

Maxine Dexter
State Representative
House District 33



House of Representatives

06/03/2021

Timothy G. Sekerak
Chief Clerk of the House
State Capitol Building, H271
Salem, OR 97301

RE: Vote Explanation for Senate Bill 2

Dear Chief Clerk Sekerak,

Senate Bill 2 was the subject of significant discussion in the House Committee on Health Care. It came to the work session with a -1 amendment which significantly altered the version of the bill that passed out of the Senate, making it far narrower in scope and more acceptable to several members of the committee. I voted 'no' in committee on the amended bill and did so again on the Floor due to the concerns I have around legislating medical care.

As someone who understands, through my training and practice as a physician, the rigorous thought, research and collaborative decision-making by experts in the related areas that goes into our FDA and U.S. Preventive Services Task Force care recommendations, I have trust in these bodies and I believe that our legislature should remain disciplined and refrain from making statute that inserts itself between a clinician and their patient and potentially ignores the determinations of these bodies. If proton beam therapy has been proven to be the best possible care for patients through rigorous study, it will become broadly available through insurance coverage, even if extremely expensive. My understanding, after significant discussion with advocates as well as many community radiation oncologists who reached out to me, is that this bill is unnecessary and potentially harmful. Currently this therapy is not broadly available as studies have not shown it to be more effective. Certainly the medical delivery system will make proton beam therapy more available when and if it is proven to be a safe and more effective option for the treatment of prostate cancer.

Currently proton beam therapy costs at least 75% more than standard care and therefore this bill may lead us to give unproven care for far more money. Our goal, and indeed, our duty in this body, is to use our healthcare resources wisely so that we may offer care to as many people as possible. About 1 in 6 men will develop prostate cancer in his lifetime, and it's most common in men older than 65. Increasing access to significantly more expensive care for no proven additional benefit may lead to an irresponsible use of our precious healthcare funding resources.

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As a legislator, I understand the duty we have to protect the health and safety of Oregonians, and indeed, I believe we at times must insert ourselves, when appropriate access to care may be impeded that could be most effectively resolved with statutory action.

The questions I had to grapple with on SB 2, based on the above, were:

1. Was this action potentially going to interfere with the clinician-patient relationship? My answer was yes.
2. Does this improve the health and/or safety of Oregonians? My answer was no.
3. Does this law unnecessarily increase costs for delivery of healthcare without sufficient benefit to warrant the cost? My answer was yes, that is very possible.

Passing this legislation sets a precedent that I am uncomfortable with and despite the relatively benign, narrow impact, I believe on principle we should refrain from taking action in this area and that it may take us down a slippery slope towards further, potentially questionable action. Proton beam therapy is extremely expensive without superior outcomes, minimally available as a result of lack of definitive benefit and may have inferior outcomes to other, FDA approved, therapies. We should focus on making care higher quality and more affordable. I am not convinced that proton beam therapy does either.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Maxine Dexter', with a checkmark at the end.

Representative Maxine Dexter, M.D.
House District 33 (NW Portland and NE Washington County)