

MINUTES

**MONTANA SENATE
59th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN BRENT R. CROMLEY**, on January 7, 2005
at 3:00 P.M., in Room 350 Capitol.

ROLL CALL

Members Present:

Sen. Brent R. Cromley, Chairman (D)
Sen. John Cobb (R)
Sen. John Esp (R)
Sen. Lynda Moss (D)
Sen. Jerry O'Neil (R)
Sen. Trudi Schmidt (D)
Sen. Dan Weinberg (D)

Members Excused: Sen. Duane Grimes (R)
Sen. Carol Williams (D)

Members Absent: None.

Staff Present: David Niss, Legislative Branch
Rita Tenneson, Committee Secretary

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

Committee Business Summary:

Hearing & Date Posted: SB 33, 1/4/2005; SB 33, 1/4/2005;
SB 42, 1/4/2005; SB 46, 1/4/2005
Executive Action: None.

HEARING ON SB 33

Opening Statement by Sponsor:

SEN. JOHN COBB (R), SD 9, opened the hearing on **SB 33**, Eliminate unified budget requirement for Interagency Coordinating Council (ICC).

He asked the committee to look on page 1 lines 13-28, which tells about the agencies working together on the programs. Page 2 lines 12-14 contains the main theme of the bill. The ICC was started in 1983. It wasn't getting any money but it was supposed to share information and bring different agencies together about prevention. One of the requirements was they would have to do a unified budget for state prevention programs which must be published in the Governor's Executive Budget, which had been done in the past. They have since stopped because of lacking state funds, and most programs go through the Office of Public Instruction (OPI), Human Services and Criminal Justice. They are continuing to work together on substance abuse.

EXHIBIT (phs05a01)

Proponent's testimony:

Vicki Turner, Prevention Resource Center, Department of Health and Human Services (DPHHS), Interagency Coordinating Council for State Prevention Programs, presented the committee with information regarding the bill.

EXHIBIT (phs05a02)

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SEN. COBB closed.

HEARING ON SB 6

Opening Statement by Sponsor: SEN. ESP, SD 31 BIG TIMBER, opened the hearing on SB 6, Revise safe haven for newborn protection law.

He informed the committee that Section 1 of the bill talks about the emergency services provider's responsibility to the person surrendering the newborn. Subsection 3 lists things they must do, if possible, and coordinates with a bill that will come up later in the session.

[phs05a033](#)

Proponents' Testimony:

SHIRLEY K. BROWN, State Administrator, DPHHS Child and Family Services Division, told the committee the bill was requested after a baby had been left in a dumpster in Missoula. In the last two years, 3 babies have been voluntarily surrendered to her Department.

{Tape: 1; Side: A; Approx. Time Counter: 7.1 - 9.8}

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SEN. ESP Closed.

HEARING ON SB 46

{Tape: 1; Side: A; Approx. Time Counter: 9.8 - 15.4}

Opening Statement by Sponsor: SEN. O'NEIL, SD 3, COLUMBIA FALLS, opened the hearing on SB 46, Clarify duties and authority of mental health ombudsman.

The bill was requested by the Children, Families, Health and Human Services Interim Committee. It is an access to justice bill. The purpose is to allow a voice to those with serious mental illness. Some are incarcerated in prison or jails around the state of Montana and some are out in the public. This bill allows the mental health ombudsman to be able to help these

people when they believe they are being wrongfully treated by the State of Montana. There were amendments submitted for this bill.

EXHIBIT (phs05a04)

Proponents' Testimony:

Bonnie Adee, Mental Health Ombudsman for the State of Montana spoke in favor of the bill, handing in written testimony supporting the bill.

EXHIBIT (phs05a05)

EXHIBIT (phs05a06)

EXHIBIT (phs05a07)

Anita Roessmann, Attorney, Montana Advocacy Program, told the committee they are a disability rights legal advocacy organization organized under eight federal grants, providing disability advocacy to people with all kinds of disabilities. A large part of their program is for people with mental illness. They work time to time referring issues and cases to the ombudsman and in return cases are referred by the ombudsman to them. They believe it is a good idea to add a list of the duties of the ombudsman office. The Montana Advocacy Program is a health oversight agency.

{Tape: 1; Side: A; Approx. Time Counter: 15.4 - 21.1}

Janie McCall, Montana Children's Initiative Providers Association, Deaconess Billings Clinic supported the bill. She ran the bill by their legal council and they believe this bill meets federal regulations and confidentiality requirements. She visited with Bob Olsen, with the Montana Hospital Association and he sent it out to other hospitals and members of their association.

Opponents' Testimony: None.

Informational Testimony:

Chuck Hunter, Administrator, Health Resources Division, DPHHS, said they appreciate the office of Ombudsman. They have worked hard in the past several years to continue funding for that office. Recently they have received federal rulings that disable their ability to pay for that functional part of federal

Medicaid. This has been resolved at the funding level for the extra funds. The federal government does not see the ombudsman's office as part of the Medicaid administration. They have worked with **Ms. Adee's** office and they have amendments that address the concerns his department has relating to Medicaid. They have a minor issue with the amendments on the technical language surrounding how authorization will release confidential information.

Closing by Sponsor:

SEN. KEENAN closed saying the office was put together in 1999 with SB 534, which he carried. He has offered his services from that point to now.

Questions from Committee Members and Responses:

SEN. WEINBERG asked **Ms. Adee** if she was able to receive a written release and use it. **Ms. Adee** replied she has always asked for a written release if at all possible. She has a written release 90-95 percent of the time before she tries to get any information about a specific insurance. **SEN. WEINBERG** then inquired if a written release was honored when she presented it to people in order to acquire records. **Ms. Adee** replied that it was.

SEN. SCHMIDT asked **Ms. Roessmann** why Medicaid is lost in Montana and, from what **Mr. Hunter** said, if that answered her question. **Ms. Roessmann** answered that she didn't have the latest information and didn't understand the department had gotten the Medicaid match for ombudsman services reinstated. **SEN. SCHMIDT** asked **Ms. Adee** if there was anything she wished to add. **Ms. Adee** replied that they would all be better served if they separated the money from the center of the bill. The language coming out with the amendments to the bill **SEN. O'NEIL** proposed has been misconstrued by the departments. She thinks funding is a whole separate question which they want separate consideration for and not to get muddled into this bill.

Closing by Sponsor:

SEN. O'NEIL said there are some concerns from the department. There is a proposed amendment on the table for the committee right now, but there is another amendment which he hoped would make everybody happy. He requested no executive action today. He hoped to have the final amendment ready by Monday.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 3.3}

Opening Statement by Sponsor:

SEN. BOB KEENAN, SD 5, BIG FORK, opened the hearing on **SB 42**, Clarify system of care and service area authority for children's mental health.

SEN. KEENAN referred back to the 2003 session when they started some of the children's mental health committees. In the 2003 session there were two bills passed dealing with planning for mental health services. His bill 247 created the regional planning authorities for mental health and that process is underway and in the bill as service area authorities. This is in the bill because there has to be one or two words changed dealing with them. SB 92 created systems of care planning that was previously referred to as a multi-agency children's committee which was an attempt to bring together agencies of state government that may deal with one individual child who had case managers, probation officers, special ed teachers, the teams that work with special ed students, etc. They are trying to bring all those people together to deal with what is best for the individual child rather than having that child branched out in all the different systems and agencies and trying to pull the funding together as well. Both bills were passed and signed into law. Last session in the Human Services Sub Committee they took children's mental health issues out of the mental orders division and put them in a separate youth division. Now there are two groups - the SAA for service area authorities for adults and also the system of care which is that multi-agency approach to children's health care issues. They both have overlapping responsibilities for children's issues. So this bill is trying to clarify that with some very simple changes. Amendments for SB 42:

EXHIBIT (phs05a08)

{Tape: 1; Side: B; Approx. Time Counter: 3.3 - 8.3}

Proponents:

Chuck Hunter, Resources Division Department of Health and Human Services. Within his division is the primary youth portion of the Medicaid system, which you would think of as typical medicine. They have the children's health insurance program, children's special types service program, and children's mental health program. They have both the physical health side as well as the mental health side. This bill clarifies for them where they go

for advice and direction on children's health issues. There are three groups out there right now. There is the **Mental Health Oversight Council**, which oversees the entire mental health system; the **Service Area Authorities** for planning for children and adult mental health, and the **System and Care Planning Committee**.

{Tape: 1; Side: B; Approx. Time Counter: 10.8 - 12.5}

Jim Fitzgerald, Director Intermountain Children's Home: They provide psychiatric clinical services for seriously emotionally disturbed children from all over the State of Montana. He is also a member of the Central Service Area Authority Leadership Committee with 17 people who have been involved with the Central Service Authority for the last 30 months. They are very much in support of this bill to clarify and clean up the language.

{Tape: 1; Side: B; Approx. Time Counter: 12.5 - 13.1}

Janie McCall: Care Representative for the Montana Children's Initiative Provider Association. They have 19 providers who are members including the Intermountain Children's Home. They provide services for child welfare, mental health and juvenile justice. This bill will help give clearer direction in terms of developing a system of care.

Jeff Folsom, AWARE and Provider for Care for Mental Services for Adults rose in support of the bill. He applauded the Department for their efforts during the last couple years. He felt the bill would provide clarification and help the Department to move forward.

Anita Roessmann, Montana Advocacy Program supports the bill. The Special Service Area has asked SEN. Keenan to make a couple changes to the bill. They want the communication responsibilities of the service area authorities and the system of care committee be reciprocal. On the last page on line 8 there is direction to the service area authorities to take in the policies, plans, and budget developed by the children's system of care planning committee provided for in 52-2-303. They want language and the system of care statute that requires them to also serve the planning that has gone on in each of the three service areas. Children's mental health issues are more complicated than adults so it is important for those to get their own considerations, but at the same time there is overlap. For instance, when there is a severe crisis of a child or an adult where there needs to be transportation, they are transported in

handcuffs. There are not safe places for kids in severe crisis to go for short term nor suicide prevention programs.

{Tape: 1; Side: B; Approx. Time Counter: 13.1 - 21.2}

Opponents: None.

Informational Witnesses:

Bonnie Adee, Montana Ombudsman, wanted to add information not spelled out in the bill - the participation of parents and family members in the system of care planning committee and in the SAA. She thought that was critical for the committee to know. Her role is to bring the voice of the users of the system to you as you consider policies. It is important to her that parents are invited and are at the table participating at all levels.

{Tape:1; Side: B; Approx. Time Counter: 21.2 - 23}

Mike Barrett: Offered the committee facts he felt would help them understand human nature.

EXHIBIT (phs05a09)

{Tape: 2; Side: A; Approx. Time Counter: 0.2 - 6.0}

Questions from Committee Members and Responses:

SEN. ESP asked **SEN. KEENAN** regarding the amendments on the table, if it was his intention to put them in the bill. **SEN. KEENAN** answered it was the first amendment he had seen. It is one part of a three part requested amendment. He felt they could work through them as he mentioned earlier.

Closing by Sponsor:

SEN. KEENAN said everything is self explanatory and offered his time to the committee to work through any problems with the bill.

SEN. CROMLEY informed the committee they would not take executive action today and asked for a motion to adjourn

SEN. ESP moved to adjourn. Unanimous.

ADJOURNMENT

Adjournment: 4:00 P.M.

SEN. BRENT R. CROMLEY, Chairman

RITA TENNESON, Secretary

BC/RT

Additional Exhibits:

EXHIBIT ([phs05aad0.PDF](#))