

**CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES
INTERIM COMMITTEE**
Work Plan for the 2013-2014 Interim

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INTRODUCTION AND OVERVIEW

The Children, Families, Health, and Human Services Interim Committee (Committee) is one of seven interim committees established in law and required to meet between the end of one regular legislative session and the beginning of the next session. State law sets out the duties and responsibilities for interim committees, as follows:

- conducting interim studies as assigned;
- proposing bills and resolutions the committee believes should be presented to the next Legislature; and
- reviewing administrative rules, programs, and legislation for agencies within the committee's jurisdiction.

The Legislative Council assigned two studies to the Committee for the 2013-2014 interim:

- House Joint Resolution 16, a study of certain state-operated institutions; and
- Senate Joint Resolution 20, a study of ways to reduce prescription drug abuse.

The Committee also is responsible under state law for monitoring the Department of Public Health and Human Services (DPHHS), the largest agency in state government.

This work plan details the interim study and agency oversight duties assigned to the Committee this interim, which effectively runs from June 2013 through August 2014. The work plan also discusses other activities the Committee may undertake. The work plan includes:

- a matrix to help the Committee determine the level of involvement it would like to have in its interim study responsibilities and its DPHHS oversight duties, beginning on Page 8;
- a list of topics for which the Committee may want additional information during the interim, beginning on Page 10; and
- a proposed schedule of activities for each Committee meeting, beginning on Page 12.

INTERIM STUDY ACTIVITIES

At its May 16, 2013, meeting, the Legislative Council assigned the following study resolutions to the Committee:

- HJR 16, which requires a study of the state-operated institutions serving individuals with mental illness, intellectual disabilities, and chemical dependency. The study resolution suggests that the Committee review the facilities and the treatment programs offered at each facility in order to determine if changes to the current system of facilities could result in more effective treatment options and serve individuals in a more cost-effective manner.
- SJR 20, which requires a study of ways to reduce prescription drug abuse and the effects of the abuse on Montanans. The study resolution suggests that the Committee compile data on the major illicit sources of prescription drugs using available information, including the recently developed prescription drug registry. It also suggests that the Committee identify a comprehensive and coordinated statewide strategy to restrict access to prescription drugs while still ensuring availability for individuals who have a legitimate need for the drugs.

Separate draft study plans outline the activities planned for each study.

AGENCY OVERSIGHT

The Department of Public Health and Human Services has more than 3,000 employees throughout the state and is responsible for providing public health services to all Montanans. It also offers a wide array of assistance to vulnerable Montanans, including children and the elderly, needy, disabled, abused, neglected, or mentally ill.

The department is organized into three branches and 11 divisions, and it operates six different institutions, as follows:

- the Montana Developmental Center in Boulder, which serves developmentally disabled individuals with high-level needs;
- the Montana State Hospital at Warm Springs, for adults with mental illness who are ordered to receive evaluations or treatment there;
- the Montana Chemical Dependency Center in Butte, an inpatient treatment center for adults who have been diagnosed as having an addiction to drugs or alcohol or who suffer co-occurring addiction and mental illness;
- the Mental Health Nursing Care Center in Lewistown, a long-term care facility for people who have a mental disorder, require a level of care that is not available in a community setting, and who cannot benefit from the treatment services available at the State Hospital; and

- the Eastern Montana Veterans' Home in Glendive and the Montana Veterans' Home in Columbia Falls, for veterans and their spouses who need skilled, intermediate-level nursing care or who suffer from Alzheimer's disease.

State law sets out several duties that interim committees must undertake to fulfill their agency oversight responsibilities. Each of these duties is discussed below.

Rule Review

The Committee's legal staff routinely reviews and summarizes DPHHS rulemaking notices and will provide the Committee with information on proposed and adopted rules, with particular attention to any rules considered to be out of compliance with legislative intent. The Montana Administrative Procedure Act allows interim committees to:

- obtain an agency's rulemaking records, to review them for compliance;
- submit written recommendations to the agency for the adoption, amendment, or rejection of a rule;
- require that a rulemaking hearing be held;
- participate in proceedings; and
- review the conduct of administrative proceedings.

Program Monitoring

The Committee also is required to monitor DPHHS operations with specific attention to:

- identifying issues likely to require future legislative action;
- identifying opportunities for improving the existing laws governing the agency's operation and programs;
- determining whether experiences that Montanans have had with the agency may be improved through legislative action;
- reviewing proposed agency legislation; and
- reviewing other materials relevant to the Committee's oversight of DPHHS.

Required Reports

DPHHS and other agencies are required by law to present various reports to the Children and Families Committee. Those reports include:

- DPHHS efforts related to the Parents as Scholars Program that is available to Temporary Assistance for Needy Families (TANF) recipients;

- the number of individuals registered to use and provide marijuana for use by people with debilitating medical conditions;
- the number and types of complaints filed with the Board of Medical Examiners over physician practices in providing written certification for use of marijuana for a debilitating medical condition;
- the out-of-state placement of children with mental health needs;
- the use of the children's system of care account, which was created in 2007 to pay for services to at-risk children in the least restrictive and most appropriate setting; and
- the suicide reduction plan that is to be developed each biennium as part of the suicide prevention program authorized by the Legislature in 2007.

Staff will schedule presentations on these and any other required or relevant reports into the Committee's regular meetings as the reports are completed.

Review of Draft Legislation

The interim committee process allows for an early review of agency-requested legislation. Interim committees typically authorize the drafting of many state agency bills in advance of the November election. This process frees up time for the Legislative Services Division to concentrate on legislator bill draft requests after the election. Agency bills drafted as a result of this process must be introduced before the 2013 legislative session begins and are usually among the first bills scheduled for hearings.

State agencies typically submit their legislative proposals to the Governor's Office for review and approval by June 2014, although the bills often are not fully drafted at that point. The Committee will review the proposals at its June or August 2014 meeting.

OTHER INTERIM MONITORING

No legislation was passed in 2013 that specifically added to the committee's monitoring duties.

However, the House Human Services Committee asked the Legislative Audit Committee to approve a performance audit of the Child and Family Services Division and the way in which the division handles child abuse and neglect investigations. The Audit Committee discussed audit priorities on June 13, and members have until the end of the fiscal year to vote on their priorities. If the audit is among those approved by the committee, staff will keep the Children and Families Committee informed of the progress and results of the audit.

In addition, Gov. Bullock vetoed two items that involved legislative oversight over DPHHS programs:

- HB 2 contained an appropriation of \$1,000 to allow for the Child and Family Services Division to report to the Committee on implementation of bills involving the release of information about child abuse and neglect investigations. The governor vetoed the appropriation, saying it was unnecessary because the agency would provide information to the Legislature as necessary and appropriate.
- House Bill 604 would have established a Select Committee on Medicaid Innovation, Reform, and Expansion, staffed by the Legislative Services Division. The governor vetoed the bill and said he has instructed DPHHS to immediately begin analyzing ways to improve the delivery of Medicaid services and identify ways to control program costs.

Because the 2013 Legislature indicated its intent for legislative oversight of the child abuse and neglect bills and for legislative involvement in the review of the state Medicaid program, the Committee may devote time throughout the interim to monitoring DPHHS activity in those two areas.

Finally, the 2011 Legislature approved SB 423, which significantly revised the laws related to use of marijuana for debilitating medical conditions. The legislation also specifically required that the Committee:

- identify issues that may need future legislative attention; and
- develop legislation for the next regular session of the Legislature, if necessary.

A legal challenge to SB 423 remains pending in Helena District Court. Five provisions of the law have been put on hold pending a full trial on the merits of the case. The trial is scheduled to begin May 20, 2014.

Staff will provide the Committee with regular written updates on developments related to the law and on the number of individuals registered with the state to use marijuana for a debilitating medical condition.

The Committee will also undertake additional activities, as time allows, to follow health and human services issues identified in Appendix B, beginning on Page 10.

Member Issues

At any time during the interim, members may seek additional information from staff or other parties on issues that fall within the Committee's jurisdiction. These may be issues brought up by constituents, issues that are emerging in Montana or other states as items of concern or interest involving health and human services, or any other items that

members would like to review.

If the full Committee is not interested in pursuing an item, an individual Committee member may submit a research request. Under rules adopted by the Legislative Council, a staff member may work a maximum of 16 hours on a research request that is not included in the Committee's work plan, unless the presiding officer of the interim committee approves additional research time.

Staff Recommendation for Additional Activities

Committee staff will keep tabs on DPHHS issues, as well as other health and human service issues that may be of interest to the Committee. Staff will periodically provide informational material for the Committee's review and consideration.

MEETING SCHEDULE

The committee adopted the following meeting schedule:

Tuesday June 25, 2013
Monday-Tuesday Sept. 16-17, 2013 (travel for HJR 16 study)
Friday Nov. 15, 2013
Friday Jan. 10, 2014
Thursday-Friday March 13-14, 2014
Friday May 9, 2014
Friday June 20, 2014
Monday Aug. 18, 2014

TIME ALLOCATION

The CFHHS Work Plan Decision Matrix on Pages 8 and 9 provides a list of the Committee's duties, with options for the level of Committee involvement with each topic. The Committee chose the options marked by asterisks, resulting in an approximate breakdown of Committee time as follows, assuming 72 hours of meeting time.

Item	Description	Time Allocation
HJR 16 Study	State-Operated Public Institutions	37.5% (27 hours)
SJR 20 Study	Prescription Drug Abuse	32% (23 hours)
Statutory Oversight	Agency monitoring, SB 423 monitoring, required reports, administrative rule review, legislation review	25% (18 hours)
Other	Emerging issues or committee member requests	5.5% (4 hours)

APPENDIX A: CFHHS WORK PLAN DECISION MATRIX

Rule Review: <i>Decide the level of involvement the Committee would like to have in the rule review process.</i>		
<p>Minimal Involvement*</p> <ul style="list-style-type: none"> • Review online listing of proposed and adopted rules • Legal staff will note issues of concern 	<p>Moderate Involvement</p> <ul style="list-style-type: none"> • Receive a list or brief written descriptions of each proposed or adopted rule prior to meetings • Legal staff will note issues of concern • Committee review of any topics of concern or any rule that a Committee member wants placed on the agenda 	<p>Significant Involvement</p> <ul style="list-style-type: none"> • Receive a report from legal staff at each meeting on the impact of all proposed rules and any issues of concern; OR • Receive copies of rules from agencies for personal review • Seek public comment on rules of legislative concern
Agency Monitoring: <i>Decide the level of DPHHS oversight and review the Committee would like to provide.</i>		
<p>Minimal Involvement</p> <ul style="list-style-type: none"> • DPHHS presentation on any statutorily required report • Receive a written update of DPHHS activities in a pre-meeting mailing; Committee members could designate topics on which they would like further information at a future meeting 	<p>Moderate Involvement*</p> <ul style="list-style-type: none"> • DPHHS presentation on any statutorily required report • Receive an agency update from DPHHS officials at each meeting • Receive additional updates based on topics identified in Appendix B or by Committee members, DPHHS, or constituents during the interim 	<p>Significant Involvement</p> <ul style="list-style-type: none"> • DPHHS presentation on any statutorily required report • Presentations from two or three DPHHS divisions at each meeting • Receive additional updates based on topics identified in Appendix B or by Committee members, DPHHS, or constituents during the interim
Legislation Review: <i>Decide the level of oversight and review for DPHHS legislation.</i>		
<p>Minimal Involvement*</p> <ul style="list-style-type: none"> • Hear a DPHHS presentation on proposed agency bills; authorize pre-drafting of bills 		
SB 423 Monitoring: <i>Decide the level of monitoring to conduct related to SB 423 (Montana Marijuana Act).</i>		
<p>Minimal Involvement*</p> <ul style="list-style-type: none"> • Staff updates on registry statistics and legal challenges 	<p>Moderate Involvement</p> <ul style="list-style-type: none"> • Regular staff updates on issues related to SB 423 and its implementation • Schedule presentations as needed to provide more information on implementation and related issues • Identify issues in need of legislative attention in 2015 and draft legislation 	<p>Significant Involvement</p> <ul style="list-style-type: none"> • Regular staff updates on issues related to SB 423 and its implementation • Schedule regular presentations by DPHHS and other stakeholders to hear about implementation and related issues • Identify issues in need of legislative attention in 2015 and draft legislation

Interim Studies: *Discuss the assigned studies and proposed study plans. Determine the amount of Committee time to devote to each study.*

HJR 16: State-Operated Institutions

Option A

- Staff research into selected issues identified in the study resolution
- Staff meetings with stakeholders

Deliverables

- Background briefing papers on topics identified in study resolution
- Final report with findings; public comment on report
- Follow-up activities as requested by the Committee, including draft legislation if desired

Option B

- Staff research on selected issues identified in the study resolution
- Staff attendance at relevant stakeholder meetings, as appropriate
- Staff monitoring of changes in programs related to state-operated institutions and mental health treatment programs
- Staff visits to state-operated institutions

Deliverables

- Background briefing papers on study topics as selected by the Committee
- Panel presentations on topics identified by the Committee members
- Draft legislation
- Final report

Option C*

- Staff research into all issues identified in the study resolution
- Staff attendance at relevant stakeholder meetings, as appropriate
- Staff monitoring of changes in programs related state-operated institutions and mental health treatment programs
- Committee visits to state-operated institutions

Deliverables

- Additional items as identified by the Committee
- Background briefing papers on topics identified by the study resolution and by Committee members or stakeholders
- Panel presentations on topics identified by the study resolution, Committee members, or stakeholders
- Draft legislation
- Final report

SJR 20: Prescription Drug Abuse

Option A

- Staff research into selected issues identified in the study resolution
- Staff meetings with stakeholders

Deliverables

- Background briefing papers on topics identified in study resolution
- Final report with findings; public comment on report
- Follow-up activities as requested by the Committee, including draft legislation if desired

Option B

- Staff research on selected issues identified in the study resolution
- Staff attendance at relevant stakeholder meetings, as appropriate
- Staff monitoring of existing programs for preventing prescription drug abuse

Deliverables

- Background briefing papers on selected issues identified in the study resolution
- Panel presentations on topics selected by the Committee members
- Draft legislation
- Final report

Option C*

- Staff research into all issues identified in the study resolution
- Staff attendance at relevant stakeholder meetings, as appropriate
- Staff monitoring of existing programs for preventing prescription drug abuse
- Additional items as identified by the Committee

Deliverables

- Background briefing papers on topics identified in the study resolution and by Committee members or stakeholders
- Panel presentations on topics identified by the study resolution, Committee members, or stakeholders
- Draft legislation
- Final report

APPENDIX B: Topics for CFHHS Consideration

The following table lists the items for which the Committee plans to obtain more information during the interim. Committee activities related to the following topics could include presentations, staff briefing papers, or other items as requested by the Committee. The proposed dates are subject to other items in the Committee's work plan and on DPHHS availability.

Topic: Children's Issues	Reason	Activity	Date
Healthy Montana Kids Plan	Voters approved I-155 in 2008, to increase the number of children eligible for state-funded health insurance programs. Monitor enrollment changes and trends.		Ongoing
Performance Audit of the Child and Family Services Division	The House Human Services Committee requested a performance audit to review areas of concern raised in testimony during the 2013 Legislature		Summer 2014
Office of the Child and Family Ombudsman	The 2013 Legislature approved HB 76, creating a new ombudsman office. The legislation stemmed from an interim study conducted during the 2011-2012 interim.		Spring 2014
Results of 2013 Child Abuse and Neglect Legislation	The 2013 Legislature approved several bills designed to make information on child abuse and neglect investigations available to more individuals, in order to improve the response to abuse and neglect reports.		Spring 2014
Topic: Health Care	Reason	Activity	Date
Patient-Centered Medical Homes	The 2013 Legislature approved SB 84, allowing the creation of a patient-centered medical home model of health care. The legislation requires a report to the Committee before Sept. 30, 2016, on the savings generated by the medical home model.		Summer 2014
Topic: Medicaid	Reason	Activity	Date
Medicaid Expansion	Many states will begin expanding their Medicaid programs in 2014 as allowed under the Patient Protection and Affordable Care Act. Information from other states may provide an indication of the potential costs and savings of Medicaid expansion.		Ongoing
Medicaid Eligibility Determination in a Health Insurance Exchange	The health insurance exchange required under the Patient Protection and Affordable Care Act will begin operation in October 2013. It will require coordination with the state's Medicaid eligibility system and may identify additional people as eligible for Medicaid or the Healthy Montana Kids Plan.		Winter 2014
DPHHS Medicaid Review	Gov. Bullock vetoed HB 604, creating a Select Committee on Medicaid Innovation, Reform, and Expansion. As an alternative, he asked DPHHS to analyze ways to improve the delivery of Medicaid services and to control costs.		Ongoing

Topic: Medicaid (cont.)	Reason	Activity	Date
Medicaid Provider Issues	Medicaid providers have expressed concern about DPHHS decisions on reimbursement rates.		Ongoing
Penalty for Transfer of Assets	The 2013 Legislature approved SB 69, creating a civil penalty for a person who receives assets that were improperly transferred by an individual trying to qualify for Medicaid for long-term care.		Summer 2014
Diabetes Prevention	DPHHS has received a five-year grant to see if providing incentives to Medicaid recipients at risk for diabetes improves their overall health.		Summer 2014
Topic: Mental Health	Reason	Activity	Date
Monitor Census at Montana State Hospital	The 2013 Legislature approved HB 16, to allow a person to be committed to the State Hospital if the person appears to be unable to provide for basic needs. The Legislature also approved HB 84, to increase the number of psychiatric diagnostic interviews allowed for individuals in the 72-hour crisis stabilization program. Both bills could impact the State Hospital in different ways.		Ongoing
Montana Suicide Review Team	The 2013 Legislature approved HB 583, creating a Montana Suicide Review team to analyze the causes of suicides and recommend preventive measures.		Summer 2014
Topic: Public Health	Reason	Activity	Date
Monitor Maternal Mortality Review	The 2013 Legislature approved HB 28, to allow the review of maternal deaths to analyze the causes of the death and recommend preventive measures.		Summer 2014
Monitor HB 630 Study	The 2013 Legislature approved HB 630, requiring three state agencies to examine and recommend improvements to Montana food laws. Many of the laws involve food safety regulation by DPHHS.		Spring 2014
Topic: Other Topics as Identified by Committee Members		Activity	Date
Obtain Medicaid Provider Input on a Regular Basis			Ongoing

APPENDIX C: CFHHS Meeting Plan Summary

Following is a tentative schedule of Committee activities for each of the meetings schedule for the 2013-2014 interim.

Date	Activity	Tasks/Policy Decisions
June 2013	<ul style="list-style-type: none"> ➤ Organizational ➤ Agency Monitoring ➤ Assigned Studies 	<ul style="list-style-type: none"> ◆ Elect officers ◆ Review, revise, and adopt work plan ◆ Review, revise, and adopt meeting dates ◆ Administrative rule review ◆ Report from DPHHS ◆ SB 423 report ◆ Review, revise, and adopt plan for HJR 16 study ◆ Review, revise, and adopt plan for SJR 20 study
September 2013	<ul style="list-style-type: none"> ➤ Organizational ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Review HJR 16 study plan for potential revisions ◆ Administrative rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SB 423 update as necessary ◆ HJR 16: State-Operated Institutions <ul style="list-style-type: none"> ◇ Staff briefing papers on facilities and the populations they serve ◇ Committee visits to MDC, MSH, MSP, and MCDC ◇ Agency presentations on current treatment programs ◇ Committee direction on further analysis or presentations ◆ Update on topics of interest, as requested
November 2011	<ul style="list-style-type: none"> ➤ Agency Monitoring ➤ Assigned Studies ➤ Other Issues 	<ul style="list-style-type: none"> ◆ Administrative rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SB 423 update as necessary ◆ HJR 16: State-Operated Institutions <ul style="list-style-type: none"> ◇ Staff briefing papers on costs of providing treatment services and sources of funding ◇ Panel presentations on unmet treatment needs and barriers to services ◇ Committee direction on further analysis or presentations ◆ SJR 20: Prescription Drug Abuse <ul style="list-style-type: none"> ◇ Staff briefing paper on research related to prescription drug abuse in Montana ◇ Panel presentations on extent of abuse, efforts to mitigate abuse, and impact of those efforts ◇ Committee direction on further analysis or presentations ◆ Update on topics of interest, as requested

Date	Activity	Tasks/Policy Decisions
January 2014	<ul style="list-style-type: none"> ▶ Agency Monitoring ▶ Assigned Studies ▶ Other Issues 	<ul style="list-style-type: none"> ◆ Administrative rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SB 423 update as necessary ◆ HJR 16: State-Operated Institutions <ul style="list-style-type: none"> ◇ Staff briefing papers as needed ◇ Panel presentations on alternative approaches to providing services ◇ Committee direction on further analysis or presentations ◆ SJR 20: Prescription Drug Abuse <ul style="list-style-type: none"> ◇ Staff briefing papers as needed ◇ Panel presentations on collaboration opportunities for stakeholders and communities in need of prevention and mitigation efforts ◇ Committee direction on further analysis or presentations ◆ Update on topics of interest, as requested
March 2014	<ul style="list-style-type: none"> ▶ Agency Monitoring ▶ Assigned Studies ▶ Other Issues 	<ul style="list-style-type: none"> ◆ Administrative rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SB 423 update as necessary ◆ HJR 16: State-Operated Institutions <ul style="list-style-type: none"> ◇ Staff briefing papers as needed ◇ Committee review of materials to date ◇ Committee identification of topics to pursue and direction on further analysis, presentations, or legislation ◆ SJR 20: Prescription Drug Abuse <ul style="list-style-type: none"> ◇ Staff briefing papers as needed ◇ Committee review of materials to date ◇ Committee identification of topics to pursue and direction on further analysis, presentations, or legislation ◆ Updates on topics of interest, as requested
May 2014 (Optional Meeting)	<ul style="list-style-type: none"> ▶ Agency Monitoring ▶ Assigned Studies ▶ Other Issues 	<ul style="list-style-type: none"> ◆ Administrative rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SB 423 update as necessary ◆ HJR 16: State-Operated Institutions <ul style="list-style-type: none"> ◇ Staff briefing papers as needed ◇ Committee review of draft legislation or other requested materials ◆ SJR 20: Prescription Drug Abuse <ul style="list-style-type: none"> ◇ Staff briefing papers as needed ◇ Committee review of draft legislation or other requested materials ◆ Direction on CFHHS legislation not related to studies ◆ Updates on topics of interest, as requested

Date	Activity	Tasks/Policy Decisions
June 2014	<ul style="list-style-type: none"> ▶ Agency Monitoring ▶ Assigned Studies ▶ Other Issues 	<ul style="list-style-type: none"> ◆ Administrative rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ SB 423 update as necessary <ul style="list-style-type: none"> ◇ Committee identification of potential legislation ◆ HJR 16: State-Operated Institutions <ul style="list-style-type: none"> ◇ Review of draft legislation or other materials ◇ Committee identification of revisions or further research materials ◆ SJR 20: Prescription Drug Abuse <ul style="list-style-type: none"> ◇ Review of draft legislation or other materials ◇ Committee identification of revisions or further research materials ◆ Review of other draft legislation requested to date ◆ Updates on topics of interest, as requested
August 2014	<ul style="list-style-type: none"> ▶ Agency Monitoring ▶ Assigned Studies ▶ Other Issues 	<ul style="list-style-type: none"> ◆ Administrative rule review as necessary ◆ DPHHS presentations as necessary/requested ◆ Final action on DPHHS legislative requests ◆ SB 423 update as necessary <ul style="list-style-type: none"> ◇ Committee review/approval of any draft legislation ◆ HJR 16: State-Operated Institutions <ul style="list-style-type: none"> ◇ Final action on bill drafts or other study-related items ◆ SJR 20: Prescription Drug Abuse <ul style="list-style-type: none"> ◇ Final action on bill drafts or other study-related items ◆ Review/approval of draft final report or outline ◆ Final action on any non-study bill drafts ◆ Assignment of sponsors for committee legislation

