

MINUTES

MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS, LABOR, AND ECONOMIC AFFAIRS

Call to Order: Chair Steve Fitzpatrick, on February 1, 2019 at 8:30 AM, in Room 422 Capitol

ROLL CALL

Members Present:

Sen. Steve Fitzpatrick, Chair (R)
Sen. Dee Brown, Vice Chair (R)
Sen. Sue Malek, Vice Chair (D)
Sen. Carlie Boland (D)
Sen. Jason W. Ellsworth (R)
Sen. Terry Gauthier (R)
Sen. Jason D. Small (R)
Sen. Frank Smith (D)
Sen. Gordon Vance (R)
Sen. Gene Vuckovich (D)

Members Excused: None

Members Absent: None

Staff Present: Linda Keim, Committee Secretary
Jameson Walker, Legislative Services Division

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:

Hearing & Date Posted: SB 71, 1/25/2019; SB 106, 1/25/2019

08:29:34 Chairman Fitzpatrick

HEARING ON SB 71

Opening Statement by Sponsor:

08:30:33 Sen. Albert Olszewski (R), SD 6, opened the hearing on SB 71. Regulate health insurers' administration of pharmacy benefits for consumers.

[EXHIBIT\(bus20a01\)](#)

Proponents' Testimony:

08:31:49 Matt Rosendale, Office of the Commissioner of Securities and Insurance, State Auditor (CSI)

08:37:54 Kris Hansen, chief legal counsel, CSI

[EXHIBIT\(bus20a02\)](#)

08:45:34 Janelle Williams, attorney, CSI

08:48:18 Derek Oestreicher, attorney, CSI

08:52:57 Marilyn Bartlett, special projects coordinator, CSI

08:59:20 Ryan Rice, Prism Health Strategists

[EXHIBIT\(bus20a03\)](#)

09:08:01 Rory Johnson, chair, Montana Pharmacy Association

09:11:17 Al Smith, Montana Trial Lawyers Association

09:13:18 Marc Whittacre, physician, ophthalmologist, Havre

09:16:58 Sarah McKinney, city council; Community Health Center board, Havre

09:18:47 Dennis Iverson, Pharmaceutical Research and Manufacturers of America

09:20:14 Shane Scanlon, GalaxcoSmithKline Company

09:20:38 Byron Mickle, Navitus Health Solutions

09:23:09 Judy Tankink, retired, self

09:23:53 Rudolf Tankink, retired, self

09:24:26 Richard Ashley, self

09:24:50 Lori Fearon, independent health consultant, Payne West Insurance

Opponents' Testimony:

09:25:49 Sean Slanger, America's Health Insurance Plans

09:33:55 Richard Miltenberger, chief executive, Montana Health CO-OP

09:37:48 Jennifer Hensley, PacificSource Health Plans (PSHP)

[EXHIBIT\(bus20a04\)](#)

[EXHIBIT\(bus20a05\)](#)

09:45:51 Bruce Spencer, Express Scripts, Incorporated (ESI)

[EXHIBIT\(bus20a06\)](#)

10:03:03 David Root, Prime Therapeutics

[EXHIBIT\(bus20a07\)](#)

Informational Testimony: None

Questions from Committee Members and Responses:

10:14:30 Sen. Ellsworth
 10:15:50 Mr. Rosendale, CSI redirect
 10:16:32 Mr. Oestreicher, CSI
 10:18:26 Sen. Ellsworth
 10:19:40 Mr. Spencer, ESI
 10:19:53 Sen. Brown
 10:20:25 Ms. Bartlett, CSI
 10:22:15 Sen. Brown
 10:25:30 Mr. Rosendale
 10:25:49 Sen. Malek
 10:30:19 Mr. Spencer
 10:31:04 Sen. Malek
 10:32:21 Ms. Hensley, PSHP
 10:35:04 Sen. Malek
 10:35:59 Mr. Root, Prime
 10:36:45 Sen. Malek
 10:37:07 Mr. Mickle, Navitus
 10:38:20 Sen. Gauthier
 10:40:31 Mr. Rosendale
 10:40:49 Sen. Small
 10:42:23 Ms. Hansen, CSI
 10:42:46 Sen. Ellsworth
 10:44:00 Mr. Root redirect
 10:44:23 Mr. Spencer
 10:45:25 Sen. Ellsworth
 10:46:29 Mr. Root
 10:46:37 Sen. Malek
 10:48:49 Ms. Bartlett

Closing by Sponsor:

10:49:13 Sen. Olszewski
 10:53:16 Chairman Fitzpatrick
 10:54:06 Recess
 10:59:11 Reconvene

HEARING ON SB 106

Opening Statement by Sponsor:

10:59:23 Sen. Jason Small (R), SD 21, opened the hearing on SB 106. Revise laws related to psychologists' prescriptive authority.

Proponents' Testimony:

11:01:37 Dr. Earl Sutherland, licensed psychologist in Montana and New Mexico, Bighorn Valley Health Center

EXHIBIT(bus20a08)

11:06:19 Rep. Jonathan Windy Boy, HD 32

- 11:09:25 Colleen White, attorney, Department of Labor and Industry
- 11:11:46 Dr. David Mark, CEO, physician, Bighorn Valley Health Center (BVHC)
- 11:16:21 Dr. Michael Butz, licensed psychologist, Billings

EXHIBIT(bus20a09)

- 11:22:25 Dr. Michael Tilus, practicing clinical and prescribing psychologist, BVHC

EXHIBIT(bus20a10)

- 11:23:14 Dr. Lori Byron, pediatrician, Crow Agency, American Board of Pediatrics (ABP)
- 11:24:31 Dr. Robert Byron, physician, BVHC
- 11:26:12 Connie Winner, Clinical Service Division administrator, Department of Corrections
- 11:26:43 Marti Wangen, executive director, Montana Psychological Association; American Psychological Association
- 11:27:16 Stacey Anderson, policy director, Montana Primary Care Association

Opponents' Testimony:

- 11:29:41 Dr. Leonard Lantz, pediatric psychiatrist; board member, Montana Psychiatric Association (MPA)

EXHIBIT(bus20a11)

- 11:34:53 Dr. Thomas Hoffman, forensic child psychiatrist, American Academy of Child and Adolescent Psychiatry

EXHIBIT(bus20a12)

- 11:36:35 Dr. Krista David, psychiatrist, Montana Psychiatric Association

EXHIBIT(bus20a13)

- 11:39:31 Dr. Blair Davison, pediatric psychiatrist, Montana Psychiatric Association (MPA)
- 11:44:42 Jean Branscum, CEO, Montana Medical Association
- 11:49:38 Al Smith, Montana Trial Lawyers Association

Informational Testimony: None

Questions from Committee Members and Responses:

- 11:15:52 Sen. Brown
- 11:16:08 Mr. Mark, BVHC
- 11:51:12 Sen. Brown
- 11:51:36 Ms. Branscum, MMA deferred
- 11:51:46 Sen. Brown
- 11:52:34 Mr. Lantz, MPA
- 11:53:57 Sen. Malek
- 11:55:09 Ms. Davison, MPA
- 11:57:29 Sen. Malek
- 11:59:55 Mr. Tilus, BVHC
- 12:01:33 Sen. Malek
- 12:02:49 Sen. Small
- 12:03:34 Sen. Ellsworth
- 12:05:47 Ms. L. Byron, ABP
- 12:06:16 Sen. Smith

12:09:40 Ms. Davison
12:11:55 Sen. Gauthier
12:12:00 Mr. R. Byron, BVHC

Closing by Sponsor:

12:12:42 Sen. Small

12:14:03 Chairman Fitzpatrick

ADJOURNMENT

Adjournment: 12:14 PM

Linda Keim, Secretary

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Additional Documents:

EXHIBIT([bus20aad.pdf](#))