

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HUMAN SERVICES**

**Call to Order:** By **CHAIRMAN ARLENE BECKER**, on April 8, 2005 at 3:00 P.M., in Room 472 Capitol.

#### **ROLL CALL**

##### **Members Present:**

Rep. Arlene Becker, Chairman (D)  
Rep. Tom Facey, Vice Chairman (D)  
Rep. Don Roberts, Vice Chairman (R)  
Rep. Mary Caferro (D)  
Rep. Emelie Eaton (D)  
Rep. Teresa K. Henry (D)  
Rep. William J. Jones (R)  
Rep. Dave McAlpin (D)  
Rep. Tom McGillvray (R)  
Rep. Mike Milburn (R)  
Rep. Art Noonan (D)  
Rep. Ron Stoker (R)  
Rep. Bill Warden (R)  
Rep. Jonathan Windy Boy (D)

**Members Excused:** Rep. Gordon R. Hendrick (R)  
Rep. Pat Wagman (R)

**Members Absent:** None.

**Staff Present:** Susan Fox, Legislative Branch  
Mary Gay Wells, Committee Secretary

**Please Note.** These are summary minutes. Testimony and discussion are paraphrased and condensed.

##### **Committee Business Summary:**

Hearing & Date Posted: SB 499, 4/4/2005  
Executive Action: HJ 37, Do Pass  
SJ 30; SB 82; and  
SB 275, Be Concurred In  
SB 41, Be Concurred In As Amended  
SB 150, Tabled; SB 249, Tabled

**EXECUTIVE ACTION ON SB 275**

**Motion:** REP. STOKER moved that SB 275 BE CONCURRED IN.

**Discussion:**

REP. RON STOKER explained that the bill would increase the insurance fee from \$.70 to \$1.00 on health insurance policies in Montana including the State Employees Health Insurance Fund. That fee would by-pass the General Fund, where \$36,000 used to remain, and be a special line item revenue bill in DPHHS. They will be able to use that amount for the diagnostic and counseling work at the genetics lab. The contractor, up till now, has been Shodair Hospital.

**Vote:** Motion carried unanimously by voice vote 16-0. REP. HENDRICK and REP. WAGMAN voted by proxy.

REP. BECKER will carry the bill.

*{Tape: 1; Side: A; Approx. Time Counter: 0 - 2.1}*

**EXECUTIVE ACTION ON HJ 37**

REP. EMELIE EATON explained that her vote was miscast on April 6 on HJ 37. She would have voted aye for that Resolution. Her vote would have tied the vote.

**Motion:** REP. FACEY moved to RECONSIDER THE MOTION on HJ 37.

**Discussion:**

REP. FACEY commented that he had voted incorrectly for REP. EATON.

**Vote:** Motion TO BRING HJ 37 OFF THE TABLE carried 8-6 by roll call vote with REP. JONES, REP. MCGILLVRAY, REP. MILBURN, REP. ROBERTS, REP. STOKER, and REP. WARDEN voting no.

**Motion:** REP. FACEY moved that HJ 37 DO PASS.

**Discussion:**

REP. MARY CAFERRO asked for the Committee to support the Resolution. She had not been at the executive action on HJ 37. She found out that some of the information was misleading. In 1999 there were 24 studies; in 2001 there were 20 studies; in

2003 there were 16 studies. So far, there is one study bill that has been passed. If all the study bills do pass, there would be 22 studies. In the process for study bills, legislators prioritize the studies that they would like to go forward. According to the prioritized list, the top ones are funded. The funding is set. The other comment was about Medicaid Redesign. She agreed that there has been a lot done in health care and specifically in Medicaid. Medicaid is public health. HJ 37 would study the Maine model which is a private/public partnership.

**Vote:** Motion carried 9-7 by roll call vote with REP. HENDRICK, REP. JONES, REP. MILBURN, REP. ROBERTS, REP. STOKER, REP. WAGMAN, and REP. WARDEN voting no. REP. WAGMAN and REP. HENDRICK voted by proxy.

**{Tape: 1; Side: A; Approx. Time Counter: 2.1 - 11. REP. NOONAN left the meeting.}**

#### HEARING ON SB 499

**Sponsor:** SEN. BOB KEENAN, SD 5, BIGFORK

#### **Opening Statement by Sponsor:**

**SEN. BOB KEENAN** opened the hearing on **SB 499**. It is an act generally revising the laws pertaining to the public mental health system. It had gone to a Joint Select Committee with SEN. WEINBERG, SEN. ESP, REP. FRANKLIN, AND REP. HENDRICK serving on the committee. This bill had the last six pages amended out by the Senate Public Health and Human Services Committee. The bill now is an open vehicle for this Committee to do with as the Committee sees fit. He had found money that would have allowed counties to develop the crises response system for mental health.

**{Tape: 1; Side: A; Approx. Time Counter: 11 - 13.1}**

#### **Proponents' Testimony:**

**SEN. JOHN ESP, SD 31**, spoke in support of SB 499. He handed out his amendments to SB 499. The amendments would strike everything after the introduction of the bill on Page 1, Line 7. The Department, the Service Area Authority (SAA), Bonnie Adey, Mental Health Ombudsman, and SEN. ESP had worked on the amendments to clarify what the role of the SAAs would be from here on out. Originally, SAAs would be a risk-taking entity that would contract with the Department to provide services in their respective areas. It has become apparent this has not happened. The amendment would create a clearer definition of what the SAAs

will do based on what would be viable at the time. He explained Page 2, Section 53-21-1001, (5). Page 3, Section 4, (5) was explained. Mainly, SAAs would collaborate with DPHHS. He also encouraged the Committee to make SB 499 a good and workable bill. He felt that his amendments would clarify the role of the SAAs. A study bill is coming forward that would look at the mental health crisis services.

[EXHIBIT\(huh75a01\)](#)

*{Tape: 1; Side: A; Approx. Time Counter: 13.1 - 21.9}*

**Anita Roessmann, Member, Board of the Central Service Area**

**Authority**, said that her SAA extended from Bozeman through Helena, Great Falls and across part of the highline which included Browning. The Central SAA urged the Committee to adopt the amendments of SEN. ESP. The language that is in statute now is confusing. SAAs are basically consumer- and family-driven organizations that strive to make the public mental health system more responsive. She wanted this new purpose to replace the old purpose of the SAAs as a managed care entity. The Central SAA has worked closely with DPHHS.

She presented an amendment that had been recommended by the Central SAA. She explained that the Department and the counties would be directed to undertake a crisis response planning process. She continued to explain the amendments. The main thrust of the amendment was: "(2) Every county, with the support of the Department, shall conduct a public planning process for mental health crisis response that involves key community stakeholders, particularly consumers of mental health services and their families."

[EXHIBIT\(huh75a02\)](#)

*{Tape: 1; Side: A; Approx. Time Counter: 21.9 - 32}*

**Bonnie Adee, Mental Health Ombudsman**, concurred with the previous testimony and submitted her testimony for SB 499. She urged the Committee to pass the amendments that had been presented. She also submitted an amendment to the Committee.

[EXHIBIT\(huh75a03\)](#)

[EXHIBIT\(huh75a04\)](#)

*{Tape: 1; Side: B; Approx. Time Counter: 0 - 4.4}*

**REP. GORDON HENDRICK, HD 14**, spoke about his part in working on the Joint Subcommittee for SB 499. The problem is large and has been avoided. He urged the Committee to address this issue. There needs to be a systematic response to a mental health crisis.

**Joyce DeCunzo, Administrator, Addictive and Mental Disorders Division, DPHHS,** said that they are supportive of SB 499 and the amendments by SEN. ESP.

**{Tape: 1; Side: B; Approx. Time Counter: 4.4 - 8}**

**Mignon Waterman, Vice Chairman, Mental Health Oversight Advisory Council for Montana, and Member, Central SAA,** spoke in favor of the bill and the amendments. Everyone needs to come to the table to address these two very important issues. Two things need to happen: 1) The Department needs to have some authority if they have the funding available to provide some grants that would give incentives for people to develop a local plan and move forward for crisis response, and 2) The language needs to be cleaned up on SAAs. Consumers and family members are ready to step forward and do planning. Not every county will have inpatient psychiatric care but they do need to know what they are going to do when someone in their community needs help.

**{Tape: 1; Side: B; Approx. Time Counter: 8 - 11.1}**

**Curt Chisholm, Montana Chapter of National Alliance for the Mentally Ill,** said that the Committee should pass the joint resolution which is coming forward to study this issue. He also said that he wanted the Committee to pass SB 449 because they are not mutually exclusive. The State must speak for the mentally ill who cannot speak for themselves.

**{Tape: 1; Side: B; Approx. Time Counter: 11.1 - 13.2}**

**Jeff Folsum, Aware, Inc.,** was in favor of SEN. ESP's amendments.

**Michael O'Neil, Member, Central Service Area Authority, State Director, Montana Home Choice Coalition, and Program Officer, Aware, Inc.,** asked for the support of the Committee for the bill and the amendments.

#### **Opponents' Testimony:**

**Bill Kennedy, Commissioner, Yellowstone County, President, Montana Association of Counties,** addressed several issues. He found it interesting that this is the only such bill that has been presented in this session. He has testified several times on pre-commitment work and costs, community mental health centers, etc. He thought other county commissioners, mental health providers and families from other areas would come forward to testify. They have not come. Commissioner Kennedy felt that the bill had come forward too late and the amendments were "hot off the press." He was surprised by the fact that the Committee had been pressed to make a good bill out of SB 499. He thanked the Central SAA for all their hard work, but he wanted to see the issues addressed statewide.

He reminded the Committee that the counties had come forward with \$1 million to look at pre-commitment costs and to work with the State. There are studies to look at these issues. He recommended that the Committee give priority to an interim study. This would bring all players to the table and a good bill would be ready for the next session.

**{Tape: 1; Side: B; Approx. Time Counter: 13.2 - 21.6}**

**Gordon Morris, Executive Director, Montana Association of Counties**, concurred with Mr. Kennedy. This is an issue that needs to be studied during the interim. Funding is one of the bigger issues and it needs to be addressed thoroughly. He urged the Committee to table the bill and support the resolution that was coming.

**Jani McCall, Deaconess Billings Clinic**, offered their support to the intent of the bill. But today is too late in the process for the bill to be handled properly. Deaconess Billings will be an active player regardless of how this bill is determined. They are working hard to develop a community crisis center and all the stakeholders are at the table. They support the study resolution and would ask the Committee to hold off on SB 499.

**Kathy McGowen, Community Mental Health Centers**, concurred with Ms. McCall. She felt there were too many loose ends and the bill and the amendment need to be studied. The Centers are strongly in favor of going forward with an intensive study which would lead to an agreement. They will do whatever they have to do and they did support SEN. ESP's amendments.

**{Tape: 1; Side: B; Approx. Time Counter: 21.6 - 26.7}**

**Informational Testimony:**

**Donald Harr, M.D., Legislative Representative of the Montana Psychiatric Association**, gave his testimony and submitted his recommendations. He encouraged a study so that a bill could come forward and strengthen the mental health community.

**EXHIBIT** (huh75a05)

**{Tape: 1; Side: B; Approx. Time Counter: 26.7 - 32}**

**Questions from Committee Members and Responses:**

**REP. WINDY BOY** questioned the fiscal note with all the "unknowns." **SEN. KEENAN** replied that the fiscal note was developed when the bill was ten pages long. It would not be applicable to the four-page bill.

**REP. ROBERTS** asked about where the funding would be coming from. **Commissioner Kennedy** replied that the funding would come from

many different areas. One of the areas is rates to providers who offer services. The counties across the state gave money, almost \$1 million, to the State to match the Medicaid dollars in an intergovernmental transfer to get rates up across the state for services.

**{Tape: 2; Side: A; Approx. Time Counter: 0 - 4.7}**

**REP. ROBERTS** inquired how groups were organized. **Commissioner Kennedy** said that counties are working on mental health plans. They have been working with the schools on emergency plans to provide services throughout the region.

**REP. ROBERTS** wondered if Yellowstone County had a plan that was workable throughout the state. **Commissioner Kennedy** said that his area's plan would be followed. They are still working on other pieces of the plan that would work in conjunction with the surrounding rural areas.

**REP. FACEY** reiterated that SAAs are at issue and the other is the crisis response issue. He asked if the community mental health centers had problems with SEN. ESP's amendments in relation to SAAs. **Ms. McGowen** replied that they did not have a problem with the amendments.

**REP. FACEY** said that a Federal law had been passed that has a \$20 million suicide prevention grant named after the son of an Oregon Senator who had committed suicide. Montana is going to get part of that grant. He asked if Ms. DeCunzo was aware of the grant. **Ms. DeCunzo** replied that she did not know anything about the grant.

**REP. FACEY** asked if anyone knew about the grant. **Ms. Adee** said she did not know specifically about the grant, but she did know there were some suicide prevention efforts in the public health side of the Department. No one else came forward in response to the question regarding knowledge of the grant.

**REP. FACEY** was amazed and somewhat disturbed that no one knew about the grant, even the people from the Department who were in attendance. He believed that funds were going to be available.

**SEN. ESP** knew about a grant but was not sure if they were speaking about the same one.

**Dr. Harr** informed the Committee that information could be obtained from Eleanor Edmunds in Missoula who is the head of the Montana Chapter of the American Federation for Suicide Prevention. He works with the group in Billings. He had heard

about the grant and its availability but had no specific information.

**REP. FACEY** asked for Ms. Waterman's thoughts on the subject. **Ms. Waterman** replied that the Mental Health Oversight Committee had been working with the suicide prevention people in DPHHS. Often a mental health crisis will spur a suicide attempt and that needs to be recognized. There are a number of grants available for different phases.

*{Tape: 2; Side: A; Approx. Time Counter: 4.7 - 13.7}*

**REP. FACEY** asked for Mr. Morris' thoughts on the bill and the amendments. **Mr. Morris** said that their position is to oppose the bill in any form and fully support the study resolution.

**REP. WAGMAN** stated that he had heard differing viewpoints on the bill and amendments, and asked **SEN. ESP** to give his thoughts. **SEN. ESP** offered that after the Senate committee hearing, they decided to work as a Joint Select Committee. They worked through the process. The people from Yellowstone County came and testified. At their last meeting, it was decided that a consensus could not be made in the area of crisis response. He then asked for more input and prepared the amendment that is before the Committee.

**REP. WAGMAN** asked if the Committee should pass the bill and the amendment. **SEN. ESP** replied that current statute is not the intention of the Legislature and felt that it needed to be changed to reflect the reality that the Department should collaborate with the SAAs. He wanted to see both the bill and amendment go forward.

*{Tape: 2; Side: A; Approx. Time Counter: 13.7 - 20.7}*

**REP. MCGILLVRAY** questioned the possibility of a study resolution coming forward. **Mr. Morris** said that, as he understood it, there was a study resolution being drafted. **Ms. Fox** explained that the study resolution would be directed only to crisis services. The resolution should be introduced tomorrow.

**REP. MCGILLVRAY** asked if the bill with amendments and the study resolution are congruent. **SEN. ESP** answered, "Yes."

**REP. MCALPIN** inquired how the plan would develop under the bill and the study resolution. **SEN. ESP** said that if the bill with the amendment is passed, it would not affect the study. The study would deal only with crisis services.



**REP. MILBURN** asked what part the Department would play in the bill and the amendments. **Ms. DeCunzo** explained the Department has a specific relationship currently in statute with SAAs. The Central SAA is the most developed. The Eastern and Western SAAs are in the beginning stages of development. The relationship with the SAAs has been managed care organizations working with the Department. In this bill, that relationship would be redefined. In the amendments, the SAAs would collaborate with the Department in planning for the service delivery system, quality assurance, kinds of systems needed, etc.

**REP. MCGILLVRAY** inquired about the amendment from the Central SAA (Exhibit 2) concerning 53-21-139. He asked **SEN. ESP** if he was in agreement with their amendments. **SEN. ESP** said that he would be supportive.

*{Tape: 2; Side: A; Approx. Time Counter: 20.7 - 27.4}*

**Closing by Sponsor:**

**SEN. KEENAN** closed and **SEN. ESP** closed.

*{Tape: 2; Side: A; Approx. Time Counter: 27.4 - 32}*

*{Tape: 2; Side: B; Approx. Time Counter: 0 - 4.5}*

**EXECUTIVE ACTION ON SB 499**

**Motion:** **REP. ROBERTS** moved that SB 499 BE CONCURRED IN.

**Discussion:**

The Committee discussed SB 499. They discussed the amendments and the bill and what it would cover and what it would not cover. An explanation was given on how interim committees are chosen and how they work.

**Substitute Motion/Vote:** **REP. CAFERRO** moved that EXECUTIVE ACTION ON SB 499 BE TAKEN AT THE FOLLOWING COMMITTEE HEARING ON 4-11-05. Motion carried by voice vote 11-3 with **REP. EATON**, **REP. JONES** and **REP. ROBERTS** voting no.

*{Tape: 2; Side: B; Approx. Time Counter: 4.5 - 21.5}*

EXECUTIVE ACTION ON SB 249

Motion: REP. FACEY moved that SB 249 BE CONCURRED IN.

Discussion:

Ms. Fox explained the bill directed DPHHS and the Department of Corrections to work together to develop a continuum of care and a strategic plan for substance abuse prevention, intervention and treatment.

REP. STOKER did not believe that the bill was necessary and said he would not vote for it.

REP. WARDEN concurred and said that the Executive Branch can handle this and therefore legislation is not needed.

Vote: Motion failed 5-11 by voice vote with REP. CAFERRO, REP. EATON, REP. MCALPIN, REP. NOONAN, and REP. WINDY BOY voting aye. REP. HENDRICK and REP. NOONAN voted by proxy.

Motion/Vote: REP. FACEY moved that SB 249 BE TABLED AND THE VOTE REVERSED. Motion carried 11-5 by voice vote with REP. CAFERRO, REP. EATON, REP. MCALPIN, REP. NOONAN, and REP. WINDY BOY voting no. REP. HENDRICK and REP. NOONAN voted by proxy.

EXECUTIVE ACTION ON SB 150

Motion/Vote: REP. FACEY moved that SB 150 BE TABLED. Motion carried 14-2 by voice vote with REP. JONES and REP. MCGILLVRAY voting no. REP. HENDRICK and REP. NOONAN voted by proxy.  
{Tape: 2; Side: B; Approx. Time Counter: 21.5 - 27}

EXECUTIVE ACTION ON SB 82

Motion: REP. WARDEN moved that SB 82 BE CONCURRED IN.

Discussion:

Ms. Fox explained that SB 82 was a utilization fee bill. It would be on intermediate care facilities for the developmentally

disabled. It would deal mainly with Boulder and would increase that fee by one percent.

**REP. WAGMAN** asked if Boulder was in one of the targeted areas that the Federal government would reduce in the future. **Ms. Fox** thought that it was an area that the Federal government is looking at but Montana has stayed within the bounds that were set. It could still be lowered by the Federal government. Mr. Chappius was in agreement.

**Vote:** Motion carried 15-1 by voice vote with **REP. MCGILLVRAY** voting no. **REP. HENDRICK** and **REP. NOONAN** voted by proxy.

**REP. FACEY** will carry the bill.

*{Tape: 2; Side: B; Approx. Time Counter: 27 - 32}*

#### EXECUTIVE ACTION ON SB 41

**Motion:** **REP. WARDEN** moved that SB 41 BE CONCURRED IN.

**Motion:** **REP. HENRY** moved that SB 41 BE AMENDED.  
[EXHIBIT](#) (huh75a06)

#### Discussion:

**REP. HENRY** explained her amendment. The current language on Page 1, Lines 22-23 is hard to measure. The amendment uses textbook language and is more measurable.

**REP. JONES** asked if the amendment had priorities such as prevention being the most important and residential care the least important. **REP. HENRY** responded that current language gives priority to retaining those services that prevent significant disability and illness. The change was to mean pain management to reduce the need for acute inpatient or residential care and treat life-threatening conditions.

**REP. JONES** thought the intention of SB 41 was to stay away from situations that give across-the-board cuts and this amendment authorizes DPHHS services to select some things and discard others.

**REP. STOKER** spoke about setting priorities. He thought the intent of the amendment was to make all services equal.

**Vote:** Motion carried 14-2 by voice vote with REP. JONES and REP. ROBERTS voting no. REP. HENDRICK and REP. NOONAN voted by proxy.

**Motion:** REP. FACEY moved that SB 41 BE AMENDED.  
**EXHIBIT** (huh75a07)

**Discussion:**

REP. FACEY explained his amendment. It would make it more consistent with the Department's Report of June 2004, "Montana Public Health Care Redesign Project."

REP. MCGILLVRAY asked for further explanation. REP. HENRY replied that it was an editorial change.

**Vote:** Motion carried 14-2 by voice vote with REP. JONES and REP. MCGILLVRAY voting no. REP. HENDRICK and REP. NOONAN voted by proxy.

**Motion/Vote:** REP. FACEY moved that SB 41 BE CONCURRED IN AS AMENDED. Motion carried unanimously 16-0 by voice vote. REP. HENDRICK and REP. NOONAN voted by proxy.

REP. WARDEN will carry the bill.

*{Tape: 3; Side: A; Approx. Time Counter: 0 - 13.7. REP. WARDEN left the hearing.}*

**EXECUTIVE ACTION ON SJ 30**

**Motion:** REP. ROBERTS moved that SJ 30 BE CONCURRED IN.

**Substitute Motion/Vote:** REP. MCGILLVRAY moved that SJ 30 BE TABLED. Motion to table failed 7-9 by roll call vote with REP. HENDRICK, REP. MCGILLVRAY, REP. MILBURN, REP. ROBERTS, REP. STOKER, REP. WAGMAN, and REP. WARDEN voting aye. REP. HENDRICK, REP. NOONAN and REP. WARDEN voted by proxy.

**Discussion:**

CHAIRMAN BECKER had heard about the budget cuts being considered at the Federal level. She felt this Resolution would ask that these possible cuts not be in certain Medicaid situations.

REP. MCGILLVRAY spoke of his pride in Montana but he is not proud of the fact the Montana is a welfare state. Montana brings in

\$1.70 for every \$1 that is sent to Washington. Montana is no longer an independent state but is dependent on the Federal system. The Federal budget needs to be cut. If Montana continues to ask for more funds, that is saying, "Don't balance the Federal budget."

**REP. JONES** agreed with REP. MCGILLVRAY, but he believes that in the real world, Montana depends on Federal Medicaid dollars and there will be severe consequences to many people if these Federal cuts happen. He preferred to send a message to Congress not to make the cuts in Medicaid.

**REP. WINDY BOY** said that Montana is a welfare state and if welfare programs get cut, the cuts might as well go across the board by cutting the subsidies to farmers because that is the same thing.

**REP. CAFERRO** did not think these resolutions get lost in the shuffle in Washington. In 2003 there was a resolution asking Congress not to fund Medicaid with a block grant; and Medicaid was not funded with a block grant. These messages sometimes do count.

**REP. STOKER** liked REP. MCGILLVRAY's comment where a person sends \$1 and the return is \$3. But as a taxpayer in Montana, that is a \$4 cost to the taxpayer.

**CHAIRMAN BECKER** said that cutting Medicaid is cutting services to people. In Yellowstone County a large amount of medical care is provided to people who would be cut. If Medicaid is cut to Montana, a major economic impetus will be cut.

**Vote:** Motion carried 9-7 by roll call vote with REP. HENDRICK, REP. MCGILLVRAY, REP. MILBURN, REP. ROBERTS, REP. STOKER, REP. WAGMAN, and REP. WARDEN voting no. REP. HENDRICK, REP. NOONAN and REP. WARDEN voted by proxy.

REP. KAUFMANN will carry the bill.

***{Tape: 3; Side: A; Approx. Time Counter: 13.7 - 16}***

**ADJOURNMENT**

Adjournment: 5:45 P.M.

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REP. ARLENE BECKER, Chairman

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MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

**EXHIBIT ([huh75aad0.PDF](#))**