

SENATE COMMITTEE ON HUMAN RESOURCES

June 17, 1991 Hearing Room F 8:30 a.m. Tapes 114 -116
MEMBERS PRESENT: Sen. Bill McCoy, Chair Sen. Cliff Trow, Vice-Chair
Sen. Bill Kenemer MEMBERS EXCUSED: Sen. Shirley Gold Sen. Paul
Phillips STAFF PRESENT: Janice J. Fiegenger, Committee Administrator
Mike Meriwether, Research Assistant Debbie Schieno, Committee Assistant
Andra Woodrum, Page EXECUTIVE APPOINTMENTS: Steven R. Evers,
Commission for the Blind Kae L. Mulvey, Commission for the Blind
Jeannette Y. Pai, Director of Affirmative Action Richard D. Herington,
Board of Examiners of Nursing Home Administrators HB 2954 - Modifies
duties and purpose of Oregon Coordinating Council for Children and
Families - WS HB 2327 - Continues Sanitarians Registration Board HB 2637
- Modifies jurisdiction of State Board of Chiropractic Examiners - WS
Noel S. Peterson, Board of Naturopathic Examiners Barbara J. Diamond,
Board of Naturopathic Examiners _ 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. _ TAPE
114, SIDE A

002 SENATOR BILL MCCOY, chair: Calls the meeting to order at 8:48 a.m.

EXECUTIVE APPOINTMENTS Witnesses: Steven Evers, O.D. Kae L. Mulvey
Jeannette Pai, State Affirmative Action Richard E. Herington, Nursing
Home Administrator

012 STEVEN R. EVERS, O.D from Madras: Reviews his background in working
with the blind (EXHIBIT A) and explains why he would like to serve on
the Commission for the Blind. > Would like to see a better integration
of the services available for the partially sighted in Oregon. >
Certified in Oregon, Washington and California. Senate Committee on
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047 SEN. BILL KENNEMER: Do you consider yourself a specialist in low
vision? EVERS: Yes, but there is not a specific certification.

SEN. KENNEMER: How could providers and agencies work better together?

EVERS: Very few mobility instructors have direct communication with
practitioners. It is a cafeteria style service now. Would like to see
more direct networking. Responds to questions: > Names the professional
organizations he is a member of. > Explains the additional training he
participates in. > Talks about his activities as chair of the Low Vision
Committee of the Oregon Optometric Assoc. > Defines low vision and how
it is a matter of function.

146 MOTION: SEN. KENNEMER moves to recommend to the full committee the
appointment of Steven R. Evers, O.D. to the Commission for the Blind.

(Tape 114) 166 KAE L. MULVEY: Reviews her background in working with
the Blind Commission (EXHIBIT B). > Hopes the Commission continues to
serve blind constituents with integrity. > Talks about the industry
program.

202 SEN. KENNEMER: What is a field therapist?

MULVEY: Works with a head injury group and is responsible for helping
clients in the community to find jobs and to promote an environment of

support for the client. > Talks about the nature of her impairment and how the Commission has helped her.

259 MOTION: SEN. KENNEMER moves to recommend to the full committee the appointment of Kae L. Mulvey to the Commission for the Blind.

272 JEANNETTE Y. PAI, director of Affirmative Action: Lists the areas they hope to focus on: retention of minority managers in state government, different types of employee training, reevaluate the hiring process, performance measures of departments, development of resource center, and evaluating the structure of the administration of the affirmative action efforts of the state. > Handout concerning her appointment is provided to the committee (EXHIBIT C).

TAPE 115, SIDE A

003 CHAIR McCOY: Is there any department with a full-time affirmative action officer?

PAI: Yes, several of the larger departments have one. > Outlines ways people become affirmative action officers. > Lists two more areas to focus on: conduct an evaluation of agencies that fall under Title VI and staffing for their office. - 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 proceeding, plea" refer to the tapes Senate Committee on Human Resources June 17, 1991 - Page 3

044 SEN. KENNEMER: How much time does this responsibility take?

PAI: It is more than a full-time job.

SEN. KENNEMER: Give me a couple of examples of harassment? PAI: Name calling, sexual harassment and an increase in bias crimes.

100 MOTION: CHAIR McCOY moves to recommend to the full committee the appointment of Jeannette Pai to the position of Director of Affirmative Action.

(Tape 15A) 108 RICHARD D. HERINGTON, Nursing Home Administrator: Outlines his experience with nursing homes and why he wants to serve on the Board of Examiners of Nursing Home Administrators (EXHIBIT D). > Talks about quality of nursing homes in Oregon.

CHAIR McCOY: How do you look at the ombudsman office?

HERINGTON: It is an integral part of what we do.

163 CHAIR McCOY: Many nursing homes are being taken over by corporations out to make money. How will this affect the future for nursing homes? HERINGTON: Nursing homes are a business and there is a responsible way to run them. Anyone owning a nursing home in this state needs to understand how we want our elderly cared for. A nursing home owned by a corporation is not necessarily bad. > Part of my role with this Board is to ensure that ethical quality is maintained amongst my peers. > Oregon has every right to set a standard and uphold that standard. 207 SEN. KENNEMER: I would like to know more about the advocacy groups you mentioned earlier. HERINGTON: Talks about various advocacy groups he has worked with. 245 SEN. KENNEMER: What are your thoughts upon legislation to create special certifications for Alzheimer

units? HERINGTON: Explains why he supports the legislation. There is some question as to whether it is possible to legislate specifics of an alzheimer unit. SEN. KENNEMER: What focus would you bring to the Board? HERINGTON: I have a good working understanding of what it takes to be a successful administrator for customers in Oregon. One of my goals is to help develop more professionalism in the administrative position in this state.

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306 FIEGENER: Do you have any thoughts on the reclassification by Senior and Disabled Services, of different levels of care and the lawsuit?

HERINGTON: To reclassify just for the sake of reclassifying is scary for the clients. > It needs to be monitored by everyone who is advocating for the elderly in this state.

SEN. KENNEMER: What about the adult foster home evolution in Oregon?

HERINGTON: I think adult foster homes are very appropriate but they need to be monitored.

392 MOTION: CHAIR McCOY moves to recommend to the full committee the appointment of Richard Herington to the Board of Examiners of Nursing Home Administrators.

404 CHAIR McCOY: Recesses the meeting at 9:45 a.m.

408 CHAIR McCOY: Reconvenes the meeting at 3:15

413 MOTION: CHAIR McCOY moves confirmation of the appointments of Steven R. Evers, Kae L. Mulvey, Jeannette Pai and Richard D. Herington.

VOTE: In a roll call vote, the motion passes with all the members present voting AYE. Excused: Senators Gold and Phillips TAPE 114, SIDE B

435 MOTION: CHAIR McCOY moves the executive reappointments of Leonard D. DuBoff, William David Hyde and Steve P. Hanamura to the Commission for the Blind, and Allyce Alexander, Richard Lee Smith and Cecil Houchen to the Long Term Care Advisory Committee and Ruth Shepherd and William Simonson for the Board of Examiners of Nursing Home Administrators be sent to the Rules Committee because the Senate Human Resources Committee is being deactivated.

. VOTE: In a roll call vote, the motion carries with all the members present voting AYE. Excused: Senators Gold and Phillips.

WORK SESSION ON HB 2954

028 FIEGENER: Reviews the hand-engrossed HB 2954 (see EXHIBIT E, June 7). > Sen. Gold had some questions about the bill and has agreed to this version as well as the chair of the House Human Resources Committee, Rep. Stein and the Governor's office. 044 MOTION: SEN. TROW moves to adopt the HB 2954-A5 amendments. > There are no objections. MOTION: SEN. TROW moves HB 2954-A as amended to the Senate floor with a do pass recommendation.

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VOTE: In a roll call vote, the motion carries with all the members present voting AYE. Excused: Senators Gold and Phillips.

PUBLIC HEARING ON 2327 Witnesses: Anna Howe, Sanitarians Registration Board

059 FIEGENER: Reviews what the bill does and explains why it is necessary (EXHIBIT E:).

072 ANNA HOWE, chairperson, Sanitarians Registration Board: Explains why the bill is getting to the committee so late. > Explains why the language on lines 17-19 was deleted by Legislative Counsel.

WORK SESSION ON 2327

089 MOTION: SEN. TROW moves HB 2327 to the floor of the Senate with a do pass recommendation.

VOTE: In a roll call vote, the motion carries with all members present voting AYE. Excused: Senators Gold and Phillips.

WORK SESSION ON 2637

099 FIEGENER: Explains the bill is back in committee because of conflict amendments. ~ Reviews the hand engrossed A-6 amendment from Legislative Counsel (EXHIBIT E)].

MOTION: SEN. TROW moves to adopt the HB 2637-A6 amendment. > There are no objections.

MOTION: SEN. TROW moves HB 2637-A as amended 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: Senators Gold and Phillips.

EXECUTIVE REAPPOINTMENTS Carol Morse, Governor's Office Dave Young, Oregon Educational Policy and Planning (OEPP) Andrew Elliott, Board of Naturopathic Examiners Don Walker, Board of Naturopathic Examiners Anna Beth Jamison, from Lake Oswego Jared Zeff, National College of Naturopathic Medicine Laurie Marzell, N.D. Kathy Soderberg, Board of Naturopathic Examiners Noel Peterson, N.D.

160 CAROL MORSE, Asst. to the Governor for Executive Appointments: Reviews testimony outlining what has transpired since the original hearing for appointments of Dr. Noel Peterson

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and Ms. Barbara Diamond to the Board of Naturopathic Examiners (EXHIBIT G). > Governor reiterates her support for the reappointments. ~ Reviews her testimony concerning the complaint filed with the Oregon Government Ethics Commission against Andrew Elliott who is being considered for reappointment to the Board of Naturopathic Examiners. The complaint was dismissed. > Governor reiterates her support for the reappointment. > Reads the rest of her testimony concerning testimony addressing the concerns voiced by the committee on June 5.

230 DAVE YOUNG, OEPP: Reads his testimony explaining how the OEPP has worked with the Board of Naturopathic Examiners concerning degree validation and licensing tests (EXHIBIT H).

326 SEN. KENNEMER: Are you saying the steps the Board took in rescoring the exams were poor protocol in terms of technical correction on a test but it is within the scope of their statutory authority?

YOUNG: Yes, the procedure was statistically unsophisticated. The Board was within its legal rights.

352 SEN. CLIFF TROW: Do you have any way to look at each of those exams to be satisfied that the people did pass rather than fail the exam?

YOUNG: Explains why that would be difficult to determine. > The Board's position is that the questions were poorly worded.

SEN. TROW: It is certainly not good practice and it does not make sense to reevaluate exams after they are administered.

397 SEN. KENNEMER: My understanding is that the Board is now using the national standardized exam.

YOUNG: Continues his testimony concerning testing and board meeting procedures.

SEN. TROW: If they are using the phone meetings as much as indicated, I would say it doesn't make sense to do it that way. They ought to have meetings that are publicly announced.

TAPE 115, SIDE B

020 ANDREW W. ELLIOTT, N.D., Board of Naturopathic Examiners: Explains why he would like to be reappointed to the Board. > Background information is provided to the committee (EXHIBIT 1).

SEN. KENNEMER: Could you appraise us of the findings of the Ethics Commission concerning accusations against you?

ELLIOTT: I have not officially heard from the Ethics Commission but the complaint has been dismissed.

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SEN. TROW: What significant new things has the Board done for the profession?

ELLIOTT: Talks about the exam issue and responds to questions concerning the exam. > Talks about the investigations the Board has been involved in.

097 SEN. KENNEMER: What do you think you can contribute to the Board?

ELLIOTT: We need to work closely with all aspects of the profession and be a consumer advocate for the people in the state. > Would like to work on better communicate if reappointed. > Talks about his own practice.

SEN. KENNEMER: What is your view of the relationship between the Board and the school?

ELLIOTT: It is good to have a working relationship with the school but there isn't any favoritism given to the school. 155 DON WALKER, chair, Board of Naturopathic Examiners: Responds to questions from Sen. Kennemer concerning Board meetings, adoption of rules, testing and what can be done to make the Board operate smoother.

333 SEN. TROW: What is your assessment of the level of confidence of the current board members?

WALKER: Supports the Board members and is confident in them.

359 ANNA BETH JAMISON, patient from Lake Oswego: Concerned there are well trained people to serve the public.

395 JARED ZEFF, Academic Dean, National College of Naturopathic Medicine: Talks about attending Board meetings. > Explains how the current Board is the best he has worked with.

TAPE 116, SIDE A

010 LAURIE MARZELL, N.D.: Talks about her concerns regarding the adoption of administrative rules and the rescoring of exams. > State Board's main goal is to protect the public.

048 KATHY SODERBERG, Administrator, Naturopathic Board: Talks about the Board's rule making procedure and the process of notifying people of their meetings.

WALKER: We have always cleared all of our rules ahead of time with our representative in the Attorney General's office.

SEN. KENNEMER: There seems to be some concern about the way the grades were recurved. I would like to settle the accusation.

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ELLIOTT: I never had any meetings with students before the rescoring decision was made. There was no influence on me in terms of that exam from students. SEN. TROW: Did you believe the questions on the exam were poor with more than one possible answer? ELLIOTT: For some questions, there was no correct answer. Some questions were repeated two to three

times.

151 SEN. TROW: Once the questions were thrown out, how did you decide who passed and who failed?

153 NOEL PETERSON, N.D.: The over all pass rate was 54 percent and the historic level is 70 percent. After reviewing the exam, we were convinced it still contained an adequate number of questions to exam the individuals in each of the five subjects. The previous Board gave exams where no one passed and nothing was done about it. SEN. TROW: Was the previous Board just simply trying to limit the membership of those practicing? PETERSON: We are unable to know. We did not write the exam we were forced to score. > We had a unanimous decision to go in the direction we went in. The professional organizations have supported this. > Our Board has been resolved of any wrong doing. 256 SEN. KENNEMER: Do you feel consumer protection was jeopardized with this exam? ELLIOTT: The exam in question is the basic science exam which is not even required in many other states and in the Canadian providence. What we had left of those exams when we looked at them still gave us an idea of the competency of the people who were involved. > Would have consulted OEPP if we had been aware of that office as new Board members. 312 MOTION: SEN. TROW moves to recommend to the full Senate the confirmation of the appointments of Dr. Elliott, Barbara Diamond and Dr. Peterson. VOTE: In a roll call vote, the motion carries with the members present voting AYE. Excused: Senators Gold and Phillips. 328 SEN. McCOY: Adjourns the meeting at 4:45 p.m. Transcribed and revieyved by:

Carolynn Gillson Assistant

These minutes contain materials which paraphrase and/of mrnnnarize daternents 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 June 17, 1991- Page 9 EXHIBIT LOG: A - Executive Appointment for Steven R. Evers - Governor's office - 7 pages B - Executive Appointment for Kae L. Mulvey - Governor's office - 7 pages C - Executive Appointment for Jeannette Pai - Governor's office - 12 pages D - Executive Appointment for Richard D. Herington - Governor's office - 7 pages E - Preliminary Staff Measure Summary - committee staff - 1 page F - HB 2637-A6 amendment - committee staff - 2 pages G - Executive Appointment testimony - Governor's office - 21 pages H - Executive Appointment testimony - OEPP - 3pages I - Executive Appointment for Andrew W. Elliott - 6 pages

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