

SENATE COMMITTEE ON HUMAN RESOURCES

June 3, 1991 Hearing Room A 3:15 p.m. Tapes 107- 108
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: HB 3060 - Oregon State Boxing and Wrestling
Commission report to Executive Department - PH/WS HB 2132 - Authorizes
Board of Radiologic Technology to impose civil penalty PH/WS HB 2792 -
Dental hygienist practice - PH/WS HB 3423 - Ests. State Board of Denture
Technology - PH/WS HB 2176 - Establishes renewal procedure for
certificates of nursing assistants - PH/WS HB 2957 - Dental specialist
on State Board of Dentistry - PH/VVS HB 2956 - Permits nurse
practitioners to make referrals to physical therapist - WS - HB 2637
- Modifies State Board of Chiropractic Examiners jurisdiction - PH/WS HB
2141 - Health insurance for people eligible for or receiving medical
assistance - PH ~ . . . These minutes contain materials which pa
raphrase and/or summary ~ ~ mDde during this sess~on. Only text enclosed
in quotation marks report a speaker's exact words. For complete contents
of the proceedings, please refer to the tapes. -

TAPE 107, SIDE A

002 CHAIR BILL MCCOY: Calls the meeting to order at 3:20 p.m.

PUBLIC HEARING ON HB 3060 Witnesses: Rep. Ted Calouri, District 7 Doug
Wilson, Legislative Fiscal Office

007 JANICE FIEGENER, COMMITTEE ADMINISTRATOR: Reviews the preliminary
staff measure summary on the bill (EXHIBIT A).

013 REP. TED CALOURI: Because the mechanics for transferring 75% of the
Boxing and Wrestling Commission's proceeds to the Children's Trust Fund
were difficult to decipher, not a single cent has been transferred since
the Commission was established in 1987. ~ Suggests looking at whether or
not the Commission should retain a balance in its budget and how much
the balance should be. 057 SEN. CLIFF TROW: In 1989, the Commission
did not have a sufficient budget to do their mandated assignment. Taking
away the ending balance creates more instability for the Commission.
069 DOUG WILSON, LEGISLATIVE FISCAL OFFICE: The Commission is not a
major funding source for the Children's Trust Fund unless boxing and
wrestling takes off in a big way in this state. , , > It would be
up to the Executive Department to determine what the amount would be. >
Provides a copy of the fiscal analysis (EXHIBIT B). SEN. TROW: Is there
going to be money to transfer this coming biennium? Doesn't it need the
money it gets to operate? WILSON: Under current law, it may have some to
transfer. Under the language of the bill, it probably won't have. It
depends on how administrative expenses are defined. It appears the bill
is more beneficial to the ending balance. 107 CALOURI: Explains the
allowances made in budgeting. > Introduced the bill so money would not
be taken for gross receipts before acknowledging expenses. SEN. TROW:
Can the Commission afford to make a distribution? WILSON: Unless there
is significantly greater action, it will not make a very large
distribution. CALOURI: Boxing and wrestling have more support with the
distribution. WILSON: The Commission depends on the national
organization for a major source of funding.

(Tape 107A) WORK SESSION ON HOUSE BILL 3060

162 SEN. TROW: Suggests changing the shall to may in the bill.

WILSON: On a policy basis, that seems to make sense. 170 SEN. BILL
KENNEMER: Would it be better to raise the limit?

FIEGENER: It was originally \$50,000 in the House and was amended down to \$30,000.

193 MOTION: SEN. TROW moves to change the "shall" on line 12 to "may".
There are no objections. MOTION: SEN. PHILLIPS moves HB 3060-B as
amended to the Senate floor with a do pass recommendation. - 1991 - Page
3

VOTE: In a roll call vote, the motion carries with all members voting
AYE.

(Tape 107A) PUBLIC HEARING ON HOUSE BILL 2132 Witnesses: Jayne Bailey,
Board of Radiologic Technology Joyce Matthys, Board of Radiologic
Technology

207 FEGENER: Reviews the preliminary staff measure summary (EXHIBIT C).

216 JAYNE BAILEY, executive officer, BOARD OF RADIOLOGIC TECHNOLOGY:
Testifies in support of HB 2132 and refers to her testimony concerning
violation of statutes and rules relating to licensing of radiologic
technologists (EXHIBIT D). > Provides copy of fiscal analysis on the
bill (EXHIBIT E). CHAIR McCOY: It seems to me the person an unlicensed
technician works for ought to be fined. Is that the intent here?

BAILEY: The bill would apply to the unlicensed individual and their
employer.

260 JOYCE MATTHYS, board member, BOARD OF RADIOLOGIC TECHNOLOGY: There
are a number of people out there who neglect to get licensed and there
are a number of doctors who knowingly require people to take x-rays who
are not qualified. 274 SEN. PAUL PHILLIPS: Have you referred those
people to the Board of Medical Examiners?

MATTHYS: Yes, we pass those names on to the Board. They have been
successful in bringing several of the physicians into compliance.

SEN. TROW: If you get the civil penalty, will you apply it to
physicians?

MATTHYS: Yes, we will. SEN. PHILLIPS: Does the Board of Medical
Examiners have civil penalty authority?

MATTHYS: The Board of Radiologic Technology and one other board are the
only two who do not have civil penalty authority.

(Tape 107A) PUBLIC HEARING ON HOUSE BILL 2792 Witnesses: Rep. Hedy
Rijken Dell Isham, Oregon Dental Hygienists Assoc. Nan Dewey, Oregon
Dental Assoc. (ODA)

307 REP. HEDY RIJKEN, DISTRICT 4: HB 2792 does three things: puts the
term general supervision of dental hygienist by dentist into the law,
dental hygienists may practice where limited access patients are
located, and repeals the limit on the number of hygienists who may be
employed in the dental office. > Agreement was reached by all parties
involved on the amendments put into the bill on the Senak Committee on

House side. > Bill does not broaden the scope of practice for dental hygienists. Strengthens public access.

354 SEN. KENNEMER: What does anyplace where limited access patients are located mean on line 11?

RIJKEN: Schools and nursing homes are two examples. 364 DELL ISHAM, OREGON DENTAL HYGIENISTS' ASSOCIATION: Testifies in support of HB 2792 and reviews his testimony (EXHIBIT F).

415 SEN. TROW: What is the difference of being under the supervision of a dentist and being under the general supervision of a dentist?

ISHAM: Administrative rules refer to general supervision and this bill would change the law to general supervision.

TAPE 108, SIDE A 006 NAN DEWEY, ODA: Reads her testimony in support of HB 2792-A (EXHIBIT G). WORK SESSION ON HOUSE BILL 2792

030 MOTION: SEN. KENNEMER moves HB 2792A to the Senate floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members voting AYE.

PUBLIC HEARING ON HOUSE BILL 3423 Witnesses: Rep. Hedy Rijken Rep. Cedric Hayden

041 REP. HEDY RIJKEN, DISTRICT 4: The intent of the bill is to establish a policy making State Board of Denture Technology to replace the existing Counsel. The Board would work on setting policy on license fees, certification, registration and investigation processes related to the practice of denturism. It includes civil penalties in the disciplinary process.

055 REP. CEDRIC HAYDEN, DISTRICT 38: Testifies in opposition to bill. > Gives background on dental technology. > Setting up a formal Board of Denture Technology sends the wrong message because prevention not extraction is the emphasis now. ~ Reviews his written testimony (EXHIBIT H).

114 SEN. TROW: Suggests putting a sunset on the Board. REP. HAYDEN: Agrees on the sunset

REP. RIJKEN: No problem with putting sunset on the bill. . These notes contain material which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report speaker's exact words. For complete content of the proceedings, please refer to the Senate Committee on Human Resources June 3, 1991 - Page 5

SEN. KENNEMER: The policy issue is not whether we support the removal of teeth but whether we support the concept of quality dentures. 143 SEN. PHILLIPS: What happened in the House on this bill? 149 MIKE MERIWETHER, COMMITTEE RESEARCH: Reviews the action in the House and refers to the preliminary staff measure summary on the bill (EXHIBIT I). > Referral to Senate Judiciary is because of the civil penalty provision.

(Tape 108A) WORK SESSION ON HOUSE BILL 2132 174 FIEGENER: The HB

2132-A3 amendment conforms the civil penalties language to SB 101 (EXHIBIT J). MOTION: SEN. TROW moves to adopt the HB 2132-A3 amendment. There are no objections. MOTION: SEN. TROW moves the amended HB 2132 to the Senate floor with a do pass recommendation. VOTE: In a roll call vote, the motion carries with all members voting AYE.

(Tape 108A) PUBLIC HEARING ON HB 3423 {cont.} Witnesses: Nan Dewey, Oregon Dental Assoc. (ODA) Ken Holden, Oregon State Denturist Assoc. Dr. Jim Davis, Oregon State Council of Senior Citizens Ron Faris, Oregon State Denturist Assoc. Robert Burzynski, licensed denturist Pam Hodge, Sen. Cohen's office 208 NAN DEWEY, ODA: We would have preferred to have this policy board under the Board of Dentistry. > Hopes the denturists on the Board will be appointed from different geographical areas of the state and the lay persons are not all senior citizens. Strongly believe in civil penalties. ~ Refers to her written comments on HB 3423 (see EXHIBIT G, HB 2792, 6/3/91). SEN. TROW: The Optometrist Board suggested having an alternate member if their lay person cannot make it to the meetings. What do you think of that?

DEWEY: The Board only meets twice a year and the dates are set well in advance. 237 KEN HOLDEN, OREGON STATE DENTURIST ASSOCIATION: Testifies in support of HB 3423. The denturist program is effective and met the needs of the people in Oregon. It is not our intention to encourage anyone to have their teeth pulled. > Statistically, there are going to be a lot of people that need our services over the next 35 . Thero minutes contain materials which pa~PHRse and/or rummarizo rtatemontr made du~ing tHB se8al0D. Only text encloaed iD quotation marks repon a spoakor'r exact words. For complete contenta of the procecc nga, pleaac refer ~ the tapea. Senab (~m" on Nu use Resources June 3, 1991- Page 6

years. > Tbis bill gives people a viable alternative.

295 DR. JIM DAVIS, OREGON STATE COUNCIL OF SENIOR CITIZENS: Testifies in support of HB 3423 and reviews his written testimony (EXHIBIT K).

TAPE 107, SIDE B

015 RON FARIS, member, OREGON STATE DENTURISI ASSOCIATION: Testifies in support of HB 3423. > The policy board will give objective control over the civil penalties and make the profession stronger.

032 ROBERT BURZYNSKI, licensed denturist from Roseburg: Testifies in support of HB 3423 and refers to written testimony (EXHIBIT L). > Talks about the need for the denturist profession. A policy board will allow us to do more for the public. 099 PAM HODGE, legislative assistance, SEN. JOYCE COHEN: Sen. Cohen supports the practice of dentistry but is concerned about language in the bill: > Power to prescribe exams in section 2(1) and (4) should be left with the Department of Education and not the Board of Denture Technology. SEN. TROW: Does the Department of Education prepare these exams for any other board? HODGE: I will get back to committee after checking the facts further. 122 HODGE: In section 2(5), the acceptance of educational training obtained in any other state or country should be left up to the Department not the Board. > Concern is that changing the composition of the Board to include more practitioners gives them too many powers. > Requests in section 3, the examinations of applicants be between June 15 and August 15. 161 SEN. PHILLIPS: Do you know of any other boards that regulated in the fashion you have suggested? HODGE: Have not had a chance to do

comparison with other boards. SEN. PHILLIPS: I need to know why we need to make these changes for this Board only. CHAIR McCOY: Suggests going through Legislative Counsel with the changes before a work session is held. 190 SEN. SHIRLEY GOLD: Concerned these exceptions do not exist elsewhere. Sa~te ~ on He_ Itesources June 3, 1991 - Page 7

(Tape 107B) PUBLIC HEARING ON HOUSE BILL 2176 Witnesses: Rita Bauman, Oregon State Board of Nursing 200 FIEGENER: Reviews the preliminary staff measure summary on HB 2176A and refers to the fiscal analysis (EXHIBIT M) 209 RITA BAUMAN, program executive, Nursing Assistant Program, OREGON STATE BOARD OF NURSING: Testifies in support of HB 2176 implementing a renewal process for the certificates for nursing assistants. Reviews her testimony on the bill (EXHIBIT N). SEN. TROW: The budget for the State Board of Nursing has passed both houses and anticipates this proposal.

(Tape 107B) WORK SESSION HB 2176 250 MOTION: SEN. TROW moves HB 2176A to the Senate floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting AYE. Excused: Sen. Kennemer

(Tape 107B) PUBLIC HEARING ON HOUSE BILL 2957: Witnesses: Brian Delashmutt, Oral and Maxillofacial Surgeons Nan Dewey, Oregon Dental Association (ODA) Jane Edwards, Board of Dentistry

260 FIEGENER: Reviews the preliminary staff measure summary on HB 2957A which is attached to the fiscal analysis (EXHIBIT O). 263 BRIAN DELASHMUTT, OREGON SOCIETY OF ORAL AND MAXILLOFACIAL SURGEONS: Testifies in support of HB 2957 which requests another member be added to the Board of Dentistry making it a 9 member board. > To this date, there has not been a specialist appointed to the Board. > Provides testimony from Hank Windell, DMD in support of the bill (EXHIBIT P). 307 NAN DEWEY, ODA: States the ODA has no position on the bill. > Refers to written statement (see EXHIBIT G, HB 2792, 613191). 318 JANE EDWARDS, executive director, Board of Dentistry: The average cost now for each Board member is over \$10,000. > Feels the bill is not necessary. CHAIR McCOY: By putting it into statute, the board position for a specialist is assured.

lhc~ rninuter contain materialr which paraphrase and/or rummerizc rlatementr made during thir re~lon Only toxt coclorod in quotadon rmark report a rpcalcer'c exact wordr For completc contenta of the proceeding, pleare refer to thc tapoc . Senste Commlttee on Humsn Resources ~une 3, 1991 - Page 8

(Tape 107B) WORK SESSION HB ON 2957 365 MOTION: SEN. TROW moves HB 2957A to the Senate floor with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all committee members voting AYE.

(Tape 107B) WORK SESSION ON HOUSE BILL 2956

FIEGENER: Reviews what the bill does.

393 MOTION: SEN. PHILLIPS moves HB 2956 to the Senate floor with a do

pass recommendation.

VOTE: In a roll call vote, the motion carries with all committee members voting AYE.

(Tape 107B) PUBLTC HEARING ON HOUSE BILL 2637 Witnesses: Chuck Bennett, Oregon Chiropractic Physidans Assoc.

412 MERIWETHER: Reviews the preliminary staff measure summary on HB 2637A and provides a copy of the fiscal analysis (EXHIBIT Q).

TAPE 108, SIDE B

008 CHUCK BENNETT, Oregon Chiropractic Physicians Assoc: Gives the committee background on the bill.

SEN. KENNEMER: What was the rationale of moving the civil penalties from \$1,000 to \$ 10,000?

BENNETT: The Board found that a \$1,000 fine was not substantial enough to have an impact on catching the attention of errant doctors. The increase in fees reflect the value of the license. CHAIR McCOY: Explain what is going on in section 8.

BENNETT: Section 8 was put into this bill so it would be in compliance with HB 2141. HB 2141 separates several boards from the Health Division. We did not introduce this bill with this language. > The House committee found this Board has reached a size and level of activity to be an independent agency. CHAIR McCOY: Should, we delete sections 8 and 11 which is not your language?

092 ART KEIL, HEALTH DIVISION: HB 2141 is a Health Division sponsored bill which breaks loose four boards contained within the Division. It has passed the House. Senate Committee on Human Resources June 3, 1991 - Page 9

SEN. TROW: Is there any good reason to keep the Board in the Health Division? KEIL: All four of the boards, including the Chiropractic Board, have agreed to break loose from the Health Division.

BENNETT: We would like to see this Board be independent.

(Tape 108A) 141 WORK SESSION ON HB 3142

MOTION: CHAIR McCOY moves HB 3142 back to the committee.

VOTE: In a roll call vote, the motion carries with Senators Kennemer and Phillips voting NAY.

158 CHAIR McCOY: Adjourns meeting at 5:00

Transcribed and submitted by:

Carolynn Gillson Assistant EXHIBIT LOG: A - Preliminary SMS on HB 3060 - staff- 1 page B - Fiscal analysis on HB 3060 - Legislative Fiscal - 1 page C - Preliminary SMS on HB 2132 - staff- 1 page D - Testimony on HB 2132 - Board of Radiologic Technology - 1 page E - Fiscal analysis on HB 2132 - Legislat.ive Fiscal - 1 page F - Testimony on HB 2792 - Oregon Dental Hygienists' Assoc. - 2 pages G - Testimony on HB 2792 - Oregon

Dental Assoc. - 2 pages H - Testimony on HB 3423 - Rep. Cedric Hayden - 4 pages I - Preliminary SMS on HB 3423A - staff- 1 page J - HB 2132-A3 amendment - staff- 2 pages K - Testimony on HB 3423 - Oregon State Council of Senior Citizens - 9 pages L - Testimony on HB 3423 - Robert Burzynski - 6 pages M - Preliminary SMS and fiscal analysis on HB 2176 - staff- 2 pages N - Testimony on HB 2176 - Oregon State Board of Nursing - 2 pages O - Preliminary SMS and fiscal analysis on HB 2957 - staff- 2 pages P - Testimony on HB 2957 - Hank Windell, DMD - 1 pages Q - Preliminary SMS and fiscal analysis on HB 2637 - staff - 2 pages

These minutes contain materials which paraphrase and/or summarize the transcript 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.