

EXHIBIT 10
DATE 3/23/05
HB 395

DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES



BRIAN SCHWEITZER
GOVERNOR

ROBERT E. WYNIA, M.D.
DIRECTOR

STATE OF MONTANA

www.dphhs.mt.gov

March 15, 2005

TO: Rosie Buzzas, Chairwoman
House Appropriations Committee

Members
House Appropriations Committee

RE: HB 395

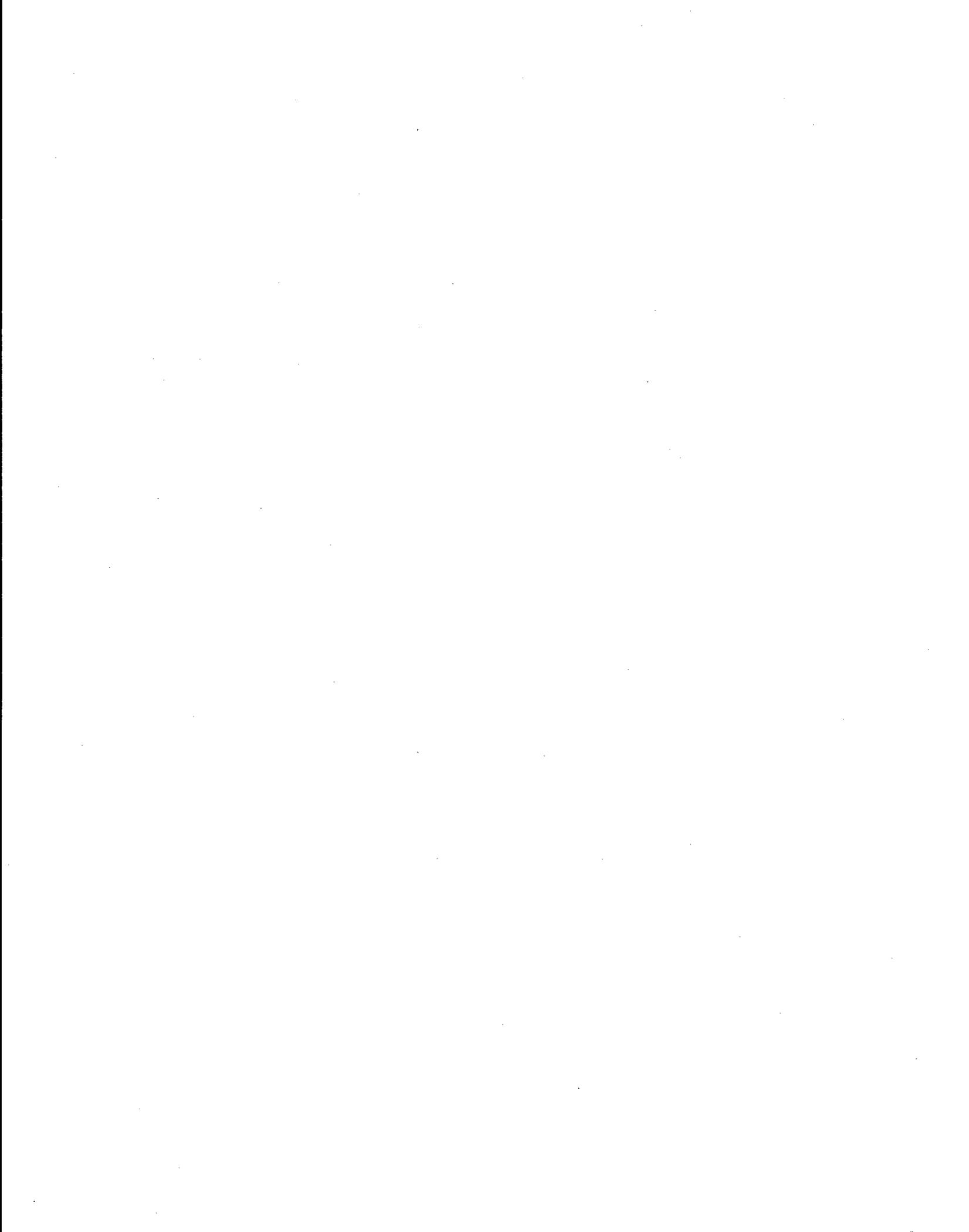
FROM: Joyce De Cunzo, Administrator *Joyce De Cunzo*
Addictive and Mental Disorders Division

On March 14, 2005, I testified as an informational witness on HB 395, even though I had previously testified as an opponent to this bill. Since my original testimony as an opponent, Yellowstone County Commissioner Bill Kennedy and I had been working together to try to come to agreement on amendments to the bill that would satisfy the concerns of his constituents and our Department. I stated yesterday that I could not support the bill as offered, but that I would be able to support the bill if the amendments (not presented to the committee during testimony) were agreed upon.

After the committee hearing, Commissioner Kennedy and I continued to work on the amendments, but we finally realized we could not come to agreement.

The original bill calls for the state to take over all pre-commitment costs for mental health assessment, treatment and detention, costs currently the responsibility of county governments. The fiscal note developed for the bill was based on a projection by the counties of what they spent in 2004, but they admitted that the costs were incomplete and thus understated. That was the version of the bill that the Department, with the Governor's approval, testified against. We simply cannot assume the unknown costs of this program. Additionally, we believe that once counties have no financial responsibilities to maintain people in their home communities, admissions to the Montana State Hospital will increase. The Hospital already has an average daily population well over its funded capacity so it is critical we do not take actions that will likely increase admissions.

Since we were unable to agree on a common set of amendments, Commissioner Kennedy has asked the sponsor, Representative Arlene Becker, to submit a set of county-



Rosie Buzzas, Chairwoman
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recommended amendments for consideration at executive action. The bill will continue to mandate transfer of responsibility for pre-commitment costs from the counties to the state, and contain other amendments the counties would like to have. They will likely offer a new fiscal note, showing that counties will transfer county general fund money to the state to offset state general fund needs. This was referred to in testimony yesterday as an "insurance" payment by the counties. It is important to note that the Department is opposed to this version. The amount of county money suggested for transfer to the state, in exchange for us taking the responsibility, is simply not enough. The most likely result of passing this version of the bill is that the Department will have to either request a supplemental or reduce current level services to our mental health consumers in order to offset the unpredictable, but most likely increased, costs. Neither of these solutions is acceptable to us.

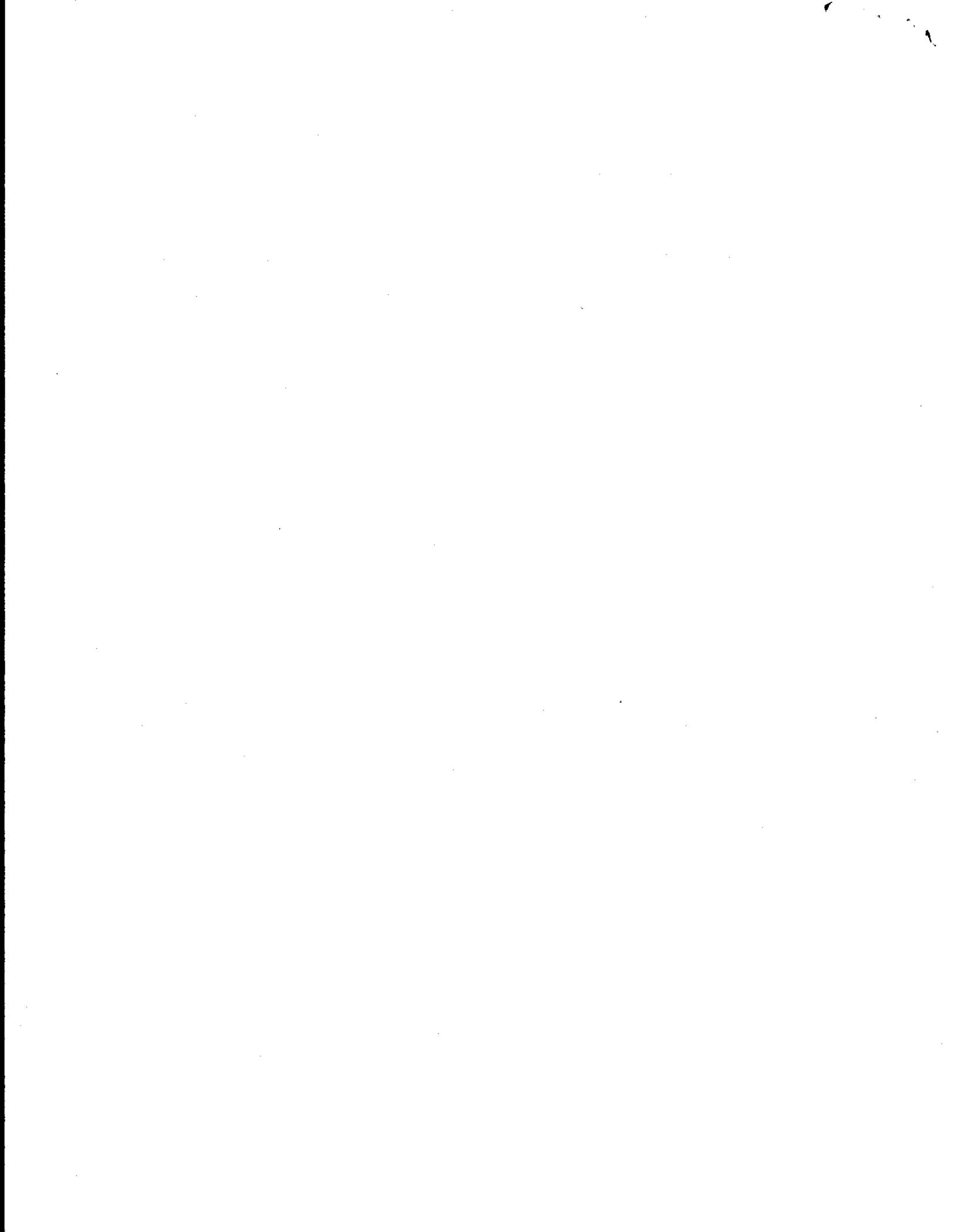
Representative Becker will also have a set of amendments suggested by the Department, as an alternative if the counties' preferred version is not passed. This set of amendments does not change the current statute which makes counties responsible for pre-commitment costs, not the state. It does, however, include the other amendments the counties would like to have, to which we are not opposed. These amendments include such things as a clarification that counties are responsible only for psychiatric pre-commitment costs, a listing of the order for billing these costs, a requirement that counties may be billed an amount no greater than the reimbursement amounts set by public assistance programs and language stating that the Department will work cooperatively with county governments in the next two years to study this issue.

I urge you to vote against both the original bill and the county-amended version that will be presented to you for executive action, and to vote for the alternative version developed by the Department. It safeguards the Department and mental health consumers, and also allows for other amendments the counties wish to have.

Commissioner Kennedy and I have worked diligently to bridge our differences on this bill. We will continue to work on these issues in the future, to better define the costs and to develop a system that will serve our consumers well.

I will be available for questions. Thank you for your attention to this important bill.

cc: Representative Arlene Becker
Bill Kennedy
John Chappuis



Amendments to House Bill No. 395
1st Reading Copy

For the House Appropriations Committee

Prepared by Susan Byorth Fox
March 14, 2005 (6:58pm)

1. Title, line 7.

Following: "RESIDENCE" on line 7

Strike: "OR THE STATE"

2. Title, line 8 through line 10.

Following: "COSTS;"

Strike: remainder of line 8 through "53-21-128, AND" on line 10

Insert: "AMENDING SECTION"

3. Page 1, line 14 through page 4, line 12.

Strike: section 1 through section 4 in their entirety

4. Page 4, line 16.

Following: "and"

Insert: "psychiatric precommitment examination, detention,
treatment, and"

5. Page 4, line 20.

Strike: "Subject to subsection (2)(b), the costs of"

Insert: "The county of residence shall also pay all"

6. Page 4, line 22.

Following: line 21

Insert: "psychiatric"

Following: "precommitment"

Insert: "psychiatric"

Following: "custody"

Insert: "psychiatric"

7. Page 4, line 25.

Following: "the"

Insert: "respondent, the parent or guardian of a respondent who
is a minor, or the"

8. Page 4, line 26.

Following: "respondent;"

Insert: "or"

9. Page 4, line 27 and line 28.

Following: "residence of the respondent"

Strike: remainder of line 27 through "committed" on line 28

Insert: "in an amount not to exceed the amount paid for the service by a public assistance program"

10. Page 5, line 12.

Insert: "NEW SECTION. Section 6. Cost study. The department shall work with county attorneys and county commissioners to ascertain the actual precommitment costs of involuntary commitments and present that information and any findings and recommendations to the 2007 legislature through an appropriate interim committee."

Renumber: subsequent section

- END -