

decision. SEN. TROW: Did ballot Measure #5 have anything to do with it? CAREY: In terms of refocusing the agency and looking at the responsibilities of CSD and client population it would be responsible for if it's budget was passed, and accompanying legislation, it fit with that planning. The Oregon Children and Youth Services Commission has the other pieces of child abuse prevention money through Great Start. At this time it would consolidate all child abuse prevention planning in one organization. SEN. TROW: The Dept. of Human Resources thinks this is the best lodgement. It might have 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 7, 1991 - Page 3

gone to some other place like the Health Division.

CAREY: We did discuss the Health Division as a possible site for this. But we discussed it again within the DHR and decided the best place for it was the Children and Youth Services Commission. SEN. TROW: Did the director of DHR make that decision?

CAREY: That is correct.

082 SEN. PHILLIPS: Requests to see a study that was mentioned in testimony. 084 CAREY: There was no study done. Discussions were held at the DHR level with the Health Division, Children's Services Division, and the Human Resource director, Kevin Concannon.

SEN. PHILLIPS: Clarifies that there is no study available, but discussions were held. There is no documentation to examine that this has been in existence since 1985. Have there been problems, lack of results, any difficulties that would have promegated a move, other than the fact it is post Measure #5?

093 CAREY: The fact that it was post Measure #5, and that the other prevention Great Start money was already with the Oregon Children & Youth Services Commission. They have money in some of the same contracts where we had money through the Children's Trust Fund. It made more sense for all that to be administered someplace. SEN. PHILLIPS: Clarifies that there were no problems with where it's been, and this is strictly a post Measure #5 decision. - Are there any prevention monies left in Children's Services? CAREY: In terms in primary prevention, no there is not.

099 SEN. PHILLIPS: Did the Advisory Committee endorse this decision or proposal to move it? 102 CAREY: The Advisory Committee had a couple meetings. This bill was presented for them to look at, and I know there is concern. The Committee would rather be free standing organization. 107 SEN. PHILLIPS: The Advisory Committee has not endorsed this move? 111 CAREY: They haven't taken a formal action on it. A poll of the members would probably show a split in support. SEN. PHILLIPS: Didn't anybody think of polling the members? CAREY: Staff from the child abuse Trust Fund are here. They can speak to actions of the Advisory Committee. 114 SEN. PHILLIPS: In the discussions that were held, considering Children's Trust Fund activities are held to prevent child abuse and neglect, does that mandate of neglect meet the Children & - 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 7, 1991- Page 4

Youth Services Commission, or does it hit the issue Sen. Trow mentioned regarding the Health Division as the primary prevention agency of focus?

126 CAREY: That discussion was held in the Dept. of Human Resources. Agrees they have a lot of things going on the prevention end. The final decision was that child abuse and child neglect prevention is a community issue, and the closer that education and fundraising gets to the community with community ownership of programs, it will be more effective. 133 SEN. PHILLIPS: There is a substantial number of health division programs that deal with health clinics and the counties. If your decision was to deal with this issue county by county, it's a logical connection that the Health Division would win out. CAREY: I can't speak to the Health Division because I don't have a lot of knowledge of their programs and functions. DHR director Kevin Concannon and CSD decided that the best place for the Children's Trust Fund was the Oregon Children & Youth Services Commission. 147 SEN. PHILLIPS: I asked the Health Division to be here tonight and was assured they would be here, but I don't see them. - Comments on the support system within the Children & Youth Services Commission. Says director John Ball has argued he has been asked to do more and is not supported. - Agencies such as CSD and Health Division have a good working relationship and also have all the contracting, monitoring, staffing, and leveraging of federal funds, which is a distinct asset. - The only evidence that has been given to move the bill is that there were no problems before ballot Measure #5, so it doesn't speak well to move it. If we do move it, I question why we picked where we think we want to move it to. 164 SEN. PHILLIPS: Requests John Ball's opinion of the Advisory Committee, his willingness to work with them, and follow the direction they put forward. 175 JOHN BALL, DIRECTOR, COMMUNITY CHILDREN & YOUTH SERVICES COMMISSION: It isn't my preference that matters in these affairs. It's the State Commission for Children Youth Services that makes the policy decisions about this. The issue you referred to comes from the State Commission's position that they are not enthusiastic about it continuing to proliferate advisory committees. So they have established a principle that for those programs moved into or created within our agency, their intention is not to have any more advisory committees that is absolutely essential. SB 511 addresses these same issues, and one concept they liked was not generating additional advisory committees. - We have more advisory committees, by a factor of 10, than any agency in the state government. Several at the state level, subcommittees and advisory groups including the Juvenile Justice Advisory Committee, advisory committees in every county in the State. The only question in the State Commission's mind was how this particular advisory committee will integrate with the existing structure, and I think in working with CSD and the Governor's Office we have figured out how that will take place. SEN. PHILLIPS: How will that take place? BALL: They are an advisory committee, they won't be free standing or reporting to the Governor. They will report to the director of CYSC in the same fashion that they reported to

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the director of CSD. There won't be any difference in the reporting mechanism.

206 SEN. PHILLIPS: Are you personally familiar with children's trust

funds and how they work?

214 BALL: Somewhat.

SEN. PHILLIPS: Are you familiar with any that would be configured in the relationship that we would now be doing it if we were to move this out of CSD to you?

220 BALL: Actually I'm not. My impression is that in the states where these advisory committees exist there is no comparable structure to the Community Children and Youth Services Commission, so in the same sense that we are pioneering this local approach to childrens issues, this would be a new range. BALL: Testifies in support of SB 1175 and explains the basic fundamental issues for this transfer. - Most of programs funded through the Trust Fund are also funded through local commissions. Great Start funds several of them. For several years the Juvenile Services Commissions funded many programs. - When Trust Fund was created, they didn't create a whole new set of programs unique to that fund. It contributed additional resources to programs already developed at the local level by nonprofit providers and other agencies. This is not a state program, money moves through a state agency, but the community actually owns the programs that do the child abuse prevention and treatment. Since Community Children and Youth Services works closely with those agencies and the range of services available through those agencies at the local level, it seemed like a logical fit. - Details have been worked out on how the advisory committees would happen. Some members have been concerned that this issue would be lost if it moved into our agency and integrated with other programs at the local level. CC&YS can enhance the profile of child abuse prevention, if we plan with the other agencies. That kind of planning was contemplated when CC&YS was created, and this is our intent with this bill. - Submits proposed amendments (EXHIBIT B).

269 CHAIR McCOY: How much money is referred to in EXHIBIT B?

271 CAREY: About \$300,000. It's part of the Oregon Income Tax Check-off System, the State Employee Charitable Drive, and \$20,000 per year raised through Mission Possible, which is a program operated once a year by CSD at McLaren, Hillcrest, and our five camps. Explains function of Mission Possible. 288BALL: That issue of funds is why we asked for partnerships through local commissions. They have proved to be effective in leveraging resources. Great Start already has leveraged over \$3 million of local match. Across all our programs, they have leveraged about \$7 million. 297 CHAIR McCOY: How much money is in the Trust Fund? 300 CAREY: About \$340,000.

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304 SEN. PHILLIPS: This might be an effort rather than to focus the money, it would wash it out and lose a constituency the State already has in the Advisory Board. The counties would get more money, but we would perhaps lose another group.

319 BALL: Nobody contemplates lessening the impact of the Advisory Committee. Nothing prevents any member of the Committee from moving over with all of the appointments. Our expectation in the coming year are that exactly the same projects currently funded will continue to be funded. Nothing will be dissolved. 332 CAREY: This has been a problem free committee. This bill will allow them to use money to to do further

fundraising and expand the committee. 352 JANICE FIEGENER: Staff has received calls from about half of the existing Advisory Committee members expressing concerns with the funding, merging of funding, and autonomy questions. There was approximately 50/50 split in support. - SB 511 has been introduced, which would transfer the Childrens Trust Fund and abolish the Advisory Council. Judiciary is waiting to see how we act first. 373 CAREY: Opposes SB 511. A Committee is crucial. Has found in other states that an autonomous committee is needed just for child abuse prevention programs. 383BALL: Is employed by a committee. Has more committees in his structure than any other agency. This Advisory Committee has legitimate concerns about the profile of this issue in Oregon. Is trying to upgrade the profile. Has been reassuring that local programs in the Great Start planning process identify this as a key issue, which will hopefully expand efforts of the program. People involved can help raise money. 403 SEN. TROW: What has the Advisory Committee done for Children's Services Division?

TAPE 86, SIDE A 001 CAREY: They had effective former staff who is an expert nationally in child abuse prevention. She did a good job of identifying strong programs such as teen parent programs and Childrens Relief Nursery in Eugene. - 22 Oregon programs are funded through the Children's Trust Fund. Have done a good job of evaluation and documentation of effectiveness. - Wants agencies to do a better job of dissemination of what works to prevent child abuse and have an obligation within Oregon and other states to share that information. 010

BALL: We might envision an expanded role for the Committee, emphasizing fundraising and public education, helping local programs and communities understand how to integrate that consciousness of child abuse prevention, through all programs serving kids at the local level.

020 SEN. TROW: What happens if the legislature doesn't buy into this transfer?

022 CAREY: Would then recommend leaving it with Children's Services Division. SEN. TROW: How enthusiastically would you administer it?

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CAREY: With great enthusiasm. Great Start, with the Oregon Children and Youth Services Commission, is the other piece of child abuse prevention. John Ball, director of C&YSC, and CSD have worked well together at the local level and with most commissions statewide. We would continue to coordinate that effort if the committee wanted the Trust Fund to stay with CSD. 031 SEN. TROW: If the Trust Fund stayed in Children's Services Division, would it run better if left with CSD or better if it was transferred? 035 CAREY: The potential for it running better is with Oregon Children & Youth Services Commission because they have the other pot of money, and there is a better way of coordinating through that facility. The State is committed to the Children's Trust Fund and has staff support to that committee. If the legislature choses to leave it with CSD, we would support it. CHAIR McCOY: Closes hearing on SB 1175. PUBLIC HEARING ON SENATE BILL 1195

046 MIKE MERIWETHER, COMMITTEE RESEARCHER: Reviews Preliminary Staff Measure Summary (EXHIBIT C).

073 ALAN PRIEST, CORRECTIONS OMBUDSMAN: Testifies in support of SB 1195 and reviews the bill. - Gives history of Ombudsman's Office. - Gives examples of oversight in health care delivery corrected by the Ombudsman. 140 CHAIR McCOY: Refers to inmate neglect situation described by Mr. Priest. Didn't the health record follow into the institution? PRIEST: The health record may have followed, but nobody acted on the information. This is an example of why the Ombudsman's Office is important as an oversight office. - Reads opinion statement issued by Judge Panter, U.S. District Court. Judge Panter has filed judgement against the Oregon Department of Corrections to correct conditions in the Disciplinary Segregation unit and the Special Management unit where inmates with psychiatric problems are housed.

157 CHAIR McCOY: Have you answered calls to the women's prison?

158 PRIEST: Yes. Refers to a situation in his testimony in which a female was involved.

164 CHAIR McCOY: Has anything been done about the crowded condition in the women's infirmary and in the prison? 170 PRIEST: The opening of Columbia River Correctional Institution has alleviated some of the problem.

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178 SEN. TROW: The re-establishment of this office is very important. Having the Ombudsman involved in the laws and regulations relating to health care institutions makes alot of sense. Is concerned with the funding to continue this office. 187 PRIEST: There is no funding in the Governor's budget beyond June 30, 199 1.

189 SEN. TROW: We can move this bill, but if the Ombudman isn't around, we can't do these things.

193 CHAIR McCOY: How much is the funding per year?

195 PRIEST: The Ombudsman Office consists of 1 investigator, one 3/4 time investigator, and one staff support. 207 SEN. TROW: Has the subcommittee dealing with the budget put you on a list to be added back if there were more general funds?

217 PRIEST: The Ways & Means subcommittee feels the Ombudsman Office is a duplication of efforts of the Dept. of Corrections Inspector General's Office, and are investigating the same cases.

SEN. TROW: Were you ever asked to speak to that in front of the subcommittee?

PRIEST: No.

SEN. TROW: How would you answer to that?

PRIEST: This office is not doing duplicate work, it is an oversight office only. There is an interagency agreement between the State Police, Dept. of Corrections, and Ombudsman's Office dealing with

responsibilities of those three agencies with the complaints coming from Dept. of Corrections. We refer criminal conduct to State Police. We refer misconduct by the Dept. of Corrections and it's employees to the Inspector General's Office. SEN. TROW: Is sorry this happened. Feels the Ombudsman is necessary and important. Likes the bill but isn't sure there is anyone to carry it out. Hasn't anyone contacted you about the funding of your Office?

PRIEST: No.

252 SEN. PHILLIPS: Corrects statement in testimony of Mr. Priest. The Corrections Ombudsman was not discontinued in 1981, the funding was. Relates his personal experience working with Ombudsman Office: - It's a matter of commitment from the office as to whether it is valuable or not. - The Ombudsman was a great release value in keeping the system honest with each other. - Response to cutting funding for this office is inappropriate. - Not having an Ombudsman for several years was a predictor of problems in the Corrections Division. - It's amazing that there isn't more interest in this position.

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Committee discusses appropriate action to be taken on this issue.

PUBLIC HEARING ON SENATE BILL 1123 303 JANICE FIEGENER: Reviews the Preliminary Staff Measure Summary (EXHIBIT D). 317 PAM HODGE, LEGISLATIVE ASSISTANT TO SEN. COHEN: Testifies in support of SB 1123. Gives background of issue. - Addresses historical inequity relating to State Medicaid service reimbursement rates for residential care facilities. For 10 years they have been reimbursed on basis of size of facility, rather than on the value of services provided, or the impairment level of patients. This is inequitable because: 1. It is arbitrary. 2. All other non-nursing home categories of long term care providers such as adult foster homes, assisted living, and SDSD Satellite Apartments are reimbursed on the basis of patient impairment. 3. The impairment based index such as SDSD's activities of daily living, or ADL index, more accurately reflects the cost of services provided. This inequity needs to be addressed now. - The only justification for the old license capacity index was that it provided the rates needed to keep the residential care facilities in business. This is no longer true. Current rates are inadequate and many facilities will not survive without a change in rate structure. - With constraints imposed by Ballot Measure #5, and stringent financial eligibility criteria for nursing home beds, Oregon needs more residential facilities, not fewer. - Solution: change the structure of reimbursement schedule for residential care facilities to the ADL impairment based index, and increase total appropriation for all categories of care settings, so equity can be achieved without reducing current reimbursement rates for other categories of providers. - If budget constraints do not permit an increase in total appropriation, we suggest an interim study be conducted to determine an equitable solution to the problem, given the resource constraints. Refers to -1 amendments to SB 1123. HODGE: Reviews the proposed amendments to SB 1123 (EXHIBIT E). SEN. KENNEMER: This study is long overdue. Is not certain a solution will ever be found to this thorny question. HODGE: Introduces witnesses who will speak on difficulties with the present system from an industry perspective.

400 DAN DESLER, INDEPENDENT RESIDENTIAL FACILITY ASSOCIATION:
Testifies in support of SB 1123. This is long overdue and the interim
study is the best way to deal with the issue for specificity to save
money. Submits prepared testimony (EXHIBIT I;). 001 HANK BERSANI,
ASSOCIATION FOR RETARDED CITIZENS: Testifies in support of SB 1123.

WORK SESSION ON SENATE BILL 1123

003 MOTION: SEN. TROW moves the -1 amendments to SB 1123 dated

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516 /91.

VOTE: Hearing no objections, Chair McCoy so moves. 006 MOTION: SEN.
TROW moves SB 1123, as amended, to Ways and Means with a do pass
recommendation. VOTE: In a roll call vote, the motion carries
unanimously. 011CHAIR McCOY: Adjourns the meeting at 6:30 p.m.

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

Transcribed by, Margie Neukomm

EXHIBIT LOG:

A - STAFF MEASURE SUMMARY, 2 PAGES B - TESTIMONY, JOHN BALL, 1 PAGE C -
STAF F MEASURE SUMMARY, 2 PAGES D - STAF F MEASURE SUMMARY, 3 PAGES E -
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