

## MINUTES

### MONTANA SENATE 66th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

**Call to Order:** Chair David Howard, on February 18, 2019 at 3:00 PM, in Room 317  
Capitol

#### ROLL CALL

**Members Present:**

Sen. David Howard, Chair (R)  
Sen. Jen Gross, Vice Chair (D)  
Sen. Cary Smith, Vice Chair (R)  
Sen. Steve Hinebauch (R)  
Sen. Bob Keenan (R)  
Sen. Sue Malek (D)  
Sen. Mary McNally (D)  
Sen. Albert Olszewski (R)  
Sen. Diane Sands (D)  
Sen. Jason D. Small (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Julie Emge, Committee Secretary  
Corina Hach, 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:**

Hearing & Date Posted: SB 235, 2/13/2019

Executive Action: HB 69 - TABLED  
SB 214 - TABLED  
SB 216 - DO PASS

**Committee Business:**

15:03:04 Chair Howard

15:03:44 Chair Howard left the hearing and turned the duties of the Chair over to Vice Chair Smith.

**HEARING ON SB 235**

**Opening Statement by Sponsor:**

15:04:05 Sen. Mary McNally (D), SD 24, opened the hearing on SB 235, Revise over-payment audit procedures related to medicaid providers.

**Proponents' Testimony:** None

**Opponents' Testimony:**

15:08:37 Alan Garver, executive director, Montana Dental Association (MDA)

**Informational Testimony:**

15:11:37 Amber Robbins, senior performance auditor, Legislative Audit Division (LAD)

**Questions from Committee Members and Responses:**

15:12:06 Sen. Malek

15:12:27 Ms. Robbins, LAD

15:12:55 Sen. Gross

15:14:11 Ms. Robbins

**EXHIBIT(phs34a01)**

15:14:23 Sen. Malek

15:16:07 Mr. Garver, MDA

15:16:55 Chair Smith

15:19:55 Sen. Malek

15:20:09 Sen. Olszewski

15:20:53 Sen. Keenan

15:21:19 Ms. Robbins

15:21:36 Sen. Keenan

**Closing by Sponsor:**

15:21:54 Sen. McNally

**EXECUTIVE ACTION ON HB 69**

15:23:27 **Motion:** Sen. Gross moved that **HB 69 BE CONCURRED IN.**

**Discussion:**

15:23:41 Sen. Gross

15:25:21 Sen. Olszewski

15:26:39 Chair Smith

15:26:47 Sen. Sands entered the hearing.

15:26:50 Sen.Olszewski  
 15:28:07 Sen. Gross  
 15:28:31 Sen. Sands  
  
 15:29:33 Sen. Howard entered the hearing.  
  
 15:29:43 Sen. Gross  
 15:29:47 Sen. Sands  
 15:30:02 Chair Smith  
 15:30:07 Sen. Keenan  
 15:30:34 Sen. Sands  
 15:30:40 Sen. Malek  
 15:33:07 Sen. McNally  
 15:34:30 Sen. Sands  
 15:35:47 Sen. Olszewski  
  
 15:37:02 **Vote:** Motion failed 4-6 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally and Sen. Sands voting aye.

**Discussion:**

15:37:45 Sen. Sands  
 15:37:47 Sen. Howard  
 15:37:50 Sen. Keenan  
 15:38:01 Chair Smith  
 15:38:08 Sen. Howard  
 15:38:10 Chair Smith  
 15:38:17 Sen. Howard  
  
 15:38:19 **Motion/Vote:** Sen. Sands moved that **HB 69 BE TABLED**. Motion carried unanimously by voice vote.  
  
 15:38:37 Sen. Howard resumed the position of the Chair.

**EXECUTIVE ACTION ON HB 86**

15:38:49 **Motion:** Sen. C. Smith moved that **HB 86 BE CONCURRED IN**.

**Discussion:**

15:39:04 Sen. Olszewski  
 15:40:00 Sen. Sands  
 15:41:36 Sen. Keenan  
 15:41:51 Sen. Sands  
 15:42:47 Sen. Gross  
 15:43:30 Sen. Smith  
 15:45:01 Sen. Hinebauch  
 15:45:31 Chair Howard  
  
 15:46:51 **Motion:** Sen. Sands moved that **HB 86 BE AMENDED**.  
**EXHIBIT(phs34a02)**

**Discussion:**

15:47:06 Cori Hach, staff attorney, Legislative Services Division (LSD)  
15:47:25 Sen. Sands  
15:47:53 Sen. Malek  
15:49:05 Sen. Sands  
15:49:06 Chair Howard

15:49:12 **Substitute Motion/Vote:** Sen. Sands made a substitute motion to **STRIKE FROM AMENDMENT HB008601.ACH, "OR A NATUROPATHIC PHYSICIAN" ON PAGE 3, LINE 13 AND ON PAGE 3, LINE 17 THROUGH LINE 18, AND TO ADD "PROHIBITING NATUROPATHIC PHYSICIANS FROM PRESCRIBING SCHEDULED DRUGS" IN THE TITLE.**

**Discussion:**

15:49:59 Ms. Hach, LSD  
15:50:31 Sen. Sands  
15:50:32 Chair Howard  
15:51:03 Sen. Sands  
15:51:06 Chair Howard  
15:51:28 Sen. Olszewski  
15:53:26 Sen. Gross  
15:54:43 Ms. Hach  
15:55:33 Sen. Gross  
15:55:55 Sen. Olszewski  
15:56:04 Chair Howard  
15:56:06 Sen. Gross  
15:56:12 Chair Howard  
15:56:19 Sen. Gross  
15:56:22 Sen. Smith  
15:57:00 Sen. Sands  
15:57:13 Chair Howard

15:57:27 Without objection, Sen. Sands withdrew her motions.

15:57:43 Sen. Keenan  
15:58:07 Chair Howard  
15:58:11 Sen. Hinebauch  
15:58:15 Sen. Malek  
15:58:19 Chair Howard  
15:58:25 Ms. Hach  
15:58:43 Chair Howard  
15:58:46 Ms. Hach  
15:58:50 Chair Howard

15:58:54 Without objection, Sen. Smith withdrew the **BE CONCURRED IN** motion.

**Discussion:**

15:59:10 Sen. Keenan  
15:59:19 Ms. Hach  
15:59:22 Sen. Keenan

15:59:26 **Motion/Vote:** Sen. Olszewski moved to **DRAFT A COMMITTEE BILL TO PROHIBIT THE PRESCRIPTION OF SCHEDULE 1-5 NARCOTICS BY NATUROPATHS**. Motion carried 9-1 by voice vote with Sen. Hinebauch voting no.

**Discussion:**

16:00:08 Sen. Olszewski  
16:00:31 Chair Howard  
16:00:43 Sen. Sands

**EXECUTIVE ACTION ON SB 214**

16:01:08 **Motion:** Sen. C. Smith moved that **SB 214 DO PASS**.

**Discussion:**

16:01:21 Sen. Gross  
16:02:38 Sen. Olszewski  
16:05:24 Sen. Sands  
16:05:57 Chair Howard  
16:06:04 Sen. Sands  
16:06:14 Sen. Olszewski  
16:07:01 Sen. Gross  
16:09:06 Sen. Hinebauch  
16:10:39 Sen. Olszewski  
16:11:47 Sen. Sands

16:15:25 Sen. Gross left the hearing.

16:15:46 Chair Howard

16:15:51 **Motion/Vote:** Sen. Keenan moved that **SB 214 BE TABLED**. Motion carried 7-3 by roll call vote with Sen. Gross, Sen. Malek and Sen. Olszewski voting no. Sen. Gross voted by proxy.

**EXECUTIVE ACTION ON SB 216**

16:16:58 **Motion/Vote:** Sen. C. Smith moved that **SB 216 DO PASS**. Motion carried 6-4 by roll call vote with Sen. Gross, Sen. Malek, Sen. McNally and Sen. Sands voting no. Sen. Gross voted by proxy.

**Committee Business:**

16:19:37 Chair Howard  
16:20:04 Sen. Sands  
16:20:21 Sen. Smith  
16:20:27 Sen. Sands  
16:20:30 Chair Howard  
16:20:32 Sen. Sands  
16:20:34 Chair Howard  
16:20:45 Sen. Olszewski  
16:20:47 Chair Howard

16:21:24 Sen. Sands  
16:21:34 Chair Howard

**ADJOURNMENT**

Adjournment: 4:21 PM

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Julie Emge, Secretary

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Additional Documents:

**EXHIBIT([phs34aad.pdf](#))**