

**MINUTES**

**MONTANA SENATE  
57th LEGISLATURE - REGULAR SESSION  
COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY**

**Call to Order:** By **CHAIRMAN AL BISHOP**, on February 2, 2001 at 3 P.M., in Room 317-A Capitol.

**ROLL CALL**

**Members Present:**

Sen. Al Bishop, Chairman (R)  
Sen. Duane Grimes, Vice Chairman (R)  
Sen. Chris Christiaens (D)  
Sen. Bob DePratu (R)  
Sen. Eve Franklin (D)  
Sen. Don Hargrove (R)  
Sen. Dan Harrington (D)  
Sen. Royal Johnson (R)  
Sen. Jerry O'Neil (R)

**Members Excused:** Sen. Fred Thomas (R)  
Sen. Emily Stonington (D)

**Members Absent:** None.

**Staff Present:** Jeanne Forrester, Committee Secretary  
Susan Fox, Legislative Branch

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB180, 1/23/01, HB 50, 1/23/01  
Executive Action: HB 180, HB 50, SB 257, SB 290  
SJ8

**HEARING ON HB 180**

**Sponsor:** REP. TIM CALLAHAN, HD 43, Great Falls

**Proponents:** Sandy Oitzinger, Montana Juvenile Probation Officers Association  
Sami Butler, Montana Nurses Association

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. TIM CALLAHAN, HD 43, Great Falls,** introduced SB 180. He said this is a bill that would provide that a medical examination be required before a youth may be admitted to a facility under an order of commitment to the Department of Corrections and may be performed by physician's assistant (PA) or an advanced practice registered nurse (APRN).

**Proponents' Testimony:**

**Sandy Oitzinger, Montana Juvenile Probation Officers Association,** said the association would like to stand in support of this bill. She felt this is a logical and sensible approach for providing examinations for committed youth.

**Sami Butler, Montana Nurses Association,** she said they support this bill.

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:**

**SENATOR AL BISHOP** asked if this would in any way save some money by having the nurses do the examination. **REP. CALLAHAN** said rural counties will save money by not having to travel to larger towns for these examinations.

**Closing by Sponsor:**

**REP. TIM CALLAHAN** appreciated the opportunity to be there.

**HEARING ON HB 50**

**Sponsor:** **REP. CAROL JUNEAU, HD 85, Browning**

**Proponents:** Steve Meloy, Department of Commerce  
Kristi Johnson, Montana Association of Alcohol and  
Drug Counselors  
Cheryl Nelson, Chemical Dependency Counselor  
Karen Dubois, Program Director of the Spotted Bull  
Treatment Center  
Joel Wagner, Department of Commerce  
Marlene O'Connor, Program Director Benefis Healthcare  
Kristi Blazer, Rimrock Foundation

**Opponents:** None

**Opening Statement by Sponsor:**

**REP. CAROL JUNEAU, HD 85, Browning** introduced HB 50 on behalf of the Department of Commerce. This bill is an act changing the certification of chemical dependency counselors to licensure of addiction counselors.

**Proponents' Testimony:**

**Steve Meloy, Department of Commerce**, presented a list of those who would provide testimony **EXHIBIT (phs27a01)**. He said this program came to them from the Department of Public Health and Human Service in 1997. He stated certification is a lesser step than licensing and he felt this bill was a housekeeping measure. This bill would eliminate the one year program for a chemical dependency counselor, since there are no more one year licensing programs in the state of Montana. **Mr. Meloy** then passed out statistics for the past 24 months **EXHIBIT (phs27a02)** and a copy of his testimony **EXHIBIT (phs27a03)**.

**Kristi Johnson, Montana Association of Alcohol and Drug Counselors**, urged the committee to support this HB 50. She submitted a copy of her testimony **EXHIBIT (phs27a04)**. She said this bill would increase the counselor's ability to bill the insurance companies, as insurance companies insist on the word licensed, rather than certified. Eliminating the one year training program is important, because chemical dependency issues become more complex as time goes on. This bill will not cause anyone to lose anything, because they would be grandfathered in. **Ms. Johnson** submitted a letter from **William Malone** **EXHIBIT (phs27a05)**.

**Cheryl Nelson, Chemical Dependency Counselor, Lake County**, was here on behalf of **Ron Ledo** and submitted a copy of his testimony **EXHIBIT (phs27a06)**.

**Karen Dubois, Program Director of the Spotted Bull Treatment Center, Poplar**, submitted a copy of her testimony **EXHIBIT (phs27a07)**.

**Joel Wagner, Department of Commerce**, presented a copy of his testimony **EXHIBIT (phs27a08)**. He also submitted a copy of testimony from **Lorin Walker** **EXHIBIT (phs27a09)** and **EXHIBIT (phs27a10)**.

**Marlene O'Connor, Program Director Benefis Healthcare, Great Falls,** submitted a copy of her testimony **EXHIBIT (phs27a11)**.

**Kristi Blazer, Rimrock Foundation, Billings, and Montana Addiction Service Provider (MASP),** said the Rimrock Foundation is the oldest and largest chemical dependency treatment center in Montana. She said they support HB 50 and she submitted testimony from **Mona Sumner EXHIBIT (phs27a12)**.

**Opponents' Testimony:** None

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

**Questions from Committee Members and Responses:**

**SEN. ROYAL JOHNSON** asked why you cross out "successfully completed one year of training" in one part of the bill, and then leave it in another. **Cynthia Reichenbach, Department of Commerce** replied the sections he was making reference to were an effort to include those who have completed a one year training program.

**SEN. JOHNSON** asked when this bill goes into effect. **Ms. Fox** explained that the licensure part of the bill will go into effect January 1, 2002; and January 1, 2004 is the date the one-year training is eliminated.

**SEN. JOHNSON** asked what the limit of liability was for the state of Montana, in regard to as little training this bill provides. **Mr. Melloy** if it can be proven someone was licensed erroneously, the state would be liable. **Ms. Reichenbach** replied the Chemical Dependency Program has an ethics panel in place, and a person who is certified is obligated to comply with that code of ethics.

**SEN. JOHNSON** asked why the one year of training was not enough training. **Ms. O'Connell** said the one year of training has a limited amount of classroom training, with the bulk of the training done working in a chemical dependency center. This provides a very limited amount of academic learning. She would advocate phasing out the one year training program.

**SEN. JERRY O'NEIL** asked how many people are practicing with only one year of training. **Ms. O'Connell** said she did not know; however, no one has graduated from the one-year program in her school since 1998.

**SEN. O'NEIL** asked if those with the one year of education are doing a worse job than those with a two-year education. **Ms. Reichenbach** said she did not agree with that statement.

**SEN. O'NEIL** asked if the one-year program worked for others, why wouldn't it work for everyone. **Ms. Reichenbach** said many new advancements and data have become available, and one cannot receive all the information in a one year program.

**SEN. DON HARGROVE** asked if removing the one year program will cause a shortage of chemical dependency counselors. **Ms. Reichenbach** said removing the one year program should not impact that component of their profession. **SEN. HARGROVE** said he had recently learned more tax payer dollars are spent on substance abuse and he applauded what they do.

**Closing by Sponsor:**

**REP. JUNEAU** thanked the committee for a good hearing and thanked the Department of Commerce for work they do. She said **SEN. HARGROVE** would carry this bill on the Senate floor.

**EXECUTIVE ACTION ON HB 180**

**Motion/Vote:** **SEN. JOHNSON** moved that **HB 180 DO PASS. Motion carried 9-0. SENATORS GRIMES and THOMAS** voted by proxy

**SEN. HARRINGTON** agreed to carry HB 180 on the Senate floor.

**EXECUTIVE ACTION ON HB 50**

**Motion:** **SEN. JOHNSON** moved that **HB 50 DO PASS.**

**Discussion:**

**SEN. O'NEIL** did not think that one year of training is hurting anything.

**SEN. HARRINGTON** said this field has become so large and there is so much more to learn.

**SEN. BOB DEPRATU** said as we grow in this field, we need more training.

**SEN. BISHOP** said he had a saying "Young Doctors and Old Lawyers" are what you should look for when you are looking for a doctor or lawyer.

**Vote:** Motion **carried 8-1 with O'Neil voting no. SENATORS GRIMES and THOMAS** voted by proxy.

**EXECUTIVE ACTION ON SB 257**

**Motion:** SEN. JOHNSON moved that SB 257 BE AMENDED.

**Ms. Fox** explained the amendments from DPHHS. She said there was one issue she needed to explain, on page two of the amendments it says the word may. She explained **SEN. BOHLINGER** preferred the word shall and DPHHS preferred the word may.

**SEN. BISHOP** said we should check with **SEN. BOHLINGER** to see what he would prefer.

**SEN. JOHNSON** withdrew his motion.

**EXECUTIVE ACTION ON SB 290**

**Motion/Vote:** SEN. FRANKLIN moved that SB 290 DO PASS. Motion carried 9-0. SENATORS GRIMES and THOMAS voted by proxy.

**EXECUTIVE ACTION ON SJ 8**

**Motion/Vote:** SEN. HARGROVE moved that SJ 8 BE ADOPTED. Motion carried 9-0. SENATORS JOHNSON and THOMAS voted by proxy.

**ADJOURNMENT**

Adjournment: 4:10 P.M.

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SEN. AL BISHOP, Chairman

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JEANNE FORRESTER, Secretary

AB/JF

**EXHIBIT (phs27aad)**