



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

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### 62nd Montana Legislature

#### SENATE MEMBERS

JASON PRIEST--Chair  
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  
JULIANNE BURKHARDT, Staff Attorney  
FONG HOM, Secretary

# MINUTES

## March 19-20, 2012

March 20, 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, Presiding Officer  
  
SEN. CHRISTINE KAUFMANN  
  
REP. LIZ BANGERTER  
REP. PAT NOONAN  
REP. CAROLYN PEASE-LOPEZ  
REP. DON ROBERTS

### **COMMITTEE MEMBERS EXCUSED**

SEN. JASON PRIEST  
SEN. ART WITTICH

### **STAFF PRESENT**

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

## **Agenda and Visitors' List**

Agenda ([Attachment 1](#))  
Visitors' list ([Attachment 2](#))

### **COMMITTEE ACTION**

- The minutes from the January 23, 2012, meeting were approved as written.
- The committee decided to include the 6% physician rate increase.
- The committee directed the Department of Public Health and Human Services to seek a mechanism to obtain the federal reimbursement.
- The committee approved draft legislation adopting the Insurance Commissioner's definition of routine care and clinical trials.

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

00:00:01 The meeting was called to order at 8:03 a.m. The secretary took roll visually. Sen. Priest and Sen. Wittich were excused. ([Attachment 3](#))

### **APPROVAL OF MINUTES**

00:00:30 The minutes of the January 23, 2012, meeting were approved unanimously by voice vote.

### **MONITORING MEDICAL MARIJUANA**

00:01:08 Ms. O'Connell discussed the developments regarding SB 423 Monitoring of the Medical Marijuana Act ([Exhibit 14](#)).

00:07:05 Ms. O'Connell distributed a hard copy of the email from Solutions for Montana regarding "Dateline NBC finds the Mexican Drug Cartel" ([Exhibit 15](#)).

### **AGENCY OVERSIGHT**

• **Administrative Rule Review - Alexis Sandru, Staff Attorney**  
00:07:58 Ms. Sandru reported on DPHHS Administrative Rule Activity ([Exhibit 16](#)).

**Committee questions**  
00:10:49 SEN. CAFERRO  
00:11:06 Ms. Burkhardt  
00:11:39 SEN. CAFERRO

• **DPHHS Response to Rule Objection - Julianne Burkhardt, Staff Attorney**  
00:12:13 Ms. Burkhardt discussed the Department of Public Health and Human Services' response ([Exhibit 17](#)) to the committee's objection to ARM 37.85.212, dealing with the RBRVS reimbursement for physician services.

**Committee questions**

00:15:32 SEN. KAUFMANN  
00:15:57 Ms. Burkhardt  
00:16:21 SEN. CAFERRO said that she would like the committee's presiding officer to be present before taking action on this issue.  
00:16:41 REP. BANGERTER said that she has the proxies of Sen. Priest and Sen. Wittich on this specific issue.  
00:17:05 REP. ROBERTS  
00:17:26 Ms. Burkhardt  
00:18:26 SEN. CAFERRO

- **Department of Public Health and Human Services Update - Mary Dalton, DPHHS Health and Medicaid Services**

00:19:11 Ms. Dalton gave an update on:

- ▶ Rules on the Diabetes and Cardiovascular Program
- ▶ Home and community-based waiver slots to transition people out of nursing homes
- ▶ Interim Report on out-of-state placement of children with mental health needs ([Exhibit 18](#))
- ▶ Follow up information on Surveillance Utilization and Review Section ([Exhibit 19](#))
- ▶ Montana Medicaid Information System contract
- ▶ Montana No Kid Hungry Initiative ([Exhibit 20](#))
- ▶ Healthy Montana Kids ([Exhibit 21](#)) and Medicaid enrollment ([Exhibit 22](#))

**Committee questions**

00:44:31 REP. ROBERTS  
00:44:51 Ms. Dalton  
00:46:13 REP. ROBERTS  
00:46:32 Ms. Dalton  
00:47:32 REP. BANGERTER  
00:48:04 Ms. Dalton  
00:48:30 REP. BANGERTER  
00:48:50 Ms. Dalton  
00:51:00 REP. BANGERTER  
00:51:23 SEN. CAFERRO  
00:51:46 REP. NOONAN  
00:52:22 Ms. Dalton  
00:52:35 SEN. CAFERRO  
00:53:04 Ms. Dalton  
00:55:50 SEN. CAFERRO  
00:56:37 Ms. Dalton  
00:57:03 SEN. CAFERRO  
00:57:18 REP. NOONAN  
00:59:10 REP. ROBERTS  
00:59:25 Ms. Dalton

**PUBLIC COMMENT ON TOPICS UNDER THE COMMITTEE'S JURISDICTION**

- 01:01:15 **Chris Lindsey, MTCIA**, commented on the subject of regulating medical marijuana.
- 01:08:18 **Kathy McGowan** commented on the intent of HB 130, the 2009 legislation for grants for community mental health crisis services.
- 01:19:44 **Mary Dalton, DPHHS**, addressed a rule change that may be proposed for the HB 130 program.

**SJR 30 STUDY: Communities Facing Significant Challenges in Trauma Prevention/  
Mitigation**

- Jera Stewart, Montana-Wyoming Tribal Leaders Council**  
**Mandy Smoker-Broaddus, School Transformation Director, Office of Public Instruction**  
**Amy Foster Wolferman, National Native Children's Trauma Center, University of Montana**  
**Erin Butts, National Native Children's Trauma Center**
- 01:25:23 **Ms. Jera Stewart** gave a presentation on the Montana-Wyoming Tribal Leaders Council (TLC) (**Exhibit 23**) and how they are addressing adverse childhood experiences.
- 01:38:58 **Mandy Smoker-Broaddus** gave a presentation on the program "Schools of Promise". She discussed the Mass Insight High Performing-High Poverty Schools Readiness Model (**Exhibit 24**).
- 01:52:29 **Erin Butts** gave a presentation on the National Native Children's Trauma Center (**Exhibit 25**).
- 02:14:10 **Amy Foster Wolferman** gave a presentation on trauma prevention and intervention (**Exhibit 25**).

**BREAK - reconvened at 10:42 a.m.**

- Committee questions**
- 02:38:45 REP. ROBERTS
- 02:39:16 Dr. Stewart
- 02:41:21 REP. ROBERTS
- 02:41:50 Dr. Stewart
- 02:43:28 REP. PEASE-LOPEZ
- 02:44:05 Dr. Stewart
- 02:44:29 SEN. KAUFMANN
- 02:45:15 Ms. Smoker Broaddus
- 02:46:17 SEN. KAUFMANN
- 02:47:32 Ms. Smoker Broaddus
- 02:48:44 REP. ROBERTS
- 02:49:27 Ms. Wolferman

## **RECENT CASES OF CHILD ABUSE AND NEGLECT: STRENGTHENING THE RESPONSE**

**Sarah Corbally, Administrator, Child and Family Services Division, DPHHS**

**Lisa Stroh, Superintendent of Schools, Blaine County**

02:52:31 **Sarah Corbally** gave a presentation on the activities of the Child and Family Services Division regarding the investigations of several cases of reported child abuse and neglect in the Great Falls area.

03:17:20 **Lisa Stroh, Montanans Against Child Abuse**, provided a copy of her presentation to the committee ([Exhibit 26](#)).

**PUBLIC COMMENT** -- the following people provided public comments regarding child abuse

03:42:34 April Hall

03:47:01 Mary Leibrand

04:00:02 Tommy Hodges

04:08:26 Cheryl Hodges

04:11:24 Lisa Stroh submitted Lois Leibrand's written comments for the record ([Exhibit 27](#)).

04:12:02 Delaney Collins

**BREAK FOR LUNCH - reconvened at 1:20 p.m.**

## **SJR 30 STUDY: COMMUNITIES FACING SIGNIFICANT CHALLENGES**

- **Practitioners' Recommendations for Legislative Action (Open Public Comment)**

05:18:24 **Lora Cowee, Intermountain**, provided written recommendations to the committee ([Exhibit 28](#)).

05:29:33 **Matt Kuntz, Executive Director, NAMI Montana**, suggested that a report be produced on childhood trauma before every Legislative session. He supports wrap-around services, and crisis centers for children in trauma, especially in the rural areas.

05:32:15 **Anita Roessmann, Disability Rights Montana**, distributed written testimony to the committee ([Exhibit 29](#)).

05:41:17 **Barbara Burton, Executive Director, Florence Crittenton**, commented on programs and models that can make a difference in the lives of children.

05:48:12 **Erin Butts, University of Montana, Institute for Educational, Research, and Service National Native Children's Trauma Center**, discussed the Institute's recommendations to address childhood trauma.

05:49:39 **Dennis Taylor, Montana Children's Initiative**, urged the committee to consider information on the science of the brain, think of early intervention, make trauma-

informed approaches, and make childhood trauma prevention a public health issue.

05:53:20 **Cil Robinson, Juvenile Justice Planner, Montana Board of Crime Control**, said that they work across systems to address issues that are identified as problems for not only juvenile justice but also the adult justice system.

06:00:40 **Amy Foster Wolfermann** urged the committee to remember the school-based interventions because they provide access to services for children who are not able to see a psychiatrist because no psychiatrists are available in their communities.

06:01:40 **Raymond Berg, Montana Public Employees Association**, commented on the importance of providing money and resources to retain the child specialist workers who work in the field.

**Committee questions of Ms. Stroh and Ms. Corbally**

06:05:02 SEN. KAUFMANN  
06:05:27 Ms. Corbally  
06:07:19 SEN. KAUFMANN  
06:07:50 Ms. Stroh  
06:09:40 SEN. KAUFMANN  
06:10:02 Ms. Corbally  
06:12:38 Ms. Stroh  
06:12:44 REP. ROBERTS  
06:14:03 Ms. Stroh  
06:15:20 REP. ROBERTS  
06:15:38 Ms. Stroh  
06:15:45 SEN. CAFERRO  
06:16:15 Ms. Corbally  
06:17:14 SEN. CAFERRO  
06:17:25 Ms. Corbally  
06:17:46 SEN. CAFERRO  
06:18:57 Ms. Corbally  
06:19:37 SEN. CAFERRO  
06:19:49 SEN. KAUFMANN  
06:20:01 Ms. Corbally  
06:20:20 SEN. KAUFMANN  
06:20:42 Ms. Corbally  
06:21:05 SEN. KAUFMANN  
06:21:20 Ms. Stroh  
06:23:03 REP. PEASE-LOPEZ  
06:23:44 Ms. Corbally  
06:24:44 REP. PEASE-LOPEZ  
06:24:59 Ms. Corbally

## **COMMITTEE WORK SESSION: GENERAL CFHHS MATTERS**

- **HB 642 Study Update - Rep. Noonan**  
06:26:24 REP. NOONAN discussed the recommendations made by the Medicaid Subcommittee of the Select Committee on Efficiency in Government:
  - ▶ authorize the drafting of legislation to create a 5-year tort reform pilot project
  - ▶ authorize the drafting the legislation to eliminate the requirement of unit billing for certain Medicaid services
  - ▶ draft legislation to revise the Medicaid application and eligibility determination process
  - ▶ authorize the drafting of legislation to impose a penalty on people who receive assets that were improperly transferred by a person who applies for Medicaid coverage for long term care
  - ▶ authorize the drafting of legislation to revise elements in the 72-hour presumptive eligibility program for mental health crisis stabilization services
  - ▶ ask DPHHS to put together a stakeholder group to plan for the expansion of the Medicaid program under the federal health care law
  - ▶ ask DPHHS to work with providers toward an outcome-based system of services and to articulate in a measurable form what will be accomplished in three specific areas
  - ▶ recommend that the 2013 Legislature reduce the appropriation for utilization review of certain Medicaid services from \$1.7 million to \$185,000 per year to fund utilization review at the federal minimum

### **Committee questions**

06:28:36 REP. ROBERTS

06:29:00 REP. NOONAN

- **Objection to MAR Notice 37-541**  
06:31:07 REP. BANGERTER said that she has Sen. Priest and Sen. Wittich's proxies and asked if all the options were presented to Sen. Priest and Sen. Wittich.
- **LCCF01 bill draft**  
06:32:21 SEN. KAUFMANN asked for clarification on whether the bill will include the 6% physician rate.  
06:33:55 REP. PEASE-LOPEZ is in favor of the idea of the contingency to seek federal funding and then have a backup if that fell through.  
06:34:26 SEN. KAUFMANN discussed the 6% physician increase and federal matching which may or may not be allowed.  
06:35:02 REP. ROBERTS said he is not in favor of adding 6% for physicians.  
06:35:41 REP. NOONAN said he is in favor of the 6% increase for physician rates.  
06:37:24 SEN. KAUFMANN suggested language that directs the Department to seek the federal matching funds and also a contingency that the amount would be funded out of general fund if it is not covered by the federal government.

**Motion by Sen. Kaufmann**

06:39:00 SEN. KAUFMANN moved to include the 6% physician rate increase.

06:41:10 The motion passed, 5-3 on a roll call vote (**Attachment 4**) with Sen. Priest and Sen. Wittich voting no by proxy.

**Motion by Sen. Kaufmann**

06:41:50 SEN. KAUFMANN moved to direct the Department of Public Health and Human Services to seek a mechanism to obtain the federal reimbursement and should that not be possible, to have a contingency to cover it with general fund.

06:42:00 The motion passed on roll call vote, 5-3 (**Attachment 5**) with Sen. Priest and Sen. Wittich voting no by proxy.

**Committee discussion on establishing a formula for disbursement to providers**

06:43:14 SEN. KAUFMANN

06:43:26 Ms. O'Connell

06:43:53 SEN. KAUFMANN

06:44:15 SEN. CAFERRO

06:44:29 REP. PEASE-LOPEZ

06:44:47 SEN. CAFERRO

06:45:09 SEN. KAUFMANN

- **HJR 8: draft letter to Farmers' Markets (**Exhibit 30**)**

06:46:57 Ms. O'Connell discussed the draft letter to Farmers' Markets to encourage the markets to accept SNAP benefits. The committee requested the letter as part of the House Joint Resolution 8 Study of childhood hunger.

06:47:16 SEN. KAUFMANN discussed adding the option of using new technologies; i.e., smart phones for accepting SNAP benefits. The committee would not have to review the letter again before it is sent out.

- **SB 423 Medicaid Monitoring**

06:49:04 Ms. O'Connell said that was on the agenda in case there were any further items that the committee wanted at a future meeting related to Medicaid Monitoring.

**Committee questions and discussion**

06:49:17 REP. BANGERTER suggested inviting Russ Hill to a future meeting to give a presentation on the proposed state employee health clinic.

06:50:11 SEN. KAUFMANN said she is interested in Rep. Noonan's comments that the Select Committee was talking about DPHHS setting up an advisory panel related to the expansion of Medicaid.

06:53:21 SEN. CAFERRO said that the committee sent a letter to the Department suggesting that it put together a stakeholder committee, but the Department said

it wasn't going to do that now.

06:53:37 REP. NOONAN read the Department's response.

06:55:32 SEN. KAUFMANN would like a presentation from DPHHS regarding the expansion.

06:58:36 Ms. O'Connell discussed Medicaid eligibility rules from the federal government.

06:59:51 SEN. KAUFMANN asked to have Professor Davis back to discussed results from his study.

- **SB 423 Medical Marijuana Monitoring**

07:01:09 REP. NOONAN asked about a ballot initiative to overturn SB 423.

07:01:39 Ms. O'Connell discussed a petition to legalize marijuana.

07:01:39 Ms. Burkhardt

07:02:15 SEN. KAUFMANN discussed an article in *The Missoulian* regarding the former chair of CFHHS potentially being under federal investigation because of her role in drafting legislation.

07:03:08 Ms. Burkhardt discussed the news article.

07:04:25 SEN. KAUFMANN

07:04:56 Ms. Burkhardt

- **Other items as needed**

07:05:36 Ms. O'Connell urged the committee to read through the recommendations from Insurance Commissioner Monica LIndeen regarding the Cancer Clinical Trials study and discuss those recommendations at the next meeting.

**Motion by Rep. Roberts on clinical cancer trials**

07:07:26 REP. ROBERTS' **moved** for draft legislation adopting the Insurance Commissioner's definition of routine care and clinical trials and requiring all plans within the state's jurisdiction to cover routine care for a patient who is in a clinical trial. The motion **passed**.

- **Discussion on the Department's proposed amendments to rules to modify the process for awarding matching grants to counties for crisis stabilization (HB 130)**

07:08:51 SEN. CAFERRO discussed the second bullit in a document ([Exhibit 31](#)) related to Ms. McGowan's testimony on proposed changes to the rules for crisis stabilization grants.

07:11:42 SEN. KAUFMANN said that it is clear to her what the intention of the rule is.

07:12:26 SEN. CAFERRO believes that the Department said that they didn't think it made sense to constantly go through this process so that counties then apply for the funding knowing that there's not enough money to go around.

07:12:42 Ms. Sandru explained the process of notices that are published bi-weekly. There is a chance that this proposed rule could be in the next publication. She proposed to the committee that she could send a bi-weekly or monthly report of the proposed and adopted administrative rules.

**BREAK - reconvene at 3:33 p.m.**

- **Committee action on Objection to RVRB Rule**

**Motion by Rep. Bangerter**

07:30:37 REP. BANGERTER moved that the committee take no further action on the objection to the RVRB rule.

07:32:40 The committee decided that no motion was needed. Rep. Bangerter withdrew her motion.

**SJR 30 STUDY: STAFF RECAP OF BEST PRACTICES AND RECOMMENDATIONS HEARD**

07:33:30 Mr. Barrs gave a summary of the recommendations that were heard regarding the SJR 30 Study ([Exhibit 32](#)).

- **Committee Work Session on SJR 30 Study**

07:44:36 SEN. CAFERRO asked if Mr. Barrs wanted some direction from the committee.

07:44:48 Mr. Barrs asked if the committee wanted him to gather more information or just summarize what had already been discussed.

07:45:30 REP. BANGERTER said that she would to find out if the state has a child protection team.

07:47:06 Mr. Barrs said that child protection teams exist under the structure of DPHHS.

07:47:57 SEN. CAFERRO asked Ms. Stroh to address the difference between the existing teams and her proposed model.

07:48:15 **Lisa Stroh** said that she served on the county's child protection team and that they meet monthly.

07:49:18 REP. BANGERTER would like more information on Child Protective Team activities.

07:50:01 SEN. CAFERRO asked for information on how CPTs operate and what it might look like in Montana.

07:50:36 SEN. KAUFMANN said she would like to look at ways to support the workforce.

07:52:42 Mr. Barrs

07:55:51 REP. NOONAN wanted to get the average caseload numbers of a case worker in the Department and how the Department trains a new centralized intake person.

07:57:27 REP. BANGERTER asked for more information on the protocol when centralized intake receives a call.

07:59:14 Mr. Barrs

07:59:30 REP. PEASE-LOPEZ said she would like to hear from people in the field about the changes in procedures.

08:00:08 SEN. KAUFMANN

08:01:00 REP. ROBERTS

08:01:15 SEN. CAFERRO

- **Additional Research/Information**

08:03:20 SEN. KAUFMANN said schools are a good place to think about intervention.

08:03:49 REP. ROBERTS

08:04:19 REP. PEASE-LOPEZ said that she would like to know more about mentoring new parents.

08:05:25 SEN. KAUFMANN

08:06:36 REP. PEASE-LOPEZ

08:07:30 REP. NOONAN

08:08:37 SEN. KAUFMANN

08:09:40 REP. NOONAN said it would be good to look at how the current system operates.

08:10:50 Mr. Barrs summarized potential May 14 meeting items.

## **ADJOURNMENT**

08:18:46 With no further business before the committee, SEN. CAFERRO adjourned the meeting at 4:22 p.m.

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