



Children, Families, Health, and Human Services Interim Committee

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64th Montana Legislature

SENATE MEMBERS

MARY CAFERRO
FREDERICK (ERIC) MOORE
DIANE SANDS
ROGER WEBB

HOUSE MEMBERS

RON EHLI
JESSICA KARJALA
ALBERT OLSZEWSKI
GORDON PIERSON

COMMITTEE STAFF

SUE O'CONNELL, Lead Staff
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

MINUTES LOG

June 3, 2015
Room 137, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select Committees, then Interim. Once on the page for Interim Committees, scroll down to the appropriate committee. The written Minutes Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

SEN. MARY CAFERRO
SEN. FREDERICK (ERIC) MOORE
SEN. DIANE SANDS
SEN. ROGER WEBB

REP. RON EHLI
REP. JESSICA KARJALA (by phone)
REP. ALBERT OLSZEWSKI (by phone)
REP. GORDON PIERSON

STAFF PRESENT

SUE O'CONNELL, Lead Staff
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

The committee reviewed and discussed the draft interim work plan and the individual study plans for the House Bill 422 study of children's mental health outcomes, Senate Bill 418 review of legislative mental health investments, and Senate Joint Resolution 18 study of guardianship laws and services.

The committee:

- elected Rep. Ehli as presiding officer and Sen. Caferro as vice presiding officer
- agreed to accept any type of written proxy from absent members
- asked that staff's review of proposed and adopted administrative rules for the Department of Public Health and Human Services be e-mailed to committee members as the review is completed between meeting dates
- agreed to incorporate into the committee's studies and key oversight responsibilities the review of administrative rules related to legislation implementing elements under study by the committee
- adopted the HB 422 study plan as drafted
- adopted the SB 418 study plan as drafted
- agreed to expand the SJR 22 study to include review of matters related to individuals with Alzheimer's disease
- agreed to add an additional day to the committee's meeting schedule and to schedule a two-day meeting in Billings in November
- asked staff to propose new meeting dates for the remainder of the interim, for committee review and adoption

CALL TO ORDER AND ROLL CALL

00:00:22 Rep. Moore called the meeting to order at 10:32 a.m. The secretary called roll. Everyone was present with Rep. Karjala and Rep. Olszewski participating by phone. ([Attachment 3](#))

00:01:36 The members and staff of the committee introduced themselves.

ADMINISTRATIVE MATTERS - Sue O'Connell, Research Analyst

00:08:45 Ms. O'Connell gave a presentation on the staff roles and responsibilities of the committee. She discussed the guidelines for interim committees ([Exhibit 1](#)); Health and Human Services Acronyms ([Exhibit 2](#)); Eligibility for Montana's Public Assistance Programs ([Exhibit 3](#)); and a summary of health and human services legislation ([Exhibit 4](#)).

ELECTION OF OFFICERS

00:16:21 Sen. Webb nominated Rep. Ehli as presiding officer of the committee. The nomination passed by acclamation of the committee.

00:16:59 Sen. Sands nominated Sen. Caferro as vice presiding officer of the committee. The nomination passed by acclamation of the committee.

DRAFT INTERIM WORK PLAN - Sue O'Connell

00:18:26 Ms. O'Connell gave a presentation on the draft work plan for the interim. **(Exhibit 5)**

00:27:54 Rep. Ehli discussed the guidelines for public comment.

Committee questions

00:29:54 Sen. Caferro asked Ms. O'Connell about member issues and staff recommendations for additional activities.

Public Comment on the draft work plan

00:32:31 Dr. Patricia Coon, geriatrician at Billings Clinic and medical director of St. John's Lutheran Home **(Exhibit 6)**

00:37:30 Matt Kuntz, Executive Director, NAMI Montana

00:39:02 Patti Jacques, Helena

Rep. Ehli asked if other audience members wanted to comment on Alzheimer's and dementia diseases.

00:43:13 Jan Smith, Big Sky Senior Services, Billings **(Exhibit 7)**

00:44:50 Heidi Gibson, advocate for people with Alzheimer's and related dementia

INTERIM STUDIES: ASSIGNMENTS AND DRAFT STUDY PLANS - Sue O'Connell

House Bill 422: Children's Mental Health Outcomes

00:48:10 Ms. O'Connell gave a presentation on the House Bill 422 Draft Study Plan. **(Exhibit 8)**

Committee questions

00:52:24 The committee members asked Ms. O'Connell about the number of hours that are assigned to each study and about plans for the meeting that is scheduled in Billings.

01:00:06 Rep. Ehli said the general consensus of the committee is to move the Billings meeting to November.

Public Comment on the HB 422 Study

01:01:26 Jani McCall, Legacy Provider Group

01:12:36 Timothy Conley, Florence, Montana

01:16:19 Matt Kuntz, Executive Director, NAMI Montana

01:16:51 Erin McGowan, Executive Director, Montana Children's Initiative

Committee questions

01:19:46 Rep. Ehli asked Dr. Conley about his contracts with state agencies in relation to

evidence-based practices.

Senate Bill 418: Legislative Mental Health Investments

01:24:16 Ms. O'Connell gave a presentation the SB 418 Draft Study Plan. [\(Exhibit 9\)](#)

Public Comment on the SB 418 Study

01:28:55 Kathy McGowan, Four Community Mental Health Centers

01:29:37 Patti Jacques, Helena

01:32:26 Matt Kuntz, Executive Director, NAMI Montana

01:33:25 Jani McCall, Legacy Provider Group and Montana Children's Initiative

Committee discussion

01:34:07 Sen. Sands suggested that a list of community mental health center contacts be made available to the committee.

Senate Joint Resolution 22: Guardianship Laws and Services

01:35:02 Ms. O'Connell gave a presentation on the SJR 22 Draft Study Plan. [\(Exhibit 10\)](#)

Committee questions

01:37:46 Committee members asked Ms. O'Connell about adding the topic of Alzheimer's and dementia diseases to the study and adding more meeting days to allow for an expanded study.

01:42:56 Sen. Moore requested a copy of the committee's budget.

Public Comment on the SJR 22 Study

01:43:07 Claudia Clifford, AARP

01:47:45 Erin McGowan, Montana Association of Area Agencies on Aging

01:49:13 Beth Breneman, Disability Rights Montana

01:53:09 Michael Hagenlock, Bureau Chief, Adult Protection Services, Department of Public Health and Human Services

Committee questions

01:53:52 Rep. Ehli asked Ms. Clifford about the status of the Montana state plan on Alzheimer's.

LUNCH

AGENCY OVERSIGHT: STAFF PRESENTATIONS AND REQUIRED REPORTS

Overview of Administrative Rule Review and Administrative Rule Report - Alexis Sandru, Staff Attorney

03:03:54 Ms. Sandru gave an overview of administrative rulemaking and rule review [\(Exhibit 11\)](#) and the Administrative Rule Report [\(Exhibit 12\)](#).

Montana Marijuana Act Monitoring - Sue O'Connell

03:15:02 Ms. O'Connell provided background information on SB 423 and summarized the developments since passage of SB 423 in 2011. **(Exhibit 13)**

Board of Medical Examiners Report

03:20:31 Ms. O'Connell distributed but did not discuss the report from the Board of Medical Examiners on complaints filed against physicians who provide written certification for purposes of medical marijuana. **(Exhibit 14)**

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

03:22:15 DPHHS Director Richard Opper gave a report on the activities of the Department of Public Health and Human Services. He distributed a document that listed the governor's appointments to the oversight committee **(Exhibit 15)** for Medicaid expansion and a document listing the members of the Montana Developmental Center Transition Planning Committee **(Exhibit 16)**.

03:39:03 Zoe Barnard, Children's Mental Health Bureau Chief, presented the Out-of-State Placement and Monitoring Report. **(Exhibit 17)**

Committee questions

03:48:20 The committee members asked Ms. Barnard about residential vs. acute care and changes in the utilization review contract for children's mental health services.

03:52:27 Rep. Ehli asked Mr. Opper how money appropriated in House Bill 2 for mental health services would be spent in instances where companion bills that contained details for use of the money died during the session. Mr. Opper discussed funding for state facilities and redirected questions about transitional mental health group homes to Addictive and Mental Disorders Division Administrator Glenda Oldenburg.

03:59:57 Sen. Caferro asked Mr. Opper about the members on the transition planning committee for Senate Bill 411.

04:05:30 Sen. Moore asked Mr. Opper about the timeline for federal approval of the waiver for Medicaid expansion.

PUBLIC COMMENT ON ANY ITEM WITHIN THE COMMITTEE'S JURISDICTION

04:07:54 Cleve Loney, Great Falls, distributed and discussed a document listing complaints against the Child and Family Services Division. **(Exhibit 18)**

04:16:07 Rep. Ehli requested a break so that the committee could review the public comment guidelines regarding use of names by individuals providing testimony.

Break

04:28:59 Rep. Ehli said legislative rules require that people providing testimony to a committee must provide their names.

Public Comment

- 04:29:22 Brenda Miller submitted and read Patricia Jaraczski's written testimony. **(Exhibit 19)**
- 04:48:05 John Walton provided excerpts of a Department of Public Health and Human Services Child and Family Services Division report. **(Exhibit 20)**
- 04:56:40 Georgia Miller provided information on past cases of child abuse and a document listing the 8 common myths about child sexual abuse. **(Exhibit 21)**
- 05:08:20 Rep. Ehli discussed the importance of hearing public testimony but noted that the committee cannot intervene in individual cases or in complaints filed against the Child and Family Services Division.

COMMITTEE WORK SESSION

CFHHS Budget

- 05:16:16 Ms. O'Connell distributed and discussed the committee's budget. **(Exhibit 22)**

Proxy Voting Procedures

- 05:20:26 Ms. O'Connell discussed the rules for proxy voting.
- 05:23:16 Committee members agreed to accept proxy votes in any written form.

HB 422 Discussion

- 05:23:37 The committee members discussed the allocation of hours for the study and said they would like to make the meeting in Billings a two-day meeting.

SB 418 Discussion

- 05:33:11 Ms. O'Connell said the committee needs to determine the amount of time it wants to spend on each of the activities outlined in SB 418.
- 05:39:39 Rep. Ehli said the committee will proceed with the study plan as is.

SJR 22 Discussion

- 05:40:36 Ms. O'Connell discussed the timeline of the SJR 22 study plan and whether or not the committee wanted to incorporate the topic of Alzheimer's disease into the study.
- 05:42:20 The committee discussed adding the topic of Alzheimer's and dementia diseases to SJR 22, staff time for the SJR 22 study, and the committee giving up time for statutory oversight. Sen. Sands said that committee should keep the hours in the study for statutory oversight.
- 06:01:55 Ms. O'Connell discussed adding time to the study plan for looking at the Alzheimer's and dementia diseases.

Administrative Rule Review

- 06:02:26 Ms. Sandru and committee members discussed the process of generating and distributing the administrative rule review report.
- 06:11:11 The committee agreed to receive rule review reports by e-mail in between meetings.

Draft Interim Work Plan Discussion

- 06:13:24 Ms. O'Connell summarized the changes in the draft interim work plan and asked that the committee members review the proposed meeting schedule for possible conflicts.
- 06:14:54 The committee members discussed the meeting schedule.
- 06:18:17 Rep. Ehli discussed revamping SJR 22 by adding activities outlined in House Joint Resolution 30 for Alzheimer's and dementia diseases.
- 06:18:39 Ms. O'Connell said she will provide a revised work plan and a revised SJR 22 study plan at the next meeting.

ADJOURNMENT

- 06:20:08 With no further business before the committee, Rep. Ehli adjourned the meeting at 4:52 p.m.

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