



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

November 8, 2017
Room 102, 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.

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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
REP. GORDON PIERSON

STAFF PRESENT

SUE O'CONNELL, Lead Staff
ALEXIS SANDRU, Staff Attorney
LAURA SHERLEY, Secretary

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

AGENDA ([Attachment 2](#))

COMMITTEE ACTION

The committee met by conference call to discuss further action on its informal objection to MAR Notices 37-788, 37-801, 37-802, and 37-805. The proposed Department of Public Health and Human Services administrative rules would reduce Medicaid and non-Medicaid reimbursement rates for health care and human services providers.

The committee voted to:

- formally object to the proposed rules, approving a draft letter stating its objection; and
- continue the informal objection it had approved in July and September until the formal objection was mailed to the department as required under 2-4-406, MCA.

CALL TO ORDER AND ROLL CALL

00:00:05 Sen. Caferro called the meeting to order at 1:04 p.m. and reviewed the meeting agenda. The committee secretary took roll call. ([Attachment 3](#))

AGENCY OVERSIGHT: ADMINISTRATIVE RULE NOTICES 37-788, 37-801, 37-802, AND 37-805

Review of Materials Related to Proposed Rules -- Alexis Sandru, Committee Attorney

00:01:35 Ms. Sandru reviewed the draft letter formally objecting to the MAR Notices and the information that she sent to the committee regarding the options for action on the draft letter. ([Exhibit 1](#)) and ([Exhibit 2](#))

Committee Questions of Ms. Sandru

00:11:03 Rep. Kelker asked whether, if the committee chooses to send the formal objection letter, the state would still have to fund the programs that have been recommended for funding cuts under SB 261: *Generally revise state fiscal laws*.

00:12:39 Ms. O'Connell reviewed the public comment that was emailed to the committee. ([Exhibit 3](#))

Public Comment on the Draft Objection Letter

00:13:17 *Rep. Pierson joined the meeting at 1:17 p.m.*

00:13:35 Rose Hughes, Montana Health Care Association and Montana Association for Community Disability Services

00:15:51 Beth Brenneman, Disability Rights of Montana

00:18:28 Kate Spade, Consumer Direct Care Network

00:19:03 Abigail St. Lawrence, Montana Speech Language Hearing Association

00:20:01 Mike Mahoney, Family Outreach

00:22:16 David Hemion, Montana Dental Association

00:23:08 Ken Brown, Opportunity Resources

00:24:39 Brooke Bartholomew, Developmental Educational Assistance Program

00:25:42 Marty Wangen, representing optometrists, podiatrists, and psychologists

00:26:13 Eve Franklin, Montana Association of Community Disability Services

Committee Action

Motion

00:27:55 Sen. Sands moved to adopt a formal objection to MAR Notices 37-788, 37-801, 37-802, and 37-805 and to approve the objection letter as written.

Discussion

00:28:17 Sen. Olszewski commented on the public testimony given and stated his support of the motion.

00:29:02 Rep. Lenz commented on the information given to the committee by the Department of Public Health and Human Services.

00:30:10 Rep. Kelker commented on her objection to the motion and spoke on the effects of delaying the funding cuts.

Vote

00:31:05 The motion passed on a roll call vote, 7-1, with Rep. Kelker voting 'no'.
(Attachment 4)

00:31:53 Ms. Sandru recommended the committee sustain the informal objection until the formal letter is mailed.

Motion

00:32:22 Sen. Sands moved to continue the informal objection until the formal objection letter can be mailed.

Vote

00:32:53 The motion passed on a voice vote, 7-1, with Rep. Kelker voting 'no'.

00:33:09 Sen. Sands commented on the importance of the public testimony given during the rule review process.

PUBLIC COMMENT ON ANY NON-AGENDA ITEM WITHIN THE COMMITTEE'S JURISDICTION

None

DIRECTION TO STAFF ON ANY NON-AGENDA ITEM

00:34:22 Sen. Caferro reminded the committee members that their November 17, 2017, meeting was canceled because of the recent scheduling of a special session for that week.

ADJOURNMENT

00:34:46 With no further business before the committee, Sen .Caferro adjourned the meeting at 1:39 p.m.

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