



## Children, Families, Health, and Human Services Interim Committee

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### 62nd Montana Legislature

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MARY CAFERRO--Vice Chair  
CHRISTINE KAUFMANN  
ART WITTICH

#### HOUSE MEMBERS

LIZ BANGERTER  
PAT NOONAN  
CAROLYN PEASE-LOPEZ  
DON ROBERTS

#### COMMITTEE STAFF

SUE O'CONNELL, Lead Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

# MINUTES

## June 25, 2012

Room 137  
Capitol Building

Helena, Montana

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. To the left of each section in these minutes is a time designation indicating the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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Hard copies of the exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.

#### **COMMITTEE MEMBERS PRESENT**

SEN. MARY CAFERRO, Vice Chair  
SEN. CHRISTINE KAUFMANN  
SEN. ART WITTICH

REP. LIZ BANGERTER  
REP. PAT NOONAN  
REP. CAROLYN PEASE-LOPEZ (via phone)  
REP. DON ROBERTS

#### **COMMITTEE MEMBERS EXCUSED**

SEN. JASON PRIEST, Chair

#### **STAFF PRESENT**

SUE O'CONNELL, Lead Staff  
CASEY BARRS, Research Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

#### **Agenda and Visitors List**

Agenda (**Attachment 1**)  
Visitors' list (**Attachment 2**)

### **COMMITTEE ACTION**

- The committee approved the minutes from the May 14, 2012, meeting.
- The committee approved the following:
  - LCCF04, as amended, as a committee bill
  - LCCF05 as a committee bill
  - drafting of legislation to amend the confidentiality provisions for child abuse and neglect reports
  - LCCF06, as amended, as a committee bill
  - LCCF 1A, as revised, as a committee bill

### **CALL TO ORDER AND ROLL CALL**

- 00:00:04 SEN. CAFERRO called the meeting to order at 9:07 a.m. The committee secretary called roll. Sen. Priest and Rep. Pease-Lopez were excused. **(Attachment 3)**
- 00:00:59 The minutes of the May 14, 2012, meeting were approved.
- 00:01:40 Ms. O'Connell gave an overview of the agenda.
- 00:02:44 SEN. CAFERRO made opening remarks regarding proxy voting procedures and the scheduled presentation on the Montana Developmental Center.

### **SJR 30 STUDY OF CHILDHOOD TRAUMA: EARLY INTERVENTION EFFORTS IN PRACTICE**

**Roberta Kipp, Board Member, Children's Trust Fund**  
**Kathy Rich, MSW, Project Manager, Thrive**  
**Carrie Hook, Thrive**  
**Melisa Synness, Executive Director, Healthy Mothers Healthy Babies**  
**Tracy Moseman, Youth Connections**  
**Brie Oliver, Youth Connections**

- 00:04:46 Roberta Kipp gave a presentation on the Children's Trust Fund **(Exhibit 1)**.
- 00:16:40 Kathy Rich gave a presentation on Thrive **(Exhibit 2)**.
- 00:23:47 Carrie Hook, Project Manager for Partnership Project, gave a presentation on the Partnership Project.
- 00:30:03 Melisa Synness gave a presentation on Healthy Mothers Healthy Babies. She discussed the Shaken Baby Syndrome legislation and the PURPLE program **(Exhibit 3)**.
- 00:40:36 Tracy Moseman, project coordinator for Healthy Students Initiative, Helena School District, gave a presentation on the Parents as Teachers Program. **(Exhibit 4)**.

00:43:32 Brie Oliver, RN, Lewis and Clark County Health Department, discussed the Parents as Teachers Home Visiting Program (**Exhibit 5**).

**Committee questions of the panelists**

00:53:14 SEN. KAUFMANN  
00:53:24 Ms. Oliver  
00:54:44 SEN. KAUFMANN  
00:54:46 Ms. Oliver  
00:55:10 SEN. KAUFMANN  
00:55:26 Ms. Hook  
00:56:19 SEN. KAUFMANN  
00:56:27 Ms. Synness  
00:57:08 REP. ROBERTS  
00:57:22 Ms. Rich  
00:58:08 REP. ROBERTS  
00:58:19 Ms. Rich  
00:59:55 SEN. WITTICH  
01:01:25 Ms. Synness  
01:02:02 Ms. Oliver  
01:04:00 Ms. Moseman  
01:05:01 SEN. KAUFMANN  
01:05:28 Ms. Rich

**SJR 30 STUDY OF CHILDHOOD TRAUMA: POTENTIAL LEGISLATIVE ISSUES - Casey Barrs, Research Analyst for the SJR 30 Study**

01:07:50 Mr. Barrs discussed his letter to the committee regarding LCCF04, Ombudsman; and LCCF05, Accreditation (**Exhibit 6**).

• **LCCF04: Creating an independent office of the child and family ombudsman**

01:10:25 Mr. Barrs discussed LCCF04, a bill creating an independent office of the child and family ombudsman (**Exhibit 7**).

**Committee questions**

01:15:43 SEN. KAUFMANN  
01:15:55 Mr. Barrs  
01:15:58 SEN. KAUFMANN  
01:17:23 Mr. Barrs  
01:17:28 SEN. CAFERRO  
01:17:37 Mr. Barrs  
01:17:40 SEN. CAFERRO  
01:18:31 Mr. Barrs  
01:19:57 SEN. WITTICH  
01:21:44 Mr. Barrs  
01:21:59 SEN. WITTICH  
01:23:00 SEN. CAFERRO  
01:23:58 SEN. KAUFMANN  
01:24:52 REP. ROBERTS  
01:26:12 Mr. Barrs

- **LCCF05: Requiring Department of Public Health and Human Services to undertake the process of accreditation for child and family services**

01:27:36 Mr. Barrs discussed LCCF05, a bill requiring the Department of Public Health and Human Services to undertake the process of accreditation for child and family services (**Exhibit 8**). He discussed a timeline of dates, steps, and potential costs associated with the Council on Accreditation (**Exhibit 9**).

#### **REVIEW OF MONTANA CONFIDENTIALITY STATUTE - Alexis Sandru, Staff Attorney**

01:35:32 Ms. Sandru discussed disclosure of confidential information in child abuse and neglect cases (**Exhibit 10**).

#### **Committee questions**

01:38:43 SEN. WITTICH

01:40:06 Ms. Sandru

01:40:48 SEN. WITTICH

#### **PUBLIC COMMENT**

01:43:06 **Andree Deligdisch, Great Falls**, commented on the early intervention programs discussed by the panelists.

01:48:10 **Lois Leibrand, Scobey**, commented on LCCF04, the ombudsman legislation.

01:49:56 **Matt Kuntz, Executive Director, NAMI Montana**, said that NAMI supports LCCF04, the ombudsman bill, and the confidentiality changes.

01:52:57 **Lora Cowee, Intermountain**, commented on the confidentiality issue and supported both LCCF04 and LCCF05. She believes the ombudsman should be under the Department of Justice.

01:57:23 **Jim Ahrens, Montana Children's Initiative**, supported the ombudsman bill.

01:59:42 **Lisa Stroh, Superintendent of Blaine County, Montanans Against Child Abuse**, supports the ombudsman legislation.

02:03:30 **Aart Dolman, Great Falls**, discussed the ombudsman bill and expressed concern that it may create another layer of bureaucracy.

02:06:03 Ms. Sandru said that when she contacted the department on the confidentiality statute, the department declined to identify any issues.

#### **LCCF06 - CLINICAL TRIALS STUDY RECOMMENDATION**

02:06:57 Ms. O'Connell discussed LCCF06: clarifying that issuers of health insurance coverage may not deny routine patient costs for individuals in an approved clinical trial (**Exhibit 11**).

#### **Committee questions**

02:11:59 SEN. WITTICH

02:12:11 Ms. O'Connell  
02:12:49 SEN. WITTICH  
02:13:23 Ms. O'Connell  
02:13:25 SEN. WITTICH  
02:13:27 SEN. KAUFMANN

#### **PUBLIC COMMENT**

02:14:41 **Jack Hensold, Oncologist, Bozeman**, commented that LCCF06 is really focused on quality of patient care. He provided a document on the costs of routine care provided in a clinical trial compared to costs of standard therapy (**Exhibit 12**).

02:19:40 **John Schallenkamp, Radiation Oncologist, Billings Clinic**, supported LCCF06.

02:24:49 **Kristin Page Nei, American Cancer Society, Cancer Action Network**, discussed the advances in cancer treatment due to clinical trials.

02:29:59 **Russ Sobotta, Director, State Affairs for Sanofi**, commented on the impact of conducting clinical trials not only for cancer but for other diseases.

02:32:21 **Mary Whittinghill, Greater Northwest Chapter of National Multiple Sclerosis Society**, said that language in LCCF06 appears to have the potential to consider multiple sclerosis and other chronic diseases in the bill. She would like to see that clarified and to understand if that is the committee's intent.

02:36:25 **Joy Bruck, State President of AARP**, urged the committee to approve LCCF06.

02:36:57 **Cory Hartman, New West Health Services**, commented on the language in the LCCF06 that defines routine care. She said New West is in support of LCCF06.

02:38:55 **Becky Franks, Bozeman**, commented on the program "Open to Options", for people diagnosed with cancer. It offers as an option, participation in clinical trials.

02:41:10 **Matt Kuntz, NAMI Montana**, supported LCCF06 and urged the committee to consider mental illness as a life-threatening condition.

#### **DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES REPORT**

- **Parents as Scholars Program - Hank Hudson, Manager, DPHHS Economic Security Branch**  
02:42:32 Mr. Hudson gave an overview of the Parents as Scholars Program (**Exhibit 13**).
- **Suicide Prevention Plan - Karl Rosston, Suicide Prevention Coordinator**  
02:45:30 Mr. Rosston said that his office is actively working with the Office of Public Instruction in providing resources to schools in understanding suicides in youth. Mr. Rosston referred the committee to the third page of his handout (**Exhibit 14**) that summarized the suicide prevention activities at the statewide level over the

past three years.

02:46:01 SEN. CAFERRO congratulated Hank Hudson on his upcoming retirement.

- **DPHHS update - Anna Whiting Sorrell, Director**
- 02:48:54 Director Whiting Sorrell gave an update on the activities of DPHHS:
- Hank Hudson's retirement
  - the DPHHS budget
  - the new DPHHS logo
  - DPHHS Facebook page
  - the Director's visits to the local DPHHS offices across the state
  - SNAP program
  - Medicaid Enrollment

**Committee questions**

03:00:56 REP. ROBERTS

03:01:11 Director Whiting Sorrell

**BREAK FOR LUNCH - reconvene at 1:30 p.m.**

**MONTANA DEVELOPMENTAL CENTER**

**Anna Whiting Sorrell, DPHHS Director**

**Hank Hudson, MDC Governing Board**

**Gene Haire, MDC Superintendent**

**Polly Peterson, MDC Clinical Director**

**Heidi McCormick, Quality Management Consultant to DPHHS**

**Bernadette Franks-Ongoy, Disability Rights Montana**

04:24:07 Director Whiting Sorrell gave opening remarks.

- **Montana Developmental Center Issues and Policy Proposals**
- 04:25:46 Bob Runkle, Administrator, Developmental Services Division, discussed the improvements made both in the safety and in the quality of services offered to the clients at the Montana Development Center (MDC).

04:29:58 Hank Hudson discussed the governing body of MDC.

04:33:11 Gene Haire, Superintendent, Montana Development Center, gave background information on his position at MDC. He discussed the Site Review Report of the Montana Developmental Center (**Exhibit 15**), the mission statement of MDC (**Exhibit 16**), the vision for MDC (**Exhibit 17**), and the MDC Organizational Chart (**Exhibit 18**).

05:01:18 Polly Peterson, MDC Clinical Director, discussed the population that MDC serves and the clinical changes that they are making.

05:12:06 Heidi McCormick, Clinical Professional Counselor, Quality Management Consultant to DPHHS, discussed the survey she conducted on the Montana

Developmental Center.

05:15:41 Director Whiting Sorrell discussed the progress that has been made at the Developmental Center in the last two years.

- **Disability Rights Montana Presentation - Bernadette Franks-Ongoy, Executive Director**

05:16:08 Ms. Franks-Ongoy discussed the role of Disability Rights Montana in the oversight of the Montana Developmental Center, the May 2010 sexual assault at MDC, and the investigation that was conducted by the Department of Corrections and the Department of Justice.

### **PUBLIC COMMENT**

05:33:59 **Andree LaRose, Attorney**, commented on the presentation regarding the Montana Developmental Center.

05:44:17 **Sarah Rossi, Public Policy Coordinator, Coalition Against Domestic and Sexual Violence**, commented on the concerns of Disability Rights Montana regarding the sexual assault policy and procedures that are in place at the Montana Developmental Center.

05:47:46 Binders from Disability Rights Montana were distributed to members of committee containing information regarding the DRM's oversight of the Montana Developmental Center.

05:48:02 Ms. O'Connell said that she did invite Alicia Pichette from the Board of Visitors to be on the panel, but she could not attend. Ms. O'Connell said that Ms. Pichette had written a letter to the committee regarding the Mental Disabilities Board of Visitors and the role of the Board. That letter was included in the committee's meeting packet and also in DRM's binder.

### **Committee questions**

05:48:33 REP. ROBERTS

05:48:58 Dr. Peterson

05:50:59 Ms. McCormick

05:51:36 REP. ROBERTS

05:51:55 Dr. Peterson

05:52:41 SEN. WITTICH

05:53:18 Mr. Haire

05:56:44 SEN. WITTICH

05:58:25 Ms. Franks-Ongoy

06:01:02 SEN. WITTICH

06:01:30 Ms. Franks-Ongoy

06:03:10 REP. NOONAN

06:03:45 Dr. Peterson

06:04:32 REP. NOONAN

06:05:10 Dr. Peterson

06:06:36 REP. NOONAN

06:06:50 Dr. Peterson

06:07:40 REP. NOONAN  
06:08:23 Mr. Hudson  
06:10:10 Mr. Haire  
06:15:47 REP. NOONAN  
06:17:13 Mr. Haire  
06:20:43 REP. NOONAN  
06:22:07 Mr. Haire  
06:22:56 REP. NOONAN  
06:23:16 Ms. Franks-Ongoy  
06:25:37 SEN. KAUFMANN  
06:26:16 Mr. Haire  
06:27:33 SEN. KAUFMANN  
06:27:47 Mr. Haire  
06:28:25 SEN. KAUFMANN  
06:28:41 Mr. Haire  
06:29:00 SEN. KAUFMANN  
06:29:19 Mr. Haire  
06:29:30 SEN. CAFERRO  
06:30:50 Ms. Franks-Ongoy  
06:33:20 Mr. Haire  
06:35:14 Ms. LaRose

**BREAK - reconvene at 4:04 p.m.**

**SB 423 MONITORING: MONTANA MARIJUANA ACT**

06:57:30 Ms. O'Connell gave an update on developments related to the Montana Marijuana Act (**Exhibit 19**) and the Registry Statistics (**Exhibit 20**).

**REPORT FROM BOARD OF MEDICAL EXAMINERS - Ian Marquand, Executive Director**

06:59:59 Mr. Marquand reported on the complaints before the Board of Medical Examiners (**Exhibit 21**). Mr. Marquand said that the Board continues to monitor the status of SB 423.

**ADMINISTRATIVE RULE REVIEW - Alexis Sandru, Staff Attorney**

07:03:34 Ms. Sandru offered to answer questions from the committee about the administrative rule review provided in their packets.

**SUMMARY OF HB 142 RECOMMENDATIONS - Sue O'Connell**

07:04:07 Ms. O'Connell gave a brief update on the summary of HB 142 recommendations.

**PUBLIC COMMENT - none**

**COMMITTEE WORK SESSION**

07:05:07 Rep. Pease-Lopez was present for the work session via phone.

- **LCCF04, create the ombudsman's position**

07:06:55 SEN. WITTICH  
07:08:32 SEN. KAUFMANN  
07:10:25 SEN. CAFERRO

**Motion to place the ombudsman office in the Department of Justice**  
07:11:20 SEN. KAUFMANN moved to revise the bill draft to place the ombudsman office with the Department of Justice.

**Discussion**  
07:11:54 Mr. Barrs  
07:13:33 REP. NOONAN  
07:14:36 REP. ROBERTS  
07:15:26 SEN. CAFERRO  
07:15:49 SEN. KAUFMANN  
07:15:53 SEN. CAFERRO

07:18:01 The motion passed on a roll call vote, 5-3, with Sen. Priest voting no by proxy **(Attachment 4)**.

07:18:48 SEN. CAFERRO discussed proxy voting.

**Motion by Sen. Kaufmann**  
07:18:52 SEN. KAUFMANN moved LCCF04 be approved as a committee bill.

**Discussion**  
07:19:01 SEN. CAFERRO  
07:19:08 REP. ROBERTS  
07:19:49 REP. BANGERTER  
07:20:09 REP. ROBERTS  
07:20:17 REP. BANGERTER  
07:20:21 SEN. WITTICH

**Motion by Rep. Roberts**  
07:20:26 REP. ROBERTS made a motion to combine the ombudsman for mental health with the ombudsman for children and families.

07:21:10 SEN. WITTICH  
07:21:47 SEN. KAUFMANN

07:22:30 **REP. ROBERTS withdrew his motion.**

07:22:53 SEN. CAFERRO  
07:23:45 SEN. WITTICH  
07:25:39 Mr. Barrs

07:28:08 Sen. Kaufmann's motion to approve LCCF04 as a committee bill passed on a roll call vote, 5-3, with Sen. Priest voting no by proxy. **(Attachment 5)**

- **LCCF05, accreditation**

**Motion by Sen. Kaufmann**

07:28:21 SEN. KAUFMANN moved LCCF05, as amended, be approved as a committee bill.

07:28:30 The motion passed on a roll call vote, 5-3, with Sen. Priest voting no by proxy.

07:30:30 Ms. O'Connell said that because both bills have an appropriation section, Mr. Barrs will come back with projected costs that should be in the bills before they leave the committee.

- **Confidentiality Matters**

07:30:41 SEN. KAUFMANN

07:30:51 SEN. WITTICH

07:31:38 Ms. Sandru

07:32:53 SEN. WITTICH

07:35:01 SEN. KAUFMANN

07:36:16 SEN. WITTICH

07:37:41 REP. NOONAN

07:38:57 REP. ROBERTS

**Motion by Sen. Wittich**

07:40:35 SEN. WITTICH moved that staff prepare a bill that expands 41-3-205(3)(d) to allow additional family members to access information and that requires DPHHS to confirm that it has received and is processing a person's report of suspected abuse or neglect.

07:45:04 The motion passed on a roll call vote, 7-1, with Sen. Priest voting yes by proxy.  
**(Attachment 7)**

**Discussion regarding proxy voting**

07:45:08 SEN. WITTICH

07:45:10 Ms. O'Connell

- **LCCF06: Cancer Clinical Trials**

07:45:20 SEN. KAUFMANN

07:45:57 SEN. WITTICH

**Motion by Sen. Wittich**

07:46:20 SEN. WITTICH made a motion to remove the words "or a life-threatening condition" from New Section 1, subsection (1)(a) as contained in LCCF06.

**Discussion**

07:48:41 SEN. KAUFMANN

07:50:34 REP. ROBERTS

07:52:24 REP. PEASE-LOPEZ  
07:52:46 SEN. KAUFMANN  
07:54:50 SEN. WITTICH  
07:59:03 SEN. WITTICH

07:59:49 The motion passed on a roll call vote, 6-2, with Sen. Priest voting yes by proxy.  
**(Attachment 8)**

**Motion by Sen. Kaufmann**

08:00:46 SEN. KAUFMANN moved LCCF06, as amended, be approved as a committee bill.

08:01:50 The motion passed by voice vote, 7-1, with Sen. Priest voting no by proxy.

- **HB 142 Review of Advisory Councils and Agency Reports**

08:02:17 SEN. CAFERRO  
08:02:24 REP. NOONAN  
08:02:55 SEN. CAFERRO  
08:03:02 Ms. O'Connell  
08:04:24 SEN. KAUFMANN  
08:05:08 SEN. CAFERRO  
08:05:17 SEN. WITTICH  
08:06:57 REP. NOONAN  
08:08:19 SEN. KAUFMANN  
08:09:19 SEN. WITTICH  
08:10:16 SEN. CAFERRO  
08:10:30 REP. ROBERTS

- **Montana Developmental Center**

**Motion by Sen. Wittich**

08:11:27 SEN. WITTICH moved to transfer the Client Protection Specialist for the Montana Developmental Center from the Department of Public Health and Human Services to the Department of Justice.

08:11:49 The motion passed on a voice vote with Sen. Priest voting yes by proxy.

**Motion by Sen. Wittich**

08:12:04 SEN. WITTICH moved that reports of abuse at MDC be provided to the Disability Rights Montana under 53-20-163, MCA.

**Discussion**

08:12:42 SEN. CAFERRO  
08:14:55 SEN. WITTICH

08:16:41 The motion passed on a voice vote, 7-1, with Sen. Priest voting yes by proxy.

**Motion by Sen. Caferro**

08:17:21 SEN. CAFERRO moved that staff draft a piece of legislation that requires the Department of Public Health and Human Services to develop a transition plan complete with cost analysis to close Montana Developmental Center and to transition the remainder of the 56 residents into appropriate community placement within the next biennium.

**Discussion**

08:18:30 SEN. WITTICH  
08:18:37 SEN. CAFERRO  
08:18:43 SEN. WITTICH  
08:18:56 SEN. CAFERRO  
08:19:06 Ms. O'Connell  
08:19:16 SEN. CAFERRO

08:20:07 The motion passed on a voice vote, 7-1, with Sen. Priest voting yes by proxy.

• **LCCF01: Provider Reimbursement Rate**

08:20:39 Ms. O'Connell

**Motion by Sen. Kaufmann**

08:23:40 SEN. KAUFMANN made a motion to approve the revised bill draft, LCCF1A, **(Exhibit 22)** as a committee bill.

**Discussion**

08:24:18 SEN. CAFERRO  
08:24:27 REP. ROBERTS  
08:24:51 SEN. CAFERRO  
08:25:20 REP. NOONAN

**Motion by Sen. Caferro**

08:25:53 SEN. CAFERRO moved to strike the language "one-time only payment" in LCCF1A.

08:26:18 The motion passed on a roll call vote, 5-3, with Sen. Priest voting no by proxy. **(Attachment 9)**

**Motion by Sen. Caferro**

08:26:30 SEN. CAFERRO moved that LCCF1A, as amended, be approved as a committee bill.

08:26:50 The motion passed on a roll call vote, 5-3, with Sen. Priest voting no by proxy. **(Attachment 10)**

**ADJOURNMENT**

08:28:51 With no further business before the committee, SEN. CAFERRO adjourned the meeting at 5:36 p.m.

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