

Lane, Valencia

From: Petesch, Greg
Sent: Wednesday, March 30, 2005 6:16 AM
To: Lane, Valencia
Subject: FW: HB0395 - FN DUE ASAP NOW!

The bill got screwed up in House Appropriations. It has nothing to do with what I drafted. You need to amend it to make it work.

-----Original Message-----

From: Andersen, Bob (OBPP)
Sent: Friday, March 25, 2005 4:47 PM
To: Petesch, Greg
Cc: Sim, Scott; Kohman, Paulette; Cater, Russ; DeCunzo, Joyce; Rosseland, Kristi
Subject: RE: HB0395 - FN DUE ASAP NOW!

Greg:

With hesitation I thought I should send this along to you as you are listed as the drafter. The below discussion appears to be outside the fiscal area, more a technical comment on the structure of the bill, and I, for sure, am not trying to enter into the "guts" of how bills are written

There seems to be some confusion, possibly added to by the DPHHS folks who may have been involved in attempting to assist on this, on what this bill says vs what it was meant to say.

Anyway, I thought I would send the comments your way in case you need to discuss it with any of the legal types - Russ or Paulette - who have surfaced this issue.

Thanks, Bob Andersen

-----Original Message-----

From: Sim, Scott
Sent: Thursday, March 24, 2005 3:43 PM
To: Andersen, Bob (OBPP)
Subject: FW: HB0395 - FN DUE ASAP NOW!

this is some interesting stuff too....

-----Original Message-----

From: Cater, Russ
Sent: Thursday, March 24, 2005 1:47 PM
To: Kohman, Paulette
Cc: Sim, Scott; Vukasin, Sheri
Subject: RE: HB0395 - FN DUE ASAP NOW!

I agree .

Russ

-----Original Message-----

From: Kohman, Paulette
Sent: Thursday, March 24, 2005 11:20 AM
To: Vukasin, Sheri
Cc: Cater, Russ
Subject: RE: HB0395 - FN DUE ASAP NOW!

Sheri,

The current amendment has technical concerns, mostly due to a grammatical inconsistency in Section 1, 53-21-132(2). The sentence simply does not make sense as currently written and is probably intended to be at least two sentences -- certain expenses "must be billed" using the passive voice, but there is no designation who is to do the

billing. The only actor in the sentence is the county, but the county is also one of the parties to be billed. I suspect they really wanted to have the facility bill these other parties before the county. It definitely needs cleaning up. If a person reads it precisely as written, only the last expense, the costs associated with testimony, are to be billed to the named entities, and this is one expense which really can't be billed to insurance or any public assistance program.

Assuming the changes mean what I think they do, this reduces the fiscal note almost entirely, as the counties go back to being the payer of last resort for most pre-commitment expenses. However, the addition of the qualifier, "psychiatric" in front of the terms "detention", "examination" and "treatment" MAY be intended to exclude other costs which are not "psychiatric," such as physical health care examination and treatment. I don't know how much "non-psychiatric" care the counties are currently being billed for in pre-commitment cases, but that seems to be the only expense not covered. It would be beneficial to have the drafters explain what non-psychiatric costs they had in mind which they would now be excused from paying. Was there any discussion/explanation of that at Executive action where the most recent amendment was offered? Joyce DeCunzo, Bob Mullen or Ed Amberg may have been there or been involved in the amendment.

The new language also limits the counties responsibility to AN AMOUNT NOT TO EXCEED THE AMOUNT PAID FOR THE SERVICE BY A PUBLIC ASSISTANCE PROGRAM. Can we calculate that for things a public assistance program would not pay for? I would guess the intent was to charge the counties the "Medicaid rate" for per diem, but again, I'm not sure...

If my guesses are correct, the fiscal note would be the amount now being billed to counties for non-psychiatric pre-commitment expenses, reduced to Medicaid rates. Darlene Rutledge would have that information if anyone does.

I'm glad you have your job and I have mine. Good luck!

Paulette Kohman
DPHHS Office of Legal Affairs
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(406) 444-1258

-----Original Message-----

From: Cater, Russ
Sent: Thursday, March 24, 2005 10:41 AM
To: Kohman, Paulette
Subject: FW: HB0395 - FN DUE ASAP NOW!
Importance: High

-----Original Message-----

From: Vukasin, Sheri
Sent: Thursday, March 24, 2005 10:18 AM
To: Beckert-Graham, Rebecca; Schoen, John; Houser, Frieda; Matthies, Doug; Aafedt, Mary Anne
Cc: Sim, Scott; Cater, Russ
Subject: HB0395 - FN DUE ASAP NOW!
Importance: High

Just received a request from OBPP for a revised FN on this bill. The attached copy has the amendments in it. Also included is a copy of the original FN. Response due back ASAP as the sponsor wants this now. The bill is up for a hearing today.

Thanks,
Sheri V.

<< File: HB0395.02.pdf >> << File: HB0395.02.pdf >>

Sheri L. Vukasin, DPHHS
406/444-2513