MONTANA SENATE
2005 LEGISLATURE

ROLL CALL

JUDICIARY

DATE 2-7-05

NAMES	PRESENT	ABSENT	EXCUSED
SEN. MICHAEL WHEAT, CHAIRMAN	X		
SEN. BRENT CROMLEY	X		
SEN. AUBYN CURTISS			X
SEN. JON ELLINGSON	X		
SEN. JESSE LASLOVICH	X		
SEN. JEFF MANGAN	X		
SEN. DAN McGEE	X		
SEN. LYNDA MOSS	X		
SEN. JERRY O'NEIL	X		
SEN. GERALD PEASE	X		
SEN. GARY PERRY	X		
SEN. JIM SHOCKLEY	X		
VALENCIA LANE, LSD			
MARI PREWETT, COMMITTEE SECRETARY			

DATE February 7, 2005

SENATE COMMITTEE ON Judiciary

BILLS BEING HEARD TODAY: SB 21, SB 316, SB 352

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Pat Melby	442-7450	MT Med. Ass'n	SB 21, 316, 352	✓	
Tom Ebzery	441-7531	SV, Holy Rosary, St James Wheatland MT	SB 21, 316, 352	✓	
Jacqueline J. Lenmark		AIA	352	✓	
Jacqueline Lenmark	2-0230	AIA	316		✓
WEBB BROWN	442-2405	MT CHAMBER	21/352	✓	
Jami McCall	670-3084	DSC	21, 316, 352	✓	
Mona Jamison	442-5581	DOCTORS CO. MT. Society of ORTHOPEDIC SURGEONS	SB 21, 316 + 352	✓	
Steve Yeakel	443-1674	MT Council for Maternal & Child Health	SB21 SB 316 SB 352	✓	
MARK TAYLOR	443-6820	MHA	SBs 21, 316, 352	✓	
Joe MAZUREK	457-2000	BLUE Cross/Blue Shield	"	✓	
Larry E. Riley	406-523-2500	Utah Med Ins Assoc	"	✓	
Mike Foster	237-3038	SVH	SB 21, SB 352 SB 316	✓	
Martin L Wangen	443-1160	Montana Podiatric Medical Association	SB 21 SB 352 SB 316	✓	
Al Smith	443-3124	MTLA	SB 21, 316, 352	✓	

~~VISITOR REGISTER~~

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

2-7-05

SB 21 - Sen. Greenes

Loss of Chance Issue

Exh. 1 Section 3
there will be amendments

MT MED ASSN.

5.8 P - Pat Melby = 1985 law =
didn't clarify how to apply
percentage of damage
proportionate not all
discusses proposed amendments
good compromise

10.1 Larry Riley - ~~Stat~~
value - basic fairness

11.9 Mark Taylor - Mont Hosp Assn.
product SJR Interim Committee

12.9 Tom Egger -

14.1 Web Brown -

15.3 Janie McCall - Deaconess Belgo Clinic

15.7 Nora Jamison - The Doctors Company -
represents consensus

16.4 Joe Mazurek -
support bill as amended

17.1 Steve Yeakel -

18.7 Al Smith - MT Trial Lawyers Assn

20.7 O - None
I - None

20.8 Q from Committee

21.3 Close - - Sex Trainers -

22.9

HB 352 - Trainers

26.9 Clarification

Tape 1 Side B

Larry Riley
talks about expense of mal prac insurance

be fair to both sides -
explains handout

discusses high lighted areas of handout

Sen Austin arrived

[talks about liability being reasonably clear -]

screening panel -
vote of panel does not establish liability

10.2 Pat Melby - Mont. Med. Assn -
support wholeheartedly
bill to be amended

11.0 Mark Taylor - MHA
support as amended

Sen Rose left

11.4 Al Smith - MT TRIAL LAWYERS ASSN

13.0 Nora Jamison - The Doctors Company
stabalizes the environment

14.2 Joe Mazurek - BC/BS

14.4 Web Brown - MT Chamber

14.7 O - None
I - None

14.9 ?
Crowley -
Mr. Larry Riley

No - not gone to Supreme Ct
at this point.

15.? Crowley - Riley
27-4-606
do away w/ subpart 3
inherent conflict =

17.5 McGee - Grimes
applicability sections

18.? McGee - Al Smith

19.? Ellingson - Riley

20.7 Ellenzson - Riley

21.4 Ellenzson - Smith
Sounds ago

22.0 O'Neil - Smith

23.7 Perry - Smith

Tape 2 Side A

Chairman Wheat - Riley

2.1 Wheat - Riley

2.7 Wheat - Riley
Charge rules apply to panel

3.4 O'Neil - Riley

5.3 O'Neil - Riley

6.8 Close - Sen. Grimes

8.5 SB 316 Sen Lind

re-institute requirement to file reports w/ Insurance Commissioner

10.3 P = Pat Melby
explains what bill does =

re-act a good part of prior law
different - limited to Med Mal ~~Insurance~~ Insurance
Worked w/ The Doctors Company
Re info to be reported
Broadened definition of "insurer"

14.2 Mark Taylor - MHA

15.2 Nora Jamison =

16.4 Tom Ebzery =
get handle on things

18.4 Joe Mazurek - BC/BS

19.2 Al Smith ~ MTLA

19.8 O - Jacqueline Lexmark - American Insurance Association

Med req does occur
difficulty ~~why~~ pricing
rare but costly
33-23-301

info costly to collect -
privacy and confidentiality problems

Sub 1, Sub h
not complete picture

Perry left

talks about 33-23-311 which was repealed
explains how rates are regulated

28.0 I - None

28.1 ? Lusloviet - Lexmark

29.8 Lusloviet - Lexmark -

Tape 2 side B

Lusloviet - Jamison

1.6 Wheat - Lenmark -

3.8 Close - Sen. Lind -
addresses confidentiality concern -

5.3

11.27
a.m.