

MINUTES

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

Call to Order: By **CHAIRMAN AL BISHOP**, on February 19, 2001 at 3:00 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)
Sen. Emily Stonington (D)

Members Excused: Sen. Fred Thomas (R)

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:
Executive Action: SB 361; SB 315; SB 314; SB
338; SB 412; SB 420; SB 434;
SB 440; SB 442; SB 454; SB
461; SD 464

EXECUTIVE ACTION ON SB 361

Motion: SEN. GRIMES moved TO RECONSIDER ACTION ON SB 361 TO TAKE IT OFF THE TABLE.

SEN. FRANKLIN said she was going to resist the motion.

SEN. GRIMES said he was going to object to **SEN. FRANKLIN'S** objection.

Vote: Motion **TO TAKE ACTION ON SB 361 carried 5-1 with Franklin voting no. SEN. THOMAS** voted by proxy.

Motion: **SEN. GRIMES** moved that **SB 361 DO PASS AS AMENDED EXHIBIT**(phs41a01) SB036101.asf.

Discussion:

SEN. STONINGTON said she was going to vote for this bill, but she felt the insurance companies are getting off like bandits. She said they deny claims, then they wait for someone to litigate so they get paid.

Vote: Motion that **SB 361 DO PASS AS AMENDED carried 6-1 with Franklin voting no. SEN. THOMAS** voted by proxy.

EXECUTIVE ACTION ON SB 315

SEN. GRIMES said he was concerned that they had jeopardized the funding for the Montana Comprehensive Healthcare Association (MCHA), by adding this low income coverage to the program. He wondered if the committee would be amenable to the bill, if they struck all sections except Section 3.

Ms. Fox passed out the amendments **EXHIBIT**(phs41a02) SB031502.asf.

Motion: **SEN. GRIMES** moved **AMENDMENTS 2 AND 3, SB031502.asf OF SB 315 BE ADOPTED.**

Discussion:

SEN. GRIMES explained the amendments.

Vote: Motion that **AMENDMENTS 2 AND 3 BE ADOPTED carried 6-0.**

Motion: **SEN. STONINGTON** moved that **AMENDMENTS 1 AND 4 BE ADOPTED.**

Discussion:

SEN. STONINGTON said this bill would stand a better chance if it did not have the non-reversion clause. She also said she really believed in the low income part of the bill.

SEN. GRIMES said his next amendment was not to use the reversion money for the low income program.

SEN. STONINGTON withdrew her motion.

Motion/Vote: **SEN. STONINGTON** moved that **SB 315 DO PASS AS AMENDED**. Motion carried 8-1 with O'Neil voting no.

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EXECUTIVE ACTION ON SB 314

Ms. Fox passed out amendments to SB 314 **EXHIBIT (phs41a03) SB031401.asf**.

SEN. STONINGTON asked to see the amendments.

Ms. Fox explained the amendments **SB031401.asf**.

Motion: **SEN. GRIMES** moved **INDEFINITELY POSTPONE SB 314**.

Discussion:

SEN. DEPRATU said he was going to speak against the motion. He said he would be willing to put a sunset clause on this bill, and the Board of Veterinarians could come back in two years if it is not working.

SEN. GRIMES said maybe they could come back next session with a new bill and only request the use of phenobarbital, rather than asking for morphine etc.

Vote: The motion to **INDEFINITELY POSTPONE SB 314 failed 2-7 with Grimes and Johnson voting aye**.

Motion/Vote: **SEN. STONINGTON** moved that **SB 314 BE AMENDED SB031401.asf**. Motion carried 9-0.

Motion: **SEN. GRIMES** moved **TO AMEND SB 314 TO BE LIMITED TO ONLY INCLUDE PHENOBARBITAL**.

Discussion:

SEN. STONINGTON said she was going to resist that amendment. She said she felt that decision needed to be left to the discretion of the Board of Veterinarians.

SEN. GRIMES said as policymakers, we need to be very cautious about who we allow access to certain drugs.

SEN. STONINGTON said she agreed with **SEN. GRIMES** about what drugs we allow out there.

Vote: Motion **TO AMEND THE BILL TO ONLY INCLUDE PHENOBARBITAL FAILED 2-5** with Grimes and Johnson voting aye.

Motion/Vote: **SEN. STONINGTON** moved that **SB 314 DO PASS AS AMENDED**. Motion carried 7-2 with Grimes and Johnson voting no.

EXECUTIVE ACTION ON SB 338

Motion/Vote: **SEN. CHRISTIAENS** moved **SB 338 BE AMENDED** striking 200% of poverty and inserting 175% of poverty. Motion carried 9-0.

Mary Dalton, Department Public Health and Humans Services, passed out a chart explaining the effects of SB 338 **EXHIBIT (phs41a04)**

Motion/Vote: **SEN. CHRISTIAENS** moved that **SB 338 BE AMENDED EXHIBIT (phs41a05) SB033801.asf**. Motion carried 9-0.

Motion/Vote: **SEN. CHRISTIAENS** moved that **SB 338 DO PASS AS AMENDED EXHIBIT (phs41a06) SB033802.asf**. Motion carried 8-1 with O'Neil voting no.

EXECUTIVE ACTION ON SB 412

Motion/Vote: **SEN. CHRISTIAENS** moved that **SB 412 BE TABLED**.

Discussion:

SEN. JOHNSON objected to not allowing **SEN. O'NEIL** discuss this bill.

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SEN. O'NEIL said it seems to him, we now have an insurance program that controls 42% of the insurance coverage in the state.

SEN. CHRISTIAENS said this is a complex regulatory scheme and we are also dealing with anti-trust issues. He felt this issue is much too complicated to handle right before transmittal.

Vote: Motion that **SB 412 BE TABLED** carried 9-0.

EXECUTIVE ACTION ON SB 420

Discussion:

Motion: SEN. FRANKLIN moved that **SB 420 DO PASS**.

SEN. DEPRATU said anything we can do to standardize insurance forms is very worthwhile.

SEN. STONINGTON said this is something the department should be able to do, without having to pass a bill.

SEN. CHRISTIAENS said even if it is in law, it does not mean the department will do it.

SEN. JOHNSON asked how long had they worked on this bill. SEN. CHRISTIAENS said he believed this bill was worked on over the interim.

Substitute Motion/Vote: SEN. O'NEIL made a substitute motion that **SB 420 BE TABLED**. Substitute motion failed 3-5 with Bishop, Johnson, and O'Neil voting aye.

Vote: Motion that **SB 420 DO PASS** carried 6-3 with Johnson, O'Neil, and Stonington voting no.

EXECUTIVE ACTION ON SB 434

Motion: SEN. FRANKLIN moved **TO INDEFINITELY POSTPONE SB 434**.

Discussion:

SEN. FRANKLIN said if a professional nurse can't wear their name on their badge, they probably should be doing a different line of work.

SEN. JOHNSON said there could be some danger with this line of work. He suggested a persons name and a number could be put on the badge, in place of the first and last name.

SEN. BISHOP said in the past, the legislators used to have their names on their parking places. After a legislator was accosted, they took the names down. He said we are now doing the same thing - being anonymous. He said he did not know why we wouldn't let the nurses do the same thing.

SEN. GRIMES thought it should be left up to the Board. He said he did not like to micro-manage.

Substitute Motion/Vote: **SEN. FRANKLIN** made a substitute motion that **SB 434 BE TABLED**. Substitute motion carried 7-2 with DePratu and Johnson voting no.

EXECUTIVE ACTION ON SB 440

Motion/Vote: **SEN. CHRISTIAENS** moved that **SB 440 BE AMENDED EXHIBIT** (phs41a07) SB044001.asf. Motion carried 9-0.

Motion/Vote: **SEN. CHRISTIAENS** moved that **SB 440 BE AMENDED EXHIBIT** (phs41a08). Motion carried 10-0.

Motion: **SEN. CHRISTIAENS** moved that **SB440 DO PASS AS AMENDED EXHIBIT** (phs41a09) SB044002.asf. (Which combines both sets of amendments Exhibit 7 and Exhibit 8.)

Discussion:

Substitute Motion: **SEN. GRIMES** made a substitute motion **TO INDEFINITELY POSTPONE SB 440**.

SEN. GRIMES said he does not think we need to lower the standard for written insurance policies. He felt all this bill would do, is drive up costs.

SEN. CHRISTIAENS said he felt anything that could be done to make insurance policies easier to understand would be helpful. He said it would not raise the cost of insurance.

SEN. GRIMES withdrew his motion.

Vote: Motion that **SB 440 DO PASS AS AMENDED** carried 7-3 with Grimes, Johnson, and O'Neil voting no.

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EXECUTIVE ACTION ON SB 442

Discussion:

SEN. CHRISTIAENS said this bill utilizes TANF funds. He said this money can be used for job training, home repairs for energy conservation, short term bills, business start-up costs, and gaps in loan payments for escrow costs.

SEN. GRIMES said he was surprised the TANF money can be used in such a broad manner.

SEN. CHRISTIAENS said if the TANF funds are not spent, they would be reverted back to the federal government.

SEN. JOHNSON asked if the only criteria for this bill were to be identified as low income persons. He asked how this money was going to be administered.

SEN. GRIMES asked if other states were doing this. **SEN. CHRISTIAENS** said he believed that 16 or 17 states were already doing this.

SEN. O'NEIL said he was opposed to this bill.

SEN. JOHNSON asked if this money could be used as a grant. **SEN. CHRISTIAENS** said he did not think this TANF money could be used for grants.

Ms. Fox said **SEN. COBB'S** intent was to have a loan program.

Motion/Vote: **SEN. GRIMES** moved **SB 442 BE INDEFINITELY POSTPONED**. **Motion failed 5-5 with DePratu, Franklin, Grimes, Johnson, and O'Neil voting aye.**

Motion/Vote: **SEN. JOHNSON** moved that **SB 442 DO PASS**. **Motion carried 7-3 with Franklin, Grimes, and O'Neil voting no.**

EXECUTIVE ACTION ON SB 454

Motion: **SEN. GRIMES** moved that **SB 454 DO PASS**.

Discussion:

SEN. STONINGTON said she totally approved of doing this project, but she thought it was already in code.

Vote: Motion that **SB 454 DO PASS** carried 10-0.

EXECUTIVE ACTION ON SB 461

SEN. FRANKLIN explained the amendments to SB 461
EXHIBIT (phs41a10) SB046101.asf.

Motion/Vote: **SEN. FRANKLIN** moved that **SB 461 BE AMENDED**. Motion carried 10-0.

Motion: **SEN. FRANKLIN** moved that **SB 461 DO PASS AS AMENDED**.

Discussion:

SEN. O'NEIL said this bill would stop a doctor, who is doing exploratory surgery (and finds a serious problem) from being able to do a hysterectomy at the same time. **SEN. FRANKLIN** said there is an exemption for life threatening illness.

Vote: Motion that **SB 461 DO PASS AS AMENDED** carried 9-1 with Johnson voting no.

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EXECUTIVE ACTION ON SB 464

Motion: **SEN. HARRINGTON** made a verbal motion to Amend SB 464 to strike "physician" and change to "primary care providers".

Vote: Motion that **SB 464 BE AMENDED** carried 10-0.

Motion: **SEN. HARRINGTON** moved that **SB 464 DO PASS AS AMENDED**.

Discussion:

SEN. GRIMES said he was going to oppose this bill. He said the nursing homes are already heavily regulated.

SEN. DEPRATU said he was going to oppose this bill.

SEN. CHRISTIAENS said he was concerned about the rights of patients.

SEN. BISHOP said if this bill required just the employees to immunized, he would vote for this bill.

SEN. HARRINGTON said the bill was trying to protect the health and well-being of the people.

SEN. FRANKLIN said this bill does not offer enough leeway.

Vote: Motion that **SB 464 DO PASS AS AMENDED failed 2-8 with Bishop and Harrington voting aye.**

The committee agreed to reverse the votes and **TABLE SB 464.**

The committee sang Happy Birthday to **SENATOR BISHOP.**

ADJOURNMENT

Adjournment: 4:55 P.M.

SEN. AL BISHOP, Chairman

JEANNE FORRESTER, Secretary

AB/JF

EXHIBIT (phs41aad)