

**CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES
INTERIM COMMITTEE**
Work Plan for the 2009-10 Interim

by
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INTRODUCTION AND OVERVIEW

The Children, Families, Health, and Human Services Interim Committee (CFHHS) is one of seven interim committees established in law and required to meet in the time period between the end of one regular legislative session and the beginning of the next. State law sets out the duties and responsibilities for interim committees, as follows:

- conducting interim studies as assigned;
- proposing bills and resolutions the committee believes should be presented to the next Legislature; and
- reviewing administrative rules, programs, and legislation for agencies within the committee's jurisdiction.

Under 5-5-225, MCA, the Children and Families Committee is responsible for monitoring the Department of Public Health and Human Services (DPHHS), the largest agency in state government.

The Legislative Council assigned two studies to the committee for the 2009-10 interim:

- Senate Joint Resolution 35, a study of matters related to health care; and
- House Joint Resolution 39, a study of community services for developmentally disabled individuals who also have mental health needs.

This work plan details the agency oversight and study duties assigned to the committee this interim, which effectively runs from June 2009 through August 2010, and also discusses other activities the committee may undertake. The work plan includes:

- a matrix to help the committee determine the level of involvement it would like to have in its DPHHS oversight duties and its interim study responsibilities, beginning on Page 9;
- a list of topics for which the committee may want additional information during the interim, beginning on Page 11; and
- a proposed schedule of activities for each committee meeting, beginning on Page 14.

AGENCY OVERSIGHT

The Department of Public Health and Human Services (DPHHS) has more than 3,100 employees throughout the state and is responsible for providing public health services to all Montanans and a wide array of assistance to vulnerable Montanans, including children and the elderly, needy, disabled, abused, neglected, or mentally ill.

The department is organized into 11 divisions and operates six different institutions serving veterans and people with developmental disabilities, mental illnesses, and substance abuse problems:

- the Montana Developmental Center in Boulder, which serves developmentally disabled individuals with high-level needs;
- the Montana State Hospital at Warm Springs, for adults with mental illness who are ordered to receive evaluations or treatment there;
- the Montana Chemical Dependency Center in Butte, an inpatient treatment center for adults who have been diagnosed as having an addiction to drugs or alcohol or who suffer co-occurring addiction and mental illness;
- the Mental Health Nursing Care Center in Lewistown, a long-term care facility for people who have a mental disorder, require a level of care that is not available in a community setting, and who cannot benefit from the treatment services available at the State Hospital; and
- the Eastern Montana Veterans Home in Glendive and the Montana Veteran's Home in Columbia Falls, for veterans and their spouses who need skilled, intermediate-level nursing care or who suffer from Alzheimer's disease.

The Children and Families Committee has several duties, set out in 5-5-215, MCA, in fulfilling its oversight responsibilities for DPHHS. Each of these is discussed below.

Rule Review

The Committee's legal staff routinely reviews and summarizes DPHHS rulemaking notices and will provide the Committee with information on proposed and adopted rules, with particular attention to any rules considered to be out of compliance with legislative intent. The Montana Administrative Procedure Act also allows interim committees to:

- obtain an agency's rulemaking records, to review them for compliance;
- submit written recommendations to the agency for the adoption, amendment, or rejection of a rule;
- require that a rulemaking hearing be held;
- participate in proceedings; and
- review the conduct of administrative proceedings.

Program Monitoring

The Committee is required to monitor DPHHS operations with specific attention to:

- identifying issues likely to require future legislative action;
- identifying opportunities for improving the existing laws governing the agency's operation and programs;
- determining whether experiences Montanans have had with the agency may be improved through legislative action;
- reviewing proposed agency legislation; and
- reviewing other materials relevant to the Committee's oversight of DPHHS.

Review of Draft Legislation

The interim committee process allows an early review of agency-requested legislation, which are forwarded to the Legislative Services Division for drafting in advance of the session if the interim committee authorizes the early drafting of the legislation. Bills drafted as a result of this process must be pre-introduced, thus ensuring that legislation is available to be scheduled for hearings as soon as the session begins.

State agencies must submit their legislative proposals to the Governor's Office by June 2010, although the bills often are not fully drafted at that point. The Committee will review the proposals at its June or August 2010 meeting.

Required Reports

DPHHS is required by law to present various reports to the Children and Families Committee. The 2009 Legislature approved several bills that require reports on the following topics this interim:

- the planning of services for children with mental health needs (HB 234);
- the out-of-state placement of children with mental health needs (SB 399);
- a program for transporting people involved in involuntary commitment proceedings to the Montana State Hospital (HB 634);
- the use of grant funds for a pilot project in which local public health agencies will undertake activities designed to help them determine the cost of meeting national public health accreditation standards (HB 173);
- the agency's progress in establishing goals, responsibilities, and performance expectations for the services provided to older Montanans (SB 330);

- a study to be undertaken by DPHHS on the use of medication aides in nursing homes (HJR 17); and
- a DPHHS review of the Medicaid eligibility determination process for nursing home care and any problems that are identified with the process (HJR 25).

DPHHS also is required to provide CFHHS with the suicide reduction plan that is to be developed each biennium as part of the suicide prevention program authorized by the Legislature in 2007.

Staff will work with DPHHS to schedule presentations on these and any other required or relevant reports into the Committee's regular meetings as the reports are completed.

INTERIM STUDY ACTIVITIES

At its May 27, 2009, meeting, the Legislative Council assigned two studies to the Children, Families, Health, and Human Services Interim Committee:

- SJR 35, a study of matters related to health care, including monitoring and evaluating federal health care reform efforts in order to recommend state action that may be needed to take advantage of federal reforms, considering reforms proposed by Montana groups to determine if legislative action is needed in 2011, and examining ways to reduce health care costs; and
- HJR 39, a study to assess the availability of community services for people who have developmental disabilities and also have mental health problems, identify issues that have limited the development of community services, and identify whether additional services are needed and how they could be planned for and provided.

The Legislative Council directed that the HJR 39 study be conducted primarily by staff. Information from the staff's review will be presented to the Committee in a white paper that will also contain findings for the Committee's consideration.

Separate draft study plans outline the proposed activities for these two studies.

CONTINUED MONITORING OF PAST INTERIM STUDY RECOMMENDATIONS

The 2007 Legislature authorized funding for a mental health study that was conducted by DMA Health Strategies, a Massachusetts-based firm, under the oversight of the 2007-08 Children and Families Committee.

DMA Health Strategies presented its final recommendations on ways to improve the publicly funded mental health system at an October 14, 2008, meeting. The report yielded dozens of recommendations. Because the interim had essentially ended,

Committee members asked both DPHHS and the Department of Corrections to review suggestions related to their agencies and to report to the 2009-10 Children and Families Committee on which recommendations the agencies have or will put into place and which recommendations should be put into place but would require legislative action.

The Committee asked DPHHS to respond specifically to the following recommendations:

- Continue efforts to eliminate the barriers to creating Behavioral Health Inpatient Facilities by reviewing financing models used in other states and considering limiting liability for non-Medicaid patients;
- Eliminate co-payments and other cost-sharing requirements for services;
- Increase sharing of data among its divisions and with the Department of Corrections;
- Re-issue the Request for Information for telepsychiatry or review other ways to increase telepsychiatry opportunities in Montana;
- Develop a Medicaid procedure code for the mental health services being obtained for some foster children solely through general fund dollars, in order to obtain federal Medicaid matching funds for the services; and
- Expand the use of peer services and fund them through Medicaid.

In addition, Committee members asked the Department of Corrections to review and respond to recommendations to suspend Medicaid enrollment for prison inmates to allow them to obtain Medicaid-covered services as soon as they are released from a facility and to continue the programs that currently provide funding for medication and community mental health services to people released from correctional facilities.

OTHER INTERIM ACTIVITIES

As part of its oversight duties, the Committee may undertake additional activities as time allows to follow health and human services issues.

Ongoing Issues of Interest

The Committee may want to receive periodic written or oral updates on topics that were the subject of recent legislation or on issues that may emerge during the interim. A list of topics that the Committee may be interested in following is provided in Appendix B, beginning on Page 11. The list gives a short description of the topic and the reason it was included on the list.

Member Issues

At any time during the interim, members may seek additional information from staff or

other parties on issues that fall within the Committee's jurisdiction. These may be issues brought up by constituents, issues that are emerging in Montana or other states as items of concern or interest involving health and human services, or any other items that members would like to review.

If the full Committee is not interested in pursuing an item, an individual Committee member may submit a research request. Under rules adopted by the Legislative Council, a staff member may work a maximum of 16 hours on a research request that is not included in the Committee's work plan, unless the presiding officer of the interim committee approves additional research time.

Staff Recommendation for Additional Activities

Committee staff will keep tabs on DPHHS issues, as well as other health and human service issues that may be of interest to the Committee. Staff will periodically provide informational material for the Committee's review and consideration.

MEETING SCHEDULE

Following is the adopted meeting schedule for the interim. If the Committee forms any subcommittees, money would have to be allocated from the budget to cover those costs and the number of meeting days for the full committee would be reduced.

Appendix C, beginning on P. 14, provides an overview of the suggested activities for each of the meeting dates.

Adopted Meeting Schedule*

Tuesday	June 2, 2009
Monday	Sept. 21, 2009
Monday	Nov. 16, 2009
Monday	Jan. 25, 2010
Mon/Tue	April 26-27, 2010
Monday	June 28, 2010
Mon/Tue	Aug. 23-24, 2010

* Revised Feb. 5, 2010. Previously scheduled March 15-16, 2010, meeting was rescheduled to April 26-27 and an optional May 3 meeting was canceled.

TIME ALLOCATION

The CFHHS Work Plan Matrix on the following two pages provides a list of the Committee's duties, with options for the level of involvement that Committee members would like for each topic. The options with asterisks would result in a breakdown of Committee time approximately as follows, assuming 72 hours of meeting time.

Item	Description	Time Allocation
SJR 35 Study	Matters related to health care	55% (40 hours)
HJR 39 Study	Community services for developmentally disabled	10% (7 hours)
Statutory Oversight	Agency monitoring, required reports, rule review, legislation review	25% (18 hours)
Mental Health Study Oversight	Continued monitoring of agency action related to the 2007-08 mental health study	10% (7 hours)

If Committee members wish to devote more or less time to any of the items, the percentages in the table above would change accordingly.

APPENDIX A: CFHHS WORK PLAN DECISION MATRIX

The Committee's choices for the level of involvement it will have in each activity is marked by an asterisk. Items added to the Draft Work Plan by Committee members are indicated in bold-faced type.

Rule Review: <i>Decide the level of involvement the Committee would like to have in the rule review process.</i>		
<p>Minimal Involvement*</p> <ul style="list-style-type: none"> Receive brief written descriptions of each proposed or adopted rule prior to meetings Legal staff will note issues of concern Staff will notify the sponsor when the Committee will be hearing about proposed rules initially implementing legislation, in case the sponsor wants to submit comments to the Committee 	<p>Moderate Involvement</p> <ul style="list-style-type: none"> Receive brief written descriptions of each proposed or adopted rule prior to meetings Legal staff will note issues of concern Review during Committee meetings any topics that: <ol style="list-style-type: none"> legislators flag as important or of concern, or a Committee member has asked be placed on the agenda 	<p>Significant Involvement</p> <ul style="list-style-type: none"> Receive an oral report from legal staff at each meeting on all proposed rules/notices and any issues of concern; or Receive copies of rules from agencies for personal review Seek public comment on rules of legislative concern
Agency Monitoring: <i>Decide the level of DPHHS oversight and review the Committee would like to provide.</i>		
<p>Minimal Involvement</p> <ul style="list-style-type: none"> DPHHS presentation on any statutorily required report Receive a written update of DPHHS activities in a pre-meeting mailing; Committee members could designate topics on which they would like further information 	<p>Moderate Involvement*</p> <ul style="list-style-type: none"> DPHHS presentation on any statutorily required report Receive an agency update from DPHHS officials at each meeting Request additional updates based on issues from the 2009 session, issues remaining from the 2007-08 interim, issues raised by DPHHS or constituents, or issues identified through other means 	<p>Significant Involvement</p> <ul style="list-style-type: none"> DPHHS presentation on any statutorily required report In-depth presentations from two or three DPHHS divisions at each meeting Request follow-up reports on specific items or on issues from the 2007 session, issues raised by constituents, or issues identified through other means
Legislation Review: <i>Decide the level of oversight and review for DPHHS legislation.</i>		
<p>Minimal Involvement*</p> <ul style="list-style-type: none"> Hear a DPHHS presentation on the requests submitted to the Governor's Office before deciding which bills to forward for early drafting 		
Mental Health Study Oversight: <i>Decide the level of continued monitoring of the 2007-08 mental health study recommendations.</i>		
<p>Minimal Involvement</p> <ul style="list-style-type: none"> Request and review written reports from DPHHS and the Department of Corrections 	<p>Moderate Involvement</p> <ul style="list-style-type: none"> Schedule one or more presentations by DPHHS and the Department of Corrections to report on activity related to the study recommendations 	<p>Significant Involvement*</p> <ul style="list-style-type: none"> Provide Committee members with written summary of recommendations and 2008 letters to DOC and DPHHS Schedule one or more presentations by DPHHS and the Department of Corrections to report on activity related to the study recommendations Draft legislation to implement report recommendations, if suggested

Interim Studies: *Discuss the assigned studies and proposed study plans and determine the amount of Committee time to devote to each.*

SJR 35: Study matters related to health care

Option A

- Staff research on issues related to insurance coverage and medical providers in Montana
- Staff attendance at Montana Health Care Forum meetings
- Staff monitoring of federal health care reform efforts

Deliverables

- Written reports, if warranted, on Health Care Forum and federal reform activities
- Background briefing paper on health care in Montana -- number and types of providers, number of uninsured and underinsured Montanans, types and usage of publicly funded programs

Option B

- Staff research on issues related to insurance coverage and medical providers in Montana
- Staff attendance at Montana Health Care Forum meetings
- Staff monitoring of:
 - 1) federal health care reform efforts;
 - 2) implementation of Healthy Montana Kids initiative; and
 - 3) health information technology efforts

Deliverables

- Periodic written reports on activities involving the Health Care Forum, federal reform, Healthy Montana Kids, and health information technology
- Background briefing papers on health care issues in Montana -- number and types of providers, number of uninsured and underinsured Montanans, types and usage of publicly funded programs
- Panel presentations on topics of ongoing interest, as identified by Committee, staff, or stakeholders
- Potential legislation
- Final report

Option C*

- Staff research on issues related to insurance coverage and medical providers in Montana
- Staff attendance at Montana Health Care Forum meetings
- Staff monitoring of:
 - 1) federal health care reform efforts;
 - 2) implementation of Healthy Montana Kids initiative; and
 - 3) health information technology efforts

Deliverables

- Written reports on activities involving the Health Care Forum, federal reform, Healthy Montana Kids, and health information technology activities in advance of all or most meetings
- Background briefing papers on health care issues in Montana -- number and types of providers, number of uninsured and underinsured Montanans, types and usage of publicly funded programs
- Panel presentations and reports by involved parties on topics of ongoing interest, as identified by Committee, staff, or stakeholders
- Potential legislation
- Final report

HJR 39: Study community services for developmentally disabled individuals with mental health issues

Option A*

- Staff research into topics identified in the study resolution
- Staff meeting with stakeholders

Deliverables

- Staff white paper with findings and public comment at one meeting
- Follow-up activities as requested by the Committee, including draft legislation if desired

Option B

- Staff research into topics identified in the study resolution
- Staff meeting with stakeholders

Deliverables

- Staff white paper with findings
- Stakeholder presentation
- Follow-up activities as requested by Committee, including draft legislation if desired

Option C

- Staff research into topics identified in the study resolution

Deliverables

- State agency and stakeholder presentations to Committee
- Staff briefing papers on study topics
- Stakeholder presentation
- Follow-up activities as requested by Committee, including draft legislation
- Final report

APPENDIX B: Topics for CFHHS Consideration

The following list does not include reports that are required by law. Activities may include presentations, staff briefing papers, or other activities as requested by the Committee. Suggested dates are subject to Committee action and DPHHS availability.

Activities listed in bold-faced type were added by Committee members when they adopted the work plan.

Topic: Children's Issues	Reason	Activity	Date
Implementation of I-155, Healthy Montana Kids Initiative	Voters approved I-155 in 2008, to increase the number of children eligible for state-funded health insurance programs. The 2009 Legislature appropriated funds to phase the increase in. Reports could focus on eligibility requirements, rulemaking process, structure of programs, and number of children enrolled in the program.		Ongoing
Autism Services	DPHHS has created a program to provide intensive services to a limited number of autistic children and also funded an autism group home. The 2009 Legislature mandated insurance coverage of services to autistic children. Follow up on use of the state autism programs and any observable changes in insurance coverage		Ongoing
Close Relative Registry	2009 Legislature approved HB 397, to have DPHHS establish a registry of relatives who could be contacted when a child was likely to be removed from the home because of abuse or neglect. Follow up report on development and use of registry		2010
Family Find Program	CFSD will work with this program to expand its searches for relatives of children in foster care with a goal of finding permanent kinship for children who have been in foster care for extended periods of time. Follow up report on use of the program		
Systems of Care	Follow funding issues related to existing Kids Management Authorities and other System of Care topics		
Topic: Health Care	Reason	Activity	Date
EMS Grant Program	2009 Legislature approved HB 85, creating a grant program for volunteer emergency medical services agencies. The legislation resulted from the 2007-08 CFHHS Committee's study of EMS in Montana. Follow rulemaking process and follow up on use of the program		Ongoing

Specialty Hospitals	2009 Legislature approved SB 446, establishing requirements for licensure of specialty hospitals. Follow rulemaking process and any licensure activity under the new law		Ongoing
Access to dental care	Follow up on reports about problems with access to dental care, particularly for foster care children; the number of dentists accepting Medicaid patients; and discontinuation of the program for fluoride treatment in the schools		
Topic: Medicaid	Reason	Activity	Date
Medicaid Buy-In Program	2009 Legislature authorized, in SB 119, the extension of Medicaid benefits to some disabled workers who would otherwise earn too much to qualify for Medicaid. Report on use and cost of the program		Early 2010
HIFA Waiver	DPHHS sought a federal waiver for new services in 2005; follow up on status of waiver and services		
Physician Reimbursement	SB354 in 2007 put in law a formula for physician reimbursement rates with guaranteed increases in future bienniums; follow up on implementation plans/results		2010
Services to youth over the age of 18	Presentation on why some youth lose Medicaid eligibility or services when they turn 19		
Anticipated reduction in DPHHS budget in future bienniums	Schedule ongoing reports over how DPHHS will address the fact that a significant amount of its budget was approved as one-time-only funds in the 2011 biennium.		
Topic: Mental Health	Reason	Activity	Date
Mental Health Legislation	2009 Legislature approved a trio of bills designed to create capacity within communities or regions to provide crisis and short-term inpatient treatment services to people with mental health needs. Follow up on implementation of the three bills and use of any new services		Ongoing
Transport of Mentally Ill Patients to State Hospital	2009 Legislature approved HB 634 to create an optional transportation program that counties could use to transport people to the Montana State Hospital; the program also is designed to avoid the use of handcuffs and shackles in most instances. Follow up on the implementation and use of the program		Mid-2010

Issues Remaining from 2007-08 Mental Health Study	The 2007-08 CFHHS Committee asked both DPHHS and the Department of Corrections to continue to review the numerous recommendations made by the firm that studied Montana's mental health system and to report to the 2009-10 CFHHS Committee on recommendations it thinks should be pursued.		Ongoing
Mental Health Initiatives Funded in 2007	2007 Legislature approved funding for a number of services, including 72-hour crisis stabilization, drop-in centers, prescription drugs for criminal offenders, community liaison staff, and expansion of the Mental Health Services Plan. Many of the programs were still being put into place at the end of the last interim. Follow up reports on current status		2009
Topic: Public Assistance	Reason	Activity	Date
Family Economic Security Plan	The 2009 Legislature increased funding for this program to provide financial education, workforce training, and other services to promote family economic security. Follow up on use of funds and results of funded activities		late 2009
Second Chance Homes	The 2009 Legislature provided \$600,000 to fund services at three facilities for teen mothers who don't have a place to live. Follow up on number of teens served and the services provided		2010
Topic: Other Topics as Identified by Committee Members			
Provider Rates	Schedule a report from the Provider Rates Commission on its work and any issues it has identified involving the rates paid to individuals or organizations that provide human services under contract with DPHHS		

APPENDIX C: CFHHS Meeting Plan Summary

Following is a tentative schedule of Committee activities for each of the meetings planned for the 2009-10 interim.

Date	Activity	Tasks/Policy Decisions
June 2009	<ul style="list-style-type: none"> ➤ Organizational ➤ Agency Monitoring ➤ Assigned Studies 	<ul style="list-style-type: none"> ◆ Elect officers ◆ Review, adopt work plan ◆ Review, adopt meeting dates ◆ Rule Review ◆ Report from DPHHS ◆ Review, adopt plan for SJR 35 study ◆ Review, adopt plan for HJR 39 study
September 2009	<ul style="list-style-type: none"> ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SJR 35: Health Care Reform <ul style="list-style-type: none"> ◇ Staff briefing paper on uninsured, underinsured, and publicly insured populations ◇ Federal reform update ◇ Introduction of key stakeholder groups ◇ Update on health information technology ◆ Update on topics of interest, as requested
November 2009	<ul style="list-style-type: none"> ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SJR 35: Health Care Reform <ul style="list-style-type: none"> ◇ Staff briefing papers ◇ Federal reform update ◇ Stakeholder testimony ◇ Healthy Montana Kids update ◇ Committee direction on further analysis or presentations ◆ Update on topics of interest, as requested
January 2010	<ul style="list-style-type: none"> ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SJR 35: Health Care Reform <ul style="list-style-type: none"> ◇ Federal reform update ◇ Stakeholder presentations ◇ Staff briefing papers ◇ Issue identification/policy direction ◆ Update on topics of interest, as requested

Date	Activity	Tasks/Policy Decisions
April 2010	<ul style="list-style-type: none"> ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SJR 35: Health Care Reform <ul style="list-style-type: none"> ◇ Federal reform update ◇ Montana Health Care Forum update ◇ Healthy Montana Kids update ◇ Health information technology update ◇ Further refine policy issues and options ◆ HJR 39: Community Services <ul style="list-style-type: none"> ◇ Presentation of staff white paper/public comment ◇ Committee decision on additional action ◆ Updates on topics of interest, as requested
June 2008	<ul style="list-style-type: none"> ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ Preliminary presentation of agency legislation ◆ SJR 35: Health Care Reform <ul style="list-style-type: none"> ◇ Review of draft legislation or other materials ◇ Additional policy direction as needed ◆ HJR 39: Community Services <ul style="list-style-type: none"> ◇ Review of additional materials, if requested ◇ Additional Committee direction, if desired ◆ Updates on topics of interest, as requested
August 2010	<ul style="list-style-type: none"> ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ Final action on DPHHS legislative requests ◆ SJR 35: Health Care Reform <ul style="list-style-type: none"> ◇ Final action on bill drafts or other study-related items ◆ HJR 39: Community Services <ul style="list-style-type: none"> ◇ Final action on any study-related items ◆ Review/approval of draft final report ◆ Final action on any non-study bill drafts