



Children, Families, Health, and Human Services Interim Committee

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65th Montana Legislature

SENATE MEMBERS

MARY CAFERRO--Chair
FREDERICK (ERIC) MOORE
ALBERT OLSZEWSKI
DIANE SANDS

HOUSE MEMBERS

DENNIS LENZ--Vice Chair
KATHY KELKER
JON KNOKEY
GORDON PIERSON

COMMITTEE STAFF

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

MINUTES LOG

August 6, 2018
Room 152, 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, Chair
REP. DENNIS LENZ, Vice Chair

SEN. FREDERICK (ERIC) MOORE
SEN. ALBERT OLSZEWSKI
SEN. DIANE SANDS

REP. KATHY KELKER
REP. JON KNOKEY (by phone)
REP. GORDON PIERSON (by phone)

COMMITTEE MEMBERS EXCUSED

STAFF PRESENT

SUE O'CONNELL, Lead Staff
LAURA SHERLEY, Secretary

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

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

The committee met to take public comment on potential uses of the funding that will be restored to the Department of Public Health and Human Services (DPHHS) under Senate Bill 9 from the November 2017 special session. Based on the comments received, the committee members voted to send a letter to DPHHS that:

- asks the agency to provide the committee with a list of how it will use its additional funding and the reasons for each funding restoration decision it makes, including any reasons related to federal laws or regulations; and
- urges the agency to follow the legislative intent for funding essential services as outlined in Senate Bill 9.

The letter will ask the department to provide the information before the committee's final meeting on Sept. 13-14, 2018.

CALL TO ORDER -- ROLL CALL -- PURPOSE OF MEETING

- 00:00:01 Sen. Caferro called the meeting to order at 10:02 a.m. The committee secretary took roll ([Attachment 3](#)).
- 00:00:40 Sen. Caferro reviewed the agenda, administrative matters, and the purpose of the meeting.
- 00:08:02 Sen. Sands commented on the importance of public comment.

UPDATE: STATE REVENUE PICTURE/DPHHS FUNDING RESTORATION -- Quinn Holzer, Legislative Fiscal Division

- 00:11:07 Mr. Holzer reviewed SB 9: *Generally revise laws to provide for budget stabilization* (SS 2017) ([Exhibit 1](#)) and the FY 2018 General Fund Revenue Preliminary FYE memo ([Exhibit 2](#)).

Committee questions

- 00:14:39 Sen. Moore asked about the fiscal note for HB 638: *Fund direct care worker wage increases* (2017) and asked for clarification on the budget restoration process.
- 00:16:24 Rep. Kelker asked if the budget restoration is a one-time only-restoration or if it will be perpetual.
- 00:18:06 Rep. Kelker asked about federal matching funds that could be involved in decisions related to cuts or restoration.
- 00:20:12 Sen. Caferro reviewed HB 638 (2017) for the committee and public and asked Mr. Holzer for clarification on the costs.
- 00:21:37 Sen. Caferro commented on SB 9. She also noted that DPHHS will decide how to restore the budget cuts and that the committee cannot direct how the restored funds will be used. That authority is with the executive branch.

PUBLIC COMMENT ON DPHHS FUNDING RESTORATION

00:23:46 Sen. Caferro asked Ms. O'Connell to review the public comment guidelines.

Adult and Children's Mental Health Services

00:25:26 Wallace Arney, Dillon (**Exhibit 3**)
00:29:27 Lenette Kosovich, Rimrock Foundation
00:34:20 Mary Windecker, Behavioral Health Alliance of Montana (**Exhibit 4**)
00:42:42 Roy Pack, Epidemiology Center for the Rocky Mountain Tribal Leaders Council
00:55:50 Barb Mettler, South Central Montana Regional Mental Health Center
01:03:23 Natalie McGillen, Western Montana Mental Health Center (**Exhibit 5**)
01:05:56 Judith Herzog, Montana Community Services, Billings
01:07:49 Kelsey Ashmore, Youth Homes and Dan Fox Family Care Program (**Exhibit 6**)
01:11:09 Megan Bailey, Sunburst Mental Health Services (**Exhibit 7**)
01:14:45 Ann Truesdell, National Association of Social Workers - Montana Chapter
01:18:58 Pat Noonan, AWARE (**Exhibit 8**)
01:21:56 Tom Rice, Beaverhead County Commissioner, Beaverhead County Local Mental Health Advisory Committee member, and Western Montana Mental Health Advisory Committee member (**Exhibit 9**)
01:24:27 Nanette Gilbertson, Montana Sheriffs and Peace Officers Association
01:26:27 Patti Jacques, self
01:30:11 Lisa Leon, Sunburst Mental Health
01:33:56 Angie Murphy, Glacier County EMS Mobile Health (**Exhibit 10**)
01:35:17 Amy Allison, Glacier County EMS
01:37:17 Sen. Caferro asked Ms. Allison what region Glacier County EMS covers.
01:37:33 Barbara Cowan, Partnership for Children
01:38:55 Megan Bailey, Sunburst Mental Health Services

Developmental Disabilities Services

01:42:59 Kathleen Callahan, West Mont
01:45:05 Sen. Caferro asked Ms. Callahan about her educational and vocational background.
01:47:20 Rep. MaryAnn Dunwell, HD 84
01:48:56 Jessica Reynolds, Montana Speech, Language, and Hearing Association
01:55:16 Robert Tallon, REACH Incorporated, Bozeman (**Exhibit 11**)
01:58:23 David Munson, Early Childhood Intervention, Billings
02:05:42 Patrick Madison, Flathead Industries
02:10:01 Sheila Doll, Hi-Line Home Programs, Glasgow
02:13:42 Mike Mahoney, Family Outreach
02:21:32 Susan Kohler, Missoula
02:29:37 Whitney Cantlon, Mission Mountain Enterprises
02:31:58 Diane Reidelbach, Job Connection, Billings
02:35:20 Diana Tavery, self (**Exhibit 12**)
02:40:22 Jean Morgan, West Mont
02:41:44 Fran Sadowski, Missoula Developmental Service Corporation
02:48:39 Frank Kromkowski, self
02:55:51 Amy Allison, self
02:57:40 Joshua Kendrick, Opportunity Resources, Missoula (**Exhibit 13**)
02:59:24 Sen. Caferro asked Mr. Kendrick if overtime for his employees is state funded.
02:59:53 Mark Sanders, North Central Independent Living Services
03:00:31 Shyla Patera, North Central Independent Living Services

BREAK (Reconvened at 1:49 p.m.)

Senior and Long-Term Care Services

- 03:48:52 Joel Peden, Montana Independent Living Project
- 04:04:55 Diana Helgeson, Churchill Retirement Home and Assisted Living
- 04:12:36 Rose Hughes, Montana Healthcare Association
- 04:23:23 Susan Kohler, Missoula Aging Services
- 04:36:00 Sen. Caferro asked the committee to comment on administrative matters.
- 04:37:30 Travis Hoffman, Summit Independent Living
- 04:44:21 Beth Brenneman, Disability Rights Montana

General Health Care Services

- 04:52:05 Nikki Phillips, Benefis Health System Legislative Affairs and Provider Outreach (**Exhibit 14**) (**Exhibit 15**)
- 04:55:35 Erin McGowan, Association of Montana Public Health Officials and Montana Public Health Association
- 04:59:25 Destiny Richmond, Flathead Denture and Hi-Line Denture (**Exhibit 16**)
- 05:03:42 Carol Casteel, First Impressions Denture Clinic and Denturist Association of Montana (**Exhibit 17**)
- 05:07:04 Stacey Anderson, Montana Primary Care Association

Human and Community Services Division

- 05:09:53 Nanette Gilbertson, Montana Advocates for Children

Disability Employment and Transition Division

- 05:14:00 Tom Osborn, North Central Independent Living Services
- 05:16:05 June Hermanson, self
- 05:20:48 Shyla Patera, North Central Independent Living Services
- 05:24:14 Morgan Smith, Montana Federation of Public Employees
- 05:26:41 Mike Mahoney, Family Outreach

GENERAL PUBLIC COMMENT ON ANY NON-AGENDA TOPIC IN THE COMMITTEE'S JURISDICTION

None

COMMITTEE DISCUSSION

- 05:28:37 Sen. Sands asked Ms. O'Connell for clarification on the DPHHS proposed rule changes regarding provider rate increases and if there will be other proposed rule hearings the committee should be aware of (**Exhibit 18**).
- 05:30:13 Sen. Sands commented on the committee's role in the budget restoration and asked Ms. O'Connell how the committee can interact in the rulemaking process.
- 05:31:27 Sen. Sands commented on the importance that the committee see proposed rules in advance and asked Ms. O'Connell how the committee could see the agency's proposed rules before they are scheduled for hearings.
- 05:32:20 Sen. Caferro asked Sen. Sands to clarify her comments.
- 05:32:48 Sen. Caferro commented on the committee's participation in the rulemaking process.
- 05:33:13 Sen. Moore asked that the committee meet via conference call to review any administrative rules that are published after the committee's final meeting.

- 05:33:32 Rep. Kelker commented on the committee's oversight of DPHHS, the agency's budget cuts process, and the state's mental health system.
- 05:38:10 Sen. Caferro asked Rep. Kelker for clarification of her requests and recommendations to the agency.
- 05:39:18 Sen. Sands commented on how DPHHS will restore its budget.
- 05:39:56 Sen. Caferro commented on the information she had requested of DPHHS earlier regarding the budget cuts it made.

Motion

- 05:41:01 Sen. Sands moved to send a letter to DPHHS asking the agency to provide the committee with a list of how it will use its additional funding and the reasons for each funding restoration decision it makes, including any reasons related to federal laws or regulations.

Committee Discussion

- 05:41:33 Sen. Moore asked Sen. Sands if a time frame should be included as to when the agency should respond to the letter.

Amended Motion

- 05:42:08 Sen. Caferro proposed an amendment to the motion to include language asking the agency to focus on the legislative intent of SB 9 and restore funds for essential services.

Vote

- 05:43:43 The motion passed 6-0 on a voice vote. Reps. Pierson and Knokey were no longer on the phone.
- 05:44:05 Ms. O'Connell reviewed the committee's ability to interact in the agency's rulemaking process.
- 05:45:28 Sen. Caferro asked Sen. Moore for clarification of his requests.
- 05:45:55 Sen. Caferro commented on the committee's options.
- 05:46:41 Sen. Sands asked Ms. O'Connell about agenda items for the committee's September 13-14, 2018, meeting.
- 05:47:51 Sen. Sands commented on her visits to medical marijuana testing labs in the state
- 05:48:11 Sen. Caferro commented on follow-up information on the early childhood education program.
- 05:48:30 Rep. Kelker commented on data she would like to receive on the program.

ADJOURNMENT

- 05:48:56 Sen. Caferro adjourned the meeting at 3:50 p.m.