

SENATE COMMITTEE ON HUMAN RESOURCES

Tuesday June 25, 1991                      Hearing Room B 3:30 p.m.                      Tapes 117 -  
118 MEMBERS PRESENT:     Sen. Bill McCoy, Chair Sen. Cliff Trow, V ce  
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 MEASURES  
CONSIDERED:     HB 3591-Relating to optometrists-PH/WS .. 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 117, SIDE A

002 CHAIR McCOY: Calls the meeting to order at 3:35 p.m.

PUBLIC HEARING ON HOUSE BILL 3591 Witnesses:     Charles Radebaugh,  
Oregon Optometric Association Carole Timpoine, Pacific University  
College of Optometry Charles Hikes, Ophthalmologist Laurie Christensen,  
Oregon Academy of Ophthalmology Scott MacRae, Oregon Academy of  
Ophthalmology John Hills, Oregon Academy of Ophthalmology

013 CHARLES RADEBAUGH, O.D., OREGON OPTOMETRIC ASSOCIATION (EXHIBIT  
A): Testified in support of HB 3591 and outlined Exhibit A. > Offered  
letters of support from two doctors (EXHIBIT B). 161 SEN. TROW: In  
states that have laws that are more to your liking than the Oregon law,  
do those laws allow optometrists to use all drugs? 163 RADEBAUGH:  
There are a number of states that allow optometrists to use oral drugs.  
168 CAROLE TIMPOINE, O.D., PACIFIC UNIVERSITY COLLEGE OF OPTOMETRY  
(EXHIBIT C): Testified in support of HB 3591 and outlined Exhibit C.  
Senate Committee on Human Resources June 25, 1991 - Page 2

286 SEN. TROW: If the scope of the optometrists was expanded to include  
primary eye care, what additional things would be done besides the use  
of therapeutic drugs?

289 TIMPOINE: As the bill is stated, it will cover primary care  
conditions.

313 CHARLES HIKES, OPHTHALMOLOGIST (EXHIBIT D): Testified in support  
of HB 359 1 and outlined Exhibit D. 369 SEN. KENNEMER: Is limiting  
their practice to topicals a significant limitation? 380HIKES:  
Ideally they would like to use some oral agents. The optometrist is  
basically making the diagnosis and accepting part of the responsibility,  
then shifting some of that responsibility to the doctor who prescribes  
the drug. Is this fair to the doctor prescribing the drug?

TAPE 118, SIDE A

019 SEN. TROW: Optometrists have moved from the scope of practice which  
was basically the measurement of the eyes, to diagnostic procedures, now  
into therapeutic procedures. Do you see them moving on to more  
treatment?

025 HIKES: No. At the present time the training would support this  
progression.

043 LAURIE CHRISTENSEN, M.D., OREGON ACADEMY OF OPHTHALMOLOGY (EXHIBIT  
E): Testified in opposition to HB 3591 and outlined Exhibit E. >

Questioned the results of studies that showed there were no side effects in other states where optometrists use topical medications.

091 SEN. KENNEMER: Clarified that the studies showed reported instances of malpractice or malfeasance, not the side effect rate.

098 CHRISTENSEN: Still questioned that there could be a zero error rate. Continued with testimony. 169 SEN. KENNEMER: Dr. Hikes felt the use of topicals was a significant limitation on the practice and a relatively safe one. Do you feel orals are safe to use?

180 CHRISTENSEN: Understood Dr. Hikes to say that orals are almost never used. This bill would permit the use of drugs like steroids, and drugs with cardiac and systemic side effects to be put in the eye of a one week old. No they are not relatively benign. 187 SCOTT MACRAE, M.D., OREGON ACADEMY OF OPHTHALMOLOGY (EXHIBIT F): Agreed with Dr. Christensen's statement that topical medications are very potent medications that have a profound impact on the health of the eye and potentially systemic side effects. Testified in opposition to HB 3591 and outlined Exhibit F. 315 SEN. KENNEMER: Questioned Dr. MacRae's cost analysis and why the increase is threefold. 320 MacRAE: Restated that the number of medical eye care practitioners would triple. Senate Comm; - e on H lan Resources June 25, 1991- Page 3

> Continued with testimony.

TAPE 118, SIDE B

023 CHAIR McCOY recessed the meeting at 4:35 p.m.

024 CHAIR McCOY reconvened the meeting at 4:45 p.m. 036 JOHN HILLS, M.D., OREGON ACADEMY OF OPHTHALMOLOGY: Testified in opposition to HB 3591 . There are two major problems with HB 3591: 1) the general concept of the bill itself, and 2) details of the bill. >There is no comparison between the quality of the education an optometrist receives as compared to an ophthalmologist. There is a major difference in the quality. > Optometrists are asking that their practice be expanded to include treatment of diseases of the eye and the vision system. This is an activity which has been the responsibility of medically trained and licensed physicians. The citizens of Oregon cannot judge the quality of diagnostic and therapeutic medical decisions by their care providers and licensure provides a basic assurance that their provider has obtained the level of training and capability to practice medicine. > The bill, as written, isolates the review of drugs, diagnosis and treatments, as well as ethical considerations from the general medical community.

WORK SESSION ON HOUSE BILL 3591 125 MOTION: SEN. GOLD moved the HB 3591-A4 amendments, with additional changes made by staff. The motion includes the changes made by staff. Additionally, add in concept, page 3, (3) to read: Designation of Pharmaceutical agents for topical use in the practice of optometry shall be by the Board of Medical Examiners for the State of Oregon with the advice and guidance of the Oregon Board of Optometry. Optometrists utilizing pharmaceutical agents for topical use shall be held to the same standards of liability as person licensed as physicians to practice medicine and surgery by the Board of Medical Examiners for the State of Oregon under ORS chapter 677. ", and Section 5 to read: "The State Board of Optometry and the Board of Medical Examiners for the State of Oregon shall report to the regular session of the Sixty-seventh Legislative Assembly regarding the implementation of ORS 683.270(3)." (EXHIBIT H) 170SEN. PHILLIPS: Has any consultation been made with the Board of Medical Examiners to bring them into this language? 172 SEN. GOLD: This issue has been around since 1983. There

has not been opposition to this in discussion with the OMA. 193 SEN. PHILLIPS: Suggested a change in the order of the Board of Medical Examiners and the Oregon Board of Optometry? 198SEN. GOLD: No, not at this time. 213 SEN. KENNEMER: Has a concern with the provision putting this directly under the supervision of the Board of Medical Examiners. Would you consider an amendment to include the word

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"recommend". The language would then read "Designation of pharmaceutical agents for topical use in the practice of optometry shall be recommended by the Board of Medical Examiners ..."

238 SEN. GOLD: In expanding the scope of practice it should be as worded.

245 SEN. KENNEMER: The intent is to keep the increase and the scope of practice, allowing them prescribe topical medications.

260 SEN. TROW: Called for the question.

265 VOTE: Hearing no objection, Chair McCoy so moves.

271 MOTION: SEN. GOLD moves HB 3591, as amended, to the floor with a do pass recommendation.

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

283 CHAIR MCCOY adjourned the meeting at 5:08 p.m.

Submitted by: Reviewed by:

Debbie Schieno Janice J. Fiegenger Assistant Committee Administrator

EXHIBIT LOG:

A - Testimony on HB 3591 - Charles Radebaugh, 19 pages B - Testimony on HB 3591 - Charles Radebaugh, 2 pages C - Testimony on HB 3591 - Carole Timpoine, 35 pages D - Testimony on HB 3591 - Charles Hikes, 2 pages E - Testimony on HB 3591 - Laurie Christensen, 5 pages F - Testimony on HB 3591 - Scott MacRae, 21 pages G - Proposed amendment to HB 3591 - Staff, 3 pages

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