



SENATE STANDING COMMITTEE REPORT

January 28, 2005

Page 1 of 3

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 112** (first reading copy -- white) **do pass as amended.**

Signed: _____


Senator Brent R. Cromley, Chair

And, that such amendments read:

1. Title, line 7.

Following: "WARD"

Insert: "UNDER LIMITED CONDITIONS"

2. Title, line 8.

Strike: "IN"

Insert: "CONSISTENT WITH"

Strike: "BEST INTEREST"

Insert: "SUBSTITUTED JUDGMENT"

3. Title, line 9.

Strike: "SECTION"

Insert: "SECTIONS 72-5-101 AND"

4. Page 1, line 12.

Following: the enacting clause

Insert: "Section 1. Section 72-5-101, MCA, is amended to read:

"72-5-101. **Definitions.** Unless otherwise apparent from the context, in this code, the following definitions apply:

(1) "Incapacitated person" means any person who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause, ~~(except minority)~~, to the extent that ~~he~~ the person lacks sufficient understanding or capacity to make or communicate responsible decisions concerning ~~his~~ the person or which cause

Committee Vote:

Yes 6, No 3.

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has so impaired the person's judgment that ~~he~~ the person is incapable of realizing and making a rational decision with respect to ~~his~~ the person's need for treatment.

(2) "Protected person" means a minor or other person for whom a conservator has been appointed or other protective order has been made.

(3) "Protective proceeding" means a proceeding under the provisions of 72-5-409 to determine that a person cannot effectively manage or apply ~~his~~ the person's estate to necessary ends, either because ~~he~~ the person lacks the ability or is otherwise inconvenienced or because ~~he~~ the person is a minor, and to secure administration of ~~his~~ the person's estate by a conservator or other appropriate relief.

(4) "Substituted judgment" means the judgment that an incapacitated person would make if restored to capacity based upon:

(a) the person's present preference or if the person is incapable of indicating a preference, the person's prior expressed interest;

(b) the person's personal, moral, and religious convictions;

(c) the person's relationship with family members;

(d) the consequences if the proposed action is not taken;

(e) the consequences if the proposed action is taken; and

(f) other relevant factors.

~~(4)~~(5) "Ward" means a person for whom a guardian has been appointed. A "minor ward" is a minor for whom a guardian has been appointed solely because of minority."

Renumber: subsequent section

5. Page 2, line 20.

Following: "(g)"

Strike: "A"

Insert: "If a ward is a victim of abuse, neglect, or financial exploitation by a spouse and the ward, through a full guardian, is seeking public assistance, then the"

6. Page 2, line 22.

Following: "separation is"

Strike: "in"

Insert: "consistent with"

Following: "ward's"

Strike: "best interest"

Insert: "substituted judgment"

Following: "determines"

Insert: ", by clear and convincing evidence,"

7. Page 2, line 23.

Following: "separation is"

Strike: "in"

Insert: "consistent with"

Following: "ward's"

Strike: "best interest"

Insert: "substituted judgment"

- END -



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Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 110** (first reading copy -- white) do pass as amended.

Signed:


Senator Brent R. Cromley, Chair

And, that such amendments read:

1. Page 3, line 13.

Following: "existing"

Insert: "managed care or access"

2. Page 3, line 14.

Strike: "1915"

Insert: "1915(b) "

3. Page 7, line 2.

Following: "groups."

Insert: "In adopting financial participation requirements for enrollees selecting coverage as provided in subsection (11)(b)(iv), the department may not adopt cost-sharing amounts that exceed the nominal deductible, coinsurance, copayment, or similar charges adopted by the department to apply to categorically or medically needy persons for a service pursuant to the state medicaid plan."

4. Page 8.

Following: line 2

Insert: "(18) The department shall present a section 1115 waiver proposal to the house appropriations committee or, during the interim, the legislative finance committee prior to the

Committee Vote:

Yes 9, No 0.

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submission of the proposal to the federal government for formal approval.

(19) The department shall provide for a public comment period on the proposed section 1115 waiver at least 60 days before the submission of the section 1115 waiver application to the federal government for formal approval. The department shall give notice of the proposal by announcing the pending submittal, stating its general purpose, and informing the public that a synopsis of the proposal is available on the department's website and shall provide for public comment through electronic means or mail. The department shall consider comments received and make any appropriate changes to the waiver request before submitting it to the federal government."

- END -



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Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 127** (first reading copy -- white) do pass as amended.

Signed: _____


Senator Brent R. Cromley, Chair

And, that such amendments read:

1. Title, page 1, line 10.
Strike: "AND ANNUAL RESIDENT REVIEW"
2. Page 4, line 18 through line 22.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections
3. Page 5, line 22.
Strike: "and annual resident review"
4. Page 7, line 8.
Strike: "with chronic mental illness"
Following: "who are"
Insert: "emotionally disturbed and"
5. Page 7, line 14.
Strike: "or"
Strike: "and"
6. Page 7, line 23.
Strike: "or"

Committee Vote:
Yes 9, No 0.

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7. Page 7, line 24.

Strike: the first "or"

Insert: "and"

8. Page 7, line 26.

Following: "situations"

Insert: "; or

(j) persons 18 years of age and older with chronic mental illness who are in need, on an ongoing or frequent basis, of specialized health services and other supportive services necessary to meet their needs of daily living and to maintain the persons in personal or other community-integrated residential situations"

9. Page 8, lines 20 and 21.

Strike: "and annual resident reviews"

10. Page 8, lines 28 and 29.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

11. Page 9, line 4.

Strike: "and annual resident reviews"

12. Page 9, line 10.

Strike: "screenings and annual resident"

13. Page 9, line 11.

Strike: "review"

Insert: "screening"

14. Page 9, lines 13 and 14.

Strike: "and annual resident reviews"

- END -



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Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 137** (first reading copy -- white) **do pass as amended.**

Signed:


Senator Brent R. Cromley, Chair

And, that such amendments read:

1. Page 2, line 27.

Following: "Section 4."

Strike: "Powers and duties of"

Insert: "Licensure and regulation by"

2. Page 2, lines 27 and 28.

Following: "(1)" on line 27

Strike: remainder of line 27 through "50-2-130, a" on line 28.

Insert: "A"

3. Page 2, line 29.

Strike: "separate from" on line 29

Insert: "for tattooing and body-piercing establishments
independent of"

Strike: "and"

Insert: ". A local board of health's licensure and regulatory
program must be operated in lieu of the department's
licensure and regulatory program."

(2) Subject to the restrictions in 50-2-130, a local board
of health that operates its own licensure and regulatory
program pursuant to subsection (1)"

Renumber: subsequent subsection

Committee Vote:

Yes 8, No 1.

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4. Page 5.

Following: line 17

Insert: "(3) If a local board of health inspection and regulatory program is being operated in lieu of a department program, the local board of health and not the department has the duty and authority provided in this section."

5. Page 6, line 3.

Following: "(e) tattoos"

Insert: "or provides a body piercing on"

6. Page 6, line 4.

Strike: "has"

Insert: "and "body piercing" have"

- END -



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Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 119** (second reading copy -- yellow) **do pass as amended.**

Signed: _____


Senator Brent R. Cromley, Chair

And, that such amendments read:

1. Page 4, line 23.

Following: "(7)"

Strike: "In all cases"

Insert: "Following the permanency hearing"

- END -

Committee Vote:

Yes 7, No 2.

220911SC.sjo



PROXY VOTE

I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR Moss TO VOTE MY PROXY

ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON SB 119 Yes
Jan 26, 2005 MEETING HELD ON 1-26-05,

2003.

Carol Williams

SENATOR
STATE OF MONTANA

PROXY VOTE

SB 119

I, THE UNDERSIGNED, HEREBY AUTHORIZE

SENATOR Schmidt TO VOTE MY PROXY

ON ANY ISSUE BEFORE THE SENATE COMMITTEE

ON Gun Health MEETING HELD ON 1/26/05

2003.

Sen Bob
~~Sen Bob~~

SENATOR
STATE OF MONTANA

PROXY VOTE

I, the undersigned, hereby authorize Senator Lynda Moss to
vote my proxy on any issue before the Senate Public Health
Committee held on January 26, 2005.

SB 137 - yes

Carol Williams
SENATOR
STATE OF MONTANA

MONTANA STATE SENATE 2005 LEGISLATURE

VISITOR REGISTER

DATE 1-26-05

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY SB 153 SB 249

PLEASE PRINT

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NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Don Hargrove	920-2428	MASP	SB 249	X	
Johna Nehmer	728-9053	Muninger Redmond Family Care Graham Home	SB 249	X	
Lisa Swanson	444-5904	DPHHS	SB112	X	
Peg Shea	532-9800	Wt. Mt. Ad & ~	SB 249	X	
Tamera Nauts	532-9800	" " "	SB 249	X	
William G. Stops	691-0086	A & D Services.	SB 249	X	
Rogan Curtis	563-6601	A & D Chacoonda	249	X	
Andrew Green	563-5133	A & D Chacoonda	SB 249	X	
REBECCA FOWLER	728-9053	CAROLE GRAHAM HOME	SB 249	X	
Bridget McManus	728-9053	Carole Graham Home	SB 249	X	
Ameta Jones	543-1126	Turning Point	SB 249	X	
Troy Keeland	258-6460	Turning Point	SB 249	X	
RON SHERMAN	721-0804	TURNING POINT	SB 249	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY

MONTANA STATE SENATE 2005 LEGISLATURE

VISITOR REGISTER

DATE 1-26-05

SENATE COMMITTEE ON Public Health

BILLS BEING HEARD TODAY SB-153 SB 249

PLEASE PRINT

NAME	PHONE	REPRESENTING	BILL #	SUPPORT	OPPOSE
Dennis Watson	239-8857	Turning Point	SB 249	X	
Phillip Sminski	728-2254	Turning Point	SB 249	X	
GAILBRIESE ZIMMER	444-9740	DPHHS	SB 153	informational only	
Joyce DeLuzo	444-3969	DPHHS	SB 249	X	
Bill Sawyer	444-3911	M DOE	SB 249	X	
Mike Ruppert	443-2343	Boyd Andrew C.S.	SB 249	X	
Mavis Vallarone	273-6494	Turning Point	SB 249	X	
Ann Whitely	x5554	Gen Office	SB 249	X	

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY