



Children, Families, Health, and Human Services Interim Committee

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64th Montana Legislature

SENATE MEMBERS

MARY CAFERRO--Vice Chair
FREDERICK (ERIC) MOORE
DIANE SANDS
ROGER WEBB

HOUSE MEMBERS

RON EHLI--Chair
JESSICA KARJALA
ALBERT OLSZEWSKI
GORDON PIERSON

COMMITTEE STAFF

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

MINUTES LOG

May 9, 2016
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.

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

COMMITTEE MEMBERS PRESENT

REP. RON EHLI, Chair
SEN. MARY CAFERRO, Vice Chair

SEN. FREDERICK (ERIC) MOORE
SEN. ROGER WEBB

REP. JESSICA KARJALA
REP. ALBERT OLSZEWSKI
REP. GORDON PIERSON

COMMITTEE MEMBERS EXCUSED

SEN. DIANE SANDS

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 heard presentations related to its House Bill 422 study of children's mental health outcomes and Senate Bill 418 study of legislative mental health investments. Members also reviewed initial bill drafts developed for their Senate Joint Resolution 22 study of guardianship and Alzheimer's disease and for the HB 142 (2011) review of statutory advisory councils and reports related to the Department of Public Health and Human Services.

After reviewing the bill drafts, the committee:

- asked staff to work with the Area Agencies on Aging on LCCF04, which appropriates money to the agencies, to make the draft more specific about how the money would be used on guardianship- or Alzheimer's-related matters;
- discussed whether LCCF05, which establishes a grant program to train respite care workers, was specific enough about the committee's intent;
- asked staff to develop cost estimates for enhancing the reimbursement rate for assisted living memory care units and adding an appropriation for the higher rates in LCCF06, which increases the number of home and community-based waiver slots for senior and long-term care;
- asked staff to prepare options and cost estimates for LCCF07, which creates a working interdisciplinary network of guardianship stakeholders (WINGS) group; and
- agreed to remove Section 6 from LCCF11, which eliminates certain DPHHS advisory councils and reports, so that a required report on standards for Medicaid managed care companies remains in law;

The committee will review those revised bill drafts at its June meeting and also continue review of LCCF02, providing protections from financial exploitation for vulnerable adults, and LCCF03, appropriating grant funds for the facilitation of services to people with Alzheimer's disease or related dementias.

The committee also:

- asked staff to prepare a bill draft to require Medicaid reimbursement of medication therapy management services provided by clinical pharmacists and to arrange a presentation in June on how those providers fit into the healthcare workforce picture for Montana;
- asked staff to prepare a bill draft based on a Wisconsin law related to successor guardians; and
- asked for a presentation by private vendors that collect and analyze data on children's mental health outcomes.

CALL TO ORDER AND ROLL CALL

00:00:01 Rep. Ehli called the meeting to order at 8:02 a.m. The committee secretary called roll. Sen. Sands was excused. ([Attachment 3](#))

HB 422: CHILDREN'S MENTAL HEALTH OUTCOMES

Introduction -- Sue O'Connell, Research Analyst

00:01:31 Ms. O'Connell ([Exhibit 1](#)) ([Exhibit 2](#))

Panel Presentation: Information Collection and Databases

John Daugherty, Administrator, Information Technology Division, Department of Corrections
Beth McLaughlin, Supreme Court Administrator
Stuart Fuller, Administrator, DPHHS Technology Services Division
Ron Baldwin, Chief Information Officer, State of Montana

00:06:25 Mr. Daugherty
00:09:19 Ms. McLaughlin
00:14:35 Mr. Fuller
00:21:03 Mr. Baldwin

Committee Questions

00:25:45 Sen. Webb asked Mr. Daugherty about the devices used to access the Department of Corrections system.
00:26:43 Sen. Webb asked Mr. Fuller about the modification of the Offender Management Information System for the Child and Family Services Division.
00:29:57 Sen. Moore asked Ms. McLaughlin the ramifications of statutory changes on data availability.
00:33:55 Rep. Ehli asked Ms. O'Connell about HB422.
00:35:55 Rep. Ehli asked the presenters about devising a system to gather the data by the next legislative session, what the costs would be, and how it would be done.
00:43:13 Sen. Caferro asked Ms. McLaughlin about the target population for measuring outcomes.
00:44:26 Sen. Caferro asked Mr. Fuller about the Eleanor database and the committee's proposed outcome measures.
00:47:42 Rep. Karjala asked Ms. McLaughlin for recommendations for defining what data is collected and how it is collected.

Committee Questions of Matt Kuntz, NAMI Montana and Jani McCall, Legacy Provider Group

00:54:35 Sen. Webb asked Matt Kuntz about the company NetReflector.
00:55:31 Mr. Kuntz discussed NetReflector, Inc. ([Exhibit 3](#))
01:04:37 Sen. Webb asked Ms. McCall about utilization of Behavioral Pathway Systems.
01:07:50 Ms. McCall discussed the Behavioral Pathway Systems survey of mental health providers.

Public Comment on the HB 422 Study - None.

HB 142: STATUTORY ADVISORY COUNCILS AND REPORTS

LCCF11: Eliminating Certain Councils and Reports - Sue O'Connell

01:12:38 Ms. O'Connell ([Exhibit 4](#)) ([Exhibit 5](#))

Public Comment on LCCF11 - None.

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Staff Reports

Administrative Rule Review - Alexis Sandru, Staff Attorney

01:18:00 Ms. Sandru ([Exhibit 6](#))

SB 411: MDC Closure - Sue O'Connell

01:18:38 Ms. O'Connell ([Exhibit 7](#))

Committee Questions

01:25:35 Sen. Caferro asked about the Assessment and Stabilization Unit at the Montana Developmental Center.
01:28:38 Rep. Ehli discussed the intent of SB411 and his outlook of what has happened so

- far with retaining use of the ASU and opening state-run group homes. He also discussed the Budget Office's response to his request for information on the comparison between the costs of institutional and community-based care.
- 01:34:02 Sen. Caferro asked for a copy of Rep. Ehli's letter. She also asked if Rep. Ehli wanted the committee to sign on to a letter.
- 01:34:36 Rep. Ehli asked the committee if it wanted to move forward with another request for that information.

Motion

- 01:35:39 Rep. Ehli moved that staff draft a letter to Director Villa requesting information on the costs of institutional care versus community-based care and how the costs were determined..

Vote

- 01:36:25 The motion passed unanimously by voice vote.

SB 423: Montana Marijuana Act - Sue O'Connell

- 01:36:40 Ms. O'Connell ([Exhibit 8](#))

BREAK (reconvened at 10:03 a.m.)

SJR 22 STUDY: GUARDIANSHIP/ALZHEIMER'S DISEASE

- 02:00:25 Ms. Sandru ([Exhibit 9](#))

LCCF02: Financial Protections for Vulnerable Adults - Alexis Sandru, Staff Attorney

- 02:01:07 Ms. Sandru ([Exhibit 10](#))

Committee Questions on LCCF02

- 02:04:41 Rep. Ehli asked about mandatory reporting and its advantages.
- 02:07:13 Rep. Olszewski asked about the involvement of Adult Protective Services.

LCCF07: Working Interdisciplinary Group on Guardianship

- 02:08:57 Ms. Sandru ([Exhibit 11](#))

WINGS Programs - Beth McLaughlin, Supreme Court Administrator

- 02:10:01 Ms. McLaughlin discussed the formation of a WINGS group.

Committee Questions

- 02:12:23 Sen. Caferro discussed reasons for holding off on a guardianship draft bill.

Alzheimer's/Dementia Bill Drafts Recommendations

- 02:16:50 Ms. Sandru ([Exhibit 12](#))

LCCF03: State Alzheimer's Facilitator

- 02:17:00 Ms. Sandru ([Exhibit 13](#))

LCCF04: Funding for Area Agencies on Aging

- 02:18:17 Ms. Sandru ([Exhibit 14](#))

LCCF05: Grant Program for Respite Care

- 02:18:56 Ms. Sandru ([Exhibit 15](#))

Committee Questions

- 02:19:47 Sen. Caferro provided clarification of the grant program in LCCF05.
02:20:17 Sen. Moore asked Ms. Sandru about funding from the Department of Public Health and Human Services for respite care.
- 02:21:15 Kelly Williams, Senior and Long-Term Care Division Administrator, Department of Public Health and Human Services, provided information on the LifeSpan Respite Grant.

Committee Questions of Ms. Williams

- 02:22:29 Sen. Caferro asked about training for respite care for individuals caring for people have Alzheimer's and dementia.
02:24:29 Rep. Ehli asked about the Area Agencies on Aging and if there are general fund dollars that go towards respite care.
02:26:13 Sen. Caferro asked if there is a way to track respite care dollars spent on caregivers who care for people who have Alzheimer's.
02:26:46 Sen. Moore asked about the federal dollars that go to the Area Agencies on Aging.

LCCF06: Funding for Increased Home and Community-Based Services Waiver Slots

- 02:27:43 Ms. Sandru ([Exhibit 16](#))

Committee Questions

- 02:29:03 Rep. Ehli asked about waiver slots and funding.

SJR 22: Guardianship/Alzheimer's Disease - Considerations Related to Legislation

- 02:30:34 Ms. O'Connell ([Exhibit 17](#))

Committee Questions

- 02:34:08 Rep. Olszewski commented on unspent money that could be diverted to another issue or go to the general fund.

Questions and Answers with Alzheimer's Work Group Members

Dr. Pat Coon, Billings Clinic
Claudia Clifford, AARP

- 02:35:52 Ms. Clifford
02:37:10 Dr. Coon

Ms. Clifford's and Dr. Coon's comments on proposed legislation

- 02:38:02 LCCF03: State Alzheimer's Facilitator
02:40:24 LCCF04: Funding for Area Agencies on Aging
02:40:58 LCCF05: Grant Program for Respite Care
02:43:31 LCCF06: Funding for Increased HCBS Waiver Slots

Committee Questions

- 02:49:27 Rep. Olszewski asked Kelly Williams about the current reimbursement rates.
02:52:29 Rep. Olszewski asked Ms. Clifford about the assumption that assisted living facilities have beds available but aren't accepting Medicaid patients.
02:54:16 *The question was redirected to Rose Hughes, Montana Health Care Association.*
02:57:40 Rep. Olszewski asked Ms. Hughes if Medicaid reimbursements cause companies to lose money per patient.

- 03:01:33 Sen. Caferro asked Ms. Clifford about the payment for different levels of care and different levels of reimbursement for people with Alzheimer's.
- 03:11:00 Rep. Ehli asked Ms. Williams about the average costs for heavy complex care.
- 03:15:38 Rep. Ehli asked if the Work Group will be asking the executive branch for funding.

Public Comment on the SJR 22 Study

- 03:17:49 Rose Hughes, Executive Director, Montana Health Care Association (**Exhibit 18**)
- 03:24:46 Lisa Sheppard, Flathead County Area 9 Agency on Aging and Montana Association of Area Agencies on Aging
- 03:31:58 Beth Brenneman, Disability Rights Montana (**Exhibit 19**)
- 03:42:07 Mike Foster, Catholic Hospitals of Montana
- 03:46:20 Erin McGowan, Montana Association of Area Agencies on Aging
- 03:48:14 Ron Hull, Helena
- 03:49:47 Matt Kuntz, Executive Director, NAMI Montana
- 03:50:23 Robin Homan, Benefis Spectrum Case Management
- 03:53:39 Dr. Mary Kay Bogumill, Helena
- 03:57:07 Cindy Nickol, Capital City Case Management
- 04:01:54 Shelly Laine, personal guardian
- 04:05:43 Claudia Clifford, AARP Montana

AGENCY OVERSIGHT: CHILD AND FAMILY SERVICES DIVISION

Protect Montana Kids Commission Update - Ali Bovington, Deputy Chief of Staff, Governor's Office

- 04:09:16 Ms. Bovington

Emergency Removal Statutes

- 04:21:38 Ms. O'Connell (**Exhibit 20**)

Overview of Other State Statutes

- 04:23:11 Bob Runkel, Manager, DPHHS Economic Security Services Branch
- 04:30:02 Detective Capt. Arlyn Greydanus, Gallatin County Sheriff's Office

Committee Questions

- 04:36:55 Sen. Moore asked Mr. Runkel about the procedure if a case worker needs help from law enforcement when removing a child.
- 04:38:06 Rep. Olszewski asked the panelists if the 2,000 removals were because of immediate danger of harm or apparent danger of harm.
- 04:40:08 Rep. Olszewski asked Mr. Runkel about the number of cases last year regarding children who were removed from their homes for apparent danger that might have been premature.
- 04:42:16 Rep. Olszewski asked Mr. Runkel if Child Protective Services workers work by themselves or work in pairs.

LUNCH (reconvened at 1:45 p.m.)

SB 418: LEGISLATIVE MENTAL HEALTH INVESTMENTS

DPHHS Update - Glenda Oldenburg, Administrator, DPHHS Addictive and Mental Disorders Division

- 05:47:07 Ms. Oldenburg (**Exhibit 21**)

Clinical Pharmacy Practitioners - Carla Cobb, RiverStone Health, Billings

06:07:36 Ms. Cobb (**Exhibit 22**)

Committee Questions of Ms. Cobb

06:19:36 Rep. Olszewski asked Ms. Cobb about additional training for clinical pharmacist practitioners.

06:20:49 Rep. Olszewski commented on reimbursement issues.

06:21:46 Sen. Webb asked about the number of available clinical pharmacist practitioners.

Community Crisis Services Funding

Sue O'Connell, Research Analyst

Teresa Nichols, Chief Financial Officer, Western Montana Mental Health Center

06:24:28 Ms. O'Connell (**Exhibit 23**)

06:25:39 Ms. Nichols

Committee Questions of Ms. Nichols

06:36:46 Rep. Karjala asked about staffing shortages and what Western Montana Mental Health Center needs to continue providing services.

06:42:19 Rep. Olszewski asked about Western Montana Mental Health Center's payment mechanisms and the competition for residential placement.

06:48:51 Rep. Pierson asked about hospitals providing mental health treatment through emergency room admissions.

06:51:26 Rep. Pierson asked Mr. Foster if the Catholic Hospitals of Montana had any comments.

Public Comment on the SB 418 Study

06:56:45 Kathy McGowan, Community Mental Health Centers

07:04:10 Dr. Gary Mihelish, advocate for people with serious mental illness

07:09:48 Matt Kuntz, Executive Director, NAMI Montana

07:12:13 Mike Foster, Catholic Hospitals of Montana

BREAK (reconvened at 3:28 p.m.)

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Department of Public Health and Human Services Update - Richard Opper, Director

Director Opper discussed the following topics at the time noted:

07:26:58 Personnel Issues

07:34:18 Governor's Council for Health Care Innovations and Reform

07:38:33 Medicaid Expansion

07:40:41 Section 1115 - Medicaid Waiver (**Exhibit 24**)

Committee Questions of Director Opper

07:43:14 Rep. Ehli asked about the Medicaid waiver for additional services.

07:44:23 The committee discussed the lease of the Galen facility and the Department of Public Health and Human Services authority to lease the Galen facility.

07:57:01 Rep. Ehli discussed putting together questions from the committee regarding how that facility came to be, the understanding of the money that was budgeted, and what it was budgeted for.

07:58:03 Rep. Pierson commented on his concerns about Sen. Webb having blueprints for

- a secure facility.
- 07:59:52 Rep. Olszewski commented on MAR 37-737.
- 08:06:53 Sen. Moore asked about the original co-pay provisions of the HELP Act that was eliminated by CMS.
- 08:07:05 *The question was redirected to Mary Dalton, manager, DPHHS Medicaid and Health Services Branch.*
- 08:09:02 Sen. Moore asked Director Opper for an update on the workforce program numbers and the participation rate of the HELP Act.

PUBLIC COMMENT on any other topic in the committee's jurisdiction

- 08:09:52 Beth Brenneman, Disability Rights Montana, commented on the Montana Development Center closure and the monitoring of the Galen facility by Disability Rights Montana.
- 08:16:41 Rose Hughes, Montana Association of Community Disability Services, provided written testimony regarding a proposal addressing the Medicaid rate structure and workforce for community services. **(Exhibit 25)**
- 08:22:49 Jani McCall commented on LCCF11.
- 08:24:10 Sue O'Connell distributed written public comment from Patti Jacques. **(Exhibit 26)**

COMMITTEE WORK SESSION

Direction to staff on SJR 22, HB 422, and SB 418 Studies

SJR 22

LCCF02

- 08:27:48 Sen. Moore asked Ms. Sandru to elaborate more on the word "immunity".
- 08:30:06 Rep. Karjala expressed her concern of having a third-party administrator looking at cases where there are investments.
- 08:34:26 Rep. Ehli said he would like to keep LCCF02 as it is.
- 08:37:44 Sen. Caferro discussed having a different draft bill for guardianship training.
- 08:39:47 Rep. Karjala discussed including a prohibition on financial advisors serving as a trustee or a co-trustee.
- 08:41:21 Sen. Moore asked Ms. Sandru for a legal definition for the term "vulnerable".

LCCF07

- 08:44:00 Sen. Webb asked about the appointments to the WINGS group.
- 08:50:15 Rep. Ehli asked if the committee wanted to form a stakeholder group. Sen. Caferro said that there needs to be decisions on the costs, the number of FTEs, who appoints the members, who the members are, what their roles are, and where the program is housed.
- 08:55:58 Ms. O'Connell asked for committee direction on whether the bill should give the judicial branch broad authority to create a group or be more detailed about membership and duties.
- 08:59:28 Sen. Caferro agrees with Rep. Olszewski about taking a broader approach. She does not want to drop this issue.
- 09:00:45 Ms. O'Connell asked if the committee wanted a draft bill with options and potential costs in June.

LCCF03

- 09:02:31 Rep. Ehli asked if the Department of Public Health and Human Services has a person on staff that would be a facilitator for Alzheimer's services.

09:03:42 Rep. Olszewski discussed how the money should be used.
09:04:34 Rep. Karjala discussed leaving the grant fund where it is.
09:08:56 Rep. Olszewski asked about block grants going to the Work Group to fund their efforts.
09:12:42 Ms. Sandru noted that the Legislature cannot appropriate funds directly to a private entity.
09:14:44 Rep. Ehli discussed how the grant funding would work and asked that it be discussed again at the next meeting.

LCCF04

09:16:56 Rep. Ehli asked for a discussion on the funding level and the budget process, including whether the Governor's Office might include funding in the proposed budget.
09:19:52 Sen. Caferro said she would like the bill to target the funding for people with Alzheimer's and dementia.
09:20:46 Ms. Sandru clarified that there was a motion in March to implement the Alzheimer's Work Group's recommendation to support the area agencies on aging's request of \$1.5 million over the biennium.
09:21:28 Rep. Ehli requested that staff ask AAA for specifics on how the funds will be used within their organization.

LCCF05

09:25:22 Sen. Caferro said that the money in LCCF05 would go to communities in the form of grants and would be used to train volunteers in providing respite care.
09:28:26 Rep. Ehli said that no further changes in the bill is needed and the committee should be prepared to decide in June whether to proceed with it as a committee bill.

LCCF06

09:29:11 Sen. Webb reminded the committee that one waiver slot doesn't necessarily mean one individual.
09:29:43 Rep. Ehli said he would like to know the administration's priorities on waiver slots.

Motion

09:30:33 Sen. Caferro moved to revise the bill draft to phase in the increased waiver slots by 50 slots each six months of the biennium and recalculate the appropriation, and to add a provision and appropriation to address access to assisted living services by increasing the adult residential reimbursement rate and creating a tiered reimbursement system to better accommodate people who need a high level of care.

Discussion on the motion

09:34:00 Rep. Olszewski agreed that the committee needs to look at the actual costs of providing memory care.
09:35:11 Rep. Ehli asked if the motion takes care of the portion of the bill that was yet to be determined.
09:35:25 Ms. Sandru explained the purpose of the Work Group's recommendation.

Vote

09:36:18 The motion passed unanimously by voice vote.

HB422

- 09:38:03 Rep. Ehli asked Ms. McCall to elaborate on the "at home, in school, and out of trouble" statements of the provider proposal.
- 09:46:37 The committee members discussed the intent of HB 422.
- 09:53:00 Ms. O'Connell suggested bringing some ideas that have been discussed at past meetings to the June meeting to narrow the scope of the study.

SB 418

- 09:58:58 Ms. O'Connell said that the Department of Public Health and Human Services will provide another update at the June meeting.
- 09:59:09 Rep. Olszewski asked if the committee was tasked with bringing anything back to the Legislature about healthcare investments.
- 09:59:30 Ms. O'Connell provided a list of what the committee is tasked with.

HB 142

- LCCF11
- 10:00:09 Ms. O'Connell gave an overview of LCCF11.
- 10:00:33 Sen. Caferro commented on the reasons why some of the commissions and reports are not effective.

Motion

- 10:02:00 Sen. Caferro moved to segregate Section 6 of LCCF11 and keep that in statute.

Committee Discussion

- 10:03:16 Rep. Olszewski commented that the 2013 session gave to DPHHS the ability to enter into managed care contracts.
- 10:03:41 Sen. Caferro said that the bill she was referring to was a bill sponsored by Sen. Ripley.
- 10:04:31 Rep. Ehli agreed with Sen. Caferro on removing Section 6, requirements for managed health care entities, from LCCF11.

Vote

- 10:05:43 The motion passed with Sen. Sands e-mailing her yes vote to Ms. O'Connell.

Recommendations on HB 142 Review

- 10:07:05 Ms. O'Connell ([Exhibit 27](#))

Committee Questions

- 10:09:56 Rep. Olszewski asked if the advisory council reports are available online.
- 10:11:20 Rep. Ehli asked the committee if the letter that Ms. O'Connell referenced should be sent to the Legislative Council for consideration.
- 10:12:03 Sen. Moore said he is against this recommendation.
- 10:13:43 Rep. Ehli said the consensus of the committee is not to send the letter to Legislative Council.

Direction to staff on other topics of interest

- 10:14:14 Ms. O'Connell discussed Rep. Karjala's concerns about investment advisors serving as trustees. She also mentioned the issue of the successor guardianship law that Wisconsin recently adopted and the issue regarding clinical pharmacists.
- 10:14:56 The committee members discussed reimbursements for clinical pharmacists and whether to send a letter to the Department of Public Health and Human Services

asking the agency to reimburse the clinical pharmacists practitioners for providing comprehensive medication management to people with mental illness or whether to amend 53-6-101 to require the Department of Public Health and Human Services to provide the reimbursement.

10:24:04 Ms. O'Connell asked if the committee wanted to start with a letter or a bill draft.

ADJOURNMENT

10:27:50 With no further business before the committee, Rep. Ehli adjourned the meeting at 6:31 p.m.

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