

SENATE COMMITTEE ON HUMAN RESOURCES

Wednesday May 1, 1991                      Hearing Room A 3:15 p.m.                      Tapes 80 -  
82 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 Debbie Schieno, Committee Assistant Andra Woodrum,  
Page MEASURES CONSIDERED:            SB 698 - Appropriates money for child care  
and latchkey program for biennium - (PH/WS) SB 50 - Restricts authority  
of court regarding placement of child in hospital or other facility when  
child needs physical or mental examination. (PH/VVS) SB 1186 - Creates  
Task Force on Reducing the Disproportionate Involvement of Ethnic  
Minority Children and Youth in the Juvenile Justice System. (PH) SB 1027  
- Permits certain residents of long term care facilities on effective  
date of Act to remain residents notwithstanding changes in eligibility  
resulting from legislative action. (PH) WITNESSES PRESENT:            SEN. JOYCE  
COHEN, DISTRICT 13 KAREN MAFFET, CHILDRENS SERVICES DIVISION DAY CARE  
PROGRAM SEN. JOAN DUKES, DISTRICT 1 JANIS ELLIOT, DEPARTMENT OF HUMAN  
RESOURCES LOUISE HAMILTON, DEPT. OF FAMILY RESOURCES, LINN BENTON  
COMMUNITY COLLEGE BOB STEWART, GLADSTONE SCHOOL DISTRICT ROBIN SCHMIDT,  
COMMISSION FOR CHILD CARE GINA WOOD, CHILDREN & YOUTH COMMISSION DIANE  
BRISSENI ON, MENTAL HEALTH & DEVELOPMENTAL DISABILITY SERVICE DIVISION,  
ATTORNEY GENERAL'S OFFICE DEBBIE RIOS, CHILD & ADOLESCENT TREATMENT  
PROGRAM DERALD WALKER, MENTAL HEALTH SERVICES MAURICE REECE, MENTAL  
HEALTH SERVICES CAM GROMER, OREGON HEALTH CARE ASSOCIATION BERNIE  
THURBER, OREGON CITIZENS FOR BETTER NURSING HOME CARE LEE HAZELWOOD,  
GOVERNORS COMMISSION Senate Committee on Human Resources May 1, 1991 -  
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statements made during this session. Only text enclosed in quotation  
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proceedings, please refer to the tapes. .

TAPE 80, SIDE A

002 CHAIR MccOY: Calls the meeting to order at 3:24 p.m.

PUBLIC HEARING ON SENATE BILL 698 009 SENATOR JOYCE COHEN, DISTRICT  
13: Testifies in support of SB 698. - Gives history of bill. - Employers  
are realizing the importance of child care. - After two years the  
projects are on their own, can't rely on state funding. - The bill would  
empower local communities and families to start child care programs. -  
Asks for endorsement of statement to send to Ways and Means.

062 KAREN MOFFAT, DAY CARE PROGRAM, CHILDREN'S SERVICES DIVISION):  
Testifies in support of SB 698 and outlines (EXHIBIT A). 110 SEN.  
TROW: Have you been involved in the block grant program? 113 MOFFAT:  
Yes. The planning for the block grant has extensive involvement with  
people in day care communities. There are funds available to develop  
these programs, with certain requirements. 128 SEN. TROW: Wants  
clarification regarding funding. 131 SEN. COHEN: The project is very  
specific regarding the elements. We will send the bill to Ways and Means  
with a budget note allowing block grant funding for community projects  
(EXHIBIT B). CHAIR MCCOY: Temporarily closes hearing on SB 698.

PUBLIC HEARING ON SENATE BILL 1027 164 SEN. JOAN DUKES, DISTRICT 1:  
Testifies in support of SB 1027. Gives intent of bill. This bill will

send a strong message to Ways and Means. It's a "life and death" issue. Presents proposed amendments, SB 1027-1 (EXHIBIT C). - Amendments are encompassing, will leave it to discretion of committee. - Discusses creation of a Level of Care Placement Review Board (EXHIBIT C). It is a built-in appeal process. - Comments on emergency clause. This clause should relate to the creation of the Board and

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not to the rest of the amendments. - Is concerned clients are receiving lower levels of medical care in nursing homes because of budget cuts.

Believes the Dept. of Senior and Disabled Services has already publicly announced their intent of reclassifying many people as a budget cutting method. Wants them to understand that it should be done only when that is medically reasonable. If it's being done for financial reasons, it falls into the original part of SB 1027.

255 SEN. GOLD: Is there anything in Exhibit C regarding retroactivity?

265 SEN. DUKES: Not that I'm aware of. That would be a tremendous amount of liability. My interest is in setting up the appeal process. If we do it for monetary reasons, it would allow looking at medical reasons. These people are least able to defend themselves. I'm not willing to jeopardize their lives because we need to save money.

276 SEN. TROW: Would a review board be necessary after the the present fiscal crunch? 286 SEN. DUKES: There will be initially the number of appeals, especially if the current plan of Senior and Disabled Services Division happens. Assuming that those are being done for fiscal and not for medical reasons, they won't be able to happen. So the appeals for re- classifications, will basically stop. 293 SEN. TROW:

Would you consider a sunset review in two years? SEN. DUKES: Yes. The appealing party and the division shall share equally in the payment of costs incurred by the board in hearing the appeal, so that this won't be entirely funded by the division.

301 SEN. KENNEMER: Appreciates the legislation. Has received correspondence from families concerned with the issue. 308 SEN.

DUKES: The reclassification isn't scheduled to happen until after legislative session adjourns. Then we will get phone calls and not be able to do anything unless we act now to set up a process to handle that. 314 SEN. KENNEMER: Suggests looking into SDSD standards for reclassification. CHAIR MCCOY: Closes hearing on SB 1027.

RE-OPENS PUBLIC HEARING ON SB 698

333 JANIS ELLIOT, DEPARTMENT OF HUMAN RESOURCES: Testifies in support of SB 698 . - Will be presenting block grant program to Ways and Means on May 15. - Has had extensive planning and community input. - \$2.7 million is to be used for development of early childhood and school age child care programs. Priorities are infant day care, before and after school care, teen parent child care, care . 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. . Senate Committee on Human Resources May 1, 1991 - Page 4

for children whose parents are in substance abuse programs, etc.

Guidelines of interagency group: - Programs should be community based. - Should be state guidelines and parameters regarding quality of programs and populations served. - Services should be provided at the local level to leverage community resources. Block grant programs should be built on successful existing programs.

Suggests going with the spirit of the bill, not the specific language. The concept in the co-op grant program is clearly congruent with the community, agency and DHR needs. The mechanism for the distribution of the funding as put in statute would be restrictive. We now have mechanisms for delivery of funds to the community that were not originally available.

DHR supports the concept and direction of the bill and sees results that have been realized with the co-op program being continued and hopefully expanded under the block grant. Wants to see that integrated with other program development efforts.

TAPE 81, SIDE A 006 CHAIR McCOY: Have you prioritized the \$15 million and allocated the projects?

008 ELLIOT: 75% of the funding goes to parents in the form of subsidies or contracted slots. The interagency group has recommended: - 1/2 the available subsidy money goes to low income working parents, which is approximately \$4 million. All parents must be low income or students in work or training programs. - The balance of subsidy is targeted for teen parents, migrants, families with disabled children. 6.25% for quality enhancement, which is training of child care providers and support to CSD in for regulation. - The balance of funding \$2.7 million goes to program development for co-op grant assistance in the next biennium.

027 SEN. TROW: Is it necessary to pass the bill into law in order to expend this into programs? Won't the budget bill do it? ELLIOT: The budget bill will do it. The concept needs to be supported here.

038 SEN. TROW: Sending this bill to Ways and Means gives them the message that this is a priority. Sending the proposed budget note along will combine the concepts. 040 ELLIOT: Agrees. Legislators are part of the public input and decision making process. 046 SEN. TROW: To specifically use the money to specifically carry on a program designated in statute might be looked at by the Feds as substituting federal money for state dollars, which they don't want to happen. It's better to buy into a concept and go ahead with the budget for this program without referencing that statute. 053 LOUISE HAMILTON, DEPARTMENT OF FAMILY RESOURCES LINN-BENTON \_\_\_. 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. Senate Committee on Human Resources May 1, 1991 - Page 5

COMMUNITY COLLEGE: Testifies in support of SB 698 and outlines (EXHIBIT D). 115 BOB STEWART, GLADSTONE SCHOOL DISTRICT: Testifies in support of SB 698 and outlines (EXHIBIT E).

189 SEN. TROW: Do the children stay on school grounds in the school rooms?

193 STEWART: Yes. It starts in the cafeteria. We also have a gym reserved.

SEN. TROW: Is there religious instruction?

STEWART: No.

195 SEN. TROW: Describe atypical day. 197 STEWART: Outlines various activities on various days such as visiting nursing homes and music days. 216 SEN. COHEN: The Advisory Committee had concerns about religion in the program. That was one reason for a professional teacher with experience who could manage that program. The Nazarene church is not the only church involved, it is a coalition of churches involved. SEN. TROW: Are there non-religious people involved? STEWART: Yes. The program has grown so rapidly, with only a cafeteria to work with. Is not sure how the program will be staffed next year with such growth. SEN. TROW: How do the children react to the people in nursing homes? STEWART: Very well. That is a very positive activity for children as well as the residents in the homes. SEN. COHEN: The church organizers have provided an opportunity for involvement with people who normally aren't involved in the school system and don't even know what the inside of the Gladstone school district looks like. This is not a religious program. 259 SEN. KENNEMER: Points out the curriculum has been successful in meeting the special needs of these children by serving an educational purpose as well as a care purpose. 271 ROBIN SCHMIDT, COMMISSION FOR CHILD CARE: Testifies in support of SB 698 and outlines (EXHIBIT F). 303 SEN. TROW: Suggests sending the bill to Ways and Means along with attached letter and staff work with Sen. Cohen.

#### WORK SESSION ON SENATE BILL 698

310 MOTION: SEN. TROW moves SB 698 to Ways and Means with a do pass recommendation

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and a budget note as suggested by Sen. Cohen. VOTE: In a roll call vote, the motion carries unanimously with SEN. GOLD excused.

#### PUBLIC HEARING ON SENATE BILL 1186

JANICE FIEGENER: Gives overview of bill. Has a subsequent referral to Ways and Means. 351 GINA WOOD, CHILDREN AND YOUTH COMMISSION: Testifies in support of SB 1186 and outlines (EXHIBIT G). Discusses proposed hand engrossed amendments: - Language change "subject to availability of funds" will allow flexibility of identifying resources vs. going through Ways and Means process. - Includes presiding juvenile court judge to represent the committee. - A technical work committee will be appointed to assist the task force.

#### TAPE 80, SIDE B

011 WOOD: Section 2 makes language more explicit regarding processing of juveniles through the system. 019 SEN. TROW: What can the task force do about the problem? What are your expectations coming out of the work of the task force for the next legislative session? 023 WOOD: The issue of minority or children has not been addressed in our juvenile justice system. Time and money has been spent only in the adult system. The federal office has requested us to assess the system, because data

has shown there are some problems in larger counties such as arrest rates and the number of commitments to the training school. The task force should look at available data to determine what recommendations we will have for the next session. 035 SEN. TROW: Are there structural changes to be made within the system such as racism or socio-economic problems that may account for this? 039 WOOD: Yes. It's not just the system when you look at the types of programs that may be available to those populations. The legislation mentions culturally appropriate services and culturally competency training. This is a proactive vs. reactive approach to the issue. - The Oregon Criminal Justice Council recently submitted their first report on felony guidelines according to race and found several disparities within the adult system. The task force may be able to document some of this. 049 SEN. KENNEMER: Refers to composition of task force. Why is the chief of police spelled out as the law enforcement representative? 054 WOOD: We wanted people involved who would have an impact on decisions made. It's important to have people working directly with the kids, but also those who help make policy decisions working on the task force. 060 SEN. KENNEMER: Suggests the Youth and Juvenile Parole be represented on the task force. . . .

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068 WOOD: Agrees. The Dept. of Human Resources was included based on those divisions that were responsible for those kids throughout the system within the mental health or juvenile corrections.

SEN. TROW: How large is the representation?

WOOD: 18 members. SEN. TROW: You might want it smaller. You aren't restricted in calling others to help on the issues. WOOD: The Children and Youth Commission has been involved with various ethnic minority groups statewide. We envision the task force as being inclusive to allow an open forum in developing recommendations to get a broad based input.

SEN. KENNEMER: The composition determines the product.

091 CHAIR McCOY: Suggests working out the representation with staff.

CHAIR McCOY: Closes hearing on SB 1186.

PUBLIC HEARING ON SB 50

104 JANICE FIEGENER: Gives background of bill in preliminary staff summary (EXHIBIT H). 119 DIANE BRISSENDEN, MHDDSD, ATTORNEY GENERAL'S OFFICE: Testifies in support of SB 50. Outlines proposed amendments (EXHIBIT I). SEN. TROW: Is this a temporary placement for the mental health examination and treatment or a more permanent placement such as foster care?

BRISSENDEN: Usually for a 30 day period, with a follow-up if necessary.

SEN. TROW: Would the court be involved in the long term placement following that? 163 DEBBIE RIOS, DIRECTOR OF CHILD & ADOLESCENT TREATMENT PROGRAM: The psychiatrist conducting the evaluation makes a recommendation to the judge on what would be an appropriate placement

and treatment. 168 SEN. KENNEMER: Refers to amendments in (EXHIBIT I) page 1 line 29, and page 2 line 1. The guardian has the power to determine final release under ORS 420.045. Does that go beyond the power of the judge's ruling? BRISSENDON: We do not intend to change the current status of the existing statute regarding the role of the court and the guardian. SEN. KENNEMER: Does ORS 420.045 speak to that?

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BRISSENDON: I don't know. We did not intend to affect that part of the bill.

Makes language correction. It should read "In all cases the court may grant guardianship of the child to some suitable person or entity if it appears necessary to do so in the interests of the child." This adds the word "entity" to encompass whatever is legally allowed.

The language changes are very minor "housekeeping" changes. The amendments on page 1 (EXHIBIT I-1) cleans up the language. If HB 2709 passes, it would not allow treatment providers to act as guardians because of natural conflicts of interest that may arise. An objective third party is needed for medical consent of treatment involved.

225 BRISSENDON: The main purpose of the bill was to allow some prior coordination of relevant agencies and to allow the Mental Health Division to make a first recommendation about where the treatment would be appropriate.

Describes past problems with the current statute in written testimony (EXHIBIT I).

288 DERALD WALKER, OFFICE OF MENTAL HEALTH SERVICES: Testifies in support of SB 50 (EXHIBIT J). This bill allows the flexibility in assessing each child's needs. SEN. TROW: Have we had some real problems that we need this bill for?

WALKER: Yes, a child frequently will be hospitalized at the Child & Adolescent Treatment Program when it would be more appropriate to treat, evaluate, or hospitalize the child in the community. That uses a very limited resource in the form of hospital beds. In some cases the child needs to be in a state psychiatric hospital, but many times it could be effectively done locally in an inpatient, outpatient, or secure residential facility. Usually the clinical reason in placing the child in a facility is to determine what is going on with them. There is a suspicion of a mental health problem contributing to the child's delinquency, and with the current statute written the way it is, the only resource for that evaluation is the State Hospital, unless it is negotiated with the Mental Health Division to place the child in the community.

The bill allows the flexibility for the child to stay in the community, and for parents to stay involved with the child.

Frequently it is "over kill" to place a child in a psychiatric facility when it may not be that severe. The child is labeled psychiatric, which can be destructive. It is costly to place children in psychiatric

hospitals. It is more "normal" for children to stay in the community or home if possible.

CHAIR McCOY: Closes public hearing on SB 50.

WORK SESSION ON SENATE BILL 50

367 MOTION: SEN. TROW moves the -1 amendments to SB 50 dated 5/1/91.

VOTE: Hearing no objection, Chair McCoy so moves.

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373 MOTION: SEN. TROW moves SB 50, as amended, to Judiciary with a do pass recommendation. SEN. KENNEMER: Assumes Judiciary will look at the issue of the guardian. Is not sure of the disclaimer in ORS 420.045.

VOTE: In a roll call vote the motion carries unanimously, with SEN. PHILLIPS excused.

400 SEN. GOLD: Requests committee to accept an aye vote on SB 698.

VOTE: Hearing no objection, Chair McCoy so moves.

TAPE 81, SIDE B

RE-OPENS PUBLIC HEARING ON SB 1027 001 MAURICE REECE, OREGON HEALTH CARE ASSOCIATION: Testifies in support of SB 1027. Reads written testimony (EXHIBIT K) in favor of the proposed amendments to SB 1027 (EXHIBIT C). 085SEN. TROW: Do you mean to have the Level of Care Placement Review Board review all placement decisions including initial decisions at the agency such as pre-admission screening? Or would this just be the case of a resident being reclassified and moving to something lower on the continuum level that is less costly? 097 CAM GRONER, ATTORNEY FOR OREGON HEALTH CARE ASSOCIATION: The intent of the bill was to cover the latter situation just described. The initial placement decision under federal waiver requirements is up to the resident. SDSD can offer options but cannot make the choice where to reside. This Board is only an appeals board for those people dissatisfied with their change of placement, not a review of every placement. SEN. TROW: Are there likely to be so many that a permanent board is needed? GRONER: One hopes that the Division would only appropriately reclassify people. SEN. TROW: Is there another mechanism? Can you go to court? 114GRONER: A resident, if transferred from a facility, can request an informal conference, then a contested case hearing, and then go to court. Advocate representatives say this bill could be amended to exempt the entire patient transfer process, which is already covered by existing division administrative rules. A wrong for which there is no remedy is a reclassification of a resident who stays in the same facility from one level of care to a lower level of care. That is not covered in existing rules. Residents cannot contest that, with one possible exception under Oregon's Administrative Procedures Act treating that as an order of the agency and other than a contested case and going to the Circuit Court.

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126 SEN. TROW: Have you thought of something other than creating a board that may not have much to do?

128 GRONER: The board is not a standing board. It meets only to review these appeals and it's members are not paid, so it's not another layer of state government with nothing to do. There is another possible mechanisMin achieving the same result. We constituted the board with professionals knowledgable with the medical aspects of long term care such as consumer representatives, the ombudsman, and a member of SDSA. Hopefully this would broadly represent professional capability of reviewing the medical appropriateness of these reclassifications. There may be another way to do it while preserving our concern about the residents and the facility's ability to question inappropriate determinations. 143 SEN. PHILLIPS: Who is the Oregon Health Care Association?

144 GRONER: It is a trade association of nursing home providers, 125 proprietary and non-profit facilities. The creation of this bill also involved the Oregon Association of Homes for the Aging. CHAIR McCOY: Refers to the loss of \$200,000 in testimony of Mr. Reece. Was this caused by underpayment? REECE: Part of it is underpayment. We do not accept skilled clients in our facility. Because of lack of adequate reimbursement, if we had a reclassification, it's very difficult to ask a client who is a member of your facility who has been declassified with a decrease in their reimbursement to leave your facility.

The loss in my facility was due to lack of reimbursement and workers' compensation rates. If reclassification should occur, it would have a devastating effect on my facility and many others.

CHAIR McCOY: Is yours a single facility?

REECE: Yes.

176 SEN. TROW: What evidence is there that reclassification is intended?

178 REECE: Has recently spoken with someone from the Division who is looking at a broad based reclassification.

SEN. TROW: Is it more than just a rumor?

REECE: Yes. SEN. KENNEMER: In that regard, isn't there a history of such reclassifications?

REECE: This has happened before.

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SEN. TROW: Has it happened in your facility? REECE: We do not have skilled classifications. We have intermediate, residential care, and



independent living. We have not been affected. 192 CAM GRONER: Reads prepared testimony in support of SB 1027 and the proposed amendments (EXHIBIT L). SEN. TROW: Refers to Exhibit L, paragraph 2. Do you understand that has happened already? GRONER: Describes the two reclassification issues. Continues reading prepared testimony.

297 GRONER: Refers to the fiscal impact statement prepared by the Division. - First entry, page 2 would not be a fiscal impact. Apparently the Division has assumed that people removed from Medicaid rules by the budget cuts contained in the current revised budget would be subject to the provisions of this bill. They would not. This bill deals only with people who have a level of care determination change. Each one affected by the budget cuts would be declared ineligible for Medicaid and not be eligible for this appeal. - Is not certain of the service costs of delayed transfers. To the extent it relates to those affected by budget cuts it would also not be a true cost to this bill. 317 SEN. TROW:

Would your new hearing process require the use of attorneys by the people appearing before the board? Will money be spent for attorneys?

319 GRONER: No. The intent was that it be similar to the current contested case hearing where you can be represented by an attorney, but not required to be. SEN. TROW: The fiscal analysis shows 25% of the people would be represented by attorneys which would be an additional cost to the State. GRONER: The bill specifically excludes attorney fees from the definition of costs which would be shared by the parties. SEN. TROW: Would you say basically it wouldn't be so much the individuals, but nursing homes contesting? GRONER: Either party that is agrieved.

SEN. TROW: Would it more often be the providers? 338 GRONER: I suspect it might be. Describes short term view and long term view.

350 JANICE FIEGENER: Questions the intent of Section 11, SB 1027 regarding nursing facilities having the right to limit the number of beds available to Level 1 residents. 354 GRONER: If there were wholesale reclassifications of residents from Level 2 to Level 1, and if the reimbursement system was not changed, a facility would have some mechanism to protect itself from a cash flow hemorrhage. I contacted Oregon Legal Services on this issue regarding . 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. Senate Committee on Human Resources May 1, 1991 - Page 12

violation of federal Medicaid. It may be in conflict with state Medicaid regulations. We are willing to revisit this if necessary. SEN. TROW: Would the fact that the nursing homes would have the right to limit number of beds available be subject to the board's review? GRONER: The purpose of the board would be to review the level of care determinations. Sections 10 and 11 are a "belts and suspenders" provision, in that if you have the protection of Section 10 you may not need the protection of Section 11.

393 FIEGENER: Because so many parties are able to appeal, what happens if a facility appeals and the resident is not in agreement?

399 GRONER: It is potentially possible. Under the federal waiver regulations, a resident cannot be transferred out of a facility against their will by the Division.

TAPE 82, SIDE A 017 BERNIE THURBER, OREGON CITIZENS FOR BETTER NURSING HOME CARE: Testifies in opposition to SB 1027. Is concerned with residents rights when transferred or discharged from nursing homes. - Current law says if a resident is being transferred against their wishes, they are given a notice 30 days prior to the transfer. They can

then request an administrative hearing under the Administrative Procedures Act. This bill would shorten that time to 10 days and require the board to convene a hearing within 10 days after the request. In complex cases, there wouldn't be enough time to prepare for that hearing. - The board consists of a number of people and where they would meet might be unworkable for many people throughout the state. If the board would travel to the communities, it would be incredibly expensive.

055 SEN. TROW: It might make sense for the interested groups to deal with the best way to do this. The fiscal impact statement is rather substantial at \$9 million. Do you want to work on it before it goes to Ways and Means? Agrees with the original intention of the bill, which said the eligibility for those involved wouldn't be changed. Is not certain whether to return it to that form and send it to Ways & Means.

069 THURBER: The Coalition is not a proponent of bill. Clients have requested I speak against it as currently drafted. I'm not prepared to suggest anything, but would be willing to come to the table if those discussions take place. CHAIR McCOY: Closes hearing on SB 1027. Asks Thurber to meet with proponents of the bill to come up with something more reasonable. 081 SEN. KENNEMER: Earlier we discussed the advisability of puking the level of care standards in statutory form. What is Mr. Thurber's opinion on that?

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084 THURBER: Doesn't have a strong opinion as the industry does, but understands their need to be protected. My clients don't share that concern with the same perspective as the industry does.

CHAIR McCOY: Requests the head of Senior Services Division attend the next hearing. Suggests proponents of SB 1027 meet with Ways & Means to look over the fiscal impact statement. Feels \$9 million request is stringent.

102 SEN. TROW: What is the intent for reclassification in the future? What kind of problem does it pose? CHAIR McCOY: If they are going to sustain cuts, there will be ways to do it. Either you can cut on reimbursement or you can reclassify people. Agencies can do that.

112 SEN. PHILLIPS: I would like to see the decision packages that perhaps recommended reclassification, or what they recommended to the Executive branch last year. Those documents will tell us where that agency was going. If those are confidential information, I want an explanation why the legislature can't see them.

119 LEE HAZELWOOD, GOVERNORS COMMISSION: Under Section 7 it states, "The appealing party and the division shall share equally in the payment of costs incurred by the board. Such costs shall not include the attorney fees of any party or the board or salaries..." so there is money involved in this.

It also states, "The final order may be appealed to the Oregon Court of Appeals..." and they have a one or two year backlog of cases. The patient would probably be dead by the time something would be heard.

126 CHAIR McCOY: Adjourns the meeting at 5:25 p.m.

Submitted by,      Reviewed by, Debbie Schieno      Janice Fiegener  
Committee Assistant      Committee Administrator

Transcribed by, Margie Neukomm

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EXHIBIT LOG: A - Testimony on SB 698, Karen Moffat, 2 pages B - Proposed Budget Note, Sen. Cohen, 1 page C - Hand engrossed amendments to SB 1027, Sen. Dukes, 8 pages D - Testimony on SB 698, Louise Hamilton, 2 pages E - Testimony and material on SB 698, Bob Stewart, 32 pages F - Testimony on SB 698, Robin Schmidt, 1 page G - Testimony on SB 1186, Gina Wood, 25 pages H - Staff Measure Summary SB 50, Staff, 1 page I - Testimony on SB 50, Diane Brissenden, 5 pages J - Testimony on SB 50, Derald Walker, 3 pages K - Testimony on SB 1027, Maurice Reece, 2 pages L - Testimony on SB 1027, Cam Groner, 3 pages

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