a roll call vote, the motion fails, with Senators Kennemer and Phillips voting AYE. Senators Gold, Trow and McCoy voting NAY.

039 MOTION: SEN. PHILLIPS moves to delete Sections 13 and 15(3) of the hand-engrossed SB 510, dated 3/4/91. 073 VOTE: In a roll call vote, the motion fails, with Senators Kennemer and Phillips voting AYE. Senators Gold, Trow and McCoy voting NAY. 080 MOTION: SEN. KENNEMER moves to conceptually clarify language that this does not apply to outpatient services. 096 ELLA JOHNSON: This language refers back to the definition of adult. To clarify, we could say "all adults as defined". VOTE: Hearing no objection, Chair McCoy so moves. 103 MOTION: SEN. TROW moves to send SB 510, as amended to the Judiciary Committee with a do pass recommendation. VOTE: In a roll call vote, the motion carries, with Senator Kennemer voting NAY. Senate Committee on Human Resources April 8, 1991- Page 5

116 CHAIR McCOY adjourns the meeting at 4:58 p.m.

Submitted by: Reviewed by: Debbie Schieno Janice J. Fiegener
Assistant Committee Administrator

EXHIBIT LOG:

A - Testimony on SB 509 and 510, Ella Johnson, 7 pages B -
Hand-engrossed SB 509, 3 pages; hand-engrossed SB 510, 7 pages C -
Testimony on SB 509 and 510, Robert C. Joondeph, 2 pages D - Testimony
on SB 509 and 510, Richard C. Lippincott, 1 page E - Testimony on SB 509
and 510, Liam Callen, 1 page F - Testimony on SB 509 and 510, Janna
Starr, 8 pages G - Testimony on SB 509 and 510, John McCulley, 5 pages H
- Testimony on SB 509 and 510, Joseph Bloom, 9 pages I - Amendments to
SB 509, 1 page; amendments to SB 510, 1 page J - Fiscal Analysis on SB
510, 1 page K - Testimony on SB 510, Jeffrey Davis, 1 page

These minutes contain material 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.