



## 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

November 14, 2011

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.

Access to an electronic copy of these minutes and the audio or video recording is provided from the Legislative Branch home page at <http://leg.mt.gov>. On the left-side menu of the home page, select *Committees*, then *Interim*. Once on the page for *Interim Committees*, scroll down to the appropriate committee. The written minutes summary, along with the audio and video recordings, are listed by meeting date on the interim committee's web page. You must have Real Player to listen to the audio recording or to view the video.

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. JASON PRIEST, Chair  
SEN. MARY CAFERRO, Vice Chair

SEN. CHRISTINE KAUFMANN  
SEN. ART WITTICH

REP. LIZ BANGERTER  
REP. PAT NOONAN  
REP. CAROLYN PEASE-LOPEZ  
REP. DON ROBERTS

### STAFF PRESENT

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

## Agenda and Visitors' List

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

### COMMITTEE ACTION

- The committee approved the minutes of the September 19, 2011 meeting.

### CALL TO ORDER AND ROLL CALL

- 00:00:01 SEN. PRIEST called the meeting to order at 9:04 a.m. The secretary called roll ([Attachment 3](#)).
- 00:01:14 The minutes of the September 19, 2011, meeting were unanimously approved by voice vote.

### AGENDA

- **SB 423 MONITORING: MONTANA MARIJUANA ACT**
  - ▶ **Overview of Developments to Date and Registry Statistics - Sue O'Connell, Research Analyst**

00:01:46 Ms. O'Connell gave an overview of the developments to date and the registry statistics of the Montana Marijuana Act ([Exhibit 1](#)).
  - ▶ **Committee Comments and Questions**

00:04:53 SEN. WITTICH  
00:05:11 Ms. O'Connell  
00:06:07 REP. BANGERTER  
00:07:08 Ms. O'Connell  
00:08:07 SEN. WITTICH said that he would like to have the Attorney General or a representative from his office talk about the interplay between the legislative ideas and the issues in the lawsuit.  
00:09:11 Ms. O'Connell  
00:09:44 REP. BANGERTER
  - ▶ **Report on the Wheeler Center Conference**

00:10:38 REP. PEASE-LOPEZ  
00:15:04 REP. BANGERTER  
00:16:46 REP. NOONAN
  - ▶ **Committee comments and questions**

00:17:55 SEN. PRIEST asked if the committee should continue to monitor the medical marijuana issue, delay action on it, and see how the other studies progress.  
00:18:34 REP. ROBERTS

- **HJR 8 STUDY: CHILDHOOD HUNGER**

- ▶ **Staff Briefing Papers - Sue O'Connell**

00:20:28 Ms. O'Connell briefly discussed the documents that were provided to the committee in advance of the meeting: unused Supplemental Nutrition Assistance Program (SNAP) benefits (**Exhibit 2**); written public comment on policy changes that the state could make at the state level to alleviate childhood hunger and on gaps in meeting food needs (**Exhibit 3**); policy recommendations from the Food Security Council of the Montana Food Bank Network Committee (**Exhibit 4**); "Summary of Gap Information" (**Exhibit 5**); and "Summary of Suggestions to Date" (**Exhibit 6**).

Ms. O'Connell distributed a letter from Ruby Eaglefeather that included suggestions and ideas to end hunger (**Exhibit 7**) and a full copy of Montana Food Bank Network's analysis of the meal gap (**Exhibit 8**). Ms. O'Connell gave the Committee a document entitled, "A Successful Club Model to Mitigate and Prevent Hunger, Malnutrition and Obesity" from the Boys & Girls Club of Carbon County" (**Exhibit 9**).

- ▶ **Panel: Efforts to Expand Use of Montana-Grown Products**  
**Mary Stein, Montana Farm to School Program**  
**Nancy Matheson, Montana Department of Agriculture**  
**Michael McCormick, Livingston Food Pantry**

00:23:40 Ms. O'Connell introduced members of the panel. The panel will discuss how Montana farm products could be used in schools and other facilities that serve children. Speakers also will discuss community gardens.

00:25:00 **Mary Stein, Montana Farm to School Program**, gave a presentation on the use of farm to school programs to improve access to healthy foods (**Exhibit 10**). Ms. Stein briefly discussed several issues in a presentation entitled, "Farm to School: State Legislation" (**Exhibit 11**) that was distributed to the committee.

00:41:00 **Nancy Matheson, Special Projects Coordinator, Department of Agriculture**, gave a presentation on the following (**Exhibit 12**):

- ◆ the capacity for Montana to produce food;
- ◆ the number of establishments that produce food;
- ◆ legislation that was passed that dealt with food for Montanans;
- ◆ the Montana Food & Agricultural Development Centers, a network of assistance for Montana entrepreneurs (**Exhibit 13**);
- ◆ challenges of food regulations and the need for food scientists; and
- ◆ Montanans' annual food expenditures.

00:55:46 **Michael McCormick, Executive Director, Livingston Food Pantry**, discussed the mission of the Livingston Food Pantry and its various programs, including community gardens, cooking classes, and efforts to promote healthy food choices.

### **Committee comments and questions of panel**

01:11:46 REP. ROBERTS  
01:12:22 Ms. Matheson  
01:13:22 REP. ROBERTS  
01:13:42 Ms. Matheson  
01:14:05 REP. ROBERTS  
01:14:27 Mr. McCormick  
01:15:10 SEN. CAFERRO  
01:15:45 Ms. Matheson  
01:17:02 SEN. CAFERRO  
01:17:28 Mr. McCormick  
01:19:43 SEN. PRIEST  
01:20:17 SEN. CAFERRO  
01:22:57 Ms. Matheson  
01:24:56 SEN. KAUFMANN asked about the legislative proposals that the Department of Agriculture is involved in and when they might have those proposals ready for the committee to review.  
01:25:29 Ms. Matheson said several agencies have identified areas of law and administrative rule that could be clarified. The proposals are currently waiting for review by the Department of Health and Human Services.  
01:26:43 SEN. WITTICH  
01:28:31 Mr. McCormick  
01:31:54 SEN. WITTICH  
01:32:48 Mr. McCormick  
01:35:17 REP. ROBERTS  
01:35:41 Ms. Matheson

### **Public Comment on HJR 8**

01:39:23 **Laura Getz, Board Member, Boys and Girls Club of Carbon County**, discussed what the Club is doing to address hunger, malnutrition, and obesity [see Exhibit 9]. She urged the committee to consider policies that address prevention. She urged the committee to consider allocating a portion of the funds that they are currently spending on the SNAP and TANF programs to programs that are currently funded privately.  
01:45:57 **Minkie Medora, Food Security Council**, commented on documentation of child hunger; discussed the document, "Ten Steps to End Child Hunger" ([Exhibit 14](#)); and discussed the document, "Recommendations for Consideration by the Children and Families Interim Committee" ([Exhibit 15](#)).  
01:52:10 **Curtis Laroque, Associated Food Stores**, commented on the value of the SNAP program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) to those they serve and to the grocery stores that participate in the programs.  
01:54:13 **Erin McGowan Fincham, Association of Montana Public Health Officials**, encouraged the committee to keep its focus on the prevention route.

01:56:42 **Gail Gifford, Executive Director, Great Falls Community Food Bank**, commented on programs supported by the Food Bank in the Great Falls school system.

02:02:10 **Rep. Chuck Hunter, House District 79**, encouraged the committee to think about regulatory policies, the BackPack Program, the recommendations from the Food Security Network, and community-based solutions.

### Break

- **AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

02:20:06 Director Anna Whiting Sorrell provided an update of activities of the Department, including the current Medicaid caseload and the Governor's proposal to reduce health care costs by seeking a waiver from the federal government to obtain Montana's Medicaid funds as a block grant.

### Committee comments and questions of the Director

02:39:29 REP. ROBERTS  
02:39:48 Director Whiting Sorrell  
02:41:12 SEN. KAUFMANN  
02:41:39 Director Whiting Sorrell  
02:42:08 SEN. KAUFMANN  
02:42:26 Director Whiting Sorrell  
02:42:43 SEN. KAUFMANN  
02:43:27 Director Whiting Sorrell  
02:43:53 SEN. WITTICH  
02:45:05 Director Whiting Sorrell  
02:45:10 SEN. WITTICH  
02:45:40 Director Whiting Sorrell  
02:45:53 SEN. WITTICH  
02:46:07 Director Whiting Sorrell  
02:46:12 SEN. PRIEST  
02:46:57 Director Whiting Sorrell  
02:47:37 SEN. PRIEST  
02:48:18 Director Whiting Sorrell

- ▶ **Administrative Rule Review - Julianne Burkhardt, Staff Attorney**

02:49:30 Ms. Burkhardt gave a brief presentation on Rule Review ([Exhibit 16](#)) and updated the committee on the status of the RBRVS rule objection.

### Committee comments and questions

02:50:09 SEN. PRIEST asked about the notice of amendment indicating a final adoption of rules related to Medicaid eligibility.

▶ **HB 142 Review of Advisory Councils - Sue O'Connell**

02:51:20 Ms. O'Connell discussed her report on Advisory Council Review ([Exhibit 17](#)).

**Committee comments and questions**

02:52:43 SEN. WITTICH requested that Ms. O'Connell give a report on how often the advisory councils have met in the last five years, the rules, policies, or proposals they have produced, how many members are on each council, and what the costs are.

02:53:59 Ms. O'Connell

02:54:24 SEN. CAFERRO

02:54:52 Ms. O'Connell

02:55:34 SEN. CAFERRO

02:55:49 Ms. O'Connell

02:56:19 SEN. CAFERRO

02:57:31 Ms. O'Connell

▶ **Out-of-State Placement of Children with Mental Health Needs - Mary Dalton, Medicaid Health Service Branch Manager**

02:58:34 Ms. Dalton discussed a report on out-of-state placement of children with mental health needs ([Exhibit 18](#)).

**Committee comments and questions**

03:09:08 SEN. CAFERRO

03:10:07 Ms. Dalton

03:10:40 SEN. CAFERRO

03:12:46 Ms. Dalton

03:13:32 SEN. CAFERRO

03:13:45 SEN. PRIEST

03:14:14 Ms. Dalton

03:15:06 SEN. PRIEST

03:15:19 REP. NOONAN

**LUNCH BREAK**

• **MEDICAID MONITORING: COST CONTAINMENT**

▶ **Panel: Cost Containment Options and Considerations**

**Mary Dalton, Manager, DPHS Medicaid and Health Services Branch**  
**Bob Olsen, MHA, An Association of Montana Health Care Providers**  
**Kathy McGowan, Community Mental Health Centers**  
**Dan Aune, Executive Director, Mental Health America of Montana**  
**Lander Cooney, CEO, Community Health Partners, Livingston**  
**Bill Hagan, President, West Region, United Healthcare Community and State**

- 04:18:01 **Mary Dalton, Medicaid and Health Services Branch Manager and State Medicaid Director, DPHHS**, gave a presentation on managed care.
- 04:25:46 **Bob Olsen, Vice President, Montana Hospital Association**, gave a presentation on Perspectives on Medicaid ([Exhibit 19](#)).
- 04:43:41 **Kathy McGowan, Community Mental Health Centers**, commented on the CMHC's case rates which is another way of managing costs and is similar to what community health centers are doing under the project of managing chronically ill patients.
- 04:52:08 **Dan Aune, Mental Health America of Montana**, gave a presentation on the cost saving of community-based service options ([Exhibit 20](#)).
- 05:05:36 **Lander Cooney, CEO, Community Health Partners, Livingston**, gave a presentation on the Health Improvement Program operated by community health centers ([Exhibit 21](#)).
- 05:19:03 **Bill Hagan, Regional President, United Healthcare**, gave a presentation on Medicaid: Managed Care and Health Reform Opportunities for Montana ([Exhibit 22](#)) via polycom telephone.
- 05:26:55 **John Kaelin, Senior Vice President, Healthcare Reform, United Healthcare**, discussed reform expansion in Montana ([Slide 5, 6, and 7 of Exhibit 22](#)).
- 05:31:50 Mr. Hagan discussed physician capacity in rural populations ([Slide 8 of Exhibit 19](#)); federal health care reform ([Slide 9 of Exhibit 22](#)); and evolution of historical managed care models ([Slide 10 of Exhibit 22](#)).
- 05:38:36 Mr. Kaelin discussed dual eligible opportunities ([Slide 12 of Exhibit 22](#)).
- 05:40:48 Mr. Hagan discussed best practices of managed care ([Slide 13 of Exhibit 22](#)).

#### **Public Comment**

- 05:44:00 **Matt Kuntz, Executive Director, NAMI Montana**, gave a brief overview of what NAMI stands for and does. He said people who are battling serious mental illness and other chronic conditions at the poverty level cannot afford to be without services.

#### **Committee comments and questions of panelists on cost savings**

- 05:47:57 SEN. WITTICH
- 05:48:41 Mr. Hagan
- 05:50:55 Mr. Kaelin
- 05:52:08 SEN. WITTICH
- 05:53:07 Mr. Aune
- 05:53:49 SEN. WITTICH
- 05:53:59 Mr. Aune
- 05:54:14 REP. ROBERTS

05:55:52 Mr. Hagan  
05:56:28 Mr. Kaelin  
05:56:53 Mr. Hagan  
05:57:13 REP. ROBERTS  
05:57:58 Ms. Dalton  
05:59:35 SEN. KAUFMANN  
06:00:35 Ms. Dalton  
06:02:53 REP. ROBERTS  
06:03:15 Ms. Dalton  
06:04:09 SEN. KAUFMANN  
06:04:33 Ms. Dalton  
06:06:23 SEN. PRIEST  
06:06:51 Ms. Cooney  
06:06:58 SEN. PRIEST  
06:07:12 Ms. Cooney  
06:08:48 SEN. PRIEST  
06:09:34 Ms. Dalton  
06:11:04 SEN. PRIEST  
06:11:39 Mr. Kaelin  
06:11:48 SEN. PRIEST  
06:12:08 Mr. Kaelin  
06:12:53 SEN. PRIEST  
06:13:37 Mr. Kaelin  
06:14:02 SEN. WITTICH  
06:16:25 Mr. Hagan  
06:19:44 Mr. Olsen  
06:24:39 Ms. Cooney  
06:27:37 Mr. Aune  
06:29:41 Ms. McGowan

## **Break**

**Public Comment on topics under committee's jurisdiction**

06:41:02 **Aimee Grmoljez, Billings Clinic**, commented on a letter from Kristianne Wilson, Executive Director, Health Policy, Billings Clinic, regarding suggestions on how to make the state Medicaid program more efficient while maintaining quality of patient care (**Exhibit 23**). Ms. Grmoljez referred the committee to a document entitled "Leveraging Data to Improve Health, The Wyoming State Health Families Succeed Model" (**Exhibit 24**).

06:45:16 **Erin McGowan Fincham** gave an update on the whooping cough cases in Montana and the cost savings on immunization of children.

06:48:00 **Keith Newmeyer** discussed a petition to the Governor regarding the concern over the child abuse case in Great Falls, Montana, and urged the committee to consider the petition.

06:49:08 **Rep. Chuck Hunter** commented on Mr. McCormick's presentation on self-sufficiency and people not wanting to be dependent on public assistance.

- **COMMITTEE WORK SESSION**

- ▶ **HB 642 Study Update**

06:53:40 REP. NOONAN gave an update on the activities of the Medicaid Subcommittee of the Select Committee on Efficiency in Government.

06:54:19 SEN. CAFERRO gave an update on the activities of the Select Committee on Efficiency in Government.

- ▶ **Instructions to Staff on HJR 8 Study Options (Exhibit 6)**

06:57:50 SEN. PRIEST said the committee needs to prioritize options on the HJR 8 Study to narrow the focus.

06:58:51 SEN. KAUFMANN suggested that staff provide more information on options for the four recommendations identified this morning by the Food Security Council: promote the breakfast programs, support for farm-to-school programs; a clearinghouse for nutrition information; and transportation needs in the food deserts.

07:00:50 SEN. PRIEST asked for suggestions from the committee.

07:01:18 SEN. WITTICH suggested including some ideas from the College of Nursing memo. He also requested some analysis of what people are buying with SNAP benefits.

07:04:39 Ms. O'Connell said the federal and state governments do not track that data.

07:05:26 SEN. WITTICH

07:06:12 SEN. KAUFMANN

07:07:57 SEN. PRIEST

07:10:24 SEN. KAUFMANN

07:11:49 REP. PEASE-LOPEZ

07:12:21 SEN. CAFERRO

07:16:11 REP. ROBERTS suggested looking at the regulations that are delaying projects related to food processing and promotion.

07:17:02 SEN. WITTICH

07:19:01 SEN. CAFERRO

07:19:56 SEN. WITTICH

07:20:19 REP. NOONAN

07:21:47 SEN. WITTICH suggested that staff be asked to research whether information can be obtained from grocery stores on items people are purchasing with SNAP benefits.

07:22:54 SEN. PRIEST

07:23:00 SEN. CAFERRO

07:23:06 SEN. PRIEST

07:23:45 SEN. WITTICH

07:25:06 SEN. PRIEST

07:27:32 SEN. PEASE-LOPEZ

07:28:19 SEN. PRIEST

07:29:14 REP. PEASE-LOPEZ

07:29:30 SEN. PRIEST

07:29:56 REP. PEASE-LOPEZ

07:30:56 SEN. PRIEST

07:32:21 SEN. WITTICH  
07:34:38 SEN. PRIEST  
07:35:28 SEN. CAFERRO  
07:37:23 SEN. PRIEST  
07:37:47 SEN. CAFERRO  
07:39:16 SEN. PRIEST said committee members have identified eight suggestions from the summary of ideas.  
07:41:11 Ms. O'Connell  
07:41:23 SEN. WITTICH asked for more information on the recommendations by the College of Nursing class related to Montana State Prison programs, SNAP benefits at farmers' markets, and gleaning.  
07:42:48 SEN. CAFERRO  
07:43:14 SEN. WITTICH  
07:43:37 SEN. PRIEST  
07:44:08 SEN. WITTICH  
07:44:45 SEN. CAFERRO  
07:45:01 SEN. KAUFMANN  
07:45:18 SEN. PRIEST  
07:45:31 Ms. O'Connell summarized committee action so far as obtaining more information on the four College of Nursing suggestions, the four Food Bank Network recommendations, and the extent of flexibility allowed for use of SNAP funds.  
07:45:53 SEN. PRIEST said that he would like to know whether the Livingston food bank programs can be replicated.  
07:46:46 SEN. KAUFMANN  
07:47:27 SEN. CAFERRO said that she liked Rep. Roberts suggestion on looking at state regulations related to food processing and safety.  
07:48:35 SEN. WITTICH  
07:49:06 REP. NOONAN

► **HB 142 Review of Advisory Councils**

07:50:43 Ms. O'Connell asked whether the committee wants to limit its HB 142 review to the five statutorily created advisory councils or expand to approximately a dozen more entities that have advisory roles.  
07:51:05 REP. BANGERTER  
07:51:51 SEN. PRIEST  
07:52:08 SEN. WITTICH  
07:52:43 SEN. CAFERRO  
07:53:25 SEN. WITTICH  
07:53:59 Ms. O'Connell  
07:55:01 SEN. KAUFMANN  
07:56:12 Ms. O'Connell  
07:56:26 SEN. WITTICH asked whether a two-day meeting was planned in March.  
07:56:43 Ms. O'Connell said yes.  
07:56:56 SEN. CAFERRO  
07:57:11 Sen. Priest  
07:57:20 SEN. CAFERRO suggested that the committee have Hank Gardner of Wyoming speak at the January 23rd meeting about the Healthy Family Succeed program in

Wyoming. She also would like him to speak to the Select Committee on Efficiency in Government.

## **ADJOURNMENT**

07:58:30 With no further business before the committee, SEN. PRIEST adjourned the meeting at 5:03 p.m.

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