

Montana State Legislature

2015 SESSION

ADDITIONAL DOCUMENTS

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[Signed by Chairman]

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***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

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2015 Legislative

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BUSINESS REPORT

**MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION**

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Date: Friday, February 20, 2015
Place: Capitol

Time: 3:00 PM
Room: 317-A

BILLS and RESOLUTIONS HEARD:

SB 186 - Revising laws relating to executing a power of attorney for a minor - Sen. Roger Webb

SB 316 - Generally revise laws re when certain individuals may be transferred to DOC - Sen. Roger Webb

SB 336 - Generally revise the Montana administrative procedure act - Sen. Bob Keenan

SB 349 - Allow for options in health insurance coverage of abortion services - Sen. Cary Smith

SB 350 - Revise laws related to health insurance navigators - Sen. Cary Smith

EXECUTIVE ACTION TAKEN:

HB 100 - Be Concurred In As Amended; SB 263 - Do Pass As Amended

HB 186 - Do Pass As Amended; SB 350 - Do Pass; SB 349 - Do Pass

SB 206 - Do Pass As Amended; SB 336 - Do Pass As Amended

SB 300 - Tabled; SB 302 Tabled

Comments:



SEN. Fred Thomas, Chair

MONTANA STATE SENATE

Roll Call

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE: February 20, 2015

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
CHAIRMAN FRED THOMAS	X	
VICE CHAIRMAN DAVID HOWARD	X	
SENATOR MARY CAFERRO	X	
SENATOR DIANE SANDS	X	
SENATOR CARY SMITH	X	
SENATOR NELS SWANDEL	X	
SENATOR JONATHAN WINDY BOY	X	



SENATE STANDING COMMITTEE REPORT

February 20, 2015

Page 1 of 1

Madame President:

We, your committee on **Public Health, Welfare and Safety** report that **House Bill 100** (third reading copy -- blue) **be concurred in as amended.**

Signed: _____

Fred Thomas
Senator Fred Thomas, Chair

To be carried by Senator David Howard

And, that such amendments read:

1. Page 2, line 6.

Strike: "an equivalency certificate"

Insert: "a high school equivalency diploma"

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required

HB0100002SC13679.spt



SENATE STANDING COMMITTEE REPORT

February 20, 2015

Page 1 of 1

Madame President:

We, your committee on **Public Health, Welfare and Safety** report that **Senate Bill 263** (first reading copy -- white) **do pass as amended.**

Signed: _____

Fred Thomas
Senator Fred Thomas, Chair

And, that such amendments read:

1. Page 2, line 11.

Insert: "(7) Any cost incurred by the department in performing its responsibilities under this section must be absorbed into the department's existing budget."

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required X

SB0263001SC.spt



SENATE STANDING COMMITTEE REPORT

February 20, 2015

Page 1 of 1

Madame President:

We, your committee on Public Health, Welfare and Safety report that Senate Bill 186 (first reading copy -- white) do pass as amended.

Signed: _____

Fred Thomas
Senator Fred Thomas, Chair

And, that such amendments read:

1. Page 8, line 19.
Strike: "or facility"

- END -

Committee Vote:

Yes 5, No 2

Fiscal Note Required

SB0186002SC.spt



SENATE STANDING COMMITTEE REPORT

February 20, 2015

Page 1 of 1

Madame President:

We, your committee on **Public Health, Welfare and Safety** report that **Senate Bill 349** (first reading copy -- white) **do pass**.

Signed: _____

Fred Thomas
Senator Fred Thomas, Chair

- END -

Committee Vote:

Yes 4, No 3

Fiscal Note Required

SB0349001SC.spt



SENATE STANDING COMMITTEE REPORT

February 20, 2015

Page 1 of 1

Madame President:

We, your committee on **Public Health, Welfare and Safety** report that **Senate Bill 350** (first reading copy -- white) **do pass**.

Signed: _____

Fred Thomas
Senator Fred Thomas, Chair

- END -

Committee Vote:

Yes 7, No 0

Fiscal Note Required X

SB0350001SC.spt



SENATE STANDING COMMITTEE REPORT

February 20, 2015
Page 1 of 3

Madame President:

We, your committee on **Public Health, Welfare and Safety** report that **Senate Bill 206** (first reading copy -- white) **do pass as amended.**

Signed: _____

Fred Thomas
Senator Fred Thomas, Chair

And, that such amendments read:

1. Title, page 1, line 6 through line 7.

Strike: "REQUIRING SUBMISSION" on line 6 through "FOOD ITEMS;" on line 7

2. Title, page 1, line 8.

Strike: "REQUIRING"

Insert: "ALLOWING A"

Following: "IDENTIFICATION"

Insert: "OPTION"

3. Title, page 1, line 10.

Following: "53-4-704,"

Insert: "AND"

Following: "53-4-717,"

Strike: "AND"

4. Title, page 1, line 11.

Strike: "61-12-504,"

5. Page 1, line 15 through line 26.

Strike: section 1 in its entirety

ReNUMBER: subsequent sections

6. Page 2, line 16 through line 19.

Strike: "Limitations"

Committee Vote:

Yes 4, No 3

Fiscal Note Required X

Insert: "Limitation"

Strike: "(1) The" on line 16 through "(2)" on line 19

7. Page 2, line 22.

Following: "identification"

Insert: "option"

Following: "individual"

Strike: "using"

Insert: "applying for"

8. Page 2, line 23 through line 24.

Strike: "shall present" through "forms of"

Insert: "may request that the department include"

Strike: "at the time" on line 23 through "purchase:" on line 24

Insert: "on the individual's electronic benefit transfer card if the individual is determined to be eligible for benefits."

9. Page 2, line 25 through line 28.

Strike: subsection (a) through subsection (d) in their entirety

10. Page 2, line 29 through page 3, line 1.

Strike: "A person" on line 29 through "may obtain" on line 30

Insert: "The department may enter into memorandums of understanding to obtain photographs used for a Montana driver's license or "

Strike: "at no cost" on page 3, line 1

Insert: "issued pursuant to Title 61 or photographs issued for a postsecondary education or tribal identification card"

11. Page 15, line 30.

Strike: "3"

Insert: "2"

12. Page 16, line 5.

Strike: "3"

Insert: "1"

13. Page 16, line 8.

Strike: "and"

14. Page 16, line 10.

Following: "program"

Insert: "; and

(i) the inclusion of photo identification on electronic benefit transfer cards as allowed under [section 3]"

15. Page 20, line 19 through page 21, line 6.

Strike: section 24 in its entirety

Renumber: subsequent sections

16. Page 21, line 9.
Strike: "3"
Insert: "2"

17. Page 21, line 13.
Strike: "2"
Insert: "1"

18. Page 21, line 19.
Strike: "4"
Insert: "3"

19. Page 21, line 21.
Strike: "4"
Insert: "3"

20. Page 21, line 23.
Strike: "2"
Insert: "1"

21. Page 21, line 26.
Strike: "2"
Insert: "1"

- END -



SENATE STANDING COMMITTEE REPORT

February 20, 2015

Page 1 of 3

Madame President:

We, your committee on **Public Health, Welfare and Safety** report that **Senate Bill 336** (first reading copy -- white) **do pass as amended**.

Signed: _____

Senator Fred Thomas, Chair

And, that such amendments read:

1. Title, page 1, line 12.

Following: "STATEMENT"

Insert: "FOR RULES PROPOSED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; AMENDING PAYMENTS THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES IS ENTITLED TO COLLECT FROM CERTAIN PROVIDERS;"

Strike: "SECTION"

Insert: "SECTIONS"

Following: "2-4-405"

Insert: "AND 53-6-111"

2. Page 2, line 8 through line 9.

Strike: "an impacted business, impacted contractor, elected official, or"

3. Page 2, line 14.

Strike: "a"

Insert: "the"

4. Page 2, line 15.

Strike: "if"

Strike: "originated the request, the committee"

5. Page 3, line 7.

Strike: "completed"

Committee Vote:

Yes 7, No 0

Fiscal Note Required X

6. Page 3, line 8 through line 9.

Strike: "and the impacted business, impacted contractor, or elected official, if applicable,"

7. Page 3, line 24.

Following: line 23

Insert: "(8) For rules proposed to be adopted, amended, or repealed by the department of public health and human services, an impacted business, impacted contractor, or elected official may request an economic impact statement and, if requested, must receive the completed statement."

Insert: "Section 3. Section 53-6-111, MCA, is amended to read:

"53-6-111. Department charged with administration and supervision of medical assistance program -- overpayment recovery -- sanctions for fraudulent and abusive activities -- adoption of rules. (1) The department of public health and human services may administer and supervise a vendor payment program of medical assistance under the powers, duties, and functions provided in Title 53, chapter 2, and this chapter and that is in compliance with Title XIX of the Social Security Act.

(2) (a) The department is entitled to collect from a provider, and a provider is liable to the department for:

(i) the amount of a payment under this part to which the provider was not entitled, regardless of whether the incorrect payment was the result of department or provider error or other cause if the incorrect payment was the result of the provider's unreasonable interpretation of the pertinent rule or billing code; and

(ii) the portion of any interim rate payment that exceeds the rate determined retrospectively by the department for the rate period.

(b) For the purposes of determining whether the provider's interpretation of a pertinent rule or billing code is unreasonable pursuant to subsection (2)(a)(i), the provider's interpretation is unreasonable if:

(i) it directly conflicts with a written interpretation of the department in existence at the time of the billing for that rule or billing code; or

(ii) if there was no written interpretation of the department in existence at the time of the billing for that rule or billing code, the department demonstrates by a preponderance of the evidence that the provider's interpretation is unreasonable.

~~(b)~~(c) In addition to the amount of overpayment recoverable under subsection (2)(a), the department is entitled to interest on the amount of the overpayment at the rate specified in 31-1-106 from the date 30 days after the date of mailing of notice of the overpayment by the department to the provider,

except that interest accrues from the date of the incorrect payment when the payment was obtained by fraud or abuse.

~~(c)~~(d) The department may collect any amount described in subsection (2) (a) by:

- (i) withholding current payments to offset the amount due;
- (ii) applying methods and using a schedule mutually agreeable to the department and the provider; or
- (iii) any other legal means.

~~(d)~~(e) The department may suspend payments to a provider for disputed items pending resolution of a dispute.

~~(e)~~(f) The fact that a provider may have ceased providing services or items under the medical assistance program, may no longer be in business, or may no longer operate a facility, practice, or business does not excuse repayment under this subsection (2).

(3) The department shall adopt rules establishing a system of sanctions applicable to providers who engage in fraud and abuse. Subject to the definitions in 53-6-155, the department rules must include but are not limited to specifications regarding the activities and conduct that constitute fraud and abuse.

(4) Subject to subsections (5) and (6), the sanctions imposed under rules adopted by the department under subsection (3) may include but are not limited to:

- (a) required courses of education in the rules governing the medicaid program;
- (b) suspension of participation in the program for a specified period of time;
- (c) permanent termination of participation in the medical assistance program; and
- (d) imposition of civil monetary penalties imposed under rules that specify the amount of penalties applicable to a specific activity, act, or omission involving intentional or knowing violation of specified standards.

(5) In all cases in which the department may recover medicaid payments or impose a sanction, a provider is entitled to a hearing under the provisions of Title 2, chapter 4, part 6. This section does not require that the hearing under Title 2, chapter 4, part 6, be granted prior to recovery of overpayment.

(6) The remedies provided by this section are separate and cumulative to any other administrative, civil, or criminal remedies available under state or federal law, regulation, rule, or policy."

Renumber: subsequent sections

- END -

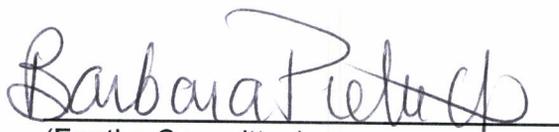
BILL TABLED NOTICE

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

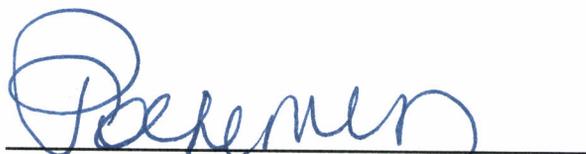
The SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE TABLED

SB 300 - Revise laws regarding pharmacists providing immunizations - Sen. Fred Thomas

by motion, on **Friday, February 20, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).



(For the Committee)



(For the Secretary of the Senate)

6:30a / 2/21
(Time) (Date)

February 20, 2015 (6:17pm)

Barbara Pietuch, Secretary

Phone: 406-444-7363

BILL TABLED NOTICE

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

The **SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE** TABLED

SB 302 - Provide aftercare for family members in cases of suicide - Sen. Mary Caferro

by motion, on **Friday, February 20, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).


(For the Committee)


(For the Secretary of the Senate)

6:30a / 2/20
(Time) (Date)

February 20, 2015 (6:18pm)

Barbara Pietuch, Secretary

Phone: 406-444-7363

MONTANA STATE SENATE

Roll Call Vote

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE 2/20/2015 BILL NO SB 300 MOTION NO _____

MOTION: BE AMENDED

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
CHAIRMAN FRED THOMAS	1		
VICE CHAIRMAN DAVID HOWARD		1	
SENATOR MARY CAFERRO		1	
SENATOR DIANE SANDS	1		
SENATOR CARY SMITH	1		
SENATOR NELS SWANDAL	1		
SENATOR JONATHAN WINDY BOY		1	

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MONTANA STATE SENATE

Roll Call Vote

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE 2/20/2015 BILL NO SB 300 MOTION NO _____

MOTION: DO PASS AS AMENDED

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
CHAIRMAN FRED THOMAS	1		
VICE CHAIRMAN DAVID HOWARD		1	
SENATOR MARY CAFERRO		1	
SENATOR DIANE SANDS		1	
SENATOR CARY SMITH		1	
SENATOR NELS SWANDAL	1		
SENATOR JONATHAN WINDY BOY		1	

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MONTANA STATE SENATE

Roll Call Vote

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE 2/20/2015 BILL NO SB 186 MOTION NO _____

MOTION: Do PASS AS AmENDED.

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
CHAIRMAN FRED THOMAS	X		
VICE CHAIRMAN DAVID HOWARD	X		
SENATOR MARY CAFERRO	X		
SENATOR DIANE SANDS		X	
SENATOR CARY SMITH	X		
SENATOR NELS SWANDAL	X		
SENATOR JONATHAN WINDY BOY		X	X

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MONTANA STATE SENATE

Roll Call Vote

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE 2/20/2015 BILL NO. SB 349 MOTION NO. _____

MOTION: DO PASS

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
CHAIRMAN FRED THOMAS	1		
VICE CHAIRMAN DAVID HOWARD	1		
SENATOR MARY CAFERRO		1	
SENATOR DIANE SANDS		1	
SENATOR CARY SMITH	1		
SENATOR NELS SWANDAL	1		
SENATOR JONATHAN WINDY BOY		1	1

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MONTANA STATE SENATE

Roll Call Vote

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

DATE 2/20/2015 BILL NO SB 206 MOTION NO _____

MOTION: DO PASS AS AMENDED

NAME	AYE	NAY	If Proxy Vote, check here & include signed Proxy Form with minutes
CHAIRMAN FRED THOMAS	1		
VICE CHAIRMAN DAVID HOWARD	1		
SENATOR MARY CAFERRO		1	
SENATOR DIANE SANDS		1	
SENATOR CARY SMITH	1		
SENATOR NELS SWANDAL	1		
SENATOR JONATHAN WINDY BOY		1	1

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SENATE PROXY

I, Senator Windy Bay, hereby authorize Senator Caferra to vote my proxy before the Senate PUBLIC HEALTH, WELFARE & SAFETY meeting held on _____, 2015.



Senator Signature

Date 2-20-15

Said authorization is as follows: *(mark only one)*

- All votes, including amendments.
- All votes as directed below on the listed bills, and all other votes.
- Votes only as directed below.

Bill No./Amendment No.	Aye	No
SB 186		+
SB 350	+	
SB 349		+
SB 302	+	
302-table		+
amendment SB020601		+
on SB 206		
SB 206		+
Amendment		
SB033601.AKA	+	
Amendment		
SB033602.AKA	+	
SB 336	+	

MONTANA STATE SENATE
Visitors Register
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Friday, February 20, 2015

SB 186 - Revising laws relating to executing a power of attorney for a minor

Sponsor: **Sen. Roger Webb**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Andrew C. Brown	The Foundation for Civil Liberties	✓		
Sarah Corbally	DPHHS - CFSD			✓

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

MONTANA STATE SENATE
Visitors Register
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Friday, February 20, 2015

SB 316 - Generally revise laws re when certain individuals may be transferred to DOC

Sponsor: **Sen. Roger Webb**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
LEROY KIRKEGARD	DOC			X
Colleen Ambrose	DOC			X
PAHi Jacques	Citizen			
Niki Zupanic	ACLU	✓		
Paulette Kohnman	DPHHS		X	
Matt Kuntz	NAMI Mohr	✓		
John Wilkinson	Family	✓		
Beth Brennewan	Disability Rights Montana	✓		

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

MONTANA STATE SENATE
Visitors Register
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Friday, February 20, 2015

SB 349 - Allow for options in health insurance coverage of abortion services

Sponsor: **Sen. Cary Smith**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Maisha Stake	Planned Parenthood		X	
Maggie Moran	NARAC ProChoice MT		X	
Rebecca Turner	MCAOSV		✓	
Matt Brower	MT Catholic Conference	X		
Bill Lombardi	BCBSMT		X	
Niki Zupanic	ACLU		✓	
Garrett Bacon	SELF			

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

MONTANA STATE SENATE
Visitors Register
SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

Friday, February 20, 2015

SB 350 - Revise laws related to health insurance navigators

Sponsor: **Sen. Cary Smith**

PLEASE PRINT

Name	Representing	Support	Oppose	Info
Bill Warden	NAIFA	X		
Jeannie Beller	State Auditor			X

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