



Children, Families, Health, and Human Services Interim Committee

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60th Montana Legislature

SENATE MEMBERS

CAROL JUNEAU
RICK LAIBLE
TERRY MURPHY
DAN WEINBERG

HOUSE MEMBERS

EDITH CLARK
ERNIE DUTTON
TERESA HENRY
DIANE SANDS

COMMITTEE STAFF

SUE O'CONNELL, Lead Staff
LISA JACKSON, Staff Attorney
FONG HOM, Secretary

MINUTES

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Listen link. Note: You must have Real Player to listen to the audio recording.

June 26, 2007

Room 102, Capitol Building
Helena, Montana

COMMITTEE MEMBERS PRESENT

SEN. CAROL JUNEAU
SEN. RICK LAIBLE
SEN. TERRY MURPHY
SEN. DAN WEINBERG

REP. EDITH CLARK
REP. ERNIE DUTTON
REP. TERESA HENRY
REP. DIANE SANDS

STAFF PRESENT

SUE O'CONNELL, Lead Staff
LISA JACKSON, Staff Attorney
FONG HOM, Secretary

Visitors List and Agenda

Visitors' list, Attachment 1
Agenda, Attachment 2

COMMITTEE ACTION

- Rep. Edith Clark was elected Chair of the Children and Families Interim Committee. Sen. Weinberg was elected Vice Chair.
- A policy on proxies was adopted.
- A motion for a request to Legislative Council for a contracted study of mental health as recommended in Option A of the Decision Points document and for assignment of the study to the Children and Families Interim Committee was approved.
- A motion was approved to have SJR 15 be the sole responsibility of the Children and Families Interim Committee rather than assigning it to a joint subcommittee
- Members were appointed to a joint subcommittee for the HJR 48 study of health insurance reforms, as requested by the Economic Affairs Interim Committee.
- Ms. O'Connell was asked to draft a letter for the Committee's approval regarding the unbundling of services for children's mental health, to be sent to the Congressional delegation.
- The schedule of meetings and the work plan as amended were approved.

CALL TO ORDER AND ROLL CALL

TAPE 1A Part 1

00:00:25 Sen. Weinberg, Acting Presiding Officer, called the meeting to order at 8:30 a.m. Secretary took roll visually, everyone was present. Sen. Weinberg gave some opening remarks about the committee and asked the members to introduce themselves.

00:08:00 VOTE BY PROXY
Sen. Laible **moved** that the committee establish a policy on proxies that allows individuals to email their proxy, or their permission for another member of the committee to act as their proxy, and copy that to staff; make sure that when the votes are taken that there be a written documentation; and that proxies not be specific as to issue. The motion **passed** unanimously.

00:15:50 ELECTION OF OFFICERS
Rep. Sands **nominated** Rep. Edith Clark as Chair. Rep. Clark was unanimously **approved** as Chair.

Sen. Juneau **nominated** Sen. Dan Weinberg as vice-chair. Sen. Weinberg was unanimously **approved** as Vice-chair

00:19:44 OVERVIEW OF THE AGENDA - Sue O'Connell, LSD, Research Analyst
Ms. O'Connell gave a brief and general overview of the meeting's agenda.

QUESTIONS

SEN. JUNEAU asked what the policy was on conference call meetings, if that was allowed in terms of the number of studies that are taking place.

00:27:40 TRAVEL REIMBURSEMENTS AND CLAIMS
KAREN BERGER, Legislative Finance Manager, spoke on travel reimbursements and claims **(EXHIBIT 1)**.

00:37:24 DRAFT WORK PLAN - Sue O'Connell, LSD, Research Analyst
MS. O'CONNELL gave a brief overview of the draft Work Plan **(EXHIBIT 2)**. Ms. O'Connell drew the committee's attention to the two documents in the packet that list acronyms that are commonly used by DPHHS **(EXHIBIT 3)**.

TAPE 1B

00:45:20 ADMINISTRATIVE RULE REVIEW - Lisa Mecklenberg Jackson, Staff Attorney
MS. JACKSON gave a rule review seminar and talked about the brochure that was part of the committee packet **(EXHIBIT 4)**.

QUESTIONS

REP. SANDS asked Rep. Clark what the recent history has been with the committee on rulemaking.

REP. DUTTON asked if they are given copies of all rules being proposed. Ms. Jackson said that she gets copies of all rules proposed and that she reviews all of them and if there was an issue, she would email the rule to the committee for their information.

SEN. JUNEAU asked if the rules that were completed were done in response to legislation that was passed. She also asked if the department could create its own rules according to situations that arises and does the committee get notified in both those situations. Ms. Jackson said that the committee would get notified in both situations and it is true that the agency can come up with their own rules, but they must follow MAPA requirements.

MS. JACKSON talked about the email which she sent to the committee regarding Administrative Rule Review for DPHHS **(EXHIBIT 5)**.

SEN. LAIBLE asked if the majority of these rules are as a result of legislation passed last session implementing the intent of the legislature, or at the agency's discretion, at any time can they go ahead and look for a different way to implement previous legislation. Ms. Jackson said that usually she would say most rules are proposed as a result that some legislation has been passed by the legislature, but any of those reviewed for this meeting would not be the result of this past session. Proposed rules might also be as a result of something that the agency needed to correct or some internal policy that it wanted to clarify.

SEN. WEINBERG asked Ms. Jackson to keep an eye open on rules for Behavior Health Inpatient Facility (BHIF) changes and when the department does produce rules, to notify the committee to give them a chance to discuss them.

01:03:44 SUMMARY OF HEALTH AND HUMAN SERVICES LEGISLATION - Sue

O'Connell

Ms. O'Connell discussed legislation from the 2007 Legislative Session (**EXHIBIT 6**).

BREAK

01:34:30

DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES - John Chappius, Deputy Director

MR. CHAPPIUS introduced a few members from the department: Kelly Williams, Senior and Long Term Care; Jane Smilie, Public Health and Safety; Joyce DeCunzo, Addictive and Mental Disorders; Mary Dalton, Health Resources; Hank Hudson, Human and Community Services; Shirley Brown, Child and Family Services; and Laurie Lamson, Business and Fiscal Services Division. He distributed and discussed "Highlights of 2007 Legislative Impacts" (**EXHIBIT 7**), touching on the following topics.

- Direct-Care Worker Wage Increase

SEN. WEINBERG asked if, in cases where there are federal matches, does the federal government respond quickly to that change and raise their rates, or is there a time lapse? Mr. Chappius said that how they do it is through the accounting system. They just increase the payment and it goes in at the normal rate, which in this case, is 68% federal, 32% state.

Addictive & Mental Disorders Division

- Behavioral Health Program Facilitator
- 72-hour Presumptive Eligibility

REP. HENRY said that her concern is who will be providing the mental health care during the 72-hour presumptive eligibility period if someone shows up in an emergency room anywhere in the state. Mr. Chappius said that the answer lies with tele-medicine where hospitals and outlying centers can do evaluations and advise the medical staff at the facility providing care.

TAPE 2A

- Additional Home & Community-based Waiver Slots
- Provider Rate Increases
- Behavioral Health Inpatient Facilities
- Suicide Prevention
- Mentally Ill Offender Assistance Program and Mental III Offender Drugs Program
- Mental Health Services Plan

Child & Family Services Division

- Expansion of Field Staff

Disability Services Division

- Rebased Standardized Rates for DD Providers
- DD Waiting List

SEN. JUNEAU asked what the tuition costs is for the College of Direct

Support that is mentioned on page 6 under Rebased Standardized Rates. Matt Bugni, Disability Services Division, said that the tuition for the College of Direct Support is standardized training and a career ladder developed for direct care workers within the DD Community Services Program.

SEN. JUNEAU wanted to know if the waiting list of 500 that Mr. Chappius talked about being filled with people that are turning 18. Mr. Chappius said that it does. Sometimes that these folks that are aging up into the system; in that case, DPHHS does an assessment on both the medical needs then the social needs, such as do you have family support, are you in crisis, do you have to have something, what are the risks. They have teams that do this. Sometimes we move people even if we don't have slots available, we will move people into services to assure that they are okay. Sometimes we don't know about them or they are still with the family, yes, they are in need of services, but no they don't get services, they are on the waiting list.

Health Resources Division

- Medicaid for Pregnant Women, Infants
- Medicaid Dental Access
- Physician Rate Increase
- CHIP Expansion
- Medicaid Dental Access

Human & Community Services Division

- Low Income Energy Assistance
- Increased TANF Benefit
- Tobacco Funding for Chronic Disease Prevention
- Contraceptive Costs
- HPV Vaccine

Quality Assurance Division

Senior & Long Term Care Division

- Home and Community Based Waiver Expansion
- Health Care for Health Care Workers
- Nursing Home Personal Needs
- Older Montanans Trust Fund

Technology Services Division

- TEAMS Replacement
- Data Systems Replacement

TAPE 2B

02:39:01

PUBLIC COMMENT

JANI McCALL, Billings Clinic and Children's Provider Services, commented on foster care and on the unbundling of therapeutic foster care and therapeutic group care in children's mental health. She suggested that the committee write a letter to the congressional delegation regarding this matter and she would be happy to work with staff on this letter.

ANITA ROESMANN, Montana Advocacy Program and ex-officio member of Central Service Area Authority, commented on community mental health, and Service Area Authorities that have now come into their own.

SEN. WEINBERG suggested that the LACs and the SAAs spend a day with each of the committee members in their local areas to walk through what is going on, see how people are operating, see it on the ground. He said that he will commit to that and he thinks that the committee's work would be enhanced by having that exposure to facilities, people and programs.

JUDY SMITH, Low Income Family Advocate, said that they need more focus on poverty itself. She is appreciative of what was done during the session for some of the specific concerns that were discussed earlier and would encourage the whole concept of TANF reform. She also would urge the committee to take up the issue of state funded programs that would actually mitigate some restrictions that are put on TANF at the federal level.

MIKE FOSTER, Sisters of Charity Hospital St. Vincent in Billings, St. James in Butte, Holy Rosary in Miles City, and Wheatland Memorial Hospital, thanked the department and all the legislators for their work during the 2007 Session. He said that he wanted to comment on whether or not the committee should accept Economic Affairs Committee's request to establish a joint subcommittee to conduct a study of both SJR 15 and HJR 48. He asked that SJR 15 be kept with the full committee.

QUESTIONS

SEN. LAIBLE asked what benchmarks, particularly those dealing with Indian Health Services, does DPHHS want to accomplish, and how they might tie together. Mr. Chappius said that they have done a template for each of those issues and he would be happy to report on their progress. He said that they have a data indicator report on their website which shows CHIP enrollment, Medicaid enrollment by category, and information on TANF and other programs.

SEN. LAIBLE said that one component Mr. Chappius talked about was the Medicaid required new software system that they are going to need. Will the implementation of that affect the entire system of DPHHS, or just the Medicaid proportion of it? Mr. Chappius said that it would affect the Medicaid side.

SEN. JUNEAU asked if the amount for personal needs for nursing homes was \$50 per month? Mr. Chappius said that it had moved from \$40 to \$50 per month.

SEN. JUNEAU said that three or four tribes have contracted TANF and manage their own TANF programs. She asked if the data system includes the tribally contracted programs so that they would have access to those who are being served by tribes. Mr. Chappius said that there will be statewide systems available to the tribes that have taken over TANF.

SEN. JUNEAU asked how the Governor's newly created Family Economic

Security Council will interact in terms of the issues of TANF and can that Council provide some recommendations to assist in dealing with the issues of poverty in the state of Montana and provide some recommendations to DPHHS in reducing poverty? Mr. Chappius said that that is an area that he is not familiar with but that he assures Sen. Juneau that the department will be open to suggestions in working with the Family Economic Security Council.

REP. DUTTON asked if the changes in BHIF will address the mentally ill and addictive offenders. Joyce DeCunzo, AMDD, said that that is a big initiative in AMDD and they are working hard to help their providers provide both chemical dependency and mental health services to those that they serve.

TAPE 3A
PART 2

00:00:39

SJR 5: Emergency Medical Services - Sue O'Connell

Ms. O'Connell gave a brief overview of SJR 5 (**EXHIBIT 8**). She also talked about the ongoing audit of the EMS and Trauma System Section by the Legislative Audit Division (**EXHIBIT 9**).

QUESTIONS

SEN. JUNEAU asked if they are including emergency medical services that are provided by tribes in the study and could they add that specifically to SJR 15.

00:05:07

\$200,000 MENTAL HEALTH STUDY APPROPRIATION - Sue O'Connell

Ms. O'Connell talked about the \$200,000 Appropriation for Interim Study of Mental Health (**EXHIBIT 10**).

SEN. WEINBERG explained his Senate Joint Resolution 27 from the regular session and his reasons for wanting a study that uses the fund, to hire a company that could research ways to maximize funds for Montanan's mental health system and look for ways to improve its operations.

REP. SANDS **moved** to ask Legislative Council that it approve a contracted study of mental health as recommended in Option A of the Decision Points document (**EXHIBIT 10**) and that the Legislative Council assign the study to the Children and Families Interim Committee. The motion **passed** unanimously.

MS. O'CONNELL said that she will draft a letter for Rep. Clark's signature to Legislative Council letting them know of their action today.

00:21:35

SJR 15 - Study of Impacts of Certain Services on Health-Care Delivery - Sue O'Connell

Ms. O'Connell discussed the draft work plan for SJR 15, Study of Impacts of Certain Services on Health-Care Delivery, prepared by Pat Murdo (**EXHIBIT 11**).

DISCUSSION

SEN. WEINBERG said that he wants to hear what the benefit would be to share the study with another committee and forming a subcommittee. He would like

the committee to do SJR 15 alone.

SEN. LAIBLE said that he is leaning in the direction of combining SJR 15 and HJR 48 in a subcommittee.

REP. HENRY asked if the committee would have to do both studies. Rep. Clark said that it is the decision of the committee and she is looking for the committee's input and the input of the public, then form a decision of how the committee wanted to proceed. Rep. Henry recommended a joint subcommittee with Economic Affairs.

REP. SANDS asked how this impacts staff time in terms of study. Ms. O'Connell said that this session Pat Murdo has a committee with no studies assigned to it and that she has become involved in the HJR 48 study, which is handled by Economic Affairs, and because there will so many overlapping research issues she is also assigned to SJR 15. If the committee decides to appoint members to a subcommittee for HJR 48, the committee will still need to take some money out of the committee budget to help fund those subcommittee meetings. The policy question for the committee to decide is if they want to participate in a subcommittee, because even with just one study, there will be some money that needs to be allocated out of the budget for that participation.

REP. DUTTON said that there is a possibility that they could get funding to expand or fund what we need to do from the Robert Wood Johnson Foundation (**EXHIBIT 12A**). The focus of the Foundation is on changes in health care financing and organization and that might be a way that additional funding could be obtained. Rep. Dutton mentioned that SJR 15 has two parts to it. Part (3)(a) through (d) is one study that is addressed in the guideline but (e) through (i) is almost a separate study. He see those falling more into HJR 48. It is important to him that items (e) through (i) be addressed either by assigning them to a joint committee that would study HJR 48 and incorporate them or to expand the work plan that's been outlined. He handed out the document "An Inconvenient Financial Truth - Healthcare Costs Endanger U.S. Financial Stability (**EXHIBIT 12B**)" for the committee to read. Rep. Dutton said that he would like to look at ways that health care can be more affordable, to make the delivery system more efficient.

PUBLIC COMMENT

00:39:14

JEROME ANDERSON, Yellowstone Physicians Associates and the Montana Orthopedic Society, said that they support a joint subcommittee studying both SJR 15 and HJR 48 that would be staffed by a staff person from the Legislative Service Division and would consist of four members from the Economic Affairs Committee and four members from Children and Families Committee. He said that these studies would be separate studies but handled in a manner as been noted by Pat Murdo in the draft work plan for SJR 15; scheduling can be done to coincide with either main committee or can be completely separate; and participation by members from two committees expands the expertise. He would urge the committee to go forward and go along with the Economic Affairs Committee that unanimously voted to have the joint committee established.

JOHN FLINK, Montana Hospital Association, said that they offer assistance to help make interim studies as effective as they can be. The MHA believes that SJR 15 should not be assigned to a joint subcommittee. Because of the complexity of the issues that are raised, these studies should remain separate, and that this committee should undertake the SJR 15 study.

CLAUDIA CLIFFORD, Advocacy Director of AARP of Montana, urges the committee's participation of HJR 48 and that she would recommend that that be the only study done jointly because not only are they complicated studies, but the Economic Affairs Committee has reached out to this committee for expertise on the public programs of Medicaid, CHIP and the other health care programs.

JANI MCCALL, Billings Clinic, supports all three study resolutions. From Billings Clinic perspective, she said that she believes that the two studies should be done separately. She said that she has the pleasure of representing Sen. Kim Gillan who sponsored SJR 15 and could not be at the meeting. Sen. Gillan wanted her to indicate to the committee that she strongly desires that the SJR 15 study remain independent and with this committee.

CORY SWANSON, Montana Orthopedic Society and Yellowstone Physician Alliance, said that to achieve solutions you must look at the whole health care issue in a unified manner. He said that we cannot ignore the issue of uncompensated care which is central to HJR 48. If this committee decides to participate in the joint subcommittee on HJR 48, it is his understanding that Economic Affairs offered the joint committee on the condition that it was both studies together. He said that in terms of moving forward, taking a look at this issue together in a holistic view is probably the best approach if they expect to have meaningful solutions come out for the 2009 session.

SEN. WEINBERG **moved** to keep SJR 15 in the CFHHS Interim Committee.

SEN. LAIBLE said that if you are going to look at providing health insurance for all citizens of the state, one of the things you are going to have to do at the same time is look at the costs and the delivery system of how medical services are provided. You can't do one without the other and if we do, we are going to end up with two pieces of legislation that don't try to interface with one another. Sen. Laible **moved** for a **substitute motion** to have one subcommittee or two subcommittees to study the two issues separately but at the same meetings with the subcommittees composed of members from both Economic Affairs and CFHHS Interim Committees.

REP. CLARK said that she would entertain withdrawal of both motions and begin again. Sen. Laible **withdrew** his substitute motion. Sen. Weinberg also **withdrew** his motion.

SEN. WEINBERG **moved** that SJR 15 be the sole responsibility of the Children and Families Interim Committee and that HJR 48 be the responsibility of a joint subcommittee made up of members from the Economic Affairs and Children and

Families Interim Committees. The motion **passed** with Sen. Laible and Sen. Murphy opposing. Sen. Laible, Rep. Dutton, Rep. Sands, and Sen. Juneau volunteered be the subcommittee's members.

Rep. Dutton **moved** that Pat Murdo expand the draft study plan to include items (e) through (i). The motion **carried** unanimously.

TAPE 4A

SEN. Weinberg **moved** that a letter from this committee regarding the unbundling of services for children's mental health be sent to the Congressional delegation, that Ms. O'Connell send the draft letter to the committee for their review before it is sent. The motion **carried** unanimously.

REP. CLARK asked Ms. McCall to work with Ms. O'Connell on the drafting of that letter and that Ms. O'Connell email the draft letter to the members of the committee for approval.

01:32:55

OTHER TOPICS OF INTEREST

MS. O'CONNELL drew the committee's attention to pages 7 and 8 of the draft Work Plan that lists several topics of interest that the committee might want to follow during the interim and if they were interested, decide what kind of information they would like for presentation by the staff or at a meeting.

REP. SANDS said that she would be interested in hearing about the development of the Community Health Center grant program from the state's point of view.

REP. DUTTON **moved** to direct staff to investigate opportunities for submitting a proposal to the Robert Wood Johnson Foundation on behalf of either committee for funding or for additional experts to be brought in. The motion **carried** unanimously.

SEN. Weinberg said that at a later date he would like to revisit the issue of transportation of mentally ill people from our communities to the State Hospital.

SEN. JUNEAU said that she is interested in staying in touch with suicide, CHIP, healthcare workers, and TANF issues. She said that there is a need for a discussion about health care for Indians because there is a perception that Indians get free health care.

SEN. MURPHY **moved** to accept the suggested schedule of meetings. The motion **carried** unanimously.

REP. DUTTON said that he had a conflict on the meeting scheduled for June 6, 2008. Rep. Clark asked that staff look into another date and firm that date in the September meeting.

SUE O'CONNELL asked the committee to adopt each of the draft study plans and the draft work plan, that would help staff move forward. Rep. Dutton has

already made a change to the SJR 15 study plan; Sen. Juneau mentioned a change to the emergency medical services.

REP. SANDS **moved** the adoption of the work plans as amended. The motion **carried** unanimously.

01:52:55

PUBLIC COMMENT

ANITA ROESMANN, Montana Advocacy Program, said that the committee has the registration for the 18th Annual McQuire Memorial Conference on Family Violence. She said that Bruce Perry is featured at the conference and is the leading expert in the world as head of the Child Trauma Institute in Texas on how child neglect as well as violence against children and violence in homes affects children and their brain development. She also said that she would provide information on PTSD to the staff.

JIM MCLEAN, Physical Therapist, Frenchtown, Montana, distributed his memo to the committee (**EXHIBIT 13**). He said that one of the issues that the committee will be looking at is the issue of physician self-referral. He encouraged the committee to study that issue carefully and he would offer the services of his office and the State Physical Therapy Association.

01:59:59

MS. O'CONNELL said the Legislative Audit Division gave the committee a summary on their initial look into Montana State Hospital admissions which they wanted to share (**EXHIBIT 14**).

02:00:27

ADJOURNMENT

REP. CLARK adjourned the meeting at 3:00 p.m. The next meeting will be held on September 24, 2007.

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