

House Bill 142 Review of Agency Reports

DPHHS Reports Required by Statute

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for the Children, Families, Health, and Human Services Interim Committee
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Background

The 2011 Legislature passed House Bill 142, which requires interim committees to review certain advisory councils and agency reports. The Children, Families, Health, and Human Services Interim Committee is required to review councils and reports related to the Department of Public Health and Human Services (DPHHS).

This briefing paper outlines the reports that DPHHS is required by law to submit to the Legislature. Many of the required reports must be submitted to the Legislative Services Division by September 1 of even-numbered years, and the division serves as the "legislative clearinghouse" for information on agency reports. Agencies must provide the title and a description of the report, as well as any hyperlinks for reports that are already published on the Internet. Following the November election, the Legislative Services Division provides all members of the next Legislature with the list of the agency reports.

For the purposes of this briefing paper, the reports are presented in the order in which they appear in the statutes. However, they are divided into two categories:

- newly required reports and reports that DPHHS is currently providing; and
- reports that have been provided in the past but not in recent years.

Current or Newly Required DPHHS Reports

Report 1: Trauma System Report

Statutory Authority: 50-6-402, MCA

Additional Information: DPHHS is required to submit a report to each Legislature about the effectiveness of the trauma care system established under Title 50, chapter 6, part 4, MCA. The statute does not specify how the report is to be provided to the Legislature. DPHHS has submitted it using the procedure for providing reports to the legislative clearinghouse. The last report was submitted in fall 2010.

Report 2: Registry Information on the Use of Marijuana for Debilitating Medical Conditions

Statutory Authority: 50-46-303, MCA

Additional Information: DPHHS must report to the Legislature twice a year on the number of people who have applied for registry identification cards, the number who have received cards, the debilitating conditions for which cards were issued, the number of providers, the number of cards revoked, the number of physicians providing written certification, and the number of certifications each physician has provided. DPHHS provides most of this information by publishing monthly statistics on its Web site. The Children, Families, Health, and Human Services Interim Committee staff provides this information to the committee at each regular meeting. DPHHS also provides the legislative clearinghouse with a link to the information.

Report 3: Out-of-State Placement of Children with Mental Health Needs

Statutory Authority: 52-2-311, MCA

Additional Information: DPHHS must collect a variety of information related to the number of children who receive mental health services outside of Montana and the reasons they were not served by in-state providers. The statute requires DPHHS to report the information twice a year to the Children, Families, Health, and Human Services Interim Committee. This interim, DPHHS provided the report in November 2011 and in March 2012.

Report 4: Older Montanans Trust Fund

Statutory Authority: 52-3-115, MCA

Additional Information: DPHHS is required to submit a report every two years detailing how money in the Older Montanans Trust Fund has been used. The trust fund was created by the 2007 Legislature to fund new, innovative services or existing services for Montanans who are 60 years of age or older if the services will allow them to live an independent lifestyle in the least restrictive setting possible. DPHHS last submitted a report to the legislative clearinghouse in August 2010.

Report 5: Medicaid Section 1115 Requests

Statutory Authority: 53-2-215, MCA

Additional Information: DPHHS is required to provide the legislative clearinghouse with a report indicating the status of each Medicaid section 1115 waiver request it submits to the U.S. Department of Health and Human Services. If the federal government denies the waiver, DPHHS is to report on the reasons the waiver was denied and provide an analysis of the costs of providing services to the target population as an optional Medicaid service, rather than as a waiver service. DPHHS last provided a report to the legislative clearinghouse in August 2010.

Report 6: Temporary Assistance for Needy Families (TANF) Parents as Scholars Program

Statutory Authority: 53-4-209, MCA

Additional Information: The 2005 Legislature created a program requiring DPHHS to use TANF funds to help eligible individuals pay for education that would lead to a high school diploma, a general equivalency degree, vocational training, an associate's degree, or a bachelor's degree. The 2011 Legislature added a requirement for annual reports to the Children, Families, Health, and Human Services Interim Committee and the Legislative Finance Committee.

DPHHS will provide a report in June 2012.

Report 7: Medicaid Analysis

Statutory Authority: 53-6-110, MCA

Additional Information: DPHHS is required to provide the Legislative Finance Committee with a report on Medicaid funding projections for each biennium. The report must analyze past and present funding levels, projections for the next biennium that identify trends in use and cost of services and in the number of Medicaid enrollees, and the effects of new and projected facilities and services identified by the state health care facilities plan. The Montana Medicaid Report to the 2011 Legislature was submitted in December 2010.

Report 8: Medicaid Managed Care Advisory Council

Statutory Authority: 53-6-710, MCA

Additional Information: The advisory council that reviews Medicaid managed care proposals must submit a report of its findings to the Children, Families, Health, and Human Services Interim Committee and to the Legislative Auditor's Office. The council's duties include holding a public hearing in the area that would be affected by the contract in order to educate Medicaid enrollees, health care providers, and the public on the proposal and to accept public comment on the proposed contract. The advisory council and the reporting requirement were created by the 2011 Legislature. DPHHS has not yet appointed an advisory council, and no managed care proposals are currently pending.

Report 9: Mental Health Services for Children with Serious Emotional Disturbance

Statutory Authority: 53-21-1002, MCA

Additional Information: DPHHS is required to report at least every two years on the ways in which it is coordinating state and community resources to ensure comprehensive delivery of services to children who are seriously emotionally disturbed. The report also must include recommendations by DPHHS and by service providers. The report was submitted to the legislative clearinghouse in September 2010.

Report 10: Suicide Reduction Plan

Statutory Authority: 53-21-1102, MCA

Additional Information: Every two years, DPHHS is required to develop a suicide reduction plan that assesses risk factors that affect Montana's suicide rate, discusses activities designed to reduce suicide, includes targets for suicide reduction among various demographic groups, and provides information on all existing state suicide reduction activities. The report must be submitted to the Children, Families, Health, and Human Services Interim Committee and also to the legislative clearinghouse. Typically, DPHHS has presented the suicide reduction plan to the committee at the committee's final meeting of the interim. The 2012 report is scheduled for completion this fall.

Reports Not Currently Being Submitted

Report 11: Community Health Center Grants

Statutory Authority: 50-4-805, MCA

Additional Information: DPHHS is required to submit to the legislative clearinghouse a report that details grants made to create and support new non-federally funded community health centers or to expand services offered by existing federally qualified community health centers. The report is to include the number of people served because of the grant awards and the costs to the state of the services that will be provided. In addition, DPHHS is to provide regular reports on the status of the program to the Children, Families, Health, and Human Services Interim Committee and the Legislative Finance Committee. DPHHS made the required status reports during the 2007-2008 interim and submitted a report to the Legislature in 2008. The Legislature did not appropriate funds for grants in 2009 or 2011. As a result, DPHHS has not provided additional reports.

Report 12: Statewide 2-1-1 Calling System

Statutory Authority: 53-1-714, MCA

Additional Information: DPHHS is to submit a report to the legislative clearinghouse every two years, to describe efforts undertaken by the 2-1-1 Community Coalition. The coalition was created in statute to assist DPHHS in putting in place a statewide 2-1-1 calling system to provide public information on and referral to local resources related to disaster, emergency, safety, health, or human services topics. The coalition was created by the 2005 Legislature and submitted a report to the Legislature in November 2006. DPHHS has not worked on 2-1-1 activities since that time and has not submitted additional reports.

Report 13: Effectiveness of Medicaid Managed Care Standards

Statutory Authority: 53-6-705, MCA

Additional Information: DPHHS is required to prepare an annual report on the effectiveness of standards established for accessibility and quality of care under a Medicaid managed care contract. The report must indicate whether Medicaid enrollees covered by the managed care contract have had access to care. It also is supposed to provide information on whether the standards have ensured quality of care. While the statute requires a report, it does not specify that the report must be submitted to the Legislature or any other entity.

Report 14: Prescription Drug Plus Discount Program

Statutory Authority: 53-6-1005, MCA

Additional Information: DPHHS administers a prescription drug discount program for individuals who are at or below 250% of the federal poverty level and who do not have insurance coverage for prescription drugs. DPHHS was required by the statute to submit a report on prescription drug use, needs, and trends to the legislative clearinghouse by September 15, 2006.

Report 15: Commission on Provider Rates and Services Recommendations

Statutory Authority: 53-10-212, MCA

Additional Information: The Commission on Provider Rates and Services is required to submit to the legislative clearinghouse a report on the topics it has reviewed and on its findings and recommendations.

Options for Committee Consideration

HB 142 requires the committee to determine whether to recommend that the reports be retained or eliminated. The committee may also decide to amend a statutory requirement related to a report.

To amend or eliminate any report, the committee will need to authorize the drafting of legislation for review and final action at a future meeting.