

MINUTES

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

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By **CHAIRMAN BRENT R. CROMLEY**, on January 26, 2005
at 3:00 P.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

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

Members Excused: None.

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 249, 1/21/2005;
SB 153, 1/21/2005
Executive Action: SB 112; SB 110; SB 127; SB 137
SB 119

HEARING ON SB 249**Opening Statement by Sponsor:**

SEN. JOHN COBB, SD 9, opened the hearing on **SB 249**, Require coordination for addiction treatment between Corrections and the Department of Health and Human Services (DPHHS).

The bill provides that the DPHHS and Department of Corrections work together in managing a state-wide continued care plan for prevention, intervention and treatment for chemical dependency and co-occurring disorders. **SEN. COBB** went through the bill, explaining procedures to committee members. A Montana Comprehensive Plan outline was given to the committee for their further information.

EXHIBIT (phs20a01)

EXHIBIT (phs20a02)

{Tape: 1; Side: A; Approx. Time Counter: 0 - 6}

Proponents' Testimony:

Bill Slaughter, Department of Corrections, favored the bill as it coordinates the DPHHS and his Department. He said there was a lot of need for human services and mental health needs. When people are released, 51% go back in. The main cause is whether or not they are able to get further drug treatment, SSI, mental health services, etc. He thought it very important to coordinate with DPHHS for these services.

{Tape: 1; Side: A; Approx. Time Counter: 6 - 9.1}

Joyce DeCunzo, Administrator of the Addictive and Mental Orders Division, told committee members the bill would allow them to develop some infrastructure to work with the Department of Corrections. She urged the committee's support.

Anna Whiting Surrell, Governor's Office, said the Governor supports the coordination between the two departments. They are excited about the work they are putting together regarding substance abuse prevention.

Mike Ruppert, CEO, Boyd Andrews Community Services, Helena, told the committee they have been providing chemical dependency services for thirty years and pre-release correctional services for five years. He added there needs to be coordination between the two departments, in terms of how treatment is done, as well as continuity between the two systems.

{Tape: 1; Side: A; Approx. Time Counter: 9.1 - 12.4}

Rebecca Fowler, Self, told the committee she is in a home for women in Missoula. She was among the 51% who went back to prison because she lacked adequate chemical dependency treatment upon release. She was thankful that she is receiving treatment now in the women's home, and she is progressing well.

Don Hargrove, Montana Addiction Services Providers, which is a coalition of over twenty organizations and facilities throughout the State of Montana concerned with prevention, intervention and education on substance abuse in the State. They strongly support the bill. He agreed with Mr. Ruppert that money isn't a part of the bill. He added that, not only would the bill reduce the tremendous load on the taxpayer for law enforcement, corrections, and social programs associated with substance abuse, it will also reduce the human tragedy associated with these problems.

{Tape: 1; Side: A; Approx. Time Counter: 12.4 - 15.9}

Bridget McManus a resident of the **Carol Grant Home, Missoula** supported the bill. The home keeps her family together and she is able to get the substance abuse treatment she needs.

Johna Nohonner, Carol Grant Home, said she had been in facilities since the age of fourteen. She now has an opportunity, at the Carol Grant Home, to parent her two children. She has a boyfriend also in treatment and strongly supports the bill.

William Stops, Self, told the committee he is chemically dependent. He believed coordination between the Department of Corrections and the DPHHS was important. He recently finished the WATCH program, a six-month intense treatment program. He is now in after care through DPHHS. He said without this, he wouldn't be capable of handling situations and he would be a danger to himself and society. He added that if money is available for the program when people are in the early stages of addiction, it would be a large factor in keeping them from returning to prison.

John Vetch, a recovering alcoholic, was released from the WATCH program three months ago. He agreed there should be more coordination between the departments. He has been through four treatments. Upon release, not only could he not afford the medication, he did not receive help or any monitoring to keep him on his medication. He felt there should be at least six months in-house intense treatment, and continued treatment up to three years. He added that, in alcohol addiction, the two-year point is a critical mark. Upon release from the Department of Corrections, some have lost their families, their homes, and had no other

support. Consequently, they fall back into the cycle, and are back in prison.

{Tape: 1; Side: A; Approx. Time Counter: 15.9 - 24.9}

Phil Slominsky, Self, was addicted to drugs since he was in the fifth grade. He started with marijuana and it escalated into meth. He put himself into treatment. With treatment he is turning his life around. He heard on the radio that there are 7,000 meth labs out there and they will triple in the next year or two. He emphasized that continued treatment was critical.

Chuck Gehring, Self, started drugs when he was fifteen. He's been in the judicial system eight years of his life. A year ago his probation officer got him into rehabilitation and he stopped using. He is a year and five days sober, which he attributes to his treatment. He has a two year old boy and he thanked God he was sober today.

Ron Sherman, Self, a 43-year-old recovering meth addict living in Missoula, told the committee he began using meth about eighteen months before being arrested. He added he was sure that being arrested saved his life. Before being addicted, he was a hard working family man raising two grandchildren. While in treatment, Connection Corrections in Butte, he realized what meth could do to someone and made the choice to never use again. He added that these programs are designed to educate an addict about the destruction they are causing in their own lives and those in the community around them. He said some addicts abuse the programs, making it difficult for those who are serious and have to wait months to get into the programs. He feels the programs should be heavily monitored to weed out individuals who are working the system. He is now in Turning Point, an after care program. He said education for young people is very important for preventing drug use.

{Tape: 1; Side: B; Approx. Time Counter: 0 - 5.2}

Dennis Watson, Self, has been an alcoholic for thirty years and is in treatment with Turning Point Addiction Services. He was a successful contractor, but alcohol made him bankrupt. At Turning Point, they examined his financial situation. Realizing he did not have the money to pay, they allowed him subsidization. Through this he was able to get into recovery. They treated his emotional problems, beginning in his childhood and what brought him to alcoholism. He added that, for the first time in his life he feels like a recovering alcoholic, by solving problems which tormented him for years. He was proud to be present and supporting the bill.

Anita Jones knew the program would succeed. She was arrested on meth charges and fortunate to be able to go into the Montana Chemical Dependency Center (MCDC) before she was sentenced. She was in MCDC for two months and is now in an out-patient program at Turning Point. Had she not had this support when she left MCDC, she would not be sober now. She said the after care and treatment will help keep her out of the Department of Corrections.

Peg Shea, Executive Director of West Montana Addiction Services.

They provide prevention services and treatment in the western part of the State. Currently they have about 360 people in their treatment and another half of that waiting for treatment. These people are clinically eligible but there is no room. In their program, some people are put in detox, some in residential care, some need outpatient care and some are in group home care. Coordination is important. Meth probation and parolees in Missoula county, upon release, are required to go to treatment if they are eligible. She supports the bill and, importantly, the treatment process of the bill.

{Tape: 1; Side: B; Approx. Time Counter: 5.2 - 13.5}

Roger Curtiss, Director, Alcohol and Drug Services, Anaconda is a recovering alcoholic, with 25 years of sobriety. He appreciated the people who came forward and talked about where they were in their recovery process. He speaks to about 135 inmates in the WATCH program each month. The cooperation in his community with the agencies, the WATCH program and the Department of Corrections is amazing. He said we need to do this across the State. He also has a waiting list for his programs. He asked the committee's passage of this important bill.

Tamera Nauts, Turning Point Addiction Services is a clinical social worker and addiction counselor. As the Clinical Director for the Carol Grant Home, she couldn't express how much she supports the bill. The women she works with face catastrophic impacts on their lives if they are unable to get into treatment. It is a long-term treatment program. The women live in a structured environment, where they learn life skills; how to cook, pay bills, grocery shop, take care of their children, how to parent, and how to be in a relationship. There are eight people on her waiting list. These people are losing their children, relapsing, using meth, dealing meth and digging their hole deeper, because they have nowhere to go. Her program needs additional resources for people waiting to get into treatment as well as coordination between the Department of Corrections and DPHHS.

{Tape: 1; Side: B; Approx. Time Counter: 13.5 - 19.2}

Mavis Villancourt, Self, supports the bill as an opportunity for people to change their lives and become members of the community

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. SCHMIDT expressed her interest in prevention and asked what would have stopped one of the proponents from using. **Mr. Slominsky** answered knowledge. He hadn't a clue before he started. He said drugs could be slipped into a drink. It could start anywhere.

SEN. WEINBERG asked **Mr. Slaughter** what they did when someone showed up in State Prison and how they dealt with them. **Mr. Slaughter** said they go into the MASC Program in Missoula. They live with them 45 days. In MASC they do drug testing, counseling, assess the length of treatment, etc. A male, sentenced to prison, goes to a reception facility at Montana State Prison where he spends 45 days doing the same thing. They are evaluated as to whether they are dangerous, their past life, how they respond in an incarcerated situation. If it was a violent crime, they could become violent in the facility. They classify the prisoner and put him in the best suited living unit.

{Tape: 2; Side: A; Approx. Time Counter: 0 - 5.2}

SEN. GRIMES questioned **Ms. Shea** about treating meth effectively through on-going intervention and treatment, and whether past legislation had helped. **Ms. Shea** said the meth addicts in Missoula, on the programs, are doing well. She thought the biggest part missing was detoxification. They have four medical detox beds in Missoula, two paid privately, as there isn't enough money from the State. There are several types of detoxification and, if you treat addicts with medication, their relapse rate goes down 80%. She went into detail about meth use and chemical dependency, cost and continued care.

{Tape: 2; Side: A; Approx. Time Counter: 5.2 - 13.1}

SEN. GRIMES asked **Joan Cassidy, Bureau Chief for the Chemical Dependency Bureau**, for further clarification. **Ms. Cassidy** told him that in the recovery rate, it wasn't easy to come up with an accurate figure. They have to look at the severity of the problem. The cost and success rate for a minor conviction is

greater than for someone with multiple treatments. These treatments could include someone with emotional or medical problems, mental illness, or someone just out of the prison system who hasn't had a lot of treatment connected with the recovery environment. She added it is a life time illness and people come out of recovery at different levels.

{Tape: 2; Side: A; Approx. Time Counter: 13.1 - 16.4}

SEN. SCHMIDT asked **Mr. Ruppert** about the Boyd Andrews Program. **Mr. Ruppert** told her insurance has forced them into individualized treatment. Care for incarcerated correctional people is based upon a model developed in the 1960's, but it is not individualized, and everybody gets the same treatment. He said the two systems do not interface well so the bill helps a lot. In pre-release people don't get treatment in meth, they get assessed in meth, and put into their pre-release program based upon the model they use.

{Tape: 2; Side: A; Approx. Time Counter: 16.4 - 18.7}

SEN. O'NEIL asked what **MASC** stood for. He was told **Missoula Assessment and Sanction Center**.

Closing by Sponsor:

SEN. COBB explained that, in Section 4, both departments cannot commit any funds or sign a contract for substance abuse, or mental health issues until they report to the Interim Committee. He couldn't see building more prisons and putting addictive people in them. With the new governor coming in, there is a gap in the program. The programs are based upon treatment, but the money isn't there. He said they need to be putting money in and added the bill was a start. It gives them hard figures for making a decision.

HEARING ON SB 153

{Tape: 2; Side: A; Approx. Time Counter: 18.7 - 23.3}

Opening Statement by Sponsor:

SEN. JOHN COBB (R), SD 9, opened the hearing on **SB 153**, DPHHS performance indicators.

He handed the committee information showing estimates for the program indicators saying he thought it was important to have this program. The Department had no objections to the indicators and were willing to take the necessary steps.

Proponents: None.

Opponents: None.

Proponents' Testimony: None.

Opponents' Testimony: None.

Informational Testimony: None.

Questions from Committee Members and Responses:

SEN. GRIMES asked **SEN. COBB** to relate what is different in this proposal than in past proposals of similar nature. **SEN. COBB** replied that the legislature sets the goals and tells the Department this is what it want to know in the next couple years. This tells the committees what the Department is doing and if they are meeting their goals. It gives input into what is working and what is not. It helps in the budget process knowing what is successful.

{Tape: 2; Side: B; Approx. Time Counter: 0 - 9.7}

SEN. GRIMES referred the question to **Gail Briesse-Zimmer**, DPHHS, who told him they currently do measurements for federal and state requirements. The Department did not have a problem with this.

SEN. WEINBERG asked **Ms. Briesse-Zimmer** if the goals listed in the bill are similar to the ones they are using now. **Ms. Briesse-Zimmer** believed that the majority of the program indicators in the bill are ones the Department has established. **SEN. COBB** may have added a few more but she couldn't see any problem with these. **SEN. WEINBERG** then asked if the bill would add any bureaucracy or expense to the Department. **Ms. Briesse-Zimmer** said she estimated no additional cost. The additional ones added by **SEN. COBB** wouldn't increase the workload. They are required to post them to a website and they produce the indicators for the Office of Public Programs at the Governor's Office.

SEN. SCHMIDT wanted to know if each Department received the goals and performance indicators. **Ms. Briesse-Zimmer** answered in the past they produce the program indicators for the governor's budget presentation and posting them on their website.

SEN. ESP asked about page 5 on **SEN. COB's** chart what it referred to. **SEN. COB** replied some of the figures weren't there. **SEN. ESP** asked that when they ran the reports listed on the chart, can they run them on quarters or once every two years. **Ms. Briesse-**

Zimmer she would have to poll the Divisions and get back to him.

SEN. ESP wanted to know how cumbersome this would be for the Department to run them on a more frequent basis. He felt it would be useful for the Legislature in shaping policy.

SEN. GRIMES wanted to know the effort taken by the Department to produce these indicators. **Ms. Zimmer** said each program has their own data base so sometimes it is just a matter of doing a report.

Closing by Sponsor:

SEN. COBB told the committee there are good managers in the Department who are already doing all these things. The question was whether the legislature wanted to become involved in this. This goes back to the Governor's budget because it takes months to go over increases and narrowing them down. This gives a better idea of what the legislative response should be during the budgeting process.

EXECUTIVE ACTION ON SB 112

{Tape: 2; Side: B; Approx. Time Counter: 9.7 - 22.3}

Motion: **SEN. SCHMIDT** moved that SB 112 DO PASS.

Discussion:

SEN. CROMLEY moved TO AMEND SB 112 WITH SB011201.ASB.

SEN. CROMLEY explained the amendment and the court's ability for determination in the case of the ward.

EXHIBIT (phs20a03)

As the Committee had several amendments, **SEN. CROMLEY** asked **Mr. Bartos** to explain them. **Mr. Bartos** told the Committee the amendments are basically the same with the only addition to the language being on number 5. The words, "if a ward is a victim of abuse, neglect, or financial exploitation", insert the words, "by the spouse". This makes the amendment current. That amendment had not been prepared formally.

SEN. ESP needed clarification on how the ward would be deemed a victim. **Mr. Bartos** explained that the intent of the bill is that the court would have to first determine that the ward was a victim of abuse, neglect or financial exploitation by the spouse. The court would have to find that the ward is seeking public assistance prior to the court's revising the substitute judgement.

SEN. WEINBERG wondered who decides whether the person is incapacitated. **Mr. Bartos** said there is a separate proceeding before the individual becomes a ward. It entails an extensive hearing by the court.

Motion/Vote: **SEN. CROMLEY** moved TO AMEND SB 112 WITH SB011201.ASB. Motion carried unanimously by voice vote.

{Tape: 3; Side: A; Approx. Time Counter: 0 - 10.5}

Motion: **SEN. COBB** moved that SB 112 DO PASS AS AMENDED.

Discussion:

The Committee debated back and forth for a considerable amount of time regarding the guardian, the ward and the court decision. After clarification, **SEN. CROMLEY** asked for the Committee's vote on SB 112.

Vote: Motion carried 6-3 with **SEN. GRIMES**, **SEN. O'NEIL**, AND **SEN. WEINBERG** voting No.

EXECUTIVE ACTION ON SB 110

{Tape: 3; Side: A; Approx. Time Counter: 2.8 - 28}

{Tape: 3; Side: B; Approx. Time Counter: 0 - 11.2}

SEN. COBB explained an amendment he gave the Committee. He also explained the waivers.

EXHIBIT (phs20a04)

Motion/Vote: **SEN. COBB** moved TO AMEND SB 110 WITH SB110002.ADN. Motion carried unanimously by voice vote.

{Tape: 3; Side: B; Approx. Time Counter: 11.2 - 15.9}

SEN. ESP asked **Mr. Niss** about amendment 4, where it says the department shall present the waiver to the legislative finance committee, if that referred to the interim committee. **Mr. Niss** thought not particularly. **SEN. ESP** moved to insert "during the interim," after "or."

Motion/Vote: **SEN. ESP** moved TO AMEND THE AMENDMENT TO INSERT "DURING THE INTERIM." Motion carried unanimously by voice vote.

{Tape: 3; Side: B; Approx. Time Counter: 15.9 - 21.5}

Motion: SEN. COBB moved that SB 110 DO PASS AS AMENDED.

Discussion:

SEN. SCHMIDT asked Mr. Chappius if this would be a public comment time. Mr. Chappius answered, yes. It would coincide with what already is required for public comment from the Tribe. When they implement, there is a rule process which has 90 days. This is already in the statutes.

Motion/Vote: SEN. COBB moved that SB 110 DO PASS AS AMENDED.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 127

Motion/Vote: SEN. COBB moved TO AMEND SB 127 WITH SB012701.ADN.
Motion carried unanimously by voice vote.

EXHIBIT(phs20a05)

Motion/Vote: SEN. COBB moved that SB 127 DO PASS AS AMENDED.
Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON SB 137

{Tape: 4; Side: A; Approx. Time Counter: 0 - 3}

Motion/Vote: SEN. ESP moved TO AMEND SB 137 WITH SB013704.ADN.
Motion carried unanimously by voice vote.

EXHIBIT(phs20a06)

Motion/Vote: SEN. CROMLEY moved TO AMEND SB 137 WITH SB013703.ADN. Motion carried unanimously by voice vote.

EXHIBIT(phs20a07)

Motion/Vote: SEN. O'NEIL moved TO AMEND SB 137 WITH that SB013701.ADN. Motion carried unanimously by voice vote.

EXHIBIT(phs20a08)

Discussion: SEN. ESP pointed out that the bill should say "body piercing," not "body pierces" and Mr. Niss could change that.

SEN. GRIMES wanted to know if this was regulating businesses or establishments. The bill defines establishments, meaning a body piercing or tattooing operation or combination of both, in a type of establishment. He wondered if this created a loophole. He

thought they should strike, on line 29 page 1, "in multiple type establishments."

Motion: SEN. O'NEIL moved to strike all of the bill, except for the definition and Section 16 on page 5 and 6, as amended.

SEN. O'NEIL said his motion would keep from creating a turf war and another government bureaucracy to inspect all the body piercing places. His amendment would leave the part of the bill saying the parent shall approve of the child getting the piercing, body piercing, or tattooing.

Vote: Motion failed 1-8 by voice vote with SEN. O'NEIL voting aye.

Motion/Vote: SEN. ESP moved that SB 137 DO PASS AS AMENDED. Motion carried 8-1 with SEN. O'NEIL voting no. SEN. WILLIAMS voted aye by proxy.

EXECUTIVE ACTION ON SB 119

{Tape: 4; Side: A; Approx. Time Counter: 3 - 21.4}

SEN. SCHMIDT asked the Committee to reconsider **SB 119, Yellow Copy**, which had been returned to the Committee. The bill had been sent back to Committee to clear up an amendment SB11902.adn. due to a concern of **SEN. GRIMES** on page 4.

SEN. GRIMES said it was a minor modification to the language for clarification. He referred the committee to **Shirley Brown, DPHHS**.

Ms. Brown explained the amendment done Friday, on page 4, line 24, followed the First Court and included "to the party if a party objects to the findings and recommendations the party may -" She asked it to be amended to read; to the party if a party objects to the findings and recommendations "when the foster review committee conducts the permanency hearing", the party may within ten days serve written objections upon the other party and file them with the court. A request for a permanency hearing upon the objections may be made by a party by motion. This clarifies that the objection would be when the foster care review committee conducts the permanency hearing.

SEN. CROMLEY asked **Ms. Brown** if she was only inserting one word. **Ms. Brown** said she is inserting into the amendment already made to the bill. After the word, "recommendations", insert "when the foster care review committee conducts the permanency hearing".

Then, in the sentence that says, "The request for a hearing", she is inserting, "permanency" before hearing.

{Tape: 4; Side: A; Approx. Time Counter: 21.4 - 28}

SEN. ESP asked **Ms. Brown** asked why the amendment was needed. **Ms. Brown** replied that without this, it wasn't clear when they can get a hearing for the permanency. She thought if the amendment was left the way it was, if somebody didn't agree to the recommendations that come out of the foster care review committee, then they could ask for a status hearing.

SEN. CROMLEY referred **Ms. Brown** to Sections 41-3, 115, beginning on page 2 of the bill and whether the only hearings referenced are permanency hearings. **Ms. Brown** answered that on page 4, line 24 says there is lenience there which concerned her and went on to explain.

{Tape: 4; Side: B; Approx. Time Counter: 0 - 3}

Motion/Vote: **SEN. GRIMES** moved that **THE AMENDMENT**, page 4, strike "in all cases" and insert "following the permanency hearing," **DO PASS**. Motion carried unanimously by voice vote.

Motion/Vote: **SEN. O'NEIL** moved to amend page 2, line 26, insert: "an attorney who contracts with the court's Public Defender Program." Motion failed 7-2 by voice vote with **SEN. ESP** and **SEN. O'NEIL** voting aye.

The purpose of **SEN. O'NEIL'S** amendment was to have more than one view on the foster review committee. He felt this gave balance to the committee for the needs of the family fighting to keep their child at home.

SEN. WEINBERG didn't think the bill served the children well because of introducing other people into the permanency hearing process. He said the legal system is too slow, which would indicate to him something should be done about the legal system to address these cases quicker.

SEN. SCHMIDT referred to the options in the bill. She thought there were provisions to cover this situation.

Motion/Vote: **SEN. ESP** moved that **SB 119 DO PASS AS AMENDED**. Motion carried 7-2 by voice vote with **SEN. O'NEIL** and **SEN. WEINBERG** voting no. **SEN. COBB** and **SEN. MOSS** voted Aye by Proxy.

ADJOURNMENT

Adjournment: 6:15 P.M.

SEN. BRENT R. CROMLEY, Chairman

RITA TENNESON, Secretary

BC/rt

Additional Exhibits:

EXHIBIT ([phs20aad0.PDF](#))