

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES

Call to Order: By **CHAIRMAN ARLENE BECKER**, on April 15, 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. Gordon R. Hendrick (R)
Rep. Teresa K. Henry (D)
Rep. William J. Jones (R)
Rep. Dave McAlpin (D)
Rep. Mike Milburn (R)
Rep. Art Noonan (D)
Rep. Ron Stoker (R)
Rep. Bill Warden (R)

Members Excused: Rep. Tom McGillvray (R)
Rep. Pat Wagman (R)
Rep. Jonathan Windy Boy (D)

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: SJ 34, 4/13/2005
SJ 37, 4/13/2005
Executive Action: SJ 34, Tie Vote
SJ 37, Be Concurred In

HEARING ON SJ 34**Sponsor:** SEN. TRUDI SCHMIDT, SD 11, GREAT FALLS**Opening Statement by Sponsor:**

SEN. TRUDI SCHMIDT opened the hearing on **SJ 34**. This study deals with access to health care. She had served on a health care access and cost task force after the 2001 Legislative Session. Access is a huge issue all over the country and especially here in Montana with such a large rural area. There is a large shortage of mental health care in 50 counties and 37 counties have shortages in dental care and primary care professionals.

Proponents' Testimony:

John Flink, Montana Hospital Association, stood in support of the Resolution. Access is threatened in many of the rural areas in Montana. Some healthcare facilities are in jeopardy for a variety of reasons. One of the issues that would be addressed is the supply of healthcare professionals and training programs for them.

Dave Gibson, Associate Commissioner of Higher Education, spoke on behalf of Commissioner Sterns and the Montana University System who strongly support the Resolution. The University System is faced with the issue of training appropriate healthcare workers for Montana. The University System is willing to be an active partner in this interim study.

Jani McCall, Deaconess Billings Clinic, spoke in support of the Resolution. She had served on the Blue Ribbon Task Force for healthcare worker shortages under Governor Martz' administration. This is an important issue for Montana. The Clinic has been a strong partner in developing training programs with the Montana State University-Billings.

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6.2}

Opponents' Testimony: None**Informational Testimony:** None**Questions from Committee Members and Responses:**

CHAIRMAN BECKER was shocked to learned that 50 of the 56 counties in Montana are mental health professional shortage areas. **SEN. SCHMIDT** agreed.

Closing by Sponsor:

The Sponsor closed.

REP. HENRY will carry the bill.

{Tape: 1; Side: A; Approx. Time Counter: 6.2 - 8.5}

EXECUTIVE ACTION ON SJ 34

Motion: REP. MCALPIN moved that SJ 34 BE CONCURRED IN.

Discussion:

CHAIRMAN BECKER said that since she is in the healthcare industry and had been on the Workforce Investment Task Force, adequate healthcare professionals in the rural areas is a big issue. This includes medical technicians, pharmacists, etc. There are shortages in all areas of the healthcare industry. She was in support of the Resolution.

REP. MCALPIN spoke that he had heard a great deal about rural tele-medicine but this Resolution addresses the need for real people.

Vote: Motion failed 8-8 by roll call vote with REP. BECKER, REP. CAFERRO, REP. EATON, REP. FACEY, REP. HENRY, REP. MCALPIN, REP. NOONAN, and REP. WINDY BOY voting aye. REP. MCGILLVRAY, REP. WAGMAN and REP. WINDY BOY voted by proxy.

{Tape: 1; Side: A; Approx. Time Counter: 8.5 - 12.1}

HEARING ON SJ 37

Sponsor: SEN. CAROL WILLIAMS, SD 46, MISSOULA

Opening Statement by Sponsor:

SEN. CAROL WILLIAMS opened the hearing on **SJ 37**. The study would address the Child Protective Services system from start to finish, all the way to the courts. There is some fragmentation between the available services to the children from the foster care program to the court system. There needs to be a continuous web of support to the children. The study should also show some of the problems that the Division faces as well as the overcrowded and overworked courts.

Proponents' Testimony:

Shirley Brown, Administrator, Child and Family Services Division, DPHHS, stood in support of SJ 37. The Administration supports SJ 37 and believe that as a new administration this Resolution will give them an opportunity to work with the Legislature in the important job of protecting children. Speaking from the Division's perspective, they have been studied a lot by Federal reviews and a performance audit. They know what they have to do and the difficulties in getting those things done. This Resolution will study resources as well.

{Tape: 1; Side: A; Approx. Time Counter: 12.1 - 15.2}

Opponents' Testimony: None

Informational Testimony: None

Questions from Committee Members and Responses:

REP. ROBERTS asked if Ms. Brown was interested in finding out how to better work within the Department. **Ms. Brown** responded that they are always interested in improving the system. Legislators usually hear what is not going well, but don't hear from those people who thank the Department for their help.

REP. ROBERTS wondered if the Reservations would be included in the study. **Ms. Brown** responded that this study is for the Child Protective Services statewide system. As the State's system interacts with tribal programs, it could be included. The Fort Peck Reservation is the only one, out of seven, that Child and Family Services staff provide services.

{Tape: 1; Side: A; Approx. Time Counter: 15.2 - 18}

REP. WARDEN asked Ms. Brown to elaborate on the Whereas clause on Line 11. **Ms. Brown** replied that there had been Federal and State audits. They had a Federal Child and Family Services review done in August, 2002. They received the final report from them in January 2003. This was a review that had been done in every state. All the states were in the same position as Montana because the standard was high, and it was the first time a review like this had been conducted. The Federal review looked at 14 factors. Montana had to develop a program improvement plan on nine of them. The sanctions that would have been imposed if the State didn't do what had been negotiated would have been \$3.4 million. They have been working on that plan and it was approved in December, 2004 and will be up again in January, 2006. They have shown some progress in these nine areas and feel they will meet four of those standards.

Ms. Brown explained that the other Federal review was a 4-E Federal audit which dealt with Federal funding. There was a review in June, 2003 and of the 80 cases reviewed, 29 did not pass; 20 of them because of late permanency hearings which have to be held by the courts, in a specified time frame, to allow the Division to access Federal funds. At the end of that review, Montana had to pay back \$317,000. This Legislature has approved legislation that will allow the courts to delegate those hearings to an administrative review body. Another review is coming up next year.

There was also a performance audit that was conducted by Montana Legislative Auditors. That was done about the same time as the Federal review. The final report was presented to the Legislative Audit Committee in November, 2003. The Department was under a corrective action plan for that. There was a follow-up on that review last spring and summer. The Department presented their corrective action plan and met most of the recommendations that were suggested.

REP. WARDEN asked about the terminology "necessary resources."

Ms. Brown replied that during the budget hearings in the Appropriations Subcommittee, the Department was asked what was needed to meet the program improvement plan. The answer was 40 new social workers. The Subcommittee reduced the vacancy savings from the field offices from four percent to two percent. The Governor had recommended taking away six Full Time Equivalent (FTEs). The Subcommittee put those six back in. It is going to be hard to do what the Division is required. The former Department Director, Gail Grey, said publicly many times that Child and Family Services was the most understaffed and underfunded division within the whole Department.

{Tape: 1; Side: A; Approx. Time Counter: 18 - 25}

Closing by Sponsor:

The Sponsor closed.

EXECUTIVE ACTION ON SJ 37

Motion: **REP. WARDEN** moved that SJ 37 BE CONCURRED IN.

Discussion:

REP. HENDRICK wanted to know how many studies have been requested that pertain to this issue. The answer seemed to be none.

REP. NOONAN stated that there have been many bills on this subject but they were not studies.

REP. ROBERTS and CHAIRMAN BECKER agreed and said there had even been bills in other committees pertaining to Child and Family Services.

REP. FACEY wanted to explain that resolutions may be handled by one staff member for a six to twelve week period and then report to a committee. He believed that in the last interim, all the studies had been done. In 1999-2000, all but two or three were done. The budget is limited and the staff is very good in doing things inexpensively.

REP. STOKER complimented Ms. Brown and said that she has done a terrific job. The bills that have come through the Committee had a high level of concern. He rated the study at the top of the list and was very much in favor of SJ 37.

REP. WARDEN said that he had really appreciated Ms. Brown's candor on the issue. SJ 37 was on the top of his "hit parade."
{Tape: 1; Side: A; Approx. Time Counter: 25 - 32}

REP. ROBERTS was very pleased with Ms. Brown's answers and this study is one of his top priorities.

Vote: Motion carried 14-2 by voice vote with **REP. MCGILLVRAY** and **REP. WAGMAN** voting no. **REP. MCGILLVRAY, REP. WAGMAN** and **REP. WINDY BOY** voted by proxy.

REP. ROBERTS will carry the bill.
{Tape: 1; Side: B; Approx. Time Counter: 0 - 2}

ADJOURNMENT

Adjournment: 5:15 P.M.

REP. ARLENE BECKER, Chairman

MARY GAY WELLS, Secretary

AB/mw

Additional Exhibits:

EXHIBIT ([huh81aad0.PDF](#))