



Children, Families, Health, and Human Services Interim Committee

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60th Montana Legislature

SENATE MEMBERS

CAROL JUNEAU
RICK LAIBLE
TERRY MURPHY
DAN WEINBERG

HOUSE MEMBERS

EDITH CLARK
ERNIE DUTTON
TERESA HENRY
DIANE SANDS

COMMITTEE STAFF

SUE O'CONNELL, Lead Staff
LISA JACKSON, Staff Attorney
FONG HOM, Secretary
PAT MURDO, Staff for SJR 15

MINUTES

August 21, 2008

Room 102, Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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COMMITTEE MEMBERS PRESENT

SEN. CAROL JUNEAU
SEN. RICK LAIBLE
SEN. TERRY MURPHY
SEN. DAN WEINBERG

REP. EDITH CLARK
REP. ERNIE DUTTON
REP. TERESA HENRY
REP. DIANE SANDS

STAFF PRESENT

SUE O'CONNELL, Lead Staff
LISA JACKSON, Staff Attorney
FONG HOM, Secretary

Visitors and Agenda

Visitors' list, Attachment #1
Agenda, Attachment #2

COMMITTEE ACTION

- The Department of Public Health and Human Services' proposed legislation were approved: birth certificate issue, streamlining child support enforcement, rules for senior long-term care accountability, child welfare placeholder, Medicaid third-party liability and buy-in, ER and hospital discharge data, and EMS statutory clarifications.
- Staff was authorized to draft LC 148 as a committee bill.

CALL TO ORDER AND ROLL CALL

00:00:01 REP. CLARK called the meeting to order at 9:05 a.m. The secretary took roll. The minutes from the June 10 and 11, 2008 meetings were unanimously approved.

AGENDA

Mental Health Study

00:01:57 **Update of AMDD - Lou Thompson, Chief of Mental Services Bureau**

Ms. Thompson gave an update of the mental health initiatives funded by the 2007 Legislature and administered by the Addictive and Mental Disorders Division (AMDD) **(Exhibit A)**:

- Residential Services and Chemical Dependency Needs
- 72-hr Presumptive Eligibility
- Psychiatry Issue
- Mental health drop-in centers
- Liaison positions
- Crisis stabilization
- MHSP Expansion
- Suicide Prevention
- Home and Community Based Waiver

00:14:04 **Wrap-Around Philosophy of Children's Mental Health Services**

John Wilkinson, Executive Director, Montana Chapter of National Association of Social Workers, gave a presentation about his experiences as a "Wrap Around" provider in California **(Exhibit 1)**.

Karin Billings, Director, Systems of Care Grant in Montana, said that the Systems of Care Grant is a federal grant that pays for the Wrap Around service that is provided through their Kids Management Authorities (KMAs). This service is provided for in Havre, Butte, Helena, Billings, and Crow Nation. They have a great partnership with the Blackfeet Nation that have its own Systems of Care Grant.

Veronica Whitaker, Program Director, Psychiatric Residential Treatment

Facility Waiver, discussed the waiver that Montana applied for and received. She said the purpose of the waiver is to provide community-based services for children who would otherwise be placed in a residential treatment facility. She said that the community services act as either a diversion from residential treatment, trying to keep children out of residential, or if a child is in residential treatment, they act as a transition back into the community.

00:39:25

Alternatives to Out-of-State Placement of Children

Jeff Folsom, A.W.A.R.E., gave a presentation on the number of children placed in out-of-state facilities and the solutions that A.W.A.R.E. is using to address that. A.W.A.R.E. would like to help provide services in state, to reduce the number of children being placed out of state.

00:54:15

Out-of-State Services for Children

Mary Dalton, Administrator, Health Resource Division, DPHHS, gave a presentation on services for children residing in out-of-state facilities and paid for by Medicaid (**Exhibit 2**).

01:12:24

Update on Law and Justice Interim Committee Studies

Sue O'Connell, Research Analyst, LSD, gave an update on the studies being done in the Law and Justice Interim Committee and draft legislation (**Exhibit 3**).

Public Comment

01:16:33

Anita Roessman, Disability Rights Montana, commented on LCdvr1, the diversion bill that the Law and Justice Committee is considering. The Law and Justice Committee heard a great deal of testimony about the importance of diverting people away from the jails and diverting juveniles away from the Juvenile Justice System and into appropriate services. If the funding that LCdvr1 asks for goes through, there will be money flowing into the community to create a level of service and help in keeping people at home.

01:23:10

Kathy McGowan, Community Mental Health Centers, commented on their participation in the Law and Justice Committee meetings. She said that they are supportive of LCdvr1. She commented on some of the AMDD activity updates: the 72-hour presumptive eligibility, the 4 hours a month limit for case management, retaining and recruiting clinicians for mental health services, and out-patient rates.

01:28:55

Vern Bishop, Mental Health Consumer, Great Falls, said that there needs to be more emphasis on community-based services. He said the 72-hour presumptive eligibility program is a good one and drop-in centers will be a good

thing for communities because they will provide more consumer choice.

Questions

01:32:00 SEN. LAIBLE asked Ms. Dalton to explain the A.W.A.R.E. program. Ms. Dalton explained that A.W.A.R.E. is an entity that provides therapeutic group homes for seriously emotionally disturbed children and provides D.D. services throughout the state.

SEN. LAIBLE asked how the System of Care is funded. Ms. Dalton said that the System of Care is a grant that comes from the Substance Abuse and Mental Health Services Administration (SAMHSA), a different branch in the Department of Health at the federal level that does chemical dependency, alcohol treatment and mental health services.

SEN. WEINBERG asked Ms. Dalton whose decision was it to send children out of state. Ms. Dalton said that children have to have a physician's recommendation that they need to go out of state, and a guardian's or parent's agreement that treatment needs to be done out of state.

SEN. WEINBERG asked if the issue of reimbursement plays a role in sending children out-of-state. Ms. Dalton said that providers are paid through the Medicaid system on a per diem basis. She hopes to bring forth at the next session, a request to start a reimbursement system based on acuity.

Update on DMA Health Strategies Study

02:05:55 **Richard Dougherty, DMA Health Strategies**, gave an update on the mental health study (**Exhibit 4**).

Questions

03:07:09 SEN. WEINBERG said that one part of study that he was looking for and was disappointed in is on page 10 of his report under Financial Analysis where Mr. Dougherty states "marginal improvements can be made in a few places". He said that so many of Mr. Dougherty's recommendations depend upon funding. Sen. Weinberg said that one of the main points in selling the idea of the study was that the study would reveal where the state can get new sources of money for these programs. He feels that Mr. Dougherty has not accomplished that yet. It is his hope that Mr. Dougherty can find some sources of funding before his final report.

SEN. WEINBERG said that the committee would like to know about efficiencies that could be found within the current system, which Mr. Dougherty has

mentioned, but also finding new funding sources within the federal government that are currently being missed. Sen. Weinberg wanted to know why the committee is hearing about DMA's inability to find new sources of funding at this meeting instead of prior to his update. Mr. Dougherty said that DMA has reviewed and will be providing in their final report a detailed review of agencies that support mental health related services out of a variety of agencies. They had hoped that by looking at the current system, they could see whether there other ways they can draw down some of the existing revenue streams better than is being done now.

SEN. WEINBERG said that other than the suggestion that we might want to integrate more fully child and adult services, he didn't see any suggestions about real structural changes to the system, no mention of some kind of quasi-managed care. What his update is saying is that we are making adjustments to what we currently have. He asked if there were any major structural ideas to be considered? Mr. Dougherty said that DMA will be discussing those major areas and identifying the advantages and disadvantages of pursuing those approaches.

REP. DUTTON said that Mr. Dougherty mentioned the Crisis Center in Billings as being a model that might have some possibilities and some of the problems that they are having with funding. He asked Mr. Dougherty if he could address the idea that alcoholism might fit into the dynamics of a mental health program. Mr. Dougherty said that it is his personal belief that a crisis center in a community needs to be able to address a full range of crisis beyond mental illness to include alcoholism.

REP. DUTTON asked if Mr. Dougherty was aware of any programs to help Montana in the recruitment and retention of psychiatrists and other professionals into Montana. Mr. Dougherty said that DMA's report will have recommendations from other states about initiatives to give incentives to those providers and professionals to come to the state.

REP. DUTTON said that he would hope that in DMA's final report, Mr. Dougherty would try to segregate between those recommendations that could be accomplished without further legislation.

RECESS FOR LUNCH

SUICIDE PREVENTION PLAN - Karl Rosston, Suicide Prevention Coordinator, DPHHS

04:15:08 Mr. Rosston gave a presentation on the Suicide Prevention Plan (**Exhibit 5**) funded under legislation approved in 2007.

Questions

04:23:01 REP. SANDS asked Mr. Rosston if he was working with the Native Americans who have some of the highest suicide rates in the country. Mr. Rosston said that he has been relying on his relationships with the Planting Seeds of Hope organization, which has strong relationships with a number of tribes in Montana.

SEN. WEINBERG asked when Mr. Rosston could predict seeing some statistical analysis and what should we be looking for. Mr. Rosston said that they have found that in talking about suicide prevention, that they are not talking about a single causal factor. There are multiple factors that play into why Montana has had one of the highest suicide rates over the last 30 years. One of the greatest factors is that Montana has a culture of suicide where we have stigmas against mental health, especially depression. There is a strong correlation with people feeling burdensome to their families.

SEN. MURPHY said that based upon the information in Mr. Rosston's presentation, teenagers have the lowest suicide rate among Montanans. He asked if Mr. Rosston is committing undue resources with the schools to reach teenagers. Mr. Rosston said that the SOS Program emphasizes a relationship between schools and parents. It is not only educating the students but also educating their parents. He is also doing a media campaign to address adolescents and young adults and looking at doing a campaign, beginning in January, working with the Northern Broadcasting System where the demographics are focused on the 35 to 55 age group.

CERVICAL CANCER TASK FORCE REPORT

04:28:36 **Elizabeth LeLacheur, Acting Section Supervisor for Immunization Section, DPHHS**, gave an update on the activities of the Cervical Cancer Task Force **(Exhibit 6)**.

Questions

04:36:19 SEN. JUNEAU said that Ms. LeLacheur's fact sheet shows 16,000 doses of the HPV vaccine have been given but there was only enough money for 960 doses. Can Ms. LeLacheur explain that difference? Ms. LeLacheur said that the Immunization Information System records doses given by all kinds of sources: people whose insurance paid for the vaccine, people who paid for their own care, or people on Medicaid. It includes a cross section of everyone even though DPHHS is only paying for a subsection of the population's vaccines.

Public Comment

04:37:46 SEN. CAROLYN SQUIRES, Senate District 48, Missoula, thanked the

Department of Public Health and Human Services for the effort that they have put into the task force. She commented on SB505, the legislation that she sponsored in 2007 to allow the task force to continue and study the use of the HPV vaccine.

SJR 7 Report: Criminal Background Checks for Direct Care Workers

04:42:10 **Jeff Buska, Administrator, Quality Assurance Division, DPHHS**, gave an update on the SJR 7 study of whether to conduct fingerprint criminal background checks of direct care workers. He distributed a copy of the Resolution and a copy of the draft Summary Report (**Exhibit 7**) and discussed parts of the Report.

Public Comment

05:12:35 **Claudia Clifford, Advocacy Director, AARP Montana**, said that she appreciated the process that the group went through. Whenever you are dealing with difficult and controversial topics like this, it is great to have good, thorough staffing from both DPHHS and the Department of Justice. She agreed that our most vulnerable citizens, whether they are the elderly or disabled, need the assurance that those caring for them in those situations are of quality.

05:17:34 **Webb Brown, Montana Chamber of Commerce**, said that the Montana Chamber of Commerce is in support of the requirement of background checks. Their primary concern is not to restrict the direction or regulation in a way that it limits the number of workers available provide that service of care.

BREAK

05:32:08 REP. CLARK asked for Ms. Miles' presence and response to the recommendations from the Mental Health Study's report at the October meeting.

DPHHS Update - Joan Miles, Director, and John Chappuis, Deputy Director

October 1, 2008 Changes to SNAAP (Food Stamp Program)

05:34:58 Ms. Miles discussed the changes that will be implemented in October regarding their Food Stamp Program (**Exhibit 8**). The federal government has changed the name to Supplemental Nutrient Access Assistance Program (SNAAP).

Big Sky Rx Program Update

Ms. Miles gave an update on the Big Sky Rx Program (**Exhibit 9**).

CHIP Update

Ms. Miles gave an update on the current enrollment number for CHIP (**Exhibit 10**).

Goal 189 - Specialized Community Placements

Ms. Miles gave an update on Goal 189, for reducing the census at the Montana State Hospital (**Exhibit 11**).

Medicaid Update

05:36:00 John Chappuis, Deputy Director, DPHHS, gave an update on Medicaid expenditures and caseloads (**Exhibit 12**).

Autism Program Update

05:50:00 Mr. Chappuis gave a presentation on the development of an autism group home in Bozeman and the use of a Medicaid waiver to expand state services to a small group of autistic children (**Exhibit 13**).

Questions

05:03:06 REP. SANDS asked if the funding for the autism program would be a line item in the upcoming budget or a reliance on the Medicaid waiver for funding. Mr. Chappuis said it would be a line item and is in the process of being considered by the Governor.

Mr. Chappuis said that he will be retiring soon and wanted to say that he has found everyone on the committee great to work with, especially Rep. Clark and Sen. Weinberg. He thanked the committee for its support through the years.

06:07:14 SEN. WEINBERG said that it has been also great working with Mr. Chappuis. He has a lot of respect for the work that Mr. Chappuis has done.

DPHHS LEGISLATIVE REQUESTS

06:09:20 Ms. Miles discussed the Department's nine proposed bills (**Exhibit 14**):

- Delayed/Amended Birth Certificates
- Streamlining Child Support Enforcement
- Senior Long Term Care Accountability Rules
- Child Welfare Placeholder
- Medicaid Third-Party Liability
- Medicaid Buy-In
- Volunteers-Public Health Emergencies
- Emergency Room and Hospital Discharge Data
- Emergency Medical Services Statutory Clarifications

PUBLIC SERVICE AD FOR BIG BROTHERS BIG SISTERS PROGRAM

06:12:35 A PSA was shown regarding Big Brothers Big Sisters. **Kathy McGowan** said that she is showing the PSA because the Department of Public Health and Human

Services sponsors the Big Brothers Big Sisters Program and she wanted the committee to know of the good programs that DPHHS has within its department.

06:27:50 REP. CLARK said that she wanted to recognize Jeff Buska and his Quality Assurance Division for their good work. She said that last session she sponsored a bill for third-party liability recoveries for Medicaid. To this date, there is over \$5 million savings in Medicaid.

Questions

06:28:12 SEN. MURPHY said, regarding the Department's proposal for emergency room and hospital discharge data, he is concerned about privacy and confidentiality of the patient. Ms. Miles said that they are under legal obligations as well as ethical obligations to protect patient privacy. The Department is not looking for individual name data but looking only for demographic data.

SEN. MURPHY asked Mr. Foster about the issue and how the Sisters of Charity Hospitals would handle it if told by the Legislature to do this. **Mike Foster, Sisters of Charity Hospitals, St. Vincent**, said that every hospital will have a different reaction to this but he is sure that there will be full compliance if the Legislature demanded that the information be given.

Public Comment

06:33:23 **Patty Jacques, parent**, said that a concern she sees for the mental health study is where will you get the money for the recommendation to pursue grant funding. She said that when looking at funding recommendations, the committee should look at making a recommendation of having centralized grant writers for the state.

COMMITTEE DISCUSSION ON DPHHS PROPOSED LEGISLATION

06:36:25 SEN. MURPHY said that he would like to segregate the proposed legislation on emergency room and hospital discharge data.

REP. SANDS moved to authorize the staff to draft legislation for purposes of preintroduction on the Department of Public Health and Human Services' proposals:

- Delayed/Amended Birth Certificate - passed unanimously with Sen. Laible's proxy voting aye
- Streamlining Child Support Enforcement - Sen. Laible's proxy voting aye
- Senior Long-Term Care Accountability Rules - passed unanimously with Sen. Laible's proxy voting aye
- Child Welfare Placeholder - passed unanimously with Sen. Laible's proxy

- voting aye
- Medicaid Third-Party Liability - passed unanimously with Sen. Laible's proxy voting aye
- Medicaid Buy-In - passed unanimously with Sen. Laible's proxy voting aye
- Volunteers-Public Health Emergencies - passed unanimously with Sen. Laible's proxy voting aye
- ER and Hospital Discharge Data - passed with Sen. Laible's proxy voting aye and Sen. Murphy and Rep. Dutton voting nay
- EMS Statutory Clarifications - passed unanimously with Sen. Laible's proxy voting aye

COMMITTEE-REQUESTED LEGISLATION

06:42:32 Lisa Mecklenberg-Jackson, Staff Attorney, discussed LC 148: Clarification of definition of friend of respondent in involuntary commitment proceedings (**Exhibit 15**).

06:46:12 Ms. O'Connell discussed LC 150: Clarifying the requirements for notification of the primary sponsor in the administrative rulemaking process (**Exhibit 16**).

Committee Discussion

06:57:56 SEN. WEINBERG said asking a sponsor of a bill what he/she intended raises a red flag because his/her intent can change over time. By excluding that portion, you would still leave the door open for a legislator to make comments and talk about the original purpose, but not specifically ask them what their intention was. Once a bill is in committee, that becomes the committee's bill. He said that we should not be so specific about what their intent was and he would want that portion left out.

REP. SANDS said that her proposal is to refer this to the SAVA committee for action.

REP. SANDS moved to refer LC 150 to the SAVA committee for action and then withdrew her motion.

SEN. WEINBERG moved to amend page 5, subsection (A) to "obtain the legislator's comments". The motion passed.

07:07:27 **REP. SANDS moved to refer LC 150 as amended to the SAVA committee. The motion passed.**

LC 149: establish principles for payments to entities that contract with the

Department of Health to offer community-based services

07:08:03 SEN. KAUFMANN said that the Rates Commission felt that LC0149 was not ready in its current form. They will be making changes and will find their own sponsor and are committed in moving something forward.

07:11:10 **The committee decided not to consider LC 149.**

07:12:39 **REP. SANDS moved to authorize staff to draft LC 148 as a committee bill. The motion passed.**

Recess

07:13:05 REP. CLARK recessed the meeting at 4:08 p.m.

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