

## MINUTES

### MONTANA HOUSE OF REPRESENTATIVES 63rd LEGISLATURE - REGULAR SESSION

#### JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

**Call to Order:** Chair Ron Ehli, on January 18, 2013 at 8:00 AM, in Room 102 Capitol

#### ROLL CALL

**Members Present:**

Rep. Ron Ehli, Chair (R)  
Rep. Dave Hagstrom (R)  
Rep. Pat Noonan (D)  
Sen. Roger Webb (R)

**Members Excused:** Sen. Priest, Vice Chair (R)  
Sen. Caferro (D)

**Members Absent:** None

**Staff Present:** Sara Andersen, Committee Secretary  
Marilyn Daumiller, Legislative Branch  
Rob Miller, Legislative Branch  
Lois Steinbeck, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:** Management and Fair Hearings, Business and Financial Services Division, and Quality Assurance Division  
Hearing Public Testimony on Management and Fair Hearings, Business and Financial Services Division and Quality Assurance Division.

00:25:38 Chairman Ehli  
00:28:39 Sen. Caffero entered the meeting.  
00:28:52 Marilyn Daumiller, Legislative Fiscal Division, LFD  
00:29:24 Chairman Ehli

**Technical Services Division**

00:30:11 Ron Baldwin, Administrator, Technical Services Division, Department of Public Health and Human Services (DPHHS)  
00:31:03 Chairman Ehli  
00:31:31 Mr. Baldwin, DPHHS  
00:32:44 Chairman Ehli  
00:33:27 Mr. Baldwin, DPHHS  
00:33:37 Chairman Ehli  
00:33:40 Mr. Baldwin, DPHHS  
00:33:59 Chairman Ehli  
00:34:29 Mr. Baldwin, DPHHS  
00:35:51 Chairman Ehli  
00:35:58 Mr. Baldwin, DPHHS

**EXHIBIT(jhh10a01)**

00:36:02 Chairman Ehli  
00:36:10 Mr. Baldwin, DPHHS  
00:36:27 Chairman Ehli  
00:36:42 Mr. Baldwin, DPHHS  
00:37:10 Chairman Ehli  
00:37:14 Sen. Webb  
00:37:44 Mr. Baldwin, DPHHS  
00:38:57 Sen. Webb  
00:39:25 Mr. Baldwin, DPHHS  
00:40:16 Chairman Ehli  
00:40:22 Mr. Baldwin, DPHHS  
00:41:25 Sen. Webb  
00:41:46 Mr. Baldwin, DPHHS  
00:42:25 Chairman Ehli  
00:42:30 Sen. Caffero  
00:43:18 Mr. Baldwin, DPHHS  
00:44:36 Sen. Caffero  
00:45:20 Mr. Baldwin, DPHHS  
00:46:31 Sen. Caffero  
00:46:42 Mr. Baldwin, DPHHS  
00:46:48 Sen. Caffero  
00:47:07 Mr. Baldwin, DPHHS  
00:48:50 Sen. Caffero  
00:49:32 Mr. Baldwin, DPHHS  
00:49:44 Ms. Daumiller, LFD  
00:50:21 Mr. Baldwin, DPHHS  
00:50:31 Chairman Ehli  
00:50:34 Sen. Webb  
00:50:54 Mr. Baldwin, DPHHS  
00:51:04 Sen Webb

00:51:07 Mr. Baldwin, DPHHS  
 00:52:33 Sen. Webb  
 00:52:40 Mr. Baldwin, DPHHS  
 00:54:30 Chairman Ehli  
 00:54:38 Sen. Caffero  
 00:55:31 Mr. Baldwin, DPHHS  
 00:56:10 Sen. Caffero  
 00:56:25 Mr. Baldwin, DPHHS  
 00:56:34 Sen. Caffero  
 00:56:45 Richard Opper, Director, Public Health and Human Services (DPHHS)  
 00:57:57 Chairman Ehli  
 00:58:24 Mr. Baldwin, DPHHS  
 00:58:45 Chairman Ehli  
 00:58:59 Mr. Baldwin, DPHHS  
 00:59:06 Chairman Ehli  
 00:59:15 Mr. Baldwin, DPHHS  
 00:59:48 Sen. Caffero  
 01:00:44 Chairman Ehli  
 01:00:57 Sen. Caffero  
 01:01:08 Chairman Ehli  
 01:01:26 Mr. Opper, DPHHS  
 01:01:41 Chairman Ehli

#### **Public Testimony for Health and Resource Division**

01:03:01 Terri Minow, Montana Education Association, National Education Association (MEA-MFT)  
 01:03:30 Chairman Ehli  
 01:03:40 Bob Olson, Montana Hospital Association  
**EXHIBIT(jhh10a02)**  
 01:14:26 Chairman Ehli  
 01:14:49 Kathy McGowan, Western Montana Mental Health Center, Center for Mental Health, Eastern Montana Mental Health Center  
 01:17:43 Chairman Ehli  
 01:18:07 Claudia Clifford, Advocacy Director, American Association of Retired Persons, (AARP)  
**EXHIBIT(jhh10a03)**  
 01:22:51 Chairman Ehli

#### **Management and Fair Hearings Program Discussion**

01:24:39 Lori Lamson, Branch Manager, Operation Services Branch, Department of Public Health and Human Services (DPHHS)  
**EXHIBIT(jhh10a04)**  
 01:35:48 Chairman Ehli  
 01:36:08 Ms. Daumiller, LFD  
 01:38:26 Ms. Lamson, DPHHS  
 01:40:41 Ms. Daumiller, LFD  
 01:41:50 Ms. Lamson, DPHHS  
 01:42:44 Chairman Ehli

01:42:54 Ms. Daumiller, LFD

**EXHIBIT(jhh10a05)**

01:44:45 Rep. Noonan

01:45:37 Bridgett Erickson, Office of Fair Hearings, Quality Assurance Division  
Department of Public Health and Human Services (DPHHS)

01:45:51 Rep. Noonan

01:46:16 Ms. Erickson, DPHHS

01:47:37 Rep. Noonan

01:48:02 Ms. Erickson, DPHHS

01:49:43 Rep. Noonan

01:49:51 Ms. Erickson, DPHHS

01:50:02 Rep. Noonan

01:50:41 Ms. Erickson, DPHHS

01:51:14 Rep. Noonan

01:51:37 Chairman Ehli

01:51:47 Sen. Webb

01:51:58 Ms. Erickson, DPHHS

01:52:51 Chairman Ehli

01:53:08 Ms. Daumiller, LFD

**EXHIBIT(jhh10a06)**

01:55:27 Chairman Ehli

01:55:36 Ms. Daumiller, LFD

01:55:50 Chairman Ehli

**Business and Financial Services Division**

01:57:05 Chairman Ehli

01:57:18 Marie Matthews, Administrator, Business and Financial Services Division,  
Department of Public Health and Human Services (DPHHS)

**EXHIBIT(jhh10a07)**

02:19:09 Chairman Ehli

02:19:14 Ms. Matthews, DPHHS

02:19:26 Chairman Ehli

02:19:29 Rep. Hagstrom

02:19:55 Ms. Matthews, DPHHS

02:20:59 Chairman Ehli

02:21:06 Ms. Daumiller, LFD

02:24:01 Ms. Matthews, DPHHS

02:24:51 Mr. Opper, DPHHS

02:25:27 Ms. Daumiller, LFD

02:28:29 Chairman Ehli

02:29:00 Ms. Matthews, DPHHS

02:29:31 Chairman Ehli

02:30:02 Mr. Opper, DPHHS

02:31:05 Chairman Ehli

02:31:34 Recessed

02:52:15 Reconvened

**Quality Assurance Division Presentation**

02:52:46 Roy Kemp, Interim Division Administrator, Quality Assurance Division,  
Department of Public Health and Human Services (DPHHS)

**EXHIBIT(jhh10a08)**

03:11:51 Chairman Ehli  
03:11:59 Sen. Caffero  
03:12:44 Mr. Kemp, QAD  
03:13:09 Jeff Buska, Administrator, Quality Assurance Division, Department of Public  
Health and Human Services (DPHHS)

03:16:39 Sen. Caffero  
03:17:23 Mr. Buska, DPHHS  
03:18:36 Sen. Caffero  
03:18:46 Mr. Buska, DPHHS  
03:18:56 Sen. Caffero  
03:20:46 Mr. Opper, DPHHS  
03:21:28 Ms. Lamson, DPHHS  
03:21:55 Sen. Caffero  
03:22:14 Rep. Noonan  
03:22:54 Mr. Buska, DPHHS  
03:23:33 Mr. Kemp, DPHHS  
03:24:40 Rep. Noonan  
03:25:11 Mr. Buska, DPHHS  
03:26:32 Rep. Noonan  
03:27:06 Mr. Buska, DPHHS  
03:27:17 Mr. Kemp, DPHHS  
03:28:07 Rep. Noonan  
03:29:14 Mr. Kemp, DPHHS  
03:30:18 Chairman Ehli  
03:30:32 Ms. Daumiller. DPHHS  
03:38:21 Chairman Ehli  
03:38:36 Rep. Noonan  
03:39:00 Chairman Ehli  
03:39:04 Rep. Noonan  
03:39:13 Mr. Kemp, DPHHS  
03:41:27 Chairman Ehli  
03:41:38 Sen. Webb  
03:41:58 Mr. Kemp, DPHHS  
03:43:00 Chairman Ehli  
03:43:22 Mr. Kemp, DPHHS  
03:43:48 Ms. Lamson, DPHHS  
03:44:43 Chairman Ehli  
03:45:16 Mr. Kemp, DPHHS  
03:47:02 Chairman Ehli  
03:47:16 Mr. Kemp, DPHHS  
03:47:26 Chairman Ehli  
03:47:42 Mr. Opper, DPHHS  
03:48:00 Chairman Ehli  
03:48:27 Ms. Daumiller, LFD

03:49:12 Ms. Lamson, DPHHS  
03:49:51 Chairman Ehli  
03:49:59 Ms. Lamson, DPHHS  
03:50:19 Marie Matthews, Administrator, Department of Business and Financial Services,  
Department of Public Health and Human Services (DPHHS)  
03:50:47 Chairman Ehli  
03:50:52 Sen. Caffero  
03:51:58 Mr. Kemp, DPHHS  
03:53:44 Sen. Caffero  
03:54:13 Mr. Kemp, DPHHS  
03:55:15 Chairman Ehli  
03:56:50 Mr. Kemp, DPHHS  
  
04:06:13 Recessed  
04:12:52 Reconvened

### Executive Action

#### Decision Package 50

04:13:08 **Motion/Vote:** Rep. Ehli moved that **DECISION PACKAGE 50- To apply fixed cost rates and inflation/deflation as adopted by general government and natural resources and transportation joint subcommittees and adopt the resulting expenditures and funding. Also move to have the staff report back on the adjustments to expenditures and funding of the action on each agency program and move to have adopted by the entire department rather than each individual agency BE ADOPTED.** Motion carried unanimously by roll call vote. Sen. Priest voted by Proxy.

#### Discussion:

04:14:11 Rep. Noonan  
04:14:47 Chairman Ehli  
04:15:35 Rep. Noonan  
04:15:48 Chairman Ehli  
04:16:26 Sen. Caffero  
04:16:34 Chairman Ehli  
04:16:41 Sen. Caffero  
04:16:51 Chairman Ehli  
04:16:55 Ms. Daumiller, LFD  
04:17:30 Sen. Caffero  
04:17:36 Ms. Daumiller, LFD  
04:17:55 Chairman Ehli  
04:19:35 Ms. Daumiller, LFD

**Decision Package 8002**

04:20:36 **Motion:** Rep. Ehli to approve **Decision Packet 8002 - RECOVERY AUDIT CONTRACTOR PROGRAM PERMANENCY** - The executive requests funding to replace the OTO 1.00 FTE provided las session with a contract to provide monitoring and reporting on the contract, collections and payments for the federally required Recovery Audit Program established in the 2011 sessin via a legislative language appropriation. This request is funded state special and 50% state special and 50% federal fund matching rate.

04:20:50 Ms. Daumiller, LFD

**Discussion:**

04:21:48 Rep. Noonan

04:22:00 Chairman Ehli

04:22:07 **Vote:** Motion carried 5-1 by roll call vote with Sen. Caferro voting no. Sen. Priest voted by proxy.

**Decision Package 8005**

**Discussion:**

04:23:30 Rep. Noonan

04:23:49 Chairman Ehli

04:24:52 Ms. Daumiller, LFD

04:25:01 Rep. Noonan

04:25:30 Ms. Daumiller, LFD

04:25:33 **Motion:** Sen. Webb moved to approve **Decision Packet 8005 - Survey Federal Compliance** - This proposal is a request for 2.0 Full Time Employee and Title 18, Medicare federal funds for the 2015 biennium. this request is made to meet federal requirements for the survey and certification of health care and nursing facilities in Montana as required under Section 1864 of the Social Security Act agreement and the Centers for Medicare & Medicaid Services (CMS) contract.

**Discussion:**

04:25:38 Chairman Ehli

04:26:16 Ms. Daumiller, LFD

04:26:27 Chairman Ehli

04:27:04 Rep. Noonan

04:27:33 Ms. Daumiller, LFD

04:27:58 Ms. Steinbeck, LFD

04:28:33 Chairman Ehli

04:28:48 Sen. Webb withdrew motion to approve **Decision Packet 8005 - Survey Federal Compliance.**

04:29:02 Ms. Daumiller, LFD  
04:29:33 Chairman Ehli  
04:29:54 Ms. Daumiller, LFD  
04:30:02 Chairman Ehli  
04:30:29 Sen. Caffero

**ADJOURNMENT**

Adjournment: 04:31:04

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Sara Andersen, Secretary

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Additional Documents:

**EXHIBIT([jhh10aad.pdf](#))**