



Children, Families, Health, and Human Services Interim Committee

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

63rd Montana Legislature

SENATE MEMBERS

DAVID WANZENRIED--Chair
TERRY MURPHY
ROGER WEBB
JONATHAN WINDY BOY

HOUSE MEMBERS

RON EHLLI--Vice Chair
CAROLYN PEASE-LOPEZ
SCOTT REICHNER
CASEY SCHREINER

COMMITTEE STAFF

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

MINUTES LOG

August 26, 2014
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.

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

REP. RON EHLLI, Vice Chair

SEN. TERRY MURPHY
SEN. ROGER WEBB

REP. CAROLYN PEASE-LOPEZ
REP. SCOTT REICHNER
REP. CASEY SCHREINER

COMMITTEE MEMBERS EXCUSED

SEN. DAVID WANZENRIED
SEN. JONATHAN WINDY BOY

STAFF PRESENT

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

AGENDA & VISITORS' LIST

Agenda ([Attachment 1](#))

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

COMMITTEE ACTION

The committee approved the following as committee bills for the 2015 Legislature:

- LCCF02, allowing health care providers to share certain information with law enforcement
- LCCF03, allowing electronic prescribing of controlled substances prescriptions
- LCCF04, funding for mobile crisis response for developmentally disabled individuals
- LCCF05, funding for additional mental health crisis intervention grants to counties
- LCCF06, funding for additional secure detention beds
- LCCF07, funding for short-term mental health inpatient treatment
- LCCF08, increasing and extending the prescription drug registry fee
- LCCF10, increasing and extending the prescription drug registry fee
- LCCF10, funding to contract for a forensic prerelease center
- LCCF11, funding for state-operated transitional mental health group homes

The committee approved the draft final report of the Children, Families Health, and Human Services Interim Committee.

The committee authorized the early drafting and preintroduction of the Department of Public Health and Human Services' proposed legislation.

The committee authorized the drafting and preintroduction of the Montana Children's Initiative's proposed legislation.

CALL TO ORDER AND ROLL CALL

- 00:00:01 Rep. Ehli called the meeting to order at 9:04 a.m. The secretary noted the roll. Sen. Wanzenried and Sen. Windy Boy were excused. ([Attachment 3](#))
- 00:00:55 Ms. O'Connell gave an overview of the agenda.
- 00:02:50 Rep. Ehli gave an overview of the upcoming meeting.

MONITORING OF MATTERS RELATED TO HEALTH AND HUMAN SERVICES

- **Youth Crisis Diversion - Jani McCall, Yellowstone Boys and Girls Ranch**

- 00:06:54 Ms. McCall discussed the legislative proposal for youth mental health crisis diversion services. ([Exhibit 1](#)) Ms. McCall discussed a letter regarding a youth going into crisis, admitted to a Missoula hospital, and then was diverted to the Youth Diversion Project in Missoula. Ms. McCall discussed the bill draft. ([Exhibit 2](#))

Committee questions

00:22:14 Sen. Murphy
00:22:43 Ms. McCall
00:24:20 Sen. Webb
00:24:58 Ms. McCall
00:25:25 Rep. Ehli
00:26:46 Ms. McCall
00:28:18 Sen. Webb
00:28:44 Ms. McCall

• **Public Comment**

00:29:30 Matt Kuntz, Executive Director, NAMI Montana
00:31:38 Erin McGowan, Executive Director, Montana Children's Initiative
00:34:42 Sydney Blair, Center for Mental Health
00:36:47 Steve Gibson, House District 84
00:40:35 Beth Breneman, Disability Rights Montana
00:42:07 Patti Jacques, Helena

• **Update on Patient-Centered Medical Homes - Adam Schafer, Deputy Commissioner of Securities and Insurance**

00:43:16 Mr. Schafer provided an update on Patient-Centered Medical Homes (PCMH) and distributed a list of PCMH Stakeholder Council Members. [\(Exhibit 3\)](#)

Committee questions

00:49:39 Rep. Ehli
00:49:56 Mr. Schafer

HJR 16 STUDY: STATE-OPERATED INSTITUTIONS

• **Committee-Requested Materials - Sue O'Connell, Staff Researcher**

00:52:13 Ms. O'Connell discussed revisions to LCCF04, Funding for DD Mobile Crisis Response [\(Exhibit 4\)](#), and LCCF05, Grants to Counties [\(Exhibit 5\)](#).

00:56:08 Ms. O'Connell discussed LCCF10, Funding for Privately Operated Forensic Prerelease Center [\(Exhibit 6\)](#), and LCCF11, Funding for State-Operated Forensic Prerelease Center [\(Exhibit 7\)](#).

00:57:08 Ms. O'Connell discussed the briefing paper "Considerations Related to LCCF10 and LCCF11". [\(Exhibit 8\)](#)

• **Perspectives on Privately Operated and State-Operated Facilities**

Kelly Speer, Chief, Facilities Program Bureau, Department of Corrections
Dave Armstrong, CEO, Alternatives Inc., Billings
Earl Johnson, Montana State Hospital Resident Council (phone)
Josh Gray, Montana State Hospital Resident Council (phone)

01:02:08 Ms. Speer gave a presentation on state-operated prerelease facilities in Montana and the differences between state and contracted facilities.

01:17:01 Mr. Armstrong gave a presentation on Alternatives Inc., a privately operated prerelease facility in Billings.

01:27:48 Mr. Johnson spoke about Montana State Hospital patients waiting for release to the community.

01:30:14 Mr. Gray discussed conditions at the State Hospital.

Committee questions

01:35:32 Sen. Webb - Mr. Armstrong

01:37:46 Rep. Ehli - Ms. Speer

01:40:19 Rep. Ehli - Mr. Armstrong

01:41:26 Sen. Webb - Mr. Armstrong

01:43:36 Rep. Ehli - Mr. Armstrong

01:47:01 Sen. Webb

01:47:20 Mr. Gray

BREAK - reconvene at 11:09 a.m.

- **Public Comment on LCCF04 and LCCF05**

02:05:58 Mike Foster, Catholic Hospitals in Montana

02:10:07 Kathy McGowan, Community Mental Centers, Montana Sheriffs and Peace Officers Association, and the Montana County Attorneys Association

02:14:33 Aart Dolman, Great Falls (**Exhibit 9**)

02:18:07 Brian Gootkin, Gallatin County Sheriff, and past president of MSPOA

02:20:34 Andy Hunthausen, Lewis and Clark County Commissioner

02:23:47 John Wilkinson, family member and member of the Lewis and Clark County Local Advisory Council

- **Public Comment on LCCF10 and LCCF11**

02:26:43 Beth Brennehan, Disability Rights Montana (**Exhibit 10**)

02:34:24 Matt Kuntz, Executive Director, NAMI Montana

02:37:05 Patti Jacques, Helena

02:41:52 John Wilkinson, family member

- **Committee Work Session**

- ▶ **Discussion/action on revisions to LCCF04 and LCCF05**

LCCF04

02:45:37 Ms. O'Connell gave an overview of LCCF04, Funding for DD Mobile Crisis Response.

Committee questions of Ms. O'Connell

02:46:50 Rep. Reichner

02:47:49 Rep. Ehli

Motion

02:48:06 Rep. Schreiner moved that LCCF04 be introduced as a committee bill.

Committee discussion

02:48:57 Ms. O'Connell
02:49:14 Rep. Schreiner
02:49:51 Rep. Ehli

02:50:33 The motion passed on a roll call vote, 6-2. [\(Attachment 4\)](#)

LCCF05

02:52:27 Ms. O'Connell gave overview of LCCF05, Grants to Counties.

Motion

02:52:56 Sen. Webb moved to introduce LCCF05 as a committee bill.

Committee discussion

02:53:54 Rep. Ehli
02:56:51 Rep. Pease-Lopez
02:57:26 Ms. O'Connell

Substitute Motion

02:58:46 Rep. Ehli moved to amend LCCF05 to the version presented in June to help communities develop new programs and maintain funding for current activities.

Committee discussion

03:00:14 Sen. Webb
03:01:13 Rep. Schreiner
03:01:35 Ms. O'Connell
03:02:28 Rep. Ehli
03:03:52 Rep. Reichner
03:04:26 Rep. Ehli
03:04:37 Rep. Reichner
03:04:53 Rep. Ehli
03:05:44 Rep. Reichner
03:06:22 Rep. Ehli
03:07:20 Rep. Schreiner
03:07:31 Ms. Sandru discussed the rule for amending motions.

Motion to amend Rep. Ehli's Substitute Motion

03:07:47 Rep. Schreiner moved to amend Rep. Ehli's substitute motion to increase the funding by \$1 million, for a total of \$2 million for the biennium.

Committee discussion

03:08:32 Rep. Pease-Lopez
03:09:14 Rep. Ehli
03:09:20 Rep. Pease-Lopez
03:09:25 Rep. Ehli

03:10:06 Rep. Pease-Lopez
03:10:13 Sen. Webb
03:10:34 Ms. O'Connell explained the differences between the version of LCCF05 presented in June and the revised LCCF05 presented in August.
03:12:19 Sen. Webb
03:12:49 Ms. O'Connell
03:12:58 Rep. Schreiner
03:14:31 Ms. O'Connell

Vote

03:17:16 Rep. Schreiner's amendment passed on a roll call vote, 6-2. ([Attachment 5](#))
03:17:30 Rep. Ehli's substitute motion passed on a roll call vote, 7-1. ([Attachment 6](#))

LUNCH - reconvened at 1:02 p.m.

• **Discussion/action on LCCF10 and LCCF11**

03:58:28 Ms. O'Connell gave an overview of LCCF10, Funding for a Privately Operated Forensic Prerelease Center, and LCCF11, Funding for a State-Operated Forensic Prerelease Center.

▶ **LCCF11**

Motion

04:02:10 Rep. Schreiner moved to amend LCCF11 to reflect the suggestions raised during the public comment period to move funding from the Department of Corrections to the Department of Public Health and Human Services and use a mental health group home model.

04:02:47 Rep. Ehli asked Rep. Schreiner to clarify his motion.

04:03:06 Rep. Schreiner said he would move to amend LCCF11 to reflect the bullet points provided by Ms. Brenneman to 1) change the facility from a prerelease center to a mental health group home; 2) appropriate money to the Department of Public Health and Human Services; and 3) allow both guilty but mentally ill and not guilty but mentally ill individuals to be placed in the facility.

Committee discussion

04:04:01 Ms. O'Connell
04:04:42 Rep. Schreiner
04:05:00 Ms. O'Connell
04:06:11 Rep. Ehli
04:08:26 Rep. Schreiner
04:09:59 Rep. Ehli
04:11:31 Rep. Schreiner
04:12:41 Sen. Murphy
04:13:08 Rep. Ehli
04:13:57 Sen. Murphy

04:14:24 Ms. O'Connell

Vote

04:15:08 Rep. Schreiner's motion to amend LCCF11 passed on a roll call vote, 6-2.
(Attachment 7)

Motion to amend LCCF11

04:17:25 Sen. Murphy moved to remove the words "for profit" found on page 4 of LCCF11.

Committee discussion

04:18:05 Ms. O'Connell

04:18:32 Sen. Murphy

04:18:49 Ms. O'Connell

04:19:27 Sen. Murphy

04:19:35 Ms. O'Connell

04:20:05 Sen. Murphy

04:21:05 Ms. O'Connell

04:21:52 **Sen. Murphy withdrew his motion.**

04:22:00 Rep. Ehli reiterated his opposition to LCCF11. He wanted to go on record as supporting the concept, but said he could not support the proposal without seeing an amended bill.

04:22:26 Ms. O'Connell said the committee could approve LCCF11 as a committee bill and authorize her to work with Rep. Schreiner or any designated member of the committee to come up with a final bill draft.

04:23:28 Rep. Ehli

04:23:53 Rep. Schreiner

04:24:27 Rep. Ehli

04-24-30 Rep. Reichner

04:25:33 Rep. Ehli

04:26:25 Ms. O'Connell

04:27:08 Rep. Schreiner

04:27:41 Rep. Ehli

► **LCCF10**

Motion

04:28:32 Rep. Schreiner moved to amend LCCF10 to appropriate the money to the Department of Public Health and Human Services rather than to the Department of Corrections to contract for a mental health group home rather than a prerelease center.

Committee discussion

04:29:43 Rep. Schreiner

04:30:30 Rep. Ehli

Vote

04:32:14 Rep. Schreiner's motion to amend failed on a roll call vote, 4-4. **(Attachment 8)**

Motion/Vote

04:33:49 Rep. Schreiner moved for approval of LCCF10 as drafted. The motion passed on a roll call vote, 5-3. **(Attachment 9)**

• **Review/final action on previously considered bill drafts (LCCF06 and LCCF07)**

04:35:39 Ms. O'Connell gave an overview of LCCF06, to appropriate \$600,000 a year for HB 131 secured detention beds, and LCCF07, to appropriate \$1 million for short-term voluntary treatment while a civil commitment proceeding is suspended.

Motion on LCCF06

04:36:28 Rep. Schreiner moved to approve LCCF06 as a committee bill. The motion passed 6-2 on a voice vote, with Rep. Reichner and Sen. Webb voting no and Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.

Motion on LCCF07

04:37:51 Rep. Schreiner moved to approve LCCF07 as a committee bill. The motion passed 7-1 on a voice vote, with Sen. Webb voting no and Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.

SJR 20 STUDY: PRESCRIPTION DRUG ABUSE

• **Committee-Requested Materials - Sue O'Connell**

04:39:43 Ms. O'Connell discussed the funding sources for the Montana Prescription Drug Registry **(Exhibit 11)**; the provisions of LCCF08, to increase and extend the fee for the drug registry **(Exhibit 12)**; the briefing paper "LCCF09: Considerations and Decision Points" **(Exhibit 13)**; and the provisions of LCCF09, to require an adult to pick up a controlled substances prescription for a minor **(Exhibit 14)**.

• **Public Comment**

04:48:03 Marcie Bough, Board of Pharmacy, reviewed the Board of Pharmacy's bill draft. **(Exhibit 15)**

04:56:41 Mike Foster, Catholic Hospitals

04:57:21 Dr. William Gallea, Montana Medical Association

05:01:40 Dave Hemion, Montana Dental Association

05:02:28 Stuart Doggett, Montana Pharmacy Association

• **Committee Work Session**

Motion on LCCF08

05:04:38 Sen. Webb moved to adopt LCCF08 with the addition of the language that was presented by the Board of Pharmacy and to include a penny-per-pill fee on dispensed prescriptions to expedite the requested changes in the prescription drug registry.

- Committee discussion
- 05:05:41 Ms. O'Connell discussed the changes that would be made to incorporate the Board of Pharmacy's language and asked if Sen. Webb wanted to remove the sunset entirely, as proposed by the board.
- 05:06:43 Sen. Webb said that he would like to extend the sunset date to 2017.
- 05:06:53 Ms. O'Connell discussed the need for additional direction and language that would be needed to create the penny-per-pill fee.
- Amendment to Motion**
- 05:07:55 Rep. Reichner moved to amend Sen. Webb's motion to remove the penny-per-pill proposal.
- 05:10:39 Rep. Reichner's amendment to Sen. Webb's motion passed on roll call vote, 7-1. [\(Attachment 10\)](#)
- Vote on LCCF08**
- 05:12:17 Sen. Webb's motion to adopt LCCF08 as amended passed, 7-1 with Sen. Murphy voting no and Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.
- Motion on LCCF09**
- 05:13:11 Sen. Webb moved to approve LCCF09 as a committee bill.
- Discussion
- 05:13:39 Rep. Ehli said he would oppose this bill.
- 05:14:29 Rep. Schreiner also opposed the bill.
- 05:15:40 The motion failed on a roll call vote, 3-5. [\(Attachment 11\)](#)
- **Review/final action on LCCF02 and LCCF03**
- 05:17:00 Ms. O'Connell gave an overview of LCCF02, allowing healthcare providers to share information with law enforcement officers, and LCCF03, allowing electronic prescribing of drugs involving controlled substances.
- Motion/Vote on LCCF02**
- 05:18:33 Sen. Webb moved to approve LCCF02 as a committee bill. The motion passed unanimously with Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.
- Motion/Vote on LCCF03**
- 05:19:19 Rep. Schreiner moved to approve LCCF03 as a committee bill. The motion passed unanimously with Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.
- **Discussion on Youth Crisis Diversion**
- 05:20:31 Rep. Schreiner asked about the proposal on youth crisis diversion.

05:20:49 Ms. O'Connell said that there is a final work session at the end of the day where items not related to a specific study can be discussed.

DRAFT FINAL REPORT

05:21:10 Ms. O'Connell gave a presentation on the draft final report of the Children, Families, Health, and Human Services Interim Committee. [\(Exhibit 16\)](#)

BREAK - reconvened at 2:52 p.m.

AGENCY MONITORING: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

- **Agency Legislative Proposals**

- ▶ **Purpose and Process of Committee Review**

05:49:06 Ms. O'Connell reviewed the purpose and process of committee review of agency legislative proposals. [\(Exhibit 17\)](#)

- ▶ **Overview of Agency Legislation**

05:50:48 Jessica Rhoades, DPHHS, gave a presentation on the bill draft proposal to provide an opportunity to "opt-out" of having immunization records included in the Montana Immunization Information System. [\(Exhibit 18\)](#)

- Committee questions

05:55:07 Rep. Ehli

05:55:12 Ms. Rhoades

- **DPHHS Update - Richard Opper, Director**

05:56:06 Director Opper distributed the Temporary Assistance for Needy Families (TANF) Parents as Scholars Report [\(Exhibit 19\)](#) and provided an update on other DPHHS activities.

- Committee questions of Director Opper

06:14:39 Rep. Reichner

06:18:54 Rep. Ehli

- **Report on the HJR 30 Study of Benefits for Veterans and Military Personnel - Casey Barrs, Research Analyst, Legislative Services Division**

06:23:55 Mr. Barrs gave a presentation on the HJR 30 Study information related to DPHHS. [\(Exhibit 20\)](#)

- **Montana Suicide Reduction Plan/Montana Suicide Review Team - Karl Rosston**

06:28:02 Mr. Rosston presented the 2015 Montana Strategic Suicide Prevention Plan. [\(Exhibit 21\)](#)

- Committee questions of Mr. Rosston

06:49:35 Rep. Ehli

GENERAL PUBLIC COMMENT

06:52:49 Patti Jacques, Helena
06:53:12 Kathy McGowan, Helena

GENERAL COMMITTEE WORK SESSION

- **Discussion/action on final report**

Motion/Vote

06:55:16 Sen. Murphy moved to accept the draft final report of the Children, Families Health, and Human Services Interim Committee. The motion passed unanimously with Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.

- **Discussion/action on DPHHS legislation**

Motion/Vote

06:56:22 Rep. Pease-Lopez moved to authorize early drafting and preintroduction of the Department of Public Health and Human Services' proposed legislation. The motion passed unanimously with Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.

- **Youth mental health crisis diversion proposed legislation**

Motion

06:57:22 Sen. Webb moved to introduce as a committee bill the legislation proposed by the Montana Children's Initiative to appropriate funds for community-based youth crisis diversion projects. [\(Exhibit 2\)](#)

Committee discussion

06:58:19 Ms. O'Connell
06:58:49 Rep. Schreiner

06:59:33 The motion passed unanimously on a voice vote with Sen. Wanzenried and Sen. Windy Boy voting yes by proxy.

- **Assignment of committee legislation**

07:01:18 Rep. Ehli discussed the need for committee members to sponsor the committee bills in the 2015 Legislature. [\(Exhibit 22\)](#)

Assignments

07:02:31 LCCF02 - Sen. Webb
07:03:14 LCCF03 - Sen. Webb
07:03:39 LCCF04 - Rep. Schreiner (Rep. Pease-Lopez as backup)
07:03:58 LCCF05 - Rep. Ehli (Rep. Pease-Lopez as backup)
07:04:05 LCCF06 - Rep. Ehli (Rep. Pease-Lopez as backup)
07:04:14 LCCF07 - Rep. Ehli (Rep. Pease-Lopez as backup)
07:05:02 LCCF08 - Sen. Webb
07:05:30 LCCF10 - Rep. Schreiner (Rep. Pease-Lopez as backup)

07:05:48 LCCF11 - Rep. Schreiner (Rep. Pease-Lopez as backup)

07:06:03 Youth crisis diversion legislation - Rep. Pease-Lopez

07:07:15 Rep. Ehli thanked the committee members, general public, and staff for their good work.

ADJOURNMENT

07:07:32 Rep. Ehli adjourned the final committee meeting at 4:12 p.m.

CI0425 4297fhxa.