



## 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

September 19, 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.

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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. 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 Visitor's List

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

## **COMMITTEE ACTION**

- The committee approved the written minutes of the June 20, 2011 meeting.
- The committee approved acceptance of proxy votes in written form.
- The committee will incorporate issues related to the state response to child abuse and neglect reports into the SJR 30 Study on Childhood Trauma.
- The committee approved adding 4% or 3.5 hours to the SJR 30 Study and reducing to 16% the amount of time spent on Medicaid monitoring.
- The committee adopted the revised Work Plan and revised HJR 8 work plan.
- The committee approved a motion to formally object to the adoption of Administrative Rule 37.85.212.

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

00:00:07 SEN. PRIEST called the meeting to order at 9:01 a.m. The secretary took roll ([Attachment 3](#)).

00:01:41 The written minutes of the June 20, 2011 meeting were approved on a roll call vote ([Attachment 4](#)).

## **AGENDA**

- **SB 423 MONITORING: MONTANA MARIJUANA ACT - Sue O'Connell, Lead Researcher**

00:03:28 Ms. O'Connell presented issues related to the briefing paper on Senate Bill 423 and the Marijuana Registry Statistics that were provided to the members of the committee ([Exhibit 1](#)).

### **Committee questions of Ms. O'Connell**

00:05:24 REP. ROBERTS

00:06:09 SEN. WITTICH

- **Implementation and Transition -- Roy Kemp, Deputy Administrator, Quality Assurance Division, Department of Public Health and Human Services**

00:08:43 Mr. Kemp gave an update on the Department's implementation of Senate Bill 423.

- ▶ **Report from the Field -- Kate Cholewa, Montana Cannabis Industry Association**

00:14:22 Ms. Cholewa distributed and discussed information regarding events that have occurred before and after the adoption of SB 423 ([Exhibit 2](#)); Ms. Cholewa discussed the pending lawsuit and referendum related to SB 423 ([Exhibit 3](#)).

### **Committee comments and questions of Ms. Cholewa**

00:32:49 REP. NOONAN

00:34:58 REP. BANGERTER

00:36:30 SEN. CAFERRO  
00:41:28 SEN. PRIEST

▶ **Public Comment**

00:43:55 **Rep. Diane Sands, House District 95, Missoula**, reported on her meeting in Washington, D.C., with congressional officials to discuss how national activities interface with what is going on in Montana. She said that the federal government's position is that marijuana is still a Schedule 1 drug.

00:55:19 **Candace Payne, Rimrock Foundation**, discussed the federal raids of Montana medical marijuana businesses and the reasons some people supported a repeal of the original law.

00:56:26 **Kathleen Shannon, Billings**, commented on her situation as a medical marijuana cardholder.

01:01:54 **Rep. Tom Burnett, House District 63, Bozeman**, commented on issues related to the use of marijuana for debilitating medical conditions.

• **AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES (DPHHS)**

▶ **Report from DPHHS - Anna Whiting Sorrell, Director**

01:03:27 Director Whiting Sorrell gave an update on the activities of the Department including:

- Medicaid enrollment
- Status of budget
- Child abuse cases

**Committee comments and questions of Director Whiting Sorrell**

01:16:43 SEN. WITTICH

01:24:03 SEN. KAUFMANN

01:26:52 REP. PEASE-LOPEZ

• **MEDICAID MONITORING**

01:29:54 Ms. O'Connell referred to the briefing materials provided to the members of the committee: an overview of the Medicaid program and Medicaid statistics from May 2011. She said she did not provide updated statistics for June because the numbers have stabilized.

▶ **National Conference of State Legislatures' Presentation on Medicaid Reform - Laura Tobler and Melissa Hansen**

01:31:34 Ms. Tobler and Ms. Hansen gave a presentation via telephone on "The State and National Landscape on Medicaid Reform" ([Exhibit 4](#)).

**Committee comments and questions of Ms. Tobler and Ms. Hansen**

02:12:25 SEN. WITTICH (for Ms. Tobler)

02:17:15 SEN. WITTICH (for Ms. Hansen and Ms. Tobler)

02:22:44 SEN. KAUFMANN requested information from NCSL about other rural states on how their programs are managed and how they think their programs are working.

02:28:40 REP. ROBERTS (for Ms. Tobler)

02:31:13 SEN. CAFERRO (for Ms. Tobler)

**RECESS FOR LUNCH AND PARTICIPATE IN SCHOOL LUNCH PROGRAM AT JEFFERSON SCHOOL -- reconvened at 12:47 p.m.**

• **STAFF UPDATES ON ONGOING TOPICS**

▶ **Draft Interim Work Plan/Draft HJR 8 Study Plan - Sue O'Connell**

03:47:41 Ms. O'Connell discussed the revised draft work plan ([Exhibit 5](#)).

03:50:12 Ms. O'Connell discussed updates to the HJR 8 Study of Childhood Hunger ([Exhibit 6](#)).

▶ **SJR 30 Study: Childhood Trauma - Casey Barrs, Staff Researcher**

03:52:05 Mr. Barrs discussed the revised study plan for SJR 30: Childhood Trauma ([Exhibit 7](#)).

**Committee comments and questions of Mr. Barrs**

03:54:42 SEN. WITTICH

03:55:57 SEN. WITTICH

▶ **Administrative Rule 37.85.212: RVRBS Reimbursement -- Julianne Burkhardt, Staff Attorney**

03:57:00 Ms. Burkhardt gave a report on DPHHS Administrative Rule 37.85.212 ([Exhibit 8, page 2](#)) RVRBS Reimbursements.

**Committee questions of Ms. Burkhardt**

04:02:10 SEN. KAUFMANN

- **HJR 8 STUDY: CHILDHOOD HUNGER - Sue O'Connell**

- 04:03:19 Ms. O'Connell discussed the briefing paper "State-Run Food Assistance Programs" ([Exhibit 9](#)).
- ▶ **Panel: State-Level Food Assistance Programs**
- 04:05:10 **Linda Snedigar, Administrator, DPHHS Human and Community Services Division**, discussed the food assistance programs that are administered by DPHHS ([Exhibit 10](#)).
- 04:13:15 **Christina Emerson, School Nutrition Programs Director, Office of Public Instruction**, discussed nutritional programs that are available to children through schools and related programs.
- ▶ **Panel: Local-Level Food Assistance Programs**
- 04:23:12 **Peggy Grimes, CEO, Montana Food Bank Network**, distributed information about the Food Bank Network ([Exhibit 11](#)) and discussed programs offered through the Network, as well as the need for emergency foods.
- 04:31:09 **Debbie Lewis, North Middle School PTA, Great Falls**, discussed the School Food Pantry Program that she worked on as a pilot program in Great Falls ([Exhibit 12](#)).
- 04:36:02 **Jeanne Christopher, Director, Early Childhood Services Program, Confederated Salish-Kootenai Tribes, Head Start Programs**, discussed Early Childhood Services Programs in Lake County and hunger issues in the county.
- 04:45:04 **Karen Johnson, Great Falls Community Food Bank**, said some children are left alone on weekends by their parents. Teachers then deal with those children being hungry at school.
- 04:50:50 **Robin Cormier, School Counselor, Orchard Elementary School, Billings**, discussed the "BackPack" program that provides some children with food for the weekend.
- 04:55:25 **Minkie Medora, Food Security Council**, asked the committee to look at the tax structure in the state, to consider the problem of hunger facing the state's most vulnerable population, and to consider the recommendations that the committee has already been given. Ms. Medora distributed a working hypothesis on hunger ([Exhibit 13](#)).

► **Panel: Causes of Childhood Hunger**

- 05:08:41 **Hank Hudson, Manager, DPHHS Economic Security Services Branch**, discussed causes of hunger in families, including low-wage jobs, jobs with irregular hours, lack of reliable transportation to and from work, and housing costs. He also said a failure to provide adequate nutrition for children could be child neglect if the circumstances are serious enough.
- 05:20:08 **Dr. Kim DeBruycker, Gallatin Gateway School Superintendent**, talked about the data that her district has collected regarding the number of students who have participated in the hot lunch program.

**Committee comments and questions of panelists**

- 05:29:51 REP. BANGERTER (for Ms. Cormier)  
05:32:32 SEN. CAFERRO (for Mr. Hudson)  
05:36:34 SEN. CAFERRO (for Mr. Hudson)  
05:39:30 REP. ROBERTS (for Ms. Grimes)  
05:44:08 SEN. WITTICH (for Mr. Hudson)  
05:54:44 SEN. KAUFMANN (for Mr. Hudson)  
05:58:21 SEN. WITTICH (for Ms. Snedigar)  
06:01:57 REP. BANGERTER (for Ms. Snedigar)  
06:03:45 SEN. PRIEST (for Ms. Grimes)  
06:14:19 SEN. KAUFMANN (for Ms. Medora)

**BREAK - RECONVENE AT 3:36 P.M.**

► **Public Comment on HJR 8 Study**

- 06:36:15 **Andree Deligdisch, Great Falls**, discussed the programs instigated by Presidents Kennedy and Johnson to fight the war on poverty.
- 06:42:43 **Rep. Tom Burnett, House District 63, Bozeman**, commented on waste in the School Lunch program, obesity among low-income people, and the need for collecting data on the food items purchased by Supplemental Nutrition Assistance Program (SNAP) participants.

**Additional committee comments and questions related to the HJR 8 Study**

- 06:47:05 SEN. WITTICH requested that DPHHS come up with some ideas to prevent abuse of programs that assist the low-income populations.
- 06:50:25 SEN. CAFERRO commented on the items purchased by the SNAP cards
- 06:51:25 SEN. KAUFMANN (for Ms. Emerson of OPI)
- 06:54:09 SEN. KAUFMANN (for Ms. Medora)
- 06:59:25 SEN. KAUFMANN requested that Rep. Burnett present the studies that he

mentioned in his public comment to the committee.

▶ **Public Comment on other issues**

- 07:00:26 **Aart Dolman, Great Falls**, said that there is an interconnectivity between education, hunger, and medical care.
- 07:03:53 **Lisa Stroh, Blaine County Superintendent of Schools**, commented on child abuse and neglect issues, including the state's response to reports of abuse. She said she has been talking with DPHHS officials about ways to improve the state and local response to reports of abuse. She distributed pictures of children who were victims of child abuse (**Exhibit 14**).
- 07:12:01 **Lois Leibrand, Scobey**, a relative of a young girl who died as the result of child abuse, commented on the SJR 30 study of childhood trauma. She encouraged the committee to identify needs in all communities of the state and to include as many stakeholders as possible.
- 07:15:52 **Jeanne Christopher** commented on the fact that many people may be only a few paychecks away from needing help from a food bank or community.
- 07:18:34 **Anita Roessmann, Disability Rights Montana**, commented on the SJR 30 study of childhood trauma.

• **COMMITTEE WORK SESSION**

▶ **Update on HB 642 Select Committee**

- 07:24:55 REP. NOONAN gave an update on the meeting of the Select Committee on Efficiency in Government held in August. The Select Committee formed a Medicaid subcommittee to look at the rules and regulations related to Medicaid and mental health. He is chair of the subcommittee, and Sen. Caferro, Sen. Walker, and Rep. Balsdel are members.
- 07:27:11 SEN. CAFERRO distributed information on presentations from the panel that she organized on Medicaid (**Exhibit 15**) for the Select Committee.

**Committee questions of Rep. Noonan**

- 07:29:25 SEN. WITTICH

▶ **Issue of proxy votes**

- 07:30:52 SEN. CAFERRO said her preference was not to allow proxy votes but after some

discussion, she changed her preference.

07:31:00 REP. NOONAN said that his preference is to give his proxy vote to whomever he wants.

07:31:20 SEN. KAUFMANN said people should be well informed before they cast their vote. She supported allowing proxy voting.

**Motion**

07:32:28 SEN. WITTICH moved that members can give their proxies to whomever they want but proxies must be in written form. The motion passed unanimously by voice vote.

▶ **Committee comments and questions related to the draft interim work plan and SJR 30 work plan**

07:33:39 SEN. CAFERRO

07:36:14 SEN. PRIEST

07:38:05 SEN. PRIEST

07:38:41 SEN. WITTICH

07:39:33 SEN. KAUFMANN

07:40:26 REP. ROBERTS

07:40:51 SEN. PRIEST

07:42:19 REP. PEASE-LOPEZ

07:42:59 SEN. KAUFMANN

07:44:09 REP. NOONAN

07:45:00 SEN. PRIEST

▶ **Motion**

07:45:29 SEN. KAUFMANN moved to incorporate the issues raised during public comment into the SJR 30 Study on Childhood Trauma. The motion passed.

▶ **Motion**

07:46:13 SEN. KAUFMANN moved to allocate 24% of the committee's time to childhood trauma and 16% to Medicaid because the Select Committee will work on Medicaid over the interim.

**Discussion on the motion**

07:47:12 SEN. WITTICH

07:47:50 SEN. PRIEST

07:49:11 REP. ROBERTS

07:49:48 SEN. CAFERRO

07:50:01 SEN. KAUFMANN

07:50:27 SEN. CAFERRO  
07:51:04 SEN. KAUFMANN  
07:51:41 SEN. WITTICH

▶ **Substitute Motion**

07:52:54 SEN. WITTICH moved to take 4% or 3.5 hours from SB 423 monitoring and put it into the SJR 30 study.

**Roll Call Vote**

07:57:19 A roll call vote was taken on Sen. Wittich's substitute motion (**Attachment 5**). The substitute motion failed on a tie vote with Rep. Roberts voting yes by proxy.

▶ **Discussion on Sen. Kaufmann's motion**

07:57:49 REP. NOONAN asked how much time the last CFHHS interim committee spent on the marijuana issue. Ms. O'Connell said that there were three full committee meetings and a subcommittee.

**Roll Call Vote**

07:58:50 A roll call vote was taken on Sen. Kaufmann's motion to add 4% or 3.5 hours to the SJR 30 study and allocate 16% to Medicaid monitoring (**Attachment 6**). The motion passed 5-3.

▶ **Motion to adopt the Work Plan as revised**

07:59:09 SEN. CAFERRO moved to adopt the revised Work Plan. The motion passed with SEN. WITTICH voting no.

▶ **Motion on Administrative Rule 37.85.212: Medicaid Reimbursement Rate**

07:59:34 SEN. CAFERRO moved to have the committee write a formal objection to Administrative Rule 37.85.212, reimbursement rate for Medicaid for physicians, based on the rule not following legislative intent.

▶ **Discussion**

08:02:13 SEN. PRIEST asked that a draft of the objection be sent to the committee members for review.

08:02:52 MS. BURKHARDT

08:03:21 REP. NOONAN

**Voice Vote on motion**

08:04:37 The motion passed unanimously by voice vote.

▶ **Discussion on Medicaid monitoring topics and other issues**

08:05:07 SEN. WITTICH said the presentation on Medicaid from the NCSL was not helpful. He would like to see a presentation more focused on what other states are doing specifically to improve their Medicaid management. He offered to recruit speakers for future meetings.

08:06:47 SEN. KAUFMANN suggested that staff ask committee members for input on who they might contact and that everyone have equal opportunity to make recommendations.

08:07:26 SEN. PRIEST asked that committee members send suggestions for speakers or research topics to the full committee.

08:08:31 SEN. WITTICH said he would like to hear new ideas for reform.

- **ADJOURNMENT**

08:09:29 With no further business before the committee, SEN. PRIEST adjourned the meeting at 5:11 p.m.

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