



Children, Families, Health, and Human Services Interim Committee

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63rd Montana Legislature

SENATE MEMBERS

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ROGER WEBB
JONATHAN WINDY BOY

HOUSE MEMBERS

RON EHLI
JENIFER GURSKY
CAROLYN PEASE-LOPEZ
SCOTT REICHNER

COMMITTEE STAFF

SUE O'CONNELL, Lead Staff
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

MINUTES LOG

June 25, 2013

Room 102, Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This 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 summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page.

Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

COMMITTEE MEMBERS PRESENT

SEN. TERRY MURPHY
SEN. DAVID WANZENRIED
SEN. ROGER WEBB
SEN. JONATHAN WINDY BOY

REP. RON EHLI
REP. JENIFER GURSKY
REP. CAROLYN PEASE-LOPEZ
REP. SCOTT REICHNER

STAFF PRESENT

SUE O'CONNELL, Lead Staff
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

AGENDA & VISITORS' LIST

Agenda ([Attachment 1](#))
Visitors' list ([Attachment 2](#))

COMMITTEE ACTION

- The committee adopted the HJR 16 study plan as drafted but subject to review in September
- The committee adopted the SJR 20 draft study plan as drafted
- The committee adopted the Interim Work Plan to include comment from Medicaid providers on an ongoing basis
- Sen. Wanzenried was elected as presiding officer of the committee
- Rep. Ehli was elected as vice presiding officer of the committee

CALL TO ORDER AND ROLL CALL

- 00:00:02 Sen. Wanzenried called the meeting to order at 10:00 a.m. The secretary called roll. All were present. ([Attachment 3](#))
- 00:02:02 The members of the committee and staff gave a brief introduction of themselves.

AGENDA

ADMINISTRATIVE MATTERS - Sue O'Connell, Staff Researcher

- 00:12:30 Ms. O'Connell discussed the following:
- Staff roles and responsibilities
 - Legislative guidelines for interim committees
 - Committee budget/travel claims
 - Background materials: Acronyms, Federal Poverty Level Chart, News Releases
- 00:19:08 Sen. Wanzenried discussed establishing an agreement that any proposals from the Children and Families Committee to the 2015 Legislature would require a 2/3 vote. He said that this idea could be discussed at a later time.

OVERVIEW OF DRAFT INTERIM WORK PLAN - Sue O'Connell

- 00:21:07 Ms. O'Connell reviewed the Draft Interim Work Plan ([Exhibit 1](#)).
- Committee questions
- 00:28:31 Sen. Wanzenried
- 00:28:50 Ms. O'Connell
- 00:29:10 Rep. Gursky
- 00:29:15 Ms. O'Connell

INTERIM STUDIES: ASSIGNMENTS AND DRAFT STUDY PLANS

- **HJR 16 Draft Study Plan - Sue O'Connell**
- 00:30:53 Ms. O'Connell reviewed the HJR 16 Draft Study Plan ([Exhibit 2](#)).
- Committee questions and discussion
- 00:38:29 Rep. Ehli

00:39:12 Ms. O'Connell
00:39:15 Rep. Ehli
00:39:29 Ms. O'Connell
00:39:49 Rep. Ehli
00:40:00 Sen. Wanzenried

Public Comment on HJR 16 Study Plan

00:40:33 **Mike Batista, Director, Department of Corrections**, commented on the importance of the study on state institutions.

00:44:41 **Niki Zupanic, Public Policy Director, American Civil Liberties Union of Montana**, commented on the draft study plan.

00:48:51 **Beth Brenneman, Staff Attorney, Disability Rights Montana**, commented on the draft study plan.

00:52:10 **Kathy McGowan, Community Mental Health Centers, Montana Sheriffs and Peace Officers Association, and Montana County Attorneys Association**, agreed with the comments from Ms. Brenneman and provided comments regarding the study plan.

00:55:11 **Matt Kuntz, Executive Director, NAMI Montana**, thanked the committee for working on this issue.

00:57:30 **Patti Jacques, member of NAMI**, commented on the draft study plan.

01:01:16 **John Wilkinson, advocate**, commented on the draft study plan and urged the committee to take a closer look at the mission of the state institutions and their outcomes.

01:06:30 **Gary Spaeth, Jefferson County**, urged the committee to realize its potential and reach the goal set by Sen. Murphy.

01:08:22 **Mike Foster, Catholic Hospitals in Montana**, said that if the committee has a clear understanding of the relationship that state institutions have with the different programs that exist within the communities, it will guide the committee in recommending improvements to the state institutions.

01:09:56 **Aart Dolman, Great Falls, Montana**, commented on the dependency that the mentally ill people have with the judicial system.

01:12:09 **Alicia Pichette, Executive Director, Mental Disabilities Board of Visitors**, commented on the role of the Mental Disabilities Board of Visitors.

Committee questions

01:13:47 Rep. Ehli
01:14:54 Ms. Brenneman
01:15:44 Rep. Ehli

01:16:40 Ms. Brenneman

- **SJR 20 Draft Study Plan - Sue O' Connell**

01:17:30 Ms. O'Connell discussed the SJR 20 Draft Study Plan ([Exhibit 3](#)).

Committee discussion

01:20:49 Sen. Webb

01:22:41 Sen. Wanzenried

Public Comment on SJR 20 Study Plan

01:23:35 **Marcie Bough, Executive Director, Montana Board of Pharmacy**, said that the Board oversees the Montana Prescription Drug Registry Program and offered support and interest in working with the committee as it learns more about the program.

01:26:56 **Brooke Marshall, Executive Director, Montana Board of Crime Control**, provided a short synopsis of the history of the Prescription Drug Registry Program.

01:30:42 **Barbara Schneeman, Riverstone Health**, commented on the SJR 20 Study.

01:32:11 **Aimee Grmoljez, Billings Clinic**, said one of the points of access data that they are hoping to compile is the data from different states and sharing that information between the IHS and the VA.

01:34:03 **Chris Puyear, Montana Pharmacy Association**, discussed the role pharmacies have in the drug abuse issue.

01:34:44 **Jean Branscum, Executive Vice President, Montana Medical Association**, said that MMA believes that this is a very important issue and offered the assistance of the MMA for the study.

01:37:08 **Linette Kosovich, CEO of Rimrock Foundation, Billings**, commented on the trend of increasing opioid abuse. She offered the support from Rimrock Foundation to the committee in the study.

01:39:00 **Mark Barry, Vice President of Corporate Support, Montana State Fund**, offered support to the committee and staff to use their data and information that would be helpful to the study.

AGENCY OVERSIGHT: STAFF PRESENTATIONS AND REQUIRED REPORTS

- **Administrative Rule Review - Alexis Sandru, Staff Attorney**

01:40:59 Ms. Sandru provided highlights of the staff's role in Administrative Rule Review ([Exhibit 4](#)).

Committee questions

01:46:29 Sen. Murphy

01:47:28 Ms. Sandru

01:48:36 Sen. Wanzenried
01:48:50 Ms. Sandru
01:49:12 Sen. Wanzenried discussed receiving the rule review electronically or by U.S. Mail. He said that without objection the committee members will receive Ms. Sandru's rule review electronically.

- **SB 423 Update**

01:50:12 Ms. O'Connell provided an update on SB 423 and asked if the committee would like to continue receiving the two reports that she had provided last interim. Ms. O'Connell discussed the first report "SB 423 Monitoring: Montana Marijuana Act, Developments through June 2013" ([Exhibit 5](#)).

- **Board of Medical Examiners Report**

01:53:04 Ms. O'Connell said that during the interim, the committee receives a report from the Board of Medical Examiners. She discussed the Annual Report on Medical Marijuana Complaints provided by the Board of Medical Examiners ([Exhibit 6](#)).

Committee questions

01:54:12 Sen. Wanzenried
01:54:47 Sen. Webb
01:54:57 Ms. O'Connell
01:55:24 Rep. Gursky
01:56:04 Ms. O'Connell
01:56:23 Ms. Sandru
01:56:41 Sen. Wanzenried

01:57:32 Cleve Loney, Great Falls, hosted a luncheon for committee members in appreciation of the passage of HB 76, creating the Office of Child and Family Ombudsman.

01:58:16 **April Hall, grandmother of October Perez**, thanked the committee for its work in passing HB 76.

01:58:32 Rep. Reichner

01:58:43 Rep. Pease-Lopez

01:59:09 **Heidi Hanford** commented on Senate Bill 423.

02:01:05 Sen. Wanzenried

LUNCH - reconvened at 1:02 p.m.

03:01:22 Ms. O'Connell provided copies of public comment from Patti Jacques ([Exhibit 7](#)) and from Dan Aune, Executive Director, MHA ([Exhibit 8](#)) regarding the HJR 16 Study. She also discussed the document that lists contact information for committee members.

Department of Public Health and Human Services Overview and Issues - Richard Opper, Director

03:02:51 Director Opper provided an overview of the Department's activities, including the following topics:

03:04:08 CHIMES EA (Combined Health Care Information and Montana Eligibility System Enterprise Architecture)
03:07:47 Service First Initiative
03:10:47 Medicaid Overview (**Exhibit 9**)
03:12:00 Summer Meals Program
03:13:40 Big Sky New Horizons Program (**Exhibit 10**)
03:17:08 Implementation of the Affordable Care Act
03:18:58 Legislative Activities: HJR 16 and SJR 20 Studies
03:19:48 Personnel Changes
03:21:06 Medicaid Provider Rates
03:27:03 Reforming health care delivery

Committee questions

03:15:50 Rep. Ehli
03:16:35 Director Opper
03:33:14 Rep. Ehli
03:34:03 Director Opper
03:34:47 Rep. Ehli
03:34:51 Director Opper
03:35:12 Rep. Pease-Lopez
03:35:57 Director Opper
03:36:44 Sen. Murphy asked about the HB 630 Study.
03:37:44 Director Opper
03:38:39 Rep. Ehli asked about provider rates and the state plan amendments.
03:38:56 Director Opper
03:39:18 **Mary Dalton, Medicaid and Health Services Branch Manager, DPHHS**, discussed the implementation of 30 state plan amendments with targeted case management for children with serious emotional disturbance as one of the state plan amendments.
03:40:22 Rep. Ehli
03:40:51 Ms. Dalton
03:41:13 Rep. Ehli
03:41:23 Rep. Reichner
03:42:35 Director Opper
03:44:50 Rep. Reichner
03:45:44 **Bob Runkel, Economic Security Services Branch Manager, DPHHS**, said the state is planning to ensure that information is being provided to the public on how to buy insurance under the Affordable Care Act and the federal subsidies that may be available to them.
03:48:19 Sen. Wanzenried requested that the Department keep the Children and Families Committee staff apprised of developments and meetings regarding enrollment for insurance and related outreach and education activities.
03:49:14 Director Opper
03:49:26 Sen. Wanzenried

UPDATE ON LEGISLATIVE DISTRICTS - Rachel Weiss

03:51:00 Ms. Weiss provided an update on the Legislative District (**Exhibit 11**).

PUBLIC COMMENT ON ANY ITEM WITHIN THE COMMITTEE'S JURISDICTION

- 03:59:02 **Rep. Jenny Eck** discussed recommendations regarding the HJR 16 Study.
- 04:02:28 **Mary Caferro, Coordinator of ARC**, commented on the work plan for the HJR 16 Study.
- 04:09:04 **Patti Jacques** provided comments on mental illness.
- 04:12:06 **Mike Foster, Catholic Hospitals in Montana**, commented on the committee's work plan for the interim.
- 04:13:33 **Rep. Cleve Loney, Great Falls**, proposed to split the Child Enforcement Division regarding visitation and child support.
- 04:14:42 **Janie McCall, Yellowstone Boys and Girls Ranch**, commented on the HJR 16 Study, HB 100, the Commission on Provider Rates and Services, the school-based health center telemedicine grant, and the Youth Crisis Diversion Grant.
- 04:20:21 **Erin McGowan Fincham, Association of Montana Public Health Officials (AMPHO), Montana Children's Initiative (MCI), Area Agencies on Aging**, commented on the Big Sky New Horizons program, HB 630, SJR 30 Study, providers for children's mental health, and Areas Agencies on Aging.
- 04:25:41 **Keith Newmeyer, October's Law**, commented on HB 76, the Ombudsman bill.
- 04:27:38 **Malayia Hill, Children's Mental Health Bureau**, commented on community-based services.
- 04:29:56 **Lisa Stroh, Montanans Against Child Abuse**, commented child abuse and neglect legislation that passed in the 2013 session.
- 04:32:45 **Margaret Morgan, Montana Association of Community Developmental Services**, thanked the legislators for the 4% annual increases in rates for providers of services to developmentally disabled individuals.
- 04:34:35 **Barbara Burton, Executive Director of Florence Crittenton**, commented on the importance of investing in early childhood to prevent some of the issues discussed at the meeting.

COMMITTEE WORK SESSION

- **Proxy Voting**
- 04:36:52 Ms. O'Connell discussed the considerations for proxy voting.
- 04:39:04 Committee discussion
Sen. Murphy

04:39:08 Sen. Wanzenried
04:39:30 Sen. Windy Boy
04:40:25 Sen. Wanzenried
04:40:58 Sen. Murphy
04:41:47 Sen. Wanzenried
04:41:49 Ms. O'Connell
04:42:22 Rep. Ehli
04:42:50 Sen. Wanzenried said that if the committee was in agreement that as long as it is clear that the member is not going to be present and has delegated the responsibility to a member to vote his proxy, they can indicate that in an e-mail or on a form.

- **Preferences for receiving meeting materials**

04:44:04 Ms. O'Connell discussed receiving hard copies of meeting materials by mail or electronically. She said that most of the documents are posted on the committee's website.

Committee discussion

04:44:33 Sen. Murphy
04:44:36 Ms. O'Connell
04:45:05 Sen. Wanzenried

- **HJR 16 Draft Study Plan**

04:46:00 Sen. Wanzenried discussed adopting the HJR 16 draft study plan with the flexibility of changing the plan if needed at a future date.

Motion

04:46:45 Rep. Ehli moved to adopt the work plan of the HJR 16 Study.

Committee discussion

04:47:10 Sen. Wanzenried
04:47:13 Rep. Ehli
04:48:21 Sen. Windy Boy
04:50:45 Rep. Gursky
04:52:05 Sen. Wanzenried
04:53:01 Rep. Reichner
04:55:56 Sen. Wanzenried
04:56:23 Rep. Pease-Lopez
04:58:18 Sen. Webb
04:59:33 Rep. Ehli
05:00:41 Sen. Wanzenried
05:00:49 Ms. O'Connell
05:05:15 Rep. Ehli
05:06:10 Ms. O'Connell
05:07:16 Sen. Murphy
05:08:28 Sen. Webb
05:08:59 Sen. Wanzenried
05:09:29 Sen. Webb
05:09:39 Sen. Wanzenried

05:09:51 Sen. Webb
05:10:11 Sen. Wanzenried
05:10:59 Rep. Gursky
05:12:46 Ms. O'Connell
05:13:47 Rep. Pease-Lopez
05:14:34 Sen. Wanzenried
05:16:02 Rep. Ehli
05:17:29 Sen. Wanzenried
05:18:23 Sen. Windy Boy
05:18:30 Sen. Wanzenried

05:19:11 The motion to adopt the HJR 16 study plan as drafted subject to review in September passed unanimously by voice vote.

- **SJR 20 Draft Study Plan**

- Motion**

- 05:19:49 Sen. Webb moved to adopt the SJR 20 draft study plan as drafted.
05:20:13 The motion passed unanimously by voice vote.

- Committee discussion on HJR 16 Study Plan's site visits

- 05:20:39 Ms. O'Connell
05:20:57 Sen. Wanzenried

- **Administrative Rule Review - Alexis Sandru**

- 05:21:13 Ms. Sandru discussed the options for providing rule review information to the committee. She provided an example (**Exhibit 12**) of what the committee has done in the past regarding rule review.

- Committee discussion

- 05:23:25 Sen. Wanzenried said that posting rule review on the website is sufficient.
05:24:04 Ms. Sandru
05:24:23 Rep. Ehli
05:24:31 Ms. Sandru
05:25:00 Sen. Wanzenried

- **Draft Interim Work Plan**

- 05:25:11 Sen. Wanzenried said that he would like Medicaid providers of services to be routinely added to the agenda to give presentations that would be educational and would be a forum to raise issues that the committee should know about.

- Motion to adopt the Interim Work Plan**

- 05:26:34 Sen. Murphy moved to adopt the Interim Work Plan.

- Committee discussion

- 05:26:53 Sen. Webb
05:27:09 Rep. Gursky
05:27:43 Rep. Reichner
05:28:31 Sen. Murphy

05:29:02 Sen. Windy Boy
05:30:05 Sen. Wanzenried
05:30:22 Rep. Reichner
05:32:31 Sen. Wanzenried

05:32:39 Sen. Murphy's motion to adopt the Interim Work Plan to include an agenda item for Medicaid providers passed unanimously by voice vote.

Committee discussion on the meeting schedule

05:32:51 Ms. O'Connell said that by adopting the work plan, the committee has adopted the meeting schedule on page 6.

- **Election of Officers**

Election of Presiding Officer

05:34:02 Rep. Ehli nominated Sen. Wanzenried as presiding officer of the Children and Families Interim Committee.

05:34:20 The motion passed unanimously.

Election of Vice Presiding Officer

05:34:45 Sen. Webb nominated Rep. Ehli as vice-presiding officer of the Children and Families Interim Committee.

05:35:13 The motion passed unanimously.

Public Comment - none

ADJOURNMENT

05:35:36 With no further business before the committee, Sen. Wanzenried adjourned the meeting at 3:36 p.m..