

# Montana State Legislature

## 65th Montana Legislature - 2017

### ADDITIONAL DOCUMENTS

#### **Business Report**

*Signed by Chairman*

#### **Roll Call**

*Attendance*

#### **Standing Committee Reports**

#### **Tabled Bills**

#### **Fiscal Reports**

#### **Roll Call Votes**

#### **Proxy Forms**

#### **Visitor Registration**

#### **Additional Documents**

**Witness Statements that are not presented as exhibits. All informational items handed in after meeting. Petitions; etcetera.**

- Any documents which were submitted after the committee hearing has ended and/or was submitted late within 24 hours regarding information in the committee hearing.

**YOU MAY VIEW THE ORIGINAL DOCUMENTS**

**AT THE MONTANA HISTORICAL SOCIETY**

MONTANA HISTORICAL SOCIETY ARCHIVES

225 N. ROBERTS

HELENA, MT 59620-1201

2017 LEGISLATIVE SESSION

E-DOCUMENT SPECIALIST: SUSIE HAMILTON

**BUSINESS REPORT**  
**MONTANA SENATE**  
**65th LEGISLATURE - REGULAR SESSION**

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

**Date:** Wednesday, March 29, 2017  
**Place:** Capitol

**Time:** 3:00 PM  
**Room:** 303

**BILLS and RESOLUTIONS HEARD:**

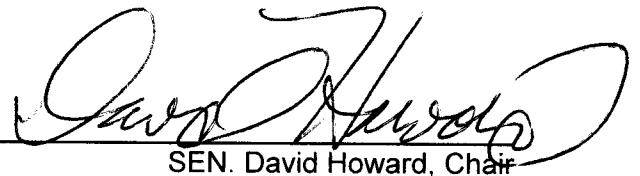
HB 386 - Provide for practice of physical therapy through telemedicine - Rep. Ron Ehli

HB 387 - Authorize establishment of a 12-bed intensive behavioral center - Rep. Kirk Wagoner

SJ 21 - Interim study of EMS and volunteer firefighters - Sen. Diane Sands

**EXECUTIVE ACTION TAKEN:**

**Comments:**



SEN. David Howard, Chair

**MONTANA STATE SENATE**

**Roll Call**

**PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE**

DATE: March 29, 2017

<b>NAME</b>	<b>PRESENT</b>	<b>ABSENT / EXCUSED</b>
<b>CHAIRMAN DAVID HOWARD</b>	X	
<b>VICE CHAIRMAN CARY SMITH</b>	X	
<b>SENATOR JEN GROSS</b>	X	
<b>SENATOR MARY CAFERRO</b>	X	
<b>SENATOR STEVE HINEBAUCH</b>	X	
<b>SENATOR ERIC MOORE</b>		X
<b>SENATOR ALBERT OLSZEWSKI</b>	X	
<b>SENATOR DIANE SANDS</b>	X	
<b>SENATOR JASON SMALL</b>	X	

MONTANA STATE SENATE

Visitors Register

Wednesday, March 29, 2017

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

SJ 21 - Interim Study of EMS and Volunteer Firefighters

Sponsor: Sen. Diane Sands

Name <i>PLEASE PRINT CLEARLY</i>	Representing <i>PLEASE PRINT CLEARLY</i>	Support	Oppose	Informational Witness
BIRCE SUEWAM	MT DWRC	✓		
Cindy Wallen	SELF	✓		
Matt Helgeson	Self	✓		
Jean Branson	MT Medical Assn	✓		
CLINTON LOSS	MT EMS ASSOCIATION	✓		

MONTANA STATE SENATE

Visitors Register

Wednesday, March 29, 2017

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

HB 386 - Provide for Practice of Physical Therapy Through Telemedicine

Sponsor: Rep. Ron Ehli

Name <i>PLEASE PRINT CLEARLY</i>	Representing <i>PLEASE PRINT CLEARLY</i>	Support	Oppose	Informational Witness
Kelsey Wadsworth	Physical Therapy Board of Examiners	✓		
BILL ROBERTS	AAAP	✓		
Melissa Shannon	MT Chap. Amer. PT ASSOC.	✓		
Casey Blumenthal	MHA	✓		
Aimee GERMONT	Billings Clinic	✓		

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

MONTANA STATE SENATE

Visitors Register

Wednesday, March 29, 2017

SENATE PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

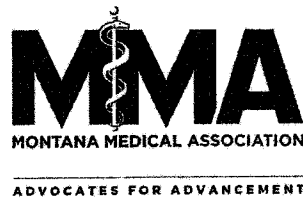
HB 387 - Authorize Establishment of a 12-Bed Intensive Behavioral Center

Sponsor: Rep. Kirk Wagoner

Name <i>PLEASE PRINT CLEARLY</i>	Representing <i>PLEASE PRINT CLEARLY</i>	Support	Oppose	Informational Witness
Carol Dailey	parent	X		
Sandra Heine	guardian	X		
Jan Anderson	BTAC	X		
Rowena Juschub	parent		X	
Bernie Franks Ougey	DRM		X	
Charlie Briggs	Self		X	
Erik Burke	MEA-MFT/AFSCME	X		
Kibbenburg	MEADSL		X	
R. de Caceres	DPHHS			X
Mary Dalton	DPHHS			X
Beth Breuneman	Disability Rights MT		X	

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

MMA Executive Office  
2021 Eleventh Ave. Ste. 1  
Helena, Montana  
59601-4890



Additional Documents

SENATE: Public Health

Date: 3.29.17

Bill No. HB 389

March 29, 2017

Representative Kirk Wagoner  
Montana House of Representatives  
P.O. Box 200400  
Helena, MT 59620-0400

Re: HB 389 (Telemedicine) – HIPAA-compliant videoconferencing and statewide broadband access

Dear Representative Wagoner:

On behalf of the Montana Medical Association and our members, I am writing to offer you supplemental information concerning the availability of HIPAA-compliant videoconferencing platforms and broadband internet access in Montana, as those issues relate to House Bill 389.

At the recent hearing, Senate Public Health Chairman David Howard requested clarification about the availability of HIPAA-compliant videoconferencing platforms, including FaceTime and Skype. We consulted with the Montana Telehealth Alliance and learned that there are numerous HIPAA-compliant platforms already in use, including: Zoom, InTouch Health, Lifesize Video, Cisco Jabber-Desktop, and Vidyo, to name a few. Additionally, Teladoc, Inc. representative, Claudia Tucker, testified that her Texas-based corporation has a HIPAA-compliant videoconferencing platform it utilizes in providing telemedicine services. With regard to Skype and FaceTime, on the other hand, it is our understanding that those platforms can be configured in a way that meets HIPAA requirements, but legal review would be necessary to confirm compliance on a case-by-case basis. Regardless, there are many other platforms currently available and already in use that support HIPAA-compliant videoconferencing that would readily satisfy the audio-visual component of HB 389, including Teladoc, Inc.'s own platform.

As to internet access, the lobbyist for Teladoc, Inc. testified that 78% of Montana does not have broadband internet capable of supporting audio-visual communication. We disagree. According to information from VisionNet, Mid-Rivers Communications, and the Federal Communications Commission (see attached maps), most of Montana has broadband connectivity. HB 389's first-visit audio-visual requirement, therefore, will not as a practical matter limit or prohibit access to telemedicine services in rural Montana. Instead, it will preserve the quality of care being delivered to all Montana residents, and ensure that patient care and safety is not sacrificed in the name of convenience.

Indeed, one has to wonder why a company with HIPAA-compliant videoconferencing capabilities already integrated into its platform would insist so strongly that two-way audio-visual communication be removed from the bill. The apparent motivation is to preserve the ability to provide one-off care to patients over the telephone, without any face-to-face interaction, which is not good medicine, and puts Montanans at risk.

We continue to urge your support for HB 389, as drafted, and to oppose the Teladoc, Inc. amendment.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jean Branscum', is written over a horizontal line.

Jean Branscum  
Chief Executive Officer

MMA Executive Office  
2021 Eleventh Ave. Ste. 1  
Helena, Montana  
59601-4890



(406) 443-4000  
FAX (406) 443-4042  
[www.mmaoffice.org](http://www.mmaoffice.org)  
[mma@mmaoffice.org](mailto:mma@mmaoffice.org)

March 29, 2017

Representative Kirk Wagoner  
Montana House of Representatives  
P.O. Box 200400  
Helena, MT 59620-0400

Re: HB 389 (Telemedicine) – HIPAA-compliant videoconferencing and statewide broadband access

Dear Representative Wagoner:

On behalf of the Montana Medical Association and our members, I am writing to offer you supplemental information concerning the availability of HIPAA-compliant videoconferencing platforms and broadband internet access in Montana, as those issues relate to House Bill 389.

At the recent hearing, Senate Public Health Chairman David Howard requested clarification about the availability of HIPAA-compliant videoconferencing platforms, including FaceTime and Skype. We consulted with the Montana Telehealth Alliance and learned that there are numerous HIPAA-compliant platforms already in use, including: Zoom, InTouch Health, Lifesize Video, Cisco Jabber-Desktop, and Vidyo, to name a few. Additionally, Teladoc, Inc. representative, Claudia Tucker, testified that her Texas-based corporation has a HIPAA-compliant videoconferencing platform it utilizes in providing telemedicine services. With regard to Skype and FaceTime, on the other hand, it is our understanding that those platforms can be configured in a way that meets HIPAA requirements, but legal review would be necessary to confirm compliance on a case-by-case basis. Regardless, there are many other platforms currently available and already in use that support HIPAA-compliant videoconferencing that would readily satisfy the audio-visual component of HB 389, including Teladoc, Inc.'s own platform.

As to internet access, the lobbyist for Teladoc, Inc. testified that 78% of Montana does not have broadband internet capable of supporting audio-visual communication. We disagree. According to information from VisionNet, Mid-Rivers Communications, and the Federal Communications Commission (see attached maps), most of Montana has broadband connectivity. HB 389's first-visit audio-visual requirement, therefore, will not as a practical matter limit or prohibit access to telemedicine services in rural Montana. Instead, it will preserve the quality of care being delivered to all Montana residents, and ensure that patient care and safety is not sacrificed in the name of convenience.

Indeed, one has to wonder why a company with HIPAA-compliant videoconferencing capabilities already integrated into its platform would insist so strongly that two-way audio-visual communication be removed from the bill. The apparent motivation is to preserve the ability to provide one-off care to patients over the telephone, without any face-to-face interaction, which is not good medicine, and puts Montanans at risk.

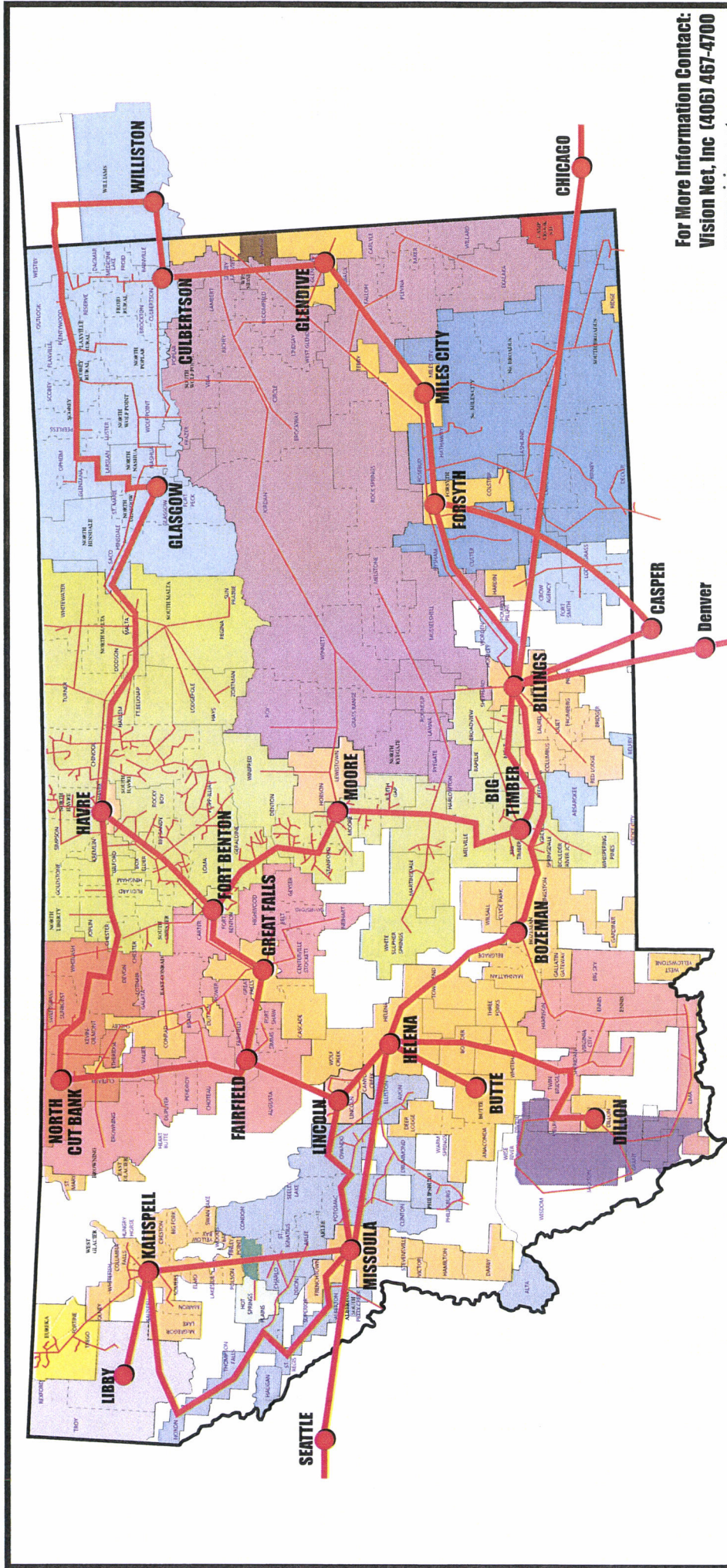
We continue to urge your support for HB 389, as drafted, and to oppose the Teladoc, Inc. amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jean Branscum', is written over a printed name and title.

Jean Branscum  
Chief Executive Officer



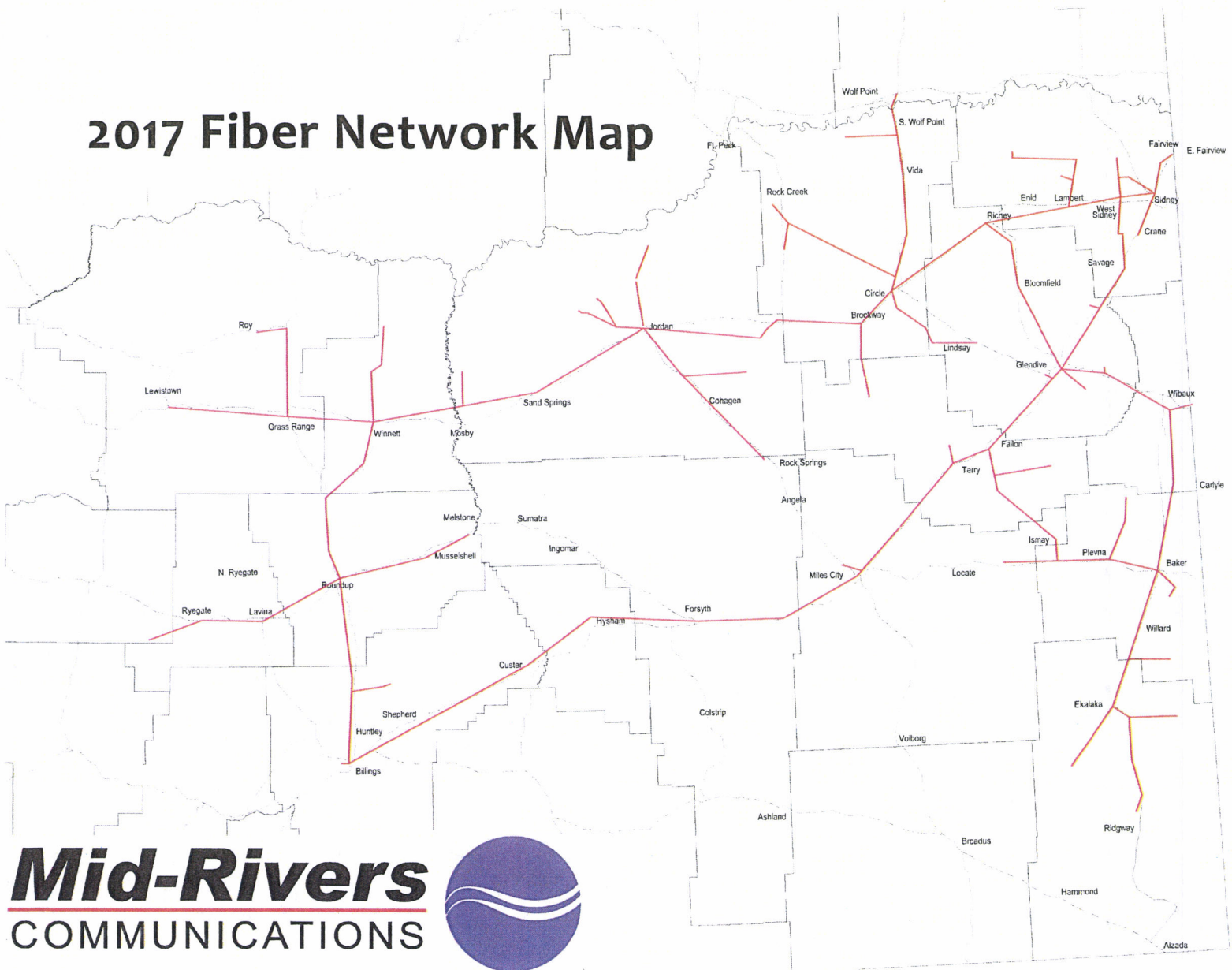


For More Information Contact:  
**Vision Net, Inc (406) 467-4700**  
[www.vision.net](http://www.vision.net)



- POP Location
- RLEC FIBER
- VISION NET NETWORK
- 3 RIVERS COMMUNICATIONS
- BLACKFOOT TELECOMMUNICATIONS GROUP
- CENTURYLINK
- FRONTIER TELECOMMUNICATIONS
- HOT SPRINGS TELEPHONE COMPANY
- INTERBEL TELEPHONE COOPERATIVE
- LINCOLN TELEPHONE COMPANY
- MID-RIVERS COMMUNICATIONS
- NEMONT TELEPHONE COOPERATIVE / PROJECT TELEPHONE COMPANY
- NORTHERN TELEPHONE COOPERATIVE
- RANGE TELEPHONE COOPERATIVE
- RESERVATION TELEPHONE COOPERATIVE
- ROMAN TELEPHONE COMPANY
- SOUTHERN MONTANA TELEPHONE COMPANY
- TRIANGLE TELEPHONE COOPERATIVE / CENTRAL MONTANA COMMUNICATIONS
- WEST RIVER COOP TELEPHONE COMPANY
- UNASSIGNED AREA

# 2017 Fiber Network Map



**Mid-Rivers**  
COMMUNICATIONS



Type of Technology Available Data as of: 06/30/14

- ASYMMETRIC XDSL
- SYMMETRIC XDSL
- OTHER COPPER WIRELINE
- CABLE MODEM-DOCSIS 3.0
- CABLE MODEM-OTHER
- FIBER TO THE END USER
- TERRESTRIAL FIXED WIRELESS-UNLICENSED
- TERRESTRIAL FIXED WIRELESS-LICENSED
- TERRESTRIAL MOBILE WIRELESS

