

## MINUTES

### MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION

#### COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

**Call to Order:** By **CHAIRMAN DAN WEINBERG**, on February 14, 2007 at 3:00 P.M., in Room 317-A Capitol.

#### ROLL CALL

**Members Present:**

Sen. Dan Weinberg, Chairman (D)  
Sen. Lynda Moss, Vice Chairman (D)  
Sen. John Cobb (R)  
Sen. John Esp (R)  
Sen. Kim Gillan (D)  
Sen. Terry Murphy (R)  
Sen. Jerry O'Neil (R)  
Sen. Trudi Schmidt (D)  
Sen. Carol Williams (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Prudence Gildroy, Committee Secretary  
Lisa Mecklenberg Jackson, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 246, 2/2/2007; SB 326, 2/2/2007;  
SB 397, 2/2/2007  
Executive Action: SB 226; SB 93; SB 142; SB 368; SJ 5

00:00:01

**HEARING ON SB 246**

**Opening Statement by Sponsor:**

00:01:16 **SEN. STEVEN GALLUS (D), SD 37**, opened the hearing on **SB 246**, Include ambulance services under medical providers able to establish lien.

**Proponents' Testimony:**

00:02:09 J.D. Lynch, Montana Private Ambulance Association

00:02:51 Mike McGree, A-1 Ambulance, Montana Private Ambulance Association

00:03:39 John Gray, Montana Health Care Consultants, Missoula

00:04:14 Don Whalen, Missoula Emergency Services

**Opponents' Testimony:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

00:04:51 Sen. Cobb to Mike McGree, A-1 Ambulance, Montana Private Ambulance Association

00:05:43 Sen. O'Neil to Mike McGree

00:07:17 John Gray

00:07:34 Sen. Dan Weinberg to Mike McGree

**Closing by Sponsor:**

00:11:10 Sen. Steve Gallus

**HEARING ON SB 326**

**Opening Statement by Sponsor:**

00:13:24 **SEN. TRUDI SCHMIDT (D), SD 11**, opened the hearing on **SB 326**, Prescription drug monitoring plan.

**Proponents' Testimony:**

- 00:18:55 Starla Blank, Pharmacist, Executive Director of the Board of Pharmacy
- 00:27:21 Nanette Gilbertson, Montana Pharmacy Association, Montana Sheriff's and Peace Officers Association
- 00:28:58 Erin McGowan-Fincham, State Auditor's Office
- 00:30:35 Jim Kembel, Montana Association of Chiefs of Police (MACOP)

**Opponents' Testimony:**

- 00:31:06 Scott Crichton, American Civil Liberties Union (ACLU)

**EXHIBIT (phs33a01)**

**Informational Testimony:**

- 00:34:20 Kathy McGowan, American Cancer Society, Montana Pain and Symptom Management Task Force

**EXHIBIT (phs33a02)**

- 00:37:04 Mark Cadwallader, Staff Attorney, Montana Labor and Industry

**Questions from Committee Members and Responses:**

- 00:37:47 Sen. O'Neil to Sen. Schmidt
- 00:39:07 Mark Cadwallader, Staff Attorney, Montana Labor and Industry
- 00:40:16 Sen. O'Neil to Mark Cadwallader
- 00:42:34 Sen. Murphy to Scott Crichton, ACLU
- 00:46:34 Sen. Moss to Sen. Schmidt
- 00:47:45 Sen. Moss to Starla Blank
- 00:48:38 Sen. Moss to Mark Cadwallader
- 00:50:05 Sen. Gillan to Starla Blank
- 00:53:37 Sen. Weinberg to Starla Blank

00:54:17 Cory Cook, Employee Benefit Management Services (EBMS)  
00:56:03 Sen. Weinberg to Starla Blank  
00:57:32 Sen. O'Neil to Mark Cadwallader  
00:58:35 Sen. O'Neil to Starla Blank  
01:01:08 Sen. Weinberg to Scott Crichton, ACLU  
01:02:17 Sen. Murphy to Mark Cadwallader  
01:04:50 Sen. Murphy to Starla Blank  
01:06:38 Mark Cadwallader

**Closing by Sponsor:**

01:07:40 Sen. Schmidt

**HEARING ON SB 397**

**Opening Statement by Sponsor:**

01:13:16 **SEN. KIM GILLAN (D), SD 24**, opened the hearing on **SB 397**, Revise dispensing of drugs at employer based clinics.

**Proponents' Testimony:**

01:17:13 Cory Cook, Employee Benefit Management Services (EBMS)

**EXHIBIT (phs33a03)**

01:28:16 Chuck Hunter, Montana Primary Care Association

**Opponents' Testimony:**

01:28:47 Mark Meredith, Pharmacist, Montana Board of Pharmacy

01:33:02 Nanette Gilbertson, Montana Pharmacy Association

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:34:49 Sen. Weinberg to Cory Cook, EBMS

01:37:12 Sen. Moss to Mark Meredith, Montana Board of Pharmacy

01:39:26 Sen. Moss to Cory Cook, EBMS

**Closing by Sponsor:**

01:40:22 Sen. Gillan

**EXECUTIVE ACTION ON SB 226**

01:43:54\_\_Sen. Moss

**Discussion:**

01:45:08 Kelly Williams, Senior and Long Term Care Division,  
Department of Public Health and Human Services (DPHHS)

**EXHIBIT (phs33a04)**

01:46:29 **Motion/Vote:** SEN. MOSS moved that SB 226 BE TABLED.  
Motion carried with Sen. Cobb voting aye by proxy.

**EXECUTIVE ACTION ON SB 93**

01:47:31 **Motion:** SEN. ESP moved that SB 93 DO PASS.

**Discussion:**

01:48:15 Sen. Schmidt

01:49:01 **Vote:** Motion carried unanimously with Sen. Cobb voting  
aye by proxy.

**EXECUTIVE ACTION ON SB 142**

01:49:59 **Motion:** SEN. ESP moved that SB 142 DO PASS.

01:50:19 **Motion:** SEN. ESP moved that AMENDMENT SB014202.ALJ BE  
ADOPTED.

**EXHIBIT (phs33a05)**

**Discussion:**

01:50:54 Sen. Esp

01:51:59 Sen. Schmidt

01:52:45 Sen. Moss  
01:52:51 Sen. Murphy  
01:52:57 Sen. Schmidt  
01:53:56 **Vote: Motion carried unanimously with Sen. Cobb voting aye by proxy.**  
01:54:18 **Motion: SEN. ESP moved that AMENDMENT SB014201.AGT BE ADOPTED.**  
01:54:54 Sen. Williams  
01:55:45 Sen. Esp  
01:56:14 **Vote: Motion carried unanimously with Sen. Cobb voting aye by proxy.**  
01:56:30 **Motion/Vote: SEN. ESP moved that SB 142 DO PASS AS AMENDED. Motion carried unanimously by voice vote with Sen. Cobb voting aye by proxy.**

**EXECUTIVE ACTION ON SB 368**

01:58:26 **Motion: SEN. ESP moved that SB 268 DO PASS.**  
01:58:50 **Motion: SEN. ESP moved that AMENDMENT SB036801.ALJ BE ADOPTED.**

**EXHIBIT (phs33a06)**

**Discussion:**

02:00:25 Sen. Esp  
02:02:30 Sen. Weinberg to Pat Melby, Montana Medical Association  
02:04:38 Sen. Weinberg to Lisa Jackson, Legislative Fiscal Division  
02:05:17 Sen. Gillan to Sen. Esp  
02:07:32 Sen. Gillan to Pat Melby  
02:10:04 Sen. Gillan to Sen. Esp  
02:10:39 Sen. Gillan to Pat Melby

02:12:10 Sen. Moss to Sen. Esp

02:14:45 Sen. Moss to Pat Melby

02:17:26 Sen. O'Neil to Lisa Jackson

02:19:01 **Vote: Motion carried 7-1 with Sen. Gillan voting no.  
Sen. Cobb voted aye by proxy.**

02:19:29 **Motion: SEN. ESP moved that SB 368 DO PASS.**

**Discussion:**

02:20:00 Sen. Esp

02:20:47 Sen. Gillan

02:21:33 Sen. Schmidt

02:23:03 Sen. Weinberg

02:24:11 Sen. Esp

02:24:50 Sen. Schmidt to Pat Melby

02:27:04 Sen. Moss

02:27:56 Sen. Schmidt

02:29:26 Pat Melby

02:30:10 Sen. O'Neil

02:32:12 Sen. Murphy

02:32:53 Sen. Gillan

02:35:27 Sen. Esp

02:35:38 **Motion: SEN. ESP moved to amend SB368 after "a medical  
practice may" to insert "and a group of five or fewer  
medical providers must".**

02:36:31 Sen. Murphy

02:37:09 Sen. Weinberg to Lisa Jackson

02:37:19 Sen. Esp

02:37:59 **Vote:** Motion carried unanimously by voice vote. SEN. COBB voted aye by proxy.

02:38:13 **Motion:** SEN. ESP moved that SB 368 DO PASS AS AMENDED.

02:38:24 **Motion:** SEN. O'NEIL moved that SB 368 BE AMENDED to delete the duplicate "or" in the amendment.

02:39:25 **Vote:** Motion carried unanimously by voice vote.

02:39:33 **Motion/Vote:** SEN. ESP moved that SB 368 DO PASS AS AMENDED. Motion carried 8-1 by voice vote with SEN. GILLAN voting no. SEN. COBB voted aye by proxy.

**EXECUTIVE ACTION ON SJ 5**

02:40:15 **Motion:** SEN. MOSS moved that SJ 5 DO PASS.

**Discussion:**

02:40:32 Sen. Moss

02:40:57 **Vote:** Motion carried 8-1 by voice vote with SEN. ESP voting no. SEN. COBB voted aye by proxy.

**ADJOURNMENT**

Adjournment: 6:01 P.M.

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SEN. DAN WEINBERG, Chairman

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PRUDENCE GILDROY, Secretary

DW/pg

Additional Exhibits:

**EXHIBIT ([phs33aad.pdf](#))**