



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

NOVEMBER 19-20, 2015

Room 163, McDonald Hall, Montana State University-Billings
Billings, Montana

NOVEMBER 20, 2015

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

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

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

REP. JESSICA KARJALA
REP. ALBERT OLSZEWSKI
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

CALL TO ORDER

00:00:01 Rep. Ehli called the meeting to order at 8:05 a.m. The committee secretary called roll. Everyone was present. **(Attachment 3)**

SJR 22: GUARDIANSHIP LAWS AND SERVICES/ALZHEIMER'S DISEASE

Introduction - Alexis Sandru, Committee Attorney

00:04:22 Ms. Sandru

Panel Presentation: Guardianship Services at the Local Level

Kristie Asay, Chairman, Yellowstone County Guardianship Council

Todd Wood, Director, Area II Agency on Aging, Roundup

Melissa Stiegler, Executive Director, Western Montana Chapter, Missoula (by phone)

Karen Baker, Operations Manager, Western Montana Chapter, Missoula (by phone)

00:05:33 Ms. Asay

00:12:02 Mr. Wood

00:24:49 Ms. Stiegler

00:30:50 Ms. Baker

Committee Questions

00:37:37 Rep. Olszewski asked Ms. Stiegler about living wills and end of life decision-making.

00:40:22 Rep. Karjala asked Ms. Stiegler about the background and credentialing of the work done at the Western Montana Chapter.

00:46:19 Sen. Webb asked Mr. Wood about the services offered by other Area Agencies on Aging.

00:47:56 Rep. Ehli asked Ms. Asay and Mr. Wood about contact with adult protective services at the state level.

00:53:13 Sen. Caferro asked if there were different levels of guardianship.

00:56:58 Rep. Ehli asked Mr. Wood about guardianships and conservatorships in Montana.

00:57:59 Sen. Webb asked Mr. Wood about powers of attorney.

00:58:57 Sen. Caferro asked whether a person could fire a guardian.

01:00:10 Sen. Sands asked about the denial of freedom that occurs with an appointment of a guardian.

01:03:58 Sen. Sands asked that the statutes and court decisions regarding the guidelines of guardianship be reviewed.

Panel Presentation: Introduction to Alzheimer's Disease and Other Dementias

Lynn Mallowney, Alzheimer's Association, Montana Chapter

Dr. Pat Coon, Billings Clinic

01:15:06 Ms. Mallowney (**Exhibit 16**)
01:24:10 Dr. Coon (**Exhibit 17**)

Committee Questions

01:43:12 Rep. Olszewski asked Dr. Coon about addressing the issues of Alzheimer's and dementia and the percentage of patients in skilled nursing facilities who have mild dementia and are receiving high levels of care.
01:47:28 Sen. Sands discussed providing family and medical leave for caregivers who have left their jobs or moved in order to provide care to relatives suffering from Alzheimer's or dementia.

BREAK (reconvened at 10:23 a.m.)

Panel Presentation: Services and Facilities for Alzheimer's/Dementia Patients

Todd Wood, Director, Area II Agency on Aging
Kent Burgess, President and CEO, St. John's Lutheran Ministries
Glenda Oldenburg, Administrator, DPHHS Addictive and Mental Disorders Division

01:50:50 Mr. Wood
02:00:46 Mr. Burgess (**Exhibit 18**)
02:14:45 Ms. Oldenburg (**Exhibit 19**) (**Exhibit 20**)

Committee Questions

02:36:58 Rep. Olszewski asked Mr. Burgess to clarify his use of the words "rate" and "cost".
02:37:24 Rep. Ehli asked Ms. Oldenburg about the impact of HB 517 that changed commitment procedures to the Montana Mental Health Nursing Care Center.
02:41:55 Rep. Ehli asked Mr. Burgess whether the private industry can handle patients with dementia behaviors who now go the Nursing Care Center.
02:44:31 Rep. Ehli asked Ms. Oldenburg about the Nursing Care Center taking patients from the Montana State Hospital before taking patients from the private sector.
02:45:57 Sen. Caferro asked Mr. Burgess why the private sector couldn't take people who need the more intense level of care.

Panel Presentation: Services and Facilities -- Family Caregiver Perspective

Claudia Clifford, Advocacy Director, AARP Montana
Kathleen Burke, Billings

02:49:23 Ms. Clifford (**Exhibit 21**)
03:05:02 Ms. Burke (**Exhibit 22**)

Committee Questions

03:18:08 Rep. Olszewski asked Ms. Clifford about the methodology of the survey she presented and the number of people the survey reached.
03:19:25 Rep. Olszewski asked Ms. Clifford if she could provide follow up information on the survey's response rates.
03:20:57 Rep. Karjala asked Ms. Burke about certified care managers.

Montana Alzheimer's/Dementia Work Group Update

Dr. Pat Coon, Billings Clinic
Miranda Meunier, Nurse Practitioner, Billings Clinic Geriatrics
Beki Brandborg

03:26:20 Dr. Coon (**Exhibit 23**)
03:29:48 Ms. Meunier (**Exhibit 24**)
03:38:27 Ms. Brandborg (**Exhibit 25**)

Committee Questions

03:48:47 Sen. Sands asked Ms. Brandborg about the spend-down requirements for Medicaid and how people should plan for that kind of expense.
03:52:32 Sen. Webb asked Dr. Coon if the Work Group has had an opportunity to review Alzheimer's state plans for other states.
03:53:53 Rep. Olszewski asked Ms. Brandborg about the number of attendees at the Alzheimer's Work Group town meetings.

Public Comment on the SJR 22 Study

03:55:54 Donald Seibert, caregiver
04:04:48 Rep. Kathy Kelker, HD 47
04:11:07 Sandra Crawford, caregiver
04:12:50 Karen Freed, caregiver
04:14:30 Lynn Gillig, St. Vincent's Healthcare (**Exhibit 26**)
04:19:43 Pat Laufamm, St. Vincent's Hospital
04:20:47 Holly Garcia, Alzheimer's Work Group member (**Exhibit 27**)
04:24:17 Becky Bird, caregiver
04:31:56 Beth Breneman, Disability Rights Montana
04:33:43 Gary Connelley, Attorney, Billings
04:38:03 Aimee Grmoljez, Billings Clinic

LUNCH BREAK (reconvened at 2:03 p.m.)

SB 418: LEGISLATIVE MENTAL HEALTH INVESTMENTS

Legislative Staff Reports

Grant Awards/Measurement Requirements of SB 418 -- Sue O'Connell

04:40:08 Ms. O'Connell (**Exhibit 28**) and (**Exhibit 29**).

Committee Questions of Ms. O'Connell

04:46:31 Rep. Ehli asked about the requirement of SB418 reporting and the assurance that that reporting will continue after the present committee members are gone.

Administrative Rule Activity -- Alexis Sandru, staff attorney

04:48:41 Ms. Sandru (**Exhibit 30**)

Department of Public Health and Human Services Update

Zoe Barnard, Chief, Children's Mental Health Bureau
Glenda Oldenburg, Administrator, Addictive and Mental Disorders Division

04:50:42 Ms. Barnard

Committee Questions of Ms. Barnard

04:59:43 Rep. Ehli asked about project evaluators for the grants that were awarded.

05:00:46 Ms. Oldenburg ([Exhibit 31](#))

Committee Questions of Ms. Oldenburg

05:30:43 Rep. Ehli asked about people admitted to Montana State Hospital who had no communications with a mental health clinic or mental health professionals.

05:38:01 Sen. Caferro asked what the population in the D Wing of the State Hospital will be after the new facility in Galen opens.

05:46:33 Sen. Sands asked what is being done to address the sexual assault issues and the history of situations involving sexual assaults in the state institutions.

05:49:23 Rep. Ehli asked about the funding sources for the new Galen facility and how the funds that were appropriated in HB2 will be used toward the group home on the State Hospital campus.

05:54:16 Sen. Sands asked about the lease for the new Galen facility.

05:55:00 Sen. Sands asked that the Department of Public Health and Human Services report back to the committee on any policies being made that relate to the sexual assaults in the state institutions, what allegations have been made, whether they were investigated or not, and results of those investigations.

Public Comment on the SB 418 Study

05:56:29 Benette Johnson commented on her personal situation and the grandparent statute she discussed on November 19.

06:00:27 Mike Foster, Five Catholic Hospitals in Montana

06:08:18 Joe Burst, Executive Director, Edgewood Vista Memory Care ([Exhibit 32](#))

06:12:27 Kathy McGowan, Community Mental Health Centers

06:18:56 Jani McCall, Yellowstone Youth Crisis Network

06:21:09 Carla Cobb, Riverstone Health

06:24:56 Beth Brennehan, Disability Rights Montana

HB 142: Review of Statutory Advisory Councils and Reports -- Sue O'Connell

06:33:15 Ms. O'Connell referred the committee to the document "HB 142: Review of Statutory Advisory Councils and Reports" but did not discuss it. ([Exhibit 33](#))

AGENCY OVERSIGHT: STAFF REPORTS

Administrative Rule VII HELP Program -- Alexis Sandru, staff attorney

06:34:12 Ms. Sandru gave a report on Administrative Rule VII for copayments for Medicaid expansion enrollees which was proposed to implement SB 405, the Montana Health and Economic Livelihood Partnership (HELP) Act. ([Exhibit 34](#))

Committee Questions

06:38:51 Rep. Olszewski asked about the copayments for independent laboratory and x-ray services.

06:40:00 Rep. Ehli asked whether the committee members wanted to challenge

rulemaking for the act.
06:42:22 Sen. Sands asked what the basis of the committee's objections would be to this rule.
06:48:49 Sen. Sands and Rep. Olszewski commented on letting the rule stand as it is.
06:50:16 Rep. Ehli said that the committee does not object to the adoption of the new Rule VII.

PUBLIC COMMENT on any other item within the committee's jurisdiction - None

COMMITTEE WORK SESSION

06:52:11 Ms. O'Connell discussed the agenda for the January meeting.
06:53:25 Rep. Ehli commented that the committee's requests for more information from the speakers at this meeting be sent to staff and that staff should follow up with the speakers to obtain the information.

ADJOURNMENT

06:55:12 With no further business before the committee, Rep. Ehli adjourned the meeting at 4:18 p.m.

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