BUSINESS REPORT

MONTANA SENATE
61st LEGISLATURE - REGULAR SESSION

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date: Wednesday, February 11, 2009 **Time:** 3:00 pm
Place: Capitol **Room:** 317-A

BILLS and RESOLUTIONS HEARD:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 330, SB 350

EXECUTIVE ACTION TAKEN:
Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

SB 51- Do Pass As Amended

SB 271- Do Pass As Amended

COMMENTS:

SEN. Roy Brown, Chairman

MONTANA STATE SENATE
Roll Call
PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

DATE: 2-11-2009

NAME	PRESENT	ABSENT/ EXCUSED
SENATOR ROY BROWN, CHAIRMAN	✓	
SENATOR TERRY MURPHY, VICE CHAIR	✓	
SENATOR GREG HINKLE	✓	
SENATOR CAROL JUNEAU	✓	
SENATOR CLIFF LARSEN		✓
SENATOR DAVE LEWIS	✓	
SENATOR TRUDI SCHMIDT	✓	

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 51** (first reading copy -- white) **do pass as amended.**

Signed: _____
Senator Roy Brown, Chair

And, that such amendments read:

1. Title, page 1, line 5.
Strike: "ADOPTING A POLICY"

2. Title, page 1, line 6.
Strike: "PROVIDERS"
Insert: "PRACTITIONERS"
Following: "PATIENTS;"
Insert: "AND"

3. Title, page 1, line 7.
Strike: "PROVIDERS"
Insert: "PRACTITIONERS"

4. Title, page 1, lines 7 and 8.
Following: "OF"
Strike: remainder of line 7 through "PROVIDERS" on line 8
Insert: "ANY FINANCIAL INTEREST ASSOCIATED WITH A REFERRAL"

5. Page 1, line 12 through page 3, line 3.
Strike: everything after the enacting clause
Insert: "NEW SECTION. **Section 1. Patient information -- disclosure required when making referrals -- definitions.** (1) It is public policy of the state of Montana that a patient receives from a health care practitioner information that allows the patient to make informed decisions not only relating to the patient's medical conditions but also to the financial or quality

Committee Vote:
Yes 4, No 3
Fiscal Note Required __

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aspects of the patient's health care decisions.

(2) A health care practitioner who has a financial interest in an entity that provides diagnostic services or therapeutic services or who receives compensation or remuneration for referral of the patient to an entity that provides diagnostic services or therapeutic services shall disclose the interest to a patient prior to referring the patient for diagnostic services or therapeutic services.

(a) The information must be disclosed on a written referral to each patient at the time of referral or, if referred by phone, verbal disclosure must be made at the time of referral and a written referral must be promptly sent to the patient.

(b) The referral must contain the following notice written conspicuously on its face:

"During the course of your relationship with this health care practitioner, you may be referred to another health care provider or health care facility in which the practitioner has an investment, employment, or contractual interest. You have the freedom to choose among health care providers and health care facilities."

(3) Subsection (2) applies to an entity that provides diagnostic services and therapeutic services within a hospital even though the entity is not owned by the hospital.

(4) (a) Except as provided in subsection (4)(b), this section does not apply to a patient receiving emergency care or to a patient admitted to a hospital or critical access hospital.

(b) Upon discharge, the inpatient or outpatient must be provided with the disclosure and referral information contained in subsection (2).

(5) Failure to provide disclosure of a financial interest may result in a $100 penalty assessed by the department. The department shall report the violation to the appropriate licensing board.

(6) For the purposes of this section, the following definitions apply:

(a) "Department" means the department of public health and human services provided for in 2-15-2201.

(b) "Diagnostic services" means providing any test to determine or identify the nature of a disease, including laboratory and exploratory tests.

(c) "Financial interest" means that the health care practitioner or a partner or employee of the practitioner directly or indirectly holds through business or investment an ownership, contractual, or employment interest in or with another health care practitioner, health care facility, or other person or entity that is the beneficiary of the referral.

(d) "Health care facility" has the meaning provided in 50-5-101.

(e) "Health care practitioner" means an individual licensed by the department of labor and industry who has assessment, admission, and prescription authority.

(f) "Health care provider" has the meaning provided in 50-4-504.

(g) "Therapeutic services" means physical therapy, radiation therapy, and rehabilitation services, including physical therapy, occupational therapy, speech pathology, and any combination of those services."

Insert: "NEW SECTION. **Section 2. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 4, and the provisions of Title 50, chapter 4, apply to [section 1].
"

- END -

SENATE STANDING COMMITTEE REPORT

Mr. President:

We, your committee on **Public Health, Welfare and Safety** recommend that **Senate Bill 271** (first reading copy -- white) **do pass as amended**.

Signed: _____
Senator Roy Brown, Chair

And, that such amendments read:

1. Title, page 1, lines 5 and 6.
Strike: "RENAMING" on line 5 through "COUNSELORS;" on line 6

2. Title, page 1, line 9.
Strike: "SECTIONS 2-15-1744, 37-22-102,"
Insert: "SECTION"
Strike: "AND 37-23-102,"

3. Page 1, line 14 through line 26.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 1, line 30.
Strike: "2 through 6"
Insert: "1 through 5"

5. Page 2, line 1.
Strike: "2 through 6"
Insert: "1 through 5"

6. Page 2, line 6.
Strike: "2 through 6"
Insert: "1 through 5"

7. Page 2, line 8.
Strike: "marriage and family therapists"

Committee Vote:
Yes 5, No 2
Fiscal Note Required __

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8. Page 2, line 11.
Strike: "2 through 6"
Insert: "1 through 5"

9. Page 3, line 19.
Strike: "2 through 6"
Insert: "1 through 5"

10. Page 4, line 4.
Strike: "2 through 6"
Insert: "1 through 5"

11. Page 4, line 13.
Strike: "2 through 6"
Insert: "1 through 5"

12. Page 4, line 21.
Strike: "2 through 6"
Insert: "1 through 5"

13. Page 4, line 23.
Strike: "2 through 6"
Insert: "1 through 5"

14. Page 4, line 24.
Strike: "2 through 6"
Insert: "1 through 5"

15. Page 4, line 29 through page 5, line 19.
Strike: section 7 in its entirety
Renumber: subsequent sections

16. Page 5, lines 23 and 24.
Strike: "2" on line 23 through "6" on line 24
Insert: "1 through 5"

17. Page 5, line 26.
Strike: "2 through 6"
Insert: "1 through 5"

18. Page 5, line 30.
Strike: "2 through 6"
Insert: "1 through 5"

19. Page 6, line 5 through line 28.
Strike: section 9 in its entirety
Renumber: subsequent sections

20. Page 6, line 30.
Strike: "2 through 6"
Insert: "1 through 5"

21. Page 7, line 1.
Strike: "2 through 6"
Insert: "1 through 5"

- END -

AUTHORIZED
SENATE COMMITTEE PROXY

I request to be excused from Senate Health & Safety committee because of other commitments. I desire to leave my proxy vote with:

Sen Schmidt

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT	AYE	NO
~~SB50~~		
Amend 5101.Alj SB 51	X	
SB 51	X	
SB 271 Amend 27101.Alj	X	
SB 271	X	

BILL/AMENDMENT	AYE	NO

Sen. Carl Jensen (Signature) Date 2/11/09

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MONTANA STATE SENATE
Visitors Register

Public Health, Welfare, and Safety Committee **Date** 2-11-09

Bill No. SB 330 **Sponsor(s)** Moss

PLEASE PRINT **PLEASE PRINT** **PLEASE PRINT**

Name and Address	Representing	Support	Oppose	Inf.
Harold Hanger	MT Long Term Care Study Commission	X		
Marjeanne Hanger	" " "	X		
KATHY HALL		X		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Visitors Register

Public Health, Welfare, and Safety Committee **Date** 2-11-09

Bill No. SB 350 **Sponsor(s)** Gillan

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Name and Address	Representing	Support	Oppose	Inf.
KATHY HALL	Riverstone Health Bigs	X		
Barbara Schneeman	Assn. of Public Health Officials	X		
Stacey Anderson	Planned Parenthood	X		
Erin MacLean	MT Medical Assoc	X w/amendment		
Mike Foster	all Catholic Hosp + WMH	X		
Drew Malony	MT ACOG	+		
Aimee Gamez	Billings Clinic	X		
Niki Zupanic	ACLU		✓	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

MONTANA STATE SENATE
Roll Call Vote
PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

DATE 2·10·2009 BILL NO SB 51 MOTION NO. _____
MOTION: DO PASS AS AMENDED

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR CAROL JUNEAU	✓		
SENATOR CLIFF LARSEN	✓		
SENATOR DAVE LEWIS		✓	
SENATOR TRUDI SCHMIDT	✓		
SENATOR TERRY MURPHY, VICE CHAIR	✓		
SENATOR ROY BROWN, CHAIRMAN		✓	

MONTANA STATE SENATE
Roll Call Vote
PUBLIC HEALTH, WELFARE, AND SAFETY COMMITTEE

DATE 2·10·2009 BILL NO SB271 MOTION NO._____
MOTION: Do Pass As Amended

NAME	AYE	NO	If Proxy Vote, check here & include signed Proxy Form with minutes
SENATOR GREG HINKLE		✓	
SENATOR CAROL JUNEAU	✓		
SENATOR CLIFF LARSEN	✓		
SENATOR DAVE LEWIS		✓	
SENATOR TRUDI SCHMIDT	✓		
SENATOR TERRY MURPHY, VICE CHAIR	✓		
SENATOR ROY BROWN, CHAIRMAN	✓		