



Children, Families, Health, and Human Services Interim Committee

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60th Montana Legislature

SENATE MEMBERS

CAROL JUNEAU
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DAN WEINBERG

HOUSE MEMBERS

EDITH CLARK
ERNIE DUTTON
TERESA HENRY
DIANE SANDS

COMMITTEE STAFF

SUE O'CONNELL, Lead Staff
LISA JACKSON, Staff Attorney
FONG HOM, Secretary
PAT MURDO, Staff for SJR 15

MINUTES

October 14, 2008

Room 137, Capitol Building
Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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COMMITTEE MEMBERS PRESENT

SEN. CAROL JUNEAU
SEN. RICK LAIBLE
SEN. TERRY MURPHY
SEN. DAN WEINBERG

REP. EDITH CLARK
REP. ERNIE DUTTON
REP. TERESA HENRY
REP. DIANE SANDS

STAFF PRESENT

SUE O'CONNELL, Lead Staff
LISA JACKSON, Staff Attorney
FONG HOM, Secretary

Visitors

Visitors' list, Attachment 1
Agenda, Attachment 2

COMMITTEE ACTION

- The committee proposed three amendments to Law and Justice's LC 307.
- The committee approved drafting a bills to fund KMAs, and to clarify the roles of LACs, SAAs, and KMAs.
- The committee approved a bill draft to appropriate funds into the System of Care Account.
- The committee requested that DPHHS consider the barriers to BHIF and report to the Joint Appropriations Subcommittee on Health and Human Services.
- The committee approved amending LC 329 to expand the suicide prevention pilot project.
- The committee requested that staff send a letter to DPHHS expanding services for CHCs.
- The committee requested that DPHHS report on the issue of Medicaid co-pay to the Joint Subcommittee.
- Staff will send a letter to DPHHS and Indian Health Services asking for better cooperation in improving the Medicaid enrollment.

CALL TO ORDER AND ROLL CALL

00:00:04 Rep. Clark called the meeting to order at 8:30 a.m. The committee secretary was told that Sen. Juneau would be late and that Sen. Laible was excused. The August 21 and 22, 2008, meeting minutes were approved as read.

AGENDA

MENTAL HEALTH STUDY: OVERVIEW

Service Needs and Gaps - Richard Dougherty and Wendy Holt, DMA Health Strategies

00:06:46 **Richard Dougherty** gave a presentation on the Mental Health Study (**Exhibit 1**).

00:20:56 **Wendy Holt** discussed the findings on the Montana Children's Health Insurance Program (CHIP) and the services available to children with mental health issues, whether or not there were any services for Indian Health Services, and Adult Mental Health Coverage.

Department of Public Health and Human Services Response - Joan Miles, Director, Mary Dalton, Health Resources Division, and Lou Thompson, Administrator of Addicted and Mental Disorders Division

01:27:08 Ms. Miles said that the Department appreciated the work that went into the Mental Health Report and will make sure that the study gets to the local levels for discussions on things that could be initiated locally. She said that they did find some areas where data on the seriously emotionally disturbed children was not accurate. She provided clarification on the data and said that the Department would like the comments to be appended to the report.

01:30:45 **Lou Thompson, Administrator of AMDD**, said she appreciated working with Mr. Dougherty and Ms. Holt during the state's managed care period in the 1990s. DMA was under contract with AMDD to help develop a performance improvement plan for Magellan. Ms. Thompson said that DMA's

recommendations validate the importance of the new initiatives that were put forth by the 2007 Legislature, as well as some of the initiatives that have been implemented during the interim with the support of the director's office and the governor's budget office.

01:36:12 **Mary Dalton, Division Administrator for Health Resources Division**, said that there are some recommendations in the Report that they will look at, one being the amount of money that Children and Families Services is spending for evaluations and treatment. Other recommendations to be looked at are: the Medicaid and CHIP system for children, crisis intervention and 72-hour presumptive eligibility.

PUBLIC COMMENT

01:38:55 **Collette Gray, Community Advocate, Opportunities Inc., Great Falls**, commented on the Peer Support and Early Childhood Mental Health group that deals with collecting data and also talked about mental health issues concerning children.

01:39:55 **Kathy McGowan, Community Mental Health Centers, Sheriffs and Peace Officers, and County Attorneys**, commented on the need to retool the crisis services. She also talked about her skepticism of managed care and the remarkable job that state agencies have done. Her concern is getting a leader to pull everything together.

01:49:15 **Anita Roessmann, Disability Rights Montana**, talked about the Kids Management Authorities (KMAs) and the work that was done by the Law and Justice Interim Committee. She also discussed proposed legislative bills that will come out of the Law and Justice Interim Committee.

01:58:53 **Matt Koonz, Ex. Dir., NAMI Montana**, said that there is a need for leadership for community crisis services and the need to cap admissions to the State Hospital. He said that the Kids Management Authorities need to be sustained in order to take care of the emotionally disturbed children.

02:00:19 **Chuck Hunter, Helena**, said that the grant supporting KMAs is ending and the fact that the time of transition for funding by state and local entities is now. He would encourage everyone to look at a proposal for putting more money into KMAs.

02:03:18 The comments of **Dennis Alexander, Interim Executive Director, Montana Mental Health Association**, were distributed to the committee (**Exhibit 2**).

Criminal Justice Recommendations - Richard Dougherty and Dan Abrue of Policy Research Associates, Inc. (conference phone)

02:35:23 Mr. Dougherty gave a presentation on criminal justice recommendations (Exhibit 1).

02:57:41 **Dan Abrue** discussed data sharing, the data link program, issues regarding forensic case management, and development of training for community health

teams in rural areas.

Law and Justice Interim Committee Work - Sheri Heffelfinger, Staff Researcher for LJIC

03:01:52 Ms. Heffelfinger gave a report on LJIC's recommendations. She distributed the LJIC's and DMA's recommendations (**Exhibit 3**) to the committee.

Department of Corrections Response - Mike Ferriter, Director of Montana Department of Corrections

03:16:23 Mr. Ferriter discussed the areas in the report that deals with the Department of Corrections.

Steve Gibson, Administrator of Youth Services, discussed the recommendations in the report regarding Youth Services and wanted to remind the committee that there are Montana children placed in facilities out-of-state because they were refused admittance or were booted out by Residential Treatment Centers in Montana.

Questions

03:36:47 SEN. WEINBERG asked about the Department's efforts on suicide prevention and if those efforts coordinate with the efforts of the Department of Public Health. **Deb Matteucci, Behavioral Health Program Facilitator**, said that the State Suicide Prevention Coordinator is part of DPHHS but interacts with the Office of Public Instruction and Department of Corrections.

PUBLIC COMMENT

03:43:31 **Mitzi Anderson, NAMI member**, said that she is here because she is frustrated, saddened, disheartened, and angry at having to watch a family member or other people be decompensated over and over again until they have to be hospitalized all because of the mindset that we have. She distributed and discussed a letter that she wrote (**Exhibit 4**) to the committee.

03:59:14 **Patty Jacques**, said that one of the goals she has set for herself is to decriminalize people with mental illness. She thanked the committee for the hard work they are doing regarding mental illness issues in the state. She provided written testimony to the committee (**Exhibit 5**).

System Financing and Opportunities for New Revenues - Richard Dougherty, DMA Health Strategies

04:41:04 Mr. Dougherty discussed financial findings of the Children's Mental Health Programs (Exhibit 1).

Ms. Holt said that several funding sources were identified that related to criminal justice and mental health collaborations. She listed those sources in the appendices of the report.

Changes to Improve System Integration - Richard Dougherty, DMA Health Strategies

05:18:29 Mr. Dougherty discussed recommendations to improve the mental health system integration (Exhibit 1).

DPHHS Responses

06:13:00 **Mary Dalton, Health Resources Division**, said that some of the recommendations that Mr. Dougherty suggested will be looked at by the Department.

HB 98 System of Care Account Report - Bonnie Adee, Chief, Children's Mental health Bureau, DPHHS

06:35:37 Ms. Adee gave a report on the HB 98 - Systems of Care Account for FY 2008 (Exhibit 6).

Public Comment

06:51:07 **Deb Mattuecci, Behavioral Health Program Facilitator**, commented on recommendations specific to criminal justice within the financing section. She said that one of the recommendations is to look at ways to access federally matched Medicaid funding and grant dollars.

07:11:27 **Steve Nelson, Director of Montana Children's Initiative of Provider Association**, commented on the importance of the flexible funding issue and the system of care.

07:16:48 **Chuck Hunter** said that a large subset of the children's mental health population is children who are entering the system through the foster care system.

07:19:11 **Sheri Heffelfinger, Research Analyst, Law and Justice Interim Committee**, discussed recommendations that relate to the Law and Justice Interim Committee's work on mental health issues that are listed under Recommendations on Organizational Issues (Exhibit 7).

07:23:15 **Joan Daley, Administrator of the Community Crisis Center, Billings**, commented on the success of the Crisis Center. She recommended that the committee support bills drafted by LJIC.

07:33:49 **Anita Roessmann, Disability Rights Montana**, commented on whether there is a way to compel counties to step up and start funding crisis services.

Break

DPHHS Comments

08:00:33 **Joan Miles, Director, DPHHS**, said it has been valuable to her to see the long list of recommendations through the lens of the editorial comments today and through discussions about which ones were important and which ones provided new ideas. First and foremost, Ms. Miles said that when she started as director three years ago, one of the messages from Gov. Schweitzer was to look at how we can strengthen and build our mental health system and the emphasis was on the word "system" so that we had a continuum of care. The Mental Health Report

will help the Department in the planning efforts that have been started for the continuum of care and focusing on that concept of having the right services in the right places.

08:15:51

DISCUSSION ON MENTAL HEALTH STUDY RECOMMENDATIONS: SERVICE NEEDS AND GAPS

Coordinated Care Organization

Sen. Weinberg **moved** that the committee have a study resolution of a CCO, a form of managed care, for the next interim. The motion carried.

Recommendations to LC0307

Sen. Weinberg **moved** to propose three amendments to Law and Justice Committee bill draft, LC307 to add specific language to ensure that county expenditures for CIT are an eligible expense for the purposes of the grant program; make the grant program "collaboratives" rather than a grant program to counties; and match county precommitment costs if a county was an active participant in the "collaborative". The motion passed.

Clarifying Roles of LACs, SAAs, and KMAs

SEN. LAIBLE **moved** for a resolution to study the continuation of programs under LACs, SAAs, and KMAs with the intent to look for funding and to submit a letter to the Joint Appropriations Committee that the agency would have to provide information as to how many people they are servicing, what the costs will be, and what the results will be at a community level.

After a discussion on funding of KMAs and whether a resolution was the appropriate action to take, Sen. Laible **withdrew** his motion for a letter to the Appropriation Committee and also **withdrew** the motion for a resolution to clarify the roles.

Sen. Laible **moved** for a bill draft to appropriate \$2.4 million to continue funding the existing KMAs for the 2-year biennium and to start up new KMAs. The motion passed.

Sen. Laible **moved** for draft legislation to clarify the roles of the LACs, SAAs, and the KMAs and to have staff work with the Department on the drafting of this legislation. The motion passed.

Discussion on appropriating funds to the System of Care Account

There was a discussion on appropriating \$250,000 to the System of Care Account to provide each KMA with some flexible funding for children's services in conjunction with Sen. Laible's motion. Ms. O'Connell said that that recommendation would be an appropriation to the Special Revenue Account. That account funds various agencies to provide services to those children with a high level of need that are served by more than one agency. Also discussed was a parenting program for children ages 0-6.

MOTIONS

Sen. Juneau **moved** for a draft bill to appropriate \$250,000 into the System of Care Account to fund children services, including a parenting program for ages 0-6. The motion carried.

Sen. Murphy said that for the record, he will not be voting for any future appropriation proposals for the next session from the CFHHS Committee.

Sen. Weinberg **moved** to request that DPHHS take under consideration barriers to the creation of additional community Behavioral Health Inpatient Facilities (BHIF) and that DPHHS report to the Joint Appropriations Subcommittee on Health and Human Services on that issue. The motion carried.

Rep. Sands **moved** to amend LC0329 to expand suicide prevention pilot project to include screening for mental disorders not just suicide risks. The motion passed.

08:58:32 Rep. Sands discussed the topic of expanding services for community health centers. There was a **motion** to send a letter to the Department of Public Health and Human Services for expanding services for Community Health Centers. The motion passed.

08:59:52 There was a discussion on co-payments for mental health services. Sen. Weinberg **moved** to request that the Department report to the Joint Subcommittee on the issue of co-pay and to clarify the question of co-payment and how to make it more transparent. The motion passed.

Rep. Clark said that she wanted it noted on record that the Senate Finance and Claims had a subcommittee that asked former legislators who served on the joint subcommittee to submit to the Legislative Services and to the upcoming joint subcommittee, items that they did not wish see go away and in that vein, she will still support the Peer Support Program and see that it goes forward as much as she can.

09:04:40 Sen. Juneau directed the committee to Exhibit 8, the collaboration with Indian Health Service to maximize Medicaid enrollment and reimbursement and identify mental health needs. Sen. Juneau **moved** that a letter be sent to both the Department and Indian Health Service asking for better cooperation from Indian Health Service to work with the Department in terms of improving the Medicaid enrollment and providing information. The motion passed.

09:06:35 Summary of Recommendations
Sen. Laible said that they have 8 pages of recommendations and three pages of possible action. He asked if it was safe to assume that the Department doesn't need the committee's approval to go ahead with the recommendations. Rep. Clark said that the Department will not proceed with all the recommendations but use them as a guidelines to further their study.

Ms. O'Connell said that they could direct staff to continue to monitor what

happens throughout the Legislative session with items that are in the Summary of Recommendations and no specific action was taken on so that they could be brought to the attention of the next interim committee and that committee could decide at the outset of the interim which ones they would like to continue to follow and try to develop additional legislation.

09:12:50 Sen. Juneau said that the committee talked about getting the committee's issues to Sen. Baucus. Sen. Baucus has created a healthcare task force and requested feedback from the state on healthcare issues. Sen. Juneau offered to forward an e-mail regarding the Sen. Baucus' request to the committee members.

COMMITTEE WRAP UP

09:14:38 Ms. O'Connell discussed Senate Joint Resolution 5, Study of EMS Services, and the Legislative Audit Division's recommendation on clarifying laws involving medical direction and complaint handling and how to use the definition for online medical direction. There were some concerns that the definitions might be a door allowing EMTs to come into the emergency room and provide services in a hospital rather than before or during interfacility transport. Ms. O'Connell said that she worked on clarifying that definition and has added that definition to two sections of the bill, which she e-mailed to the committee members. She said that she did not want to proceed with the bill draft in that form unless everyone on the committee felt that that was okay. Rep. Henry said that she had concerns regarding that and wanted to clarify that she is fine with that language and that the ongoing concern is to increase the number of emergency service providers in the field and in transport, and that there is no intent to have those service providers leave the field to work in hospitals.

ADJOURNMENT

09:21:06 The meeting was adjourned at 5:52 p.m. by Rep. Clark.

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