

SENATE COMMITTEE ON HUMAN RESOURCES

June 5, 1991                      Hearing Room A 3:15 p.m.                      Tapes 109 -111  
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 2436 - Ests. fixed fee schedule for  
microwave oven repair and X-ray machine registration - PH/WS HB 2637 -  
Modifies State Board of Chiropractic Examiners - WS HB 3423 - Ests.  
State Board of Denture Technology - WS HB 2141 - Sep. certain licensing  
boards from Health Division - PH EXECUTIVE APPOINTMENT: BONNIE L.  
McDOWELL PATRICIA B. RIDGLEY, DMD BARBARA J. DIAMOND NOEL S. PETERSON,  
N.D. HB 3081- Prescribes duties for dispensing opticians - PH/WS  
property - WS IIB 2954 - Modifies Oregon Coordinating Council for  
Children and Families - PH/WS

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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 109 SIDE A

001 CHAIR BILL McCOY: Calls the meeting to order at 3:15 p.m.

PUBLIC HEARING ON HOUSE BILL 2436A Witnesses: Art Keil, Department of  
Human Resources (DHR) Nan Dewey, Oregon Veterinary Medical Assoc.

004 JANICE FIEGENER, COMMITTEE ADMINISTRATOR: Reviews the preliminary  
staff measure summary on HB 2436A and refers to the budget report from  
Ways and Means (EXHIBIT A).

013 ART KEIL, HEALTH DIVISION, DHR: This bill has passed both the House  
and Senate and is part of the Health Division budget. ~ Reviews the  
purpose of the bill outlined in his written testimony (EXHIBIT B).  
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073 SEN. CLIFF TROW: This bill is an important part of the Health  
Division's budget. The fee schedule will pay for more than the  
regulatory activity. It helps to pay for the maternal and child health  
care program.

087 SEN. PAUL PHILLIPS: So there is no practical connection between  
where the fees are generated from and what programs they go to.

SEN. TROW: It is creative finance which is necessary because of Measure  
5. 101 NAN DEWEY, OREGON VETERINARY MEDICAL ASSOCIATION: Testifies in  
opposition to HB 2436 because the raised x-ray machine inspection fees  
are unfair to the veterinarians in Oregon. > Provides testimony from H.  
Clayton Stearns, President, Oregon Dental Assoc. opposing HB 2436  
(EXHIBIT C).

(Tape 109A) WORK SESSION ON HB 2436A

123 MOTION: SEN. TROW moves to HB 2436A to the Senate floor with a do  
pass recommendation.

VOTE: In a roll call vote, the motion carries with Senators Kennemer and  
Phillips voting NAY. , (Tape 109A) WORK SESSION ON HOUSE BILL 2637A 147

MIKE MERIWETHER, COMMITTEE RESEARCHER: Reviews the changes in the HB 263 7A-1 amendment (EXHIBIT D).

177 MOTION: CHAIR McCOY moves to adopt the HB 2637A-1 amendment.

MOTION FAILS: Senators Kennemer and Phillips object.

203 MOTION: SEN. PHILLIPS moves HB 2637A to the Senate floor with a do pass recommendation. VOTE: In a roll call vote, the motion carries with Sen. McCoy voting NAY.

(Tape 109A) WORK SESSION ON HOUSE BILL 3423A

218 FIEGENER: Reviews what the bill does. > Refers to proposed amendments -A7 and -A8 in handengrossed version of bill (EXHIBIT E).

MOTION: SEN. TROW moves to adopt the -A7 and -A8 amendments.

265 SEN. PHILLIPS: Why are we putting a sunset on the Board of Denture Technology?

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SEN. TROW: We decided it would be a good idea down the road to see if this Board is really needed.

288 MOTION: SEN. TROW moves HB 3423A as amended to the Senate floor with a do pass recommendation and rescinds the subsequent referral to Judiciary. VOTE: In a roll call vote, the motion carries with all committee members voting AYE.

(Tape 109A) PUBLIC HEARING ON HOUSE BILL 2141 Witnesses: Art Keil, Department of Human Resources (DHR) Jane Edwards, Board of Dentistry and State Mortuary and Cemetery Board Fred VanNatta, Oregon Funeral Directors

310 FIEGENER: Reviews what the bill does.

318 ART KEIL, HEALTH DIVISION, DHR: Testifies in support of HB 2141 which separates smaller licensing boards from the Health Division. > Reviews his written testimony (EXHIBI r Ii). SEN. PHILLIPS: We should have a standard consistent policy concerning these boards. KEIL: The Health Division is involved in an accounting not advisory function with these boards. 403 SEN. PHILLIPS: Will breaking these boards away from the Division save money?

KEIL: The Health Division's fees for the accounting service are higher than what they have negotiated with the Executive Department.

SEN. PHILLIPS: What if some of these boards would be merged together? Would it be more cost effective and have less duplication?

KEIL: It is a difficult issue because each board is independent. It is a legislative decision.

TAPE 110, SIDE A 022 SEN. BILL KENNEMER: Keeping the boards under the

Health Division creates a duplicative process.

KEIL: If there has been an administrative error by one of the boards, it is an error of the Health Division

SEN. KENNEMER: There would be accountability because public members sit on these Boards and Commissions.

SEN. TROW: Are these boards co-located with the Health Division?

KEIL: Some are and some are not.

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046 SEN. TROW: What would happen to your budget if this bill does not pass?

KEIL: This bill would have a positive impact on our budget. > Reviews background on the boards and the Division.

068 SEN. PHILLIPS: You can't veto any of their purchases, but if there is a problem is it passed by the Division to the board? KEIL: Explains the procedure the Health Division follows. > Under this bill, the accounting function would go to the Executive Department.

100 JANE EDWARDS, BOARD OF DENTISTRY: Reads a statement from the Oregon State Mortuary and Cemetery Board in support of HB 2141 (EXHIBIT G). > Talks about the savings for the Board of Dentistry with the bill. > Explains how bill would unscramble their accounting-and help the Board in other ways. > Lists ways independent boards can still share services.

181 RUTH VANDEVER, BOARD OF PHARMACY: Testifies in support of HB 2141 and agrees with previous testimony. > Explains how the bill will help their licensing process. > Relationship with Health Division has become inefficient and nonproductive.

206 SEN. TROW: Will the independent boards run amuck and spend a lot of money and do strange things?

VANDEVER: There is no control by the Health Division over what they purchase now. > Ways and Means Committee oversight.

EDWARDS: The state follows basic accounting principles and the Health Division makes sure the boards follow those principles. 226 SEN.

PHILLIPS: The Executive Department will have far more control than the Health Division.

242 FRED VANNATTA, OREGON FUNERAL DIRECTORS: Testifies in support of HB 214 1.

(Tape 110A) EXECUTIVE APPOINTMENTS

256 BONNIE L. McDOWELL, CHIROPRACTOR: Reviews her background and explains why she would like to be on the Board of Chiropractic Examiners (EXHIBIT H).

SEN. PHILLIPS: What is your opinion of peer review?

McDOWELL: It is a necessary and critical part of the Board. > Need to make sure chiropractors are practicing in a safe and ethical way.

~ : r Senate Co littee on Human Resources June 5,1991- Page 5

SEN. KENNEMER: Your physical therapy background will be a contribution to the Board in terms of expertise.

McDOWELL: Having the additional background of another health profession will be helpful to the Board.

SEN. TROW: What is electro therapy?

McDOWELL: It deals with electro modalities used both in physical therapy, and chiropractic and naturopathic medicine.

SEN. TROW: What about expanding the scope of practice for chiropractors?

358 McDOWELL: The scope of practice we have currently is adequate.

365 MOTION: SEN. TROW moves to recommend to the Senate the confirmation of Bonnie L. McDowell to the Chiropractic Examiners Board.

VOTE: In a roll call vote, the motion carries with all committee members voting AYE. 385 PATRICIA B. RIDGLEY, DMD: Reviews her background and explains why she would like to serve on the Oregon Board of Dentistry (EXHIBIT I). > Explains how dental practices are more liberal in other states.

TAPE 109, SIDE A 030 SEN. KENNEMER: You will be the first appointment as a specialist on the Board. How do you feel about that responsibility? RIDGLEY: All dentists are suppose to be able to provide a service at the level as a specialist. It is difficult for the general practitioner to raise the quality of care because they are not specialists themselves. Specialists feel some of the services provided are not done well. 056 MOTION: SEN. KENNEMER moves to recommend to the Senate the confirmation of Patricia B. Ridgley to the Board of Dentistry.

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

066 BARBARA J. DIAMOND, BOARD OF NATUROPATHIC EXAMINERS: Explains why she has agreed to reappointment on the Board. > Reviews her background and her service on the Board (EXHIBIT J)

CHAIR McCOY: Is there difficulty with the administrative rules?

DIAMOND: If you are attempting to raise standards, you are bound to step on some toes along the way. There are a variety of different positions represented on the Board.

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108 NOEL S. PETERSON, N.D., BOARD OF NATUROPATHIC EXAMINERS: Reviews some of the things accomplished by the Board since he was appointed (EXHIBIT K). > Talks about a controversy that once surrounded licensing exams. > Explains how the exams are done now and how that differs from the previous way.

SEN. TROW: Is it true that you have re-evaluated the tests of people who have not passed?

PETERSON: We evaluated on a question-by-question basis the relevancy and accuracy of the questions. We looked at the questions to determine if they were true indicators of the educational requirements necessary to practice naturopathic medicine. > Goes into further detail concerning the evaluation and tests.

204 SEN. PHILLIPS: Did you reevaluate those people who would have been licensed?

PETERSON: We reevaluated the exams not the individuals. The exam became more reflective of what is considered by our Board a true indicator of what is required to practice naturopathic medicine.

233 SEN. PHILLIPS: The exam had been given and graded. You went back and reevaluated the exam and regraded the exams everyone had taken.

PETERSON: Yes, and that is a standard process with any exam. SEN.

PHILLIPS: Did you come up with more or less people who passed the test?

PETERSON: We came up with more people who past the test. > Doesn't believe the test was more lenient. 270 SEN. TROW: I can't understand this process of reevaluating and rescoring an exam that has been given and licensing more people because of that process. What is your rationale for that? PETERSON: Our historic passing grade has been in the mid-70s. The Board was appointed with three new members in July and did not have anything to do with crafting the exam that was given at the end of July. Only 10 percent of the people passed and there were complaints from those people who took the exam and the profession in general. We looked at the exam and came up with a way to rescore the exam and allowed for 54 percent of the people to pass the exam.

SEN. TROW: Why didn't you just craft a new test and retest these people rather than rescoring a test?

PETERSON: It was my understanding at the time that was not our best option. 309

DIAMOND: There were many exam questions that were flawed, and after some of the questions were dropped from the exam, it was felt the remainder of each exam would be sufficient to test the knowledge of the applicants in the particular field. This is typical of an exam process. > The heat should not be placed on the Board but on those who originally crafted the exam. > The test was not made more lenient. - ' . Iboac minute. contain materials which paraphrase and/or summarize staternenb made during this session. Only text enclosed in quotation marks : report a epealccr's CDCT worde. For complete contents of the proceed ~gs, please refer to the tapes. -

SEN. TROW: The new process with a national group preparing the exam is far superior. What percentage of people pass the exam now?

PETERSON: Around 70 percent. ~ Talks about the old exams and development of the new exams.

TAPE 110, SIDE B

035 SEN. KENNEMER: Have you ever voted on whether or not naturopathic type questions should be included on the exams that would require a professional level of competence? DIAMOND: I don't take an active part in those deliberations.

PETERSON: All the Board members were in support of what was done regarding the exams.

062 LAURIE MARZELL, NATUROPATHIC PHYSICIAN: Testifies in opposition to the reappointment of Barbara J. Diamond and Noel S. Peterson (EXHIBIT L).

182 BRIAN McCOY, NATUROPATHIC PHYSICIAN: Submits for the record a letter from Dr. John A. Briggs opposing the reappointment ,of Dr. Diamond and Dr. Peterson (EXHIBIT M). > Explains how he feels Dr. Peterson falsely represented the Oregon Board of Naturopathic Examiners. > Urges committee to reject reappointment of Dr. Peterson and Dr. Diamond.

228 SEN. TROW: To what extent to you represent other naturopaths in your criticisms of these Board members?

McCOY: I talked to a number of doctors who are respected members of the profession.

SEN. TROW: Is it a fair statement that the older doctors generally oppose these Board members and the younger doctors would support them?

MARZELL: It is a fair statement to say that the people who had their grades curved are in support of these two Board members.

SEN. TROW: Are the exams now being given good exams and you are no longer critical of them? MARZELL: I cannot judge them because I have not reviewed the exams.

288 SEN. PHILLIPS: How many associations among your prfessional group?

McCOY: Currently, there is one state association.

318 CAROL MORRIS, EXECUTIVE APPOINTMENTS ASSISTANT TO THE GOVERNOR: An investigation was done concerning the allegations and the conclusion was that Dr. Peterson and Dr. Diamond were good reappointments.

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SEN. TROW: Requests to hear from the investigator before final action is taken on the reappointment. 363 DELL ISHAM, OREGON ASSOCIATION OF NATUROPATHIC PHYSICIANS: The two appointments you were discussed at ONAP

meetings I attended and were unanimously supported.

DIAMOND: Responds to allegations: > Running over budget due to attorney general bills. > Promulgated rules with the guidance of the AG's office. > Not aware of challenges filed against rule the Board has promulgated. > Always used the AG's office to advise us on license revocations.

TAPE 111, SIDE A

025 SEN. TROW: Tell us about the telephone meetings referred to in Dr. Marzell testimony? What do you do to make sure the open meetings law is met?

DIAMOND: We have a diverse geographic distribution of members on the Board and that is reflected in costs. Through an AG's opinion, we learned the public meetings law would permit us to hold our meetings by telephone with an access point to the public. We have managed to substantially cut costs and increase timeliness.

SEN. PHILLIPS: Speaks against telephone meetings.

PUBLIC HEARING ON HOUSE BILL 3081A Witnesses: Dell Isham, Opticians Association of Oregon 089 DELL ISHAM:, OPTICIANS ASSOCIATION OF OREGON: Reads testimony in support of HB 3081 which prescribes the duties of dispensing opticians and prohibits discrimination against dispensing opticians in government programs (EXHIBIT N).

WORK SESSION ON HOUSE BILL 3081A

121 MOTION: SEN. TROW moves HB 3081A 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. Gold PUBLIC HEARING ON HOUSE BILL 2954 Witnesses: Ken Otto, Department of Human Resources (DHR) . 134 FIEGENER: Reviews what the bill does (EXHIBIT O).

144 KEN OTTO, DHR: This bill rewrites the responsibilities of the Coordinating Counsel for Children and Families. > Eliminates the costly report requirement. > Puts the executive director of the Progress Board on the Counsel. > Ties activities of Counsel to the Progress Board Benchmarks. , ., 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. June 5, 1991-  
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> Supports proposed amendment from Sen. Gold which merges sections of SB 113 A with HB 2954 (EXHIBIT P).

SEN. TROW: Would the report describing children's programs need to be done annually and be so expensive to produce?

OTTO: It could be done on a more limited scale than what was called for in the original legislation.

SEN. TROW: Important to keep up to date on those activities. Suggests preparing an addendum to the report that update the information without reproducing it. OTTO: Expectations of what we can do without additional resources need to be realistic.

250 SEN. PHILLIPS: In light of ballot measure 5, it would be irresponsible for any agency not to report back to the Legislature.

263 CHAIR McCOY: Adjourns the meeting at 5:43 p.m.

Transcribed and reviewed by:

Carolynn Gillson Assistant EXHIBIT LO'G: A - Preliminary Staff Measure Summary on HB 2436A - committee staff - 3 pages B - Testimony on HB 2436A - Health Division - 2 pages C - Testimony on HB 2436A - Oregon Dental Association - 1 page D - Proposed amendment on HB 2637A - committee staff- 8 pages E - Proposed amendment on HB 3423A - committee staff- 7 pages F - Testimony on HB 2141 - Health Division - 2 pages G - Testimony on HB 2141 - Mortuary and Cemetery Board - 1 page H - Executive Appointment for Bonnie McDowell - Governor's office - 6 pages I - Executive Appointment for Patricia Ridgley - Governor's office - 6 pages J - Executive Appointment for Barbara Diamond - Governor's office - 6 pages K - Executive Appointment for Noel Peterson - Governor's office - 6 pages L - Testimony on Executive Appointment - Dr. Laurie Marzell - 4 pages M - Testimony on Executive Appointment - Dr. John Briggs - 1 page N - Testimony on HB 3081 - Opticians Assoc. of Oregon - 2 pages O - Preliminary Staff Measure Summary on HB 2954A - 1 page P - Proposed amendment on HB 2954 - committee staff- 3 pages

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