

Testimony on HB 92: An Act to Modernize Montana Public Health Statutes Date 3-12-07
 Presented by Jane Smilie, MPH, Administrator, Public Health & Safety Division, Department of Public Health & Human Services, 444-4141, jsmilie@mt.gov Bill No. HB 92

Chairman Weinberg and members of the committee, my name is Jane Smilie and I am the administrator of the Public Health & Safety Division at DPHHS. I am going to describe:

- Why it is important to modernize our public health statutes
- Some of the key changes proposed in this bill, and
- How we arrived at these changes.

Montana's basic public health statutes have not been comprehensively reviewed and updated for at least 40 years. These statutes must support the public health system in addressing the health issues of this century.

Public health threats and practices have changed over the last century. Life expectancy in the U.S. has increased by 30 years. Fully 25 of those years are attributable to public health interventions including sanitation, hygiene, and communicable disease control. The leading causes of death in Montana have changed from pneumonia, tuberculosis, diarrhea and enteritis in 1900 to heart disease, cancer and stroke by 2000.

At present the basic powers and authorities of Montana's public health agencies relate primarily to communicable disease control and sanitation. Today's public health system must address a wide variety of threats including chronic diseases, like diabetes, cancer, heart disease and stroke, as well as injuries. At the same time, we must continue to control communicable diseases, including new ones like SARS and West Nile Virus, remerging ones like tuberculosis, and at the same time, prepare for the possibility of bioterrorism or a pandemic of influenza.

It is critically important that our statutes support the system in addressing these contemporary health issues with current public health practices. The bill reflects the realities of public health practice in our state and country and updates vague and antiquated language. We would not practice medicine or public health with outdated science, and we should not practice with antiquated legal authorities.

Section 1 provides a **purpose statement for the public health system and a list of key public health services**. The language proposed is the standard in the industry and was developed by the leading public health organizations. In addition, it includes a disclaimer indicating it not be construed to require an agency to provide all of these services or to implement unfunded programs. Rather, Section 1 is the foundation for what follows and provides an overall policy statement for the public health system in Montana.

The Act updates major powers of public health agencies. It calls for the Department, Local Boards of Health and Health Officers to address conditions of public health importance with contemporary public health practices. The definition of conditions of public health importance takes a forward-looking approach to addressing more than communicable disease and sanitation, and supports the inclusion of contemporary health threats such as chronic diseases and injuries. Sections 4 and 5 call for these conditions to be addressed with modern public health practices, including, "epidemiological tracking and investigation, screening and testing programs, isolation and quarantine measures, treatment, abatement of public health nuisances, inspections, collecting and maintaining health information or other public health measures as allowed by law."

Section 2 describes **agreements that can be made between and among federal, state, local and tribal public health agencies**, in order to efficiently and effectively deliver public health services. The bill recognizes the autonomy of local governments, while encouraging close working relationships between and among the state and local agencies. Sections 4 and 5 encourage the Department and Local Boards of Health to engage in formal collaborative agreements with the tribes, tribal organizations and Indian Health Service to provide public health programs, services and protections. This approach is critical to having an effective public health system in which local capacities and resources vary greatly from one jurisdiction to another. While these types of agreements and established relationships are important in addressing day-to-day public health activities, they will be critical during a large-scale event or emergency.

Several years of work and a large amount of input from stakeholders and the public went into creating this bill. The Department worked with a committee of medical, legal, public health, environmental health and emergency response personnel, as well as policymakers and others. We consulted with experts in public health law from Georgetown and Johns Hopkins Universities. We used model legislation created by the national public health organizations as a guide to assess our statutes. We discussed the proposed legislation with the following groups:

- MACO at district and statewide meetings
- Interim legislative committees
- Montana Public Health Association
- Montana Environmental Health Association
- Montana Board of Nursing
- Montana County Attorneys
- Montana Board of Medical Examiners at a meeting that included Montana Nurses Association, Montana Medical Association and Montana Hospital Association
- Montana Disaster and Emergency Services
- Association of Montana Public Health Officials

We held public meetings to discuss this legislation in **Miles City, Glasgow, Billings, Bozeman, Kalispell, Helena, Butte, Great Falls and Missoula**. The following groups have provided written letters and resolutions of support that I am providing to you with my testimony: Montana Medical Association; Montana Hospital Association; Montana Association of County Officials; Montana Public Health Association; Montana Board of Nursing; Montana Board of Medical Examiners.

You will see that this bill has been amended in response to two concerns raised by the House Human Services Committee: that some of the language in the bill was too broad in scope and that the language would be used to engage in environmental regulation. That was never our intent with this bill and we are fine with the amendments that have been passed. We thank the subcommittee from the House Human Services Committee for helping us arrive at these amendments so this important piece of public health legislation can be implemented.

In summary,

- This bill will support the public health system in addressing current health issues using current public health practices.
- It would match our statutes with what is actually happening in public health in our state and across the country.
- It will clarify vague and antiquated language.
- It presents no unfunded mandate and there would be no fiscal impact with passage of the bill.

MONTANA
MEDICAL
ASSOCIATION

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February 20, 2007
Tuesday

Chairman Stoker and Members of the House Human Services Committee,

I am writing on behalf of the Montana Medical Association to express our support of House Bill 92: An Act Modernizing Public Health Statutes. The MMA believes this effort to update our public health statutes is needed to address current public health threats and support modern disease control measures. The public health system is actively engaged in disease prevention and control efforts that, in the end, will save health care dollars. It is important that the work of this system is supported in statute.

We offer our full support of HB 92, including the amendments brought forth by the Department of Public Health & Human Services and local public health agencies.

Sincerely,



Kurt T. Kubicka, M.D.

Chair

Committee on Legislation

KTT:le



AN ASSOCIATION OF
MONTANA HEALTH
CARE PROVIDERS

February 16, 2007

Chairman Stoker and Members of the House Human Services
Committee,

I am writing on behalf of the MHA, An Association of Montana Health Care Providers (formerly the Montana Hospital Association), to express our support of House Bill 92: An Act Modernizing Public Health Statutes. The public health system is an invaluable arm of our state's overall health care system. It provides a variety of essential services including communicable disease control, health education and prevention services that help to control health care costs.

The MHA applauds the proactive approach that state and local public health professionals have taken with this bill. We believe that it is far better to have statutes that support current public health practices, than to allow this critical system to rely on outdated language. The public health system works and deserves the support this upgraded statutory language will provide it.

I offer our full support of HB 92 as originally drafted and including the amendments brought forth by the Department of Public Health & Human Services and local public health agencies.

Sincerely,

A handwritten signature in cursive script that reads "Jim Ahrens".

Jim Ahrens
President



GOVERNOR Brian Schweitzer

Montana
Department of Labor and Industry
Business Standards Division

BOARD OF MEDICAL EXAMINERS

January 19, 2007

Jane Smilie
Administrator
Public Health and Safety Division
1400 Broadway Rm B102
PO Box 202951
Helena MT 59620-2951

Re: HB 92, The Public Health Modernization Act

Dear Ms. Smilie:

The Montana Board of Medical Examiners takes this opportunity to express its support for the Department of Public Health and Human Service's proposed bill, "The Public Health Modernization Act".

With this legislation, the Department's Public Health and Safety Division has taken an important step in addressing the needed modernization of the healthcare act.

The Board of Medical Examiners appreciates your coming to its meeting of December 2006 to explain the purpose of the bill and to seek feedback from a stakeholder in matters pertaining to the health, safety and welfare of Montana's.

Sincerely,

Michael Lapan, DPM for [Signature]
Micheal Lapan, DPM
President

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Governor Brian Schweitzer

Montana

Department of Labor and Industry

Business Standards Division

January 2, 2007

Jane Smilie, Administrator
Public Health and Safety Division
1400 Broadway, RM B102
PO Box 202951
Helena, MT 59620-2951

Re: LC 0481
Public Health Statute Modernization Bill

Dear Ms. Smilie:

The Montana Board of Nursing takes this opportunity to express its support for the Department of Public Health and Human Services' Public Health Statute Modernization Bill, LC0481, in the form that is attached. During its October 18, 2006 full board meeting, the Board of Nursing passed a motion unanimously to support this bill.

With this bill, DPHHS's Public Health and Safety Division has taken an important step toward assuring that laws which exist for the protection and promotion of the public health are current, comprehensive and clear and that they provide for coordination and collaboration among jurisdictions for the benefit of all sectors of the public. Being proactive now in this important arena of public health law will pay future dividends to the public as ever-changing threats to public health and safety present themselves. DPHHS's vigilance is to be commended.

The Board of Nursing appreciates your coming to its October 2006 meeting to explain the purpose of the bill and to seek feedback from it as a stakeholder in matters pertaining to the health, safety and welfare of Montanans.

Sincerely,

A handwritten signature in cursive that reads "Susan Raph, MN, RN".

Susan Raph, MN, RN, CNA, BC
President, Montana Board of Nursing

RESOLUTION 2006-36

PUBLIC HEALTH STATUTE MODERNIZATION PROJECT

It is the intent of the Montana Association of Counties to support the modernization of Montana's Public Health Statutes.

WHEREAS, Montana's public health statutes are outdated and in need of updating to reflect current public health practice; and

WHEREAS, Over the last several years, Montana public health, medical and legal professionals, as well as policy makers have thoroughly reviewed and analyzed Montana's public health statutes and determined key areas in need of updating. These include the following:

- **A basic purpose statement for the public health system** -- There is no specific reference in Title 50 of the Montana Code Annotated to the critical role and essential functions of the public health system in protecting and promoting the health of Montanans.
- **Major public health powers of state and local public health agencies** -- Much of the language that describes the major public health powers of state and local agencies is outdated and vague and may not support current public health actions when implemented.
- **Defined standards for conditions of public health importance** -- Montana statutes and administrative rules focus on communicable disease control and sanitation, however, there is no general guidance for addressing diseases or conditions of current and future public health importance.
- **Public health emergencies** -- Specific powers and authorities of state and local public health agencies in a public health emergency need to be delineated. Additional issues, such as the ability to utilize health professionals that are not licensed or credentialed in the state during an emergency, should also be examined.; and

WHEREAS, two pieces of legislation will be introduced in the 2007 Montana Legislature. One will revise basic public health powers and authorities, the other public health emergency planning and response; and

WHEREAS, it is a goal of the Montana Association of Counties to promote a strong public health system that assures the necessary programs, services and protections to keep our citizens Healthy.

NOW, THEREFORE, BE IT RESOLVED, that the Montana Association of Counties supports the modernization of Montana's Public Health Statutes.

SPONSOR: Health & Human Services & Labor Committee

RECOMMENDATION: Do Pass

PRIORITY: High

REFERRED TO: Health, Human Services & Labor Committee

ADOPTED: Annual Conference, Bozeman, MT
September 27, 2006

MONTANA PUBLIC HEALTH ASSOCIATION

P.O. Box 511 Choteau, MT 59422

"Envisioning healthy people in healthy communities throughout Montana"

January 12, 2007

Hon. Ron Stoker, Human Services Committee Chair
And Human Services Committee Members
State of Montana House
Helena, MT 59620

Dear Representative Stoker and Human Services Committee Members,

The Montana Public Health Association (MPHA) would like to thank you for considering HB 92 in committee, and we express our wholehearted support for the legislation's passage. We appreciate Representative Eve Franklin for sponsoring this legislation, and the Montana Department of Public Health and Human Services for requesting the measure, as it would implement long-overdue modernization to Montana's Public Health Statute by amending the powers and duties of the department, local boards of health, and local health officers to reflect current public health issues and practices. It will also encourage greater collaboration among constituents in the public health system.

Montana's current public health statute, Title 50 of the Montana Code Annotated (MCA), dates from the 1950's or earlier. The statute modernization movement started about five years ago, with the realization that the statute was overdue for updating. Like Montana, many states are finding a need to update their statutes because of new public health challenges, such as new emerging infectious diseases, the anthrax attacks, and Hurricane Katrina. We wouldn't practice medicine using 1950's medical practices. We must not practice public health using old laws.

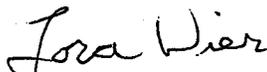
The Montana Public Health Association (MPHA) is a diverse membership of individuals and organizations advocating for optimal public health best practice standards for all Montanans. MPHA facilitates educational and professional growth opportunities, networking and mentoring, and collaborative relationships for members and partners. MPHA joins with other organizations on specific issues to strengthen the voice of public health and advance legislation to support the people of Montana.

Again, thank you for considering HB 92 in committee. Our organization looks forward to working with you on this and other important public health initiatives in the future. If you have any questions, please do not hesitate to contact Lora Wier, MPHA Past President, MPHA Advocacy Committee Chair, at (406) 466-2562 or health@3rivers.net, or visit the MPHA website at www.mtpha.com

Sincerely,



Terri Hocking
President



Lora Wier
Past President, Advocacy Committee Chair

Cc: Representative Eve Franklin
Montana DPHHS