



Children, Families, Health, and Human Services Interim Committee

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64th Montana Legislature

SENATE MEMBERS

MARY CAFERRO--Vice Chair
FREDERICK (ERIC) MOORE
DIANE SANDS
ROGER WEBB

HOUSE MEMBERS

RON EHLI--Chair
JESSICA KARJALA
ALBERT OLSZEWSKI
GORDON PIERSON

COMMITTEE STAFF

SUE O'CONNELL, Lead Staff
ALEXIS SANDRU, Staff Attorney
FONG HOM, Secretary

MINUTES LOG

June 20, 2016
Room 137, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

REP. RON EHLI, Chair
SEN. MARY CAFERRO, Vice Chair

SEN. FREDERICK (ERIC) MOORE (roll call only)

REP. JESSICA KARJALA
REP. ALBERT OLSZEWSKI
REP. GORDON PIERSON

COMMITTEE MEMBERS EXCUSED

SEN. FREDERICK (ERIC) MOORE
SEN. DIANE SANDS
SEN. ROGER WEBB

STAFF PRESENT

SUE O'CONNELL, Lead Staff
JULIE JOHNSON, Staff Attorney
FONG HOM, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

The committee approved the following bill drafts as committee bills that will be introduced in the 2017 legislative session:

- LCCF11, eliminating certain Department of Public Health and Human Services advisory councils and reports;
- LCCF12, requiring Medicaid reimbursement of drug therapy management provided by clinical pharmacist practitioners; and
- LCCF5a, creating and funding a grant program for training volunteers to provide respite care to people with Alzheimer's disease or other dementias.

The committee reviewed and requested changes to:

- LCCF6a, increasing the number of home and community-based waiver slots for elderly people and increasing the reimbursement rates for assisted living; and
- LCCF7b, establishing a working interdisciplinary network of guardianship stakeholders and a grant program for public guardianship.

The committee reviewed and will take final action in August on:

- LCCF4a, appropriating \$1.5 million to the Area Agencies on Aging to provide specific services related to Alzheimer's disease and other dementias;
- LCCF08, requiring guardians to report suspected exploitation of their wards to DPHHS; and
- LCCF02, requiring certain individuals in the financial industry to report suspected financial exploitation of people under a guardianship to the securities commissioner. The committee also asked that a panel presentation be arranged to discuss the bill in more depth in August.

The committee decided against pursuing LCCF3a, to grant funds to a nonprofit organization to facilitate the delivery of Alzheimer's services in Montana.

The committee also:

- approved draft findings for the Senate Bill 418 study of legislative mental health investments and made recommendations for future legislative or agency action; and
- agreed to review in August a bill draft to be developed by two committee members for the House Bill 422 study.

CALL TO ORDER AND ROLL CALL

00:00:03 Rep. Ehli called the meeting to order at 8:07 a.m. The secretary called roll. Sen. Sands and Sen. Webb were excused. Sen. Moore participated by phone for the purpose of obtaining a quorum. ([Attachment 3](#))

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

HB 142 Review: LCCF11 Revisions - Sue O'Connell, Research Analyst

00:03:11 Ms. O'Connell ([Exhibit 1](#))

Committee Questions of Ms. O'Connell

- 00:05:25 Rep Ehli asked if the committee received a response from the Legislative Council regarding eliminating or modifying the HB 142 review process.
- 00:05:40 Ms. O'Connell said that the committee decided not to send a letter requesting a change to the review requirements.

STAFF REPORTS

Administrative Rule Review - Julie Johnson, Committee Attorney

- 00:06:33 Ms. Johnson ([Exhibit 2](#))

Committee Questions of Ms. Johnson

- 00:07:51 Sen. Caferro asked what is meant by "incorporate by reference".

SB 411: MDC Closure - Sue O'Connell

- 00:10:39 Ms. O'Connell ([Exhibit 3](#))

Committee Questions of Ms. O'Connell

- 00:12:28 Rep. Ehli asked about the status of state-operated group homes.
- 00:13:00 Ms. O'Connell said that the administration presented its plan, which included the state-run group homes. The Transition Planning Committee voted to support that plan.

SB 423: Montana Marijuana Act - Sue O'Connell

- 00:13:44 Ms. O'Connell ([Exhibit 4](#))

SB 418 STUDY: LEGISLATIVE MENTAL HEALTH INVESTMENTS

LCCF12: Medicaid Reimbursement for Clinical Pharmacist Practitioners

Sue O'Connell, Research Analyst
Carla Cobb, RiverStone Health, Billings

- 00:16:56 Ms. O'Connell ([Exhibit 5](#))
- 00:17:19 *Rep. Pierson arrived at 8:23 a.m.*
- 00:18:43 Ms. Cobb

Committee Questions of Ms. Cobb

- 00:26:49 Rep. Ehli asked if there has been any communication with the Addictive & Mental Disorders Division about using this model, whether it could include pharmacists in rural areas, and whether there is resistance from other medical fields in using this model.
- 00:32:00 Sen. Caferro asked if a clinical pharmacist practitioner can be a prescriber and whether the model works with telemedicine.
- 00:36:17 Rep. Ehli asked about an exit plan for patients coming out of Montana State Hospital.

Department of Public Health and Human Services Update - Glenda Oldenburg, Administrator, DPHHS Addictive and Mental Disorders Division

- 00:38:54 Ms. Oldenburg ([Exhibit 6](#))

Committee Questions of Ms. Oldenburg

- 00:50:14 Rep. Ehli asked about the grants that were awarded in fiscal year 2016 but the funds were not distributed.
- 00:52:21 Sen. Caferro asked about the number of people suffering from Alzheimer's disease and related dementia residing in the Montana State Hospital and in the Montana Mental Health Nursing Care Center, the costs per day at those facilities, and whether the department is transitioning people with Alzheimer's disease and dementia out of the institutions and into communities.
- 00:59:43 Sen. Caferro said that she has not yet received any information on comparing costs of an individual in the community versus the costs of an individual in an institution.
- 01:01:14 Rep. Ehli asked Ms. Oldenburg if she was aware that the committee had sent a letter to Budget Director Villa asking for a response on how those comparisons were made.

Draft Findings - Sue O'Connell

- 01:04:55 Ms. O'Connell (**Exhibit 7**)

Public Comment on the SB 418 Study

- 01:07:18 Stuart Doggett, Montana Pharmacy Association
- 01:09:19 Patti Jacques, Helena, provided comments on commitment dates to the Montana State Hospital.
- 01:15:39 Dr. Gary Mihelish, advocate for people who live with disabling mental illnesses
- 01:20:34 Jean Branscum, Chief Executive Officer, Montana Medical Association
- 01:23:07 Matt Kuntz, Executive Director, NAMI Montana

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

UPDATE - Richard Opper, Director

- 01:25:50 Ms. O'Connell noted that the committee packets included the required out-of-state placement report for children with mental health needs and a copy of the Protect Montana Kids Commission report as background for Director Opper's update.

Mr. Opper provided an update of the department's activities:

- 01:26:59 Personnel Issues
- 01:30:09 Medicaid Expansion
- 01:33:32 Governor's Council on Health Care Reform
- 01:36:49 Medicaid Reimbursement for pre-natal care
- 01:38:30 Parents as Scholars Program (**Exhibit 8**)
- 01:40:30 Children in Out-of-State Placements

Committee Questions of Director Opper

- 01:42:22 Rep. Olszewski asked about savings for people who are incarcerated and enrolled in Medicaid through the Medicaid expansion.
- 01:45:32 Rep. Karjala asked about the four priorities under the Governor's health care commission.
- 01:51:23 Sen. Caferro asked about Community First Choice.
- 01:57:11 Sen. Caferro asked about solutions for health care workforce shortages.

- 01:57:53 Sen. Caferro asked about the Legislature's intent to support people in the community and if wages are a problem in the personal care programs.
- 01:58:48 Rep. Ehli asked about new numbers in the Medicaid expansion.

BREAK (reconvened at 10:31 a.m.)

HB 422 STUDY: CHILDREN'S MENTAL HEALTH OUTCOMES

Panel Presentation: Information Collection and Databases

James Mantell, Vice President, NetReflector, Inc.
Scott Green, Netsmart

- 02:27:08 Mr. Mantell ([Exhibit 9](#))
- 02:44:36 Mr. Green ([Exhibit 10](#))

Committee Questions

- 03:04:11 Rep. Karjala asked Mr. Green asked about HIPPA requirements, security breaches, and customer service provided by Netsmart. She also asked about customer satisfaction surveys.
- 03:11:29 Rep. Olszewski asked Mr. Mantell about the number of NAMI Montana clients.
- 03:12:26 Rep. Karjala asked Mr. Mantell about HIPPA compliance and if NetReflector conducts customer satisfaction surveys.

Study Summary and Decision Points -- Sue O'Connell, Research Analyst

- 03:17:50 Ms. O'Connell ([Exhibit 11](#)) ([Exhibit 12](#))

Public Comment on the HB 422 Study

- 03:22:58 Matt Kuntz, Executive Director, NAMI Montana
- 03:26:41 Jani McCall, Intermountain, Youth Dynamics, Youth Homes, and Yellowstone Boys and Girls Ranch

LUNCH (reconvened at 12:44 p.m.)

SJR 22 STUDY: GUARDIANSHIP/ALZHEIMER'S DISEASE

Bill Drafts Related to Guardianship -- Sue O'Connell

- 04:41:24 LCCF02: Financial Protections for Vulnerable Adults ([Exhibit 13](#))
- 04:41:46 LCCF08: Requiring Guardians to Report Suspected Financial Abuse ([Exhibit 14](#))
- 04:43:57 LCCF07: Working Interdisciplinary Group on Guardianship: Options ([Exhibit 15](#)); WINGS TIPS ([Exhibit 16](#)); LCCF07a ([Exhibit 17](#)); LCCF07b ([Exhibit 18](#)); LCCF07c ([Exhibit 19](#))

Committee Questions of Ms. O'Connell

- 04:51:00 Rep. Ehli asked about the WINGS' list of potential members.

Public Comment on Guardianship Proposed Legislation

- 04:51:57 Sue Bailey, Alliance Resource Center, Billings, Montana ([Exhibit 20](#)) ([Exhibit 21](#))

- 04:55:42 Denise Armstrong, Yellowstone County Guardianship Council, Billings, Montana
(Exhibit 22)
- 04:58:21 Claudia Clifford, AARP Montana
- 05:01:08 Todd Wood, Executive Director, Area II on Agency on Aging
- 05:02:09 Beth Brenneman, Disability Rights Montana

Bills Drafts Related to Alzheimer's Disease/Dementia -- Sue O'Connell

- 05:04:58 LCCF03: State Alzheimer's Facilitator (Exhibit 23)
- 05:06:42 LCCF04: Funding for Area Agencies on Aging (Exhibit 24)
- 05:07:33 LCCF05: Grant Program for Respite Care (Exhibit 25)
- 05:08:58 LCCF06: Funding for Increased HCBS Waiver Slots (Exhibit 26)

Public Comment on Guardianship Proposed Legislation

- 05:14:05 Peter Sullivan, Certified Planning Consultant, Helena, Montana

Public Comment on Alzheimer's Disease/Dementia Proposed Legislation

- 05:17:23 Laurie Miller, Manager, Rest Care Home Care
- 05:20:23 Jennifer Wilkinson-Marshall, Phillips County
- 05:27:03 Laurie Glover, Family Nurse Practitioner, Great Falls (Exhibit 27)
- 05:29:58 Todd Wood, Area II Agency on Aging (Exhibit 28)
- 05:36:21 Jan Smith, Billings, Big Sky Senior Services (Exhibit 29) (Exhibit 30)
- 05:39:17 Laura Voegele, Helena (Exhibit 31)
- 05:43:00 Lynn Mallowney, Executive Director, Montana Chapter of the Alzheimer's Association
- 05:49:11 Kathleen Burke, Billings (Exhibit 32)
- 05:56:42 Holly Garcia, member of Alzheimer's Dementia Work Group
- 05:59:15 Susan Gecho Gobbs, Executive Director, People's Law Center
- 06:02:03 Robin Homan, Director, Spectrum Medical
- 06:03:32 Rose Hughes, Executive Director, Montana Health Care Association (Exhibit 33)
(Exhibit 34)
- 06:15:47 Claudia Clifford, AARP
- 06:17:36 Erin McGowan, Montana Association of Area Agencies on Aging
- 06:21:10 Beki Brandborg, Co-Chair, Montana Alzheimer's and Dementia Work Group
- 06:28:21 Denise Armstrong, Big Sky Senior Services, Billings
- 06:31:15 Beth Brenneman, Disability Rights Montana

Public Comment on any other topic in the committee's jurisdiction

- 06:34:22 Kathy McGowan commented on mental health services that have never had co-payments and that are now intending to have co-pays.
- 06:39:16 Rachel Lopez, licensed addition counselor, commented on co-pays and Medicaid expansion.

BREAK (reconvened at 3:07 p.m.)

COMMITTEE WORK SESSION

- 07:04:15 Ms. O'Connell provided the committee with written public comment from Patti Jacques about proposed legislation. (Exhibit 35)
- 07:05:54 Rep. Ehli said he told Ms. Jacques it was too late in the interim for the committee

- to consider new legislative proposals but that she could contact individual committee members with her concerns.
- 07:06:38 Rep. Karjala supported Ms. Jacques' request and suggested that she be told about other ways in which a bill could be requested. Rep. Ehli asked Ms. O'Connell to relay the sentiments of the committee and Rep. Karjala to Ms. Jacques.
- 07:08:27 At the request of Sen. Webb, Rep. Ehli read a letter regarding costs incurred by Sen. Webb for review of blueprints of the Galen facility now being used to house forensic patients. ([Exhibit 36](#))
- 07:09:28 Rep. Pierson noted for the record that he is waiting for proof that the blueprints are actually of the Galen facility and expressed his concern that the blueprints are of a secure facility and should be confidential by law.
- 07:10:13 Rep. Karjala agreed with Rep. Pierson.

HB 142 Review: LCCF11

Motion/Vote

- 07:12:23 Rep. Olszewski moved that LCCF11 be introduced as a committee bill in the 2017 Legislature. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

SJR 22 Bill Drafts

LCCF02: Financial Protections for Vulnerable Adults

- 07:14:29 Rep. Ehli said he would like to know more about mandatory reporting of suspected abuse and could not support LCCF02 as written.
- 07:15:27 Rep. Karjala said that Mr. Sullivan's concern was more on one of the bills being drafting from the Commissioner of Insurance.
- 07:16:17 Rep. Ehli discussed mandatory reporting requirements.
- 07:16:40 Ms. O'Connell asked if Rep. Ehli was looking for an alternative bill draft or a presentation on the topic. Rep. Ehli requested a panel presentation.

LCCF08: Requiring Guardians to Report Suspected Financial Abuse

- 07:18:22 Rep. Karjala asked about language regarding adult protective services.
- 07:18:54 Rep. Ehli asked about adult protective service as it relates to guardianship.
- 07:19:59 Ms. O'Connell discussed how the provisions of LCCF08 would fit into current laws regarding adult protective services.

Motion/Vote

- 07:20:39 Rep. Pierson moved that LCCF08 be continued to the August agenda. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

LCCF 07a, 07b, 07c: Working Interdisciplinary Network of Guardianship Stakeholders

- 07:22:38 Rep. Ehli discussed LCCF07a, LCCF07b, and LCCF07c.

Motion/Vote

- 07:23:15 Rep. Ehli moved LCCF07b for purposes of discussion. The motion passed unanimously by voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

LCCF07b

07:25:48 Sen. Caferro discussed the proposed list of WINGS appointments. **(Exhibit 37)**
07:26:15 Rep. Olszewski recommended reducing the committee size to eight members.
07:28:52 Sen. Caferro asked which member type would be eliminated.
07:29:45 Rep. Ehli suggested that the committee look at the membership list developed by the Yellowstone Guardianship Council.

Motion/Vote

07:30:34 Rep. Olszewski moved to accept the nine member types as listed by the guardianship council. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

Number of meetings per year

07:32:03 Rep. Ehli discussed the number of meetings to be put into the bill.

Motion/Vote

07:32:13 Rep. Olszewski moved to have four meetings per year. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

Discussion on biennial support costs

Motion/Vote

07:33:16 Rep. Ehli moved that a half FTE program officer be included with a biennial support cost of \$57,500. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

Discussion on appropriation for a grant program

07:35:51 Sen. Caferro discussed the appropriation for a small grant program to train volunteer guardians.
07:40:21 Rep. Olszewski said he would want some definitions of how the grant money will be used so the court administrator can't use the grant for other purposes.

Motion

07:41:25 Rep. Olszewski moved to include a grant program in the bill.

Discussion on the motion

07:42:07 Sen. Caferro commented that the volunteer respite training program has good language that says the money can only be used for the grants.
07:43:06 Ms. O'Connell said that the language for this grant program was modeled on a similar program that the court administrator has for other purposes.
07:43:27 Rep. Ehli asked who would administer the \$120,000 in funds each year.
07:44:26 Sen. Caferro suggested a delayed effective date for the appropriation, so that the appropriation starts in the second year of the biennium.

Vote

07:45:32 The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

07:45:54 Ms. O'Connell asked the committee to address the following items from the WINGS briefing paper: whether the chief justice will appoint the WINGS

members; whether members will be reimbursed for travel time; and whether to make changes to the duties of the group as listed in section 2 of the bill draft.

Discussion

07:46:50 Rep. Karjala said she would support including conservatorship in the language.
07:47:36 Rep. Olszewski asked Rep. Karjala for clarification on the suggestion.

Length of service on WINGS

07:49:33 Ms. O'Connell discussed the length of service for members on the WINGS committee and whether an appropriation will continue forward into future bienniums.
07:50:02 Rep. Karjala said that she supports a 2-year term limit.
07:50:46 Rep. Olszewski said that a 2-year term may be too short unless members can be reappointed.
07:51:33 Rep. Ehli asked about going with a 4-year term with alternating 2-year terms and whether the funding is ongoing or one-time only.
07:52:46 Rep. Olszewski recommended a 6-year program with a sunset allowing for re-evaluation of the program.
07:53:45 Rep. Ehli asked that the bill to be presented at the August meeting include varying term lengths and a six-year sunset.

LCCF3a: State Alzheimer's Facilitator

07:55:02 Rep. Ehli discussed whether the Department of Public Health and Human Services has enough staff to facilitate programming for individuals with Alzheimer's.
07:55:27 Sen. Caferro said she would support letting go of this bill.
07:56:01 Rep. Karjala referred the committee to Section 1(a) of the bill in supporting it.
07:57:20 Rep. Ehli opposes funding for this bill in its current draft.

Motion/Vote

07:58:49 Sen. Caferro moved that LCCF3a not go forward as a committee bill. The motion passed on a roll call vote, 6-2. **(Attachment 4)**

LCCF4a: Funding for Area Agencies on Aging

Motion/Vote

08:02:26 Rep. Ehli moved to continue LCCF4a to the August meeting. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

LCCF5a: Grant Program for Respite Care

Motion/Vote

08:05:25 Rep. Pierson moved to introduce LCCF5a as a committee bill in the 2017 Legislature. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

LCCF6a: Funding for Increased HCBS Waiver Slots

08:07:24 Sen. Caferro discussed changes to the bill draft.
08:10:44 Rep. Ehli asked about the number of slots.

- 08:10:55 Rep. Olszewski recommended language to clarify the total number of slots to be phased in.
- 08:15:02 Sen. Caferro suggested putting into the language a limit of 200 over the biennium.
- 08:15:33 Ms. O'Connell said she will draft new language in LCCF6a and bring it to the August meeting for the committee's review.
- 08:15:50 Sen. Caferro discussed Ms. Hughes' document "Proposal to Increase Reimbursement Rates for Assisted Living". ([Exhibit 33](#))
- 08:18:51 Rep. Olszewski said as long as the state continues to fill beds in state facilities, there are no cost savings.
- 08:19:41 Sen. Caferro said people who are at the Montana State Hospital and the Montana Mental Nursing Care Center are receiving care in the most restrictive setting.
- 08:22:33 Rep. Olszewski agreed with the intent of the bill in opening up another avenue to place people with dementia in a less restrictive setting.
- 08:24:05 Rep. Karjala discussed increasing the waiver.
- 08:25:31 Rep. Ehli asked Ms. O'Connell to make changes to the bill for the August meeting.
- 08:26:40 Rep. Olszewski said he would like to have Ms. Hughes' numbers verified by the Legislative Fiscal Division.

LCCF12: Medicaid Reimbursement for Clinical Pharmacist Practitioners

Motion/Vote

- 08:28:14 Rep. Olszewski moved to introduce LCCF12 in the 2017 Legislature. The motion passed unanimously on a voice vote with Senators Webb, Moore, and Sands voting yes by proxy.

SB 418: Legislative Mental Health Investments: Summary and Draft Findings

- 08:29:54 Rep. Olszewski recommended that the committee start with the 10 potential findings.
- 08:30:55 Sen. Caferro suggested reviewing the institutionalization of people with Alzheimer's and dementia.
- 08:31:47 Ms. O'Connell said she will draft language on recommendations for review by the committee at the August meeting.
- 08:32:15 Rep. Olszewski said he would like to include support for a psychiatric residency program in Montana.
- 08:33:09 Rep. Karjala asked about adding Project ECHO to the recommendations.
- 08:33:51 Ms. O'Connell asked for more direction on the request.

HB 422 Study: Children's Mental Health Outcomes

- 08:34:57 Rep. Olszewski commented on the difficulty of deciding the best approach to any pilot project legislation.
- 08:37:40 Rep. Ehli discussed how the focus of the bill has moved away from its original pay-for-performance approach to a data collection model. He also expressed concern about the lack of support the Department of Public Health and Human Services has shown for the ideas developed by the committee.
- 08:39:12 Rep. Karjala and Rep. Pierson discussed the need for collecting data in order to come up with a solution.

Motion

08:48:07 Rep. Pierson moved that HB 422 be continued to the August meeting for discussion.

Discussion on the motion

08:48:29 Sen. Caferro asked if Rep. Karjala and Rep. Pierson are willing to work with staff on a draft bill that measures outcomes of services or whether they were suggesting a study bill.

08:49:02 Rep. Karjala said that the motion should be changed to a study of health service delivery and data collection.

08:49:15 Rep. Ehli asked Ms. O'Connell whether the committee could propose action outside of HB 422's title.

08:50:07 Ms. O'Connell said that the committee could recommend any approach based on the information it has received.

08:50:14 Rep. Pierson suggested taking a closer look at what is already working for NAMI Montana and then adjust it to fit the youth.

08:51:16 The committee members discussed the items that could be included in a bill draft.

08:54:48 Rep. Ehli suggested that Rep. Pierson and Rep. Karjala work with staff on a bill draft for review in August.

08:55:40 Rep. Pierson asked that Rep. Ehli also be part of the discussion.

Direction to staff on other topics of interest - none**ADJOURNMENT**

08:57:45 With no further business before the committee, Rep. Ehli adjourned the meeting at 5:03 p.m.

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