



## Children, Families, Health, and Human Services Interim Committee

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### 63rd Montana Legislature

#### SENATE MEMBERS

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

#### HOUSE MEMBERS

RON EHLI--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

November 15, 2013  
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. DAVID WANZENRIED, Chair  
REP. RON EHLI, Vice Chair

SEN. TERRY MURPHY  
SEN. ROGER WEBB  
SEN. JONATHAN WINDY BOY

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

### 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**

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

- 00:01:25 Sen. Wanzenried called the meeting to order at 8:03 a.m. The committee secretary called roll. **(Attachment 3)**
- 00:02:51 Sen. Wanzenried discussed the Public Comment Guidelines.
- 00:02:59 Sen. Wanzenried introduced Rep. Schreiner, who was appointed to replace Rep. Gursky on the committee following her resignation from the Legislature.
- 00:03:23 Rep. Schreiner gave a brief introduction of himself.

### **AGENDA**

#### **DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES UPDATE - Richard Opper, Director**

- 00:04:48 Director Opper gave an update of the activities of the Department of Public Health and Human Services.

#### Committee questions

- 00:32:40 Sen. Wanzenried
- 00:33:22 Director Opper
- 00:34:46 Sen. Wanzenried
- 00:35:27 Director Opper
- 00:36:09 Rep. Ehli
- 00:37:17 Director Opper
- 00:38:57 Rep. Reichner
- 00:39:54 Director Opper
- 00:40:30 Rep. Reichner
- 00:41:19 Director Opper

#### **HJR 16 STUDY: STATE-OPERATED INSTITUTIONS**

- **MSH Admissions and Inter-Institutional Transfers - Sue O'Connell**  
00:42:53 Ms. O'Connell presented the briefing paper "Montana State Hospital Admissions by Type" **(Exhibit 1)**. She also discussed the briefing paper "Transfers Between MSH and MSP" **(Exhibit 2)**.
- **Legislative History of 46-14-312, MCA - Alexis Sandru**  
00:46:19 Ms. Sandru presented the document "The Legislative History of 46-14-312(2), MCA" **(Exhibit 3)**.

Committee questions

00:48:18  
00:49:16

Sen. Murphy  
Ms. O'Connell

- **Site Visit Follow-Up**

**Jill Buck, Psychiatric Nurse, Mental Health Director, Montana State Prison**  
**Gene Haire, Superintendent, Montana Developmental Center**  
**John Glueckert, Superintendent, Montana State Hospital**

00:51:19 Jill Buck discussed the process of transferring patients from the State Prison to the State Hospital.

00:52:31 Gene Haire provided an overview of patient movement in and out of MDC.

00:53:31 John Glueckert discussed transfers between the State Prison and the State Hospital, the use of videoconferencing for commitment proceedings, and the use of a capital improvement plan for the State Hospital.

Committee questions

00:59:56  
01:00:19  
01:00:22  
01:00:34  
01:01:10  
01:03:19  
01:04:22  
01:05:15  
01:07:26  
01:08:14  
01:10:53  
01:11:34  
01:12:07  
01:13:04

Sen. Wanzenried  
Mr. Haire  
Sen. Wanzenried  
Mr. Haire  
Rep. Ehli  
Mr. Glueckert  
Sen. Wanzenried  
Mr. Glueckert  
Sen. Windy Boy  
Mr. Glueckert  
Sen. Windy Boy  
Mr. Glueckert  
Sen. Windy Boy  
Sen. Wanzenried

- **The Continuum of Care**

- ▶ **Overview and recent developments - Sue O'Connell**

01:14:38 Ms. O'Connell discussed the documents: "Continuum of Mental Health Services" ([Exhibit 4](#)); "Recent Developments in Publicly Funded Mental Health Services" ([Exhibit 5](#)); "Community Developmental Disability Services" ([Exhibit 6](#)); "HJR 39 - An Earlier Look at Community Services for the Dually Diagnosed" ([Exhibit 7](#)); and "Continuum of Care for Chemical Dependency Services" ([Exhibit 8](#)).

Committee questions

01:20:21  
01:20:47

Sen. Windy Boy  
Ms. O'Connell

► **State Agency Discussion of the Continuum of Care - Richard Opper, Director, DPHHS**

01:21:46 Director Opper discussed DPHHS' continuum of care that serves the population at MDC, the population with mental illness, and Montanans with chemical dependency.

Committee questions

01:32:36 Rep. Ehli  
01:33:28 Mr. Glueckert  
01:34:06 Rep. Ehli  
01:34:30 Mr. Glueckert  
01:35:03 Rep. Ehli  
01:36:28 Director Opper  
01:37:26 Rep. Ehli  
01:38:16 Director Opper  
01:40:04 Sen. Webb  
01:40:48 Director Opper  
01:42:09 Sen. Webb  
01:42:34 Director Opper  
01:42:56 Sen. Murphy  
01:43:12 Director Opper  
01:43:37 Sen. Murphy  
01:43:56 Director Opper  
01:45:13 Sen. Murphy  
01:45:46 Director Opper  
01:45:57 Mary Dalton, DPHHS Medicaid and Health Services Branch Manager, discussed licensure standards and the standards of community health centers.  
01:47:04 Sen. Murphy  
01:47:34 Ms. Dalton  
01:47:53 Rep. Pease-Lopez  
01:49:05 Director Opper

**BREAK**

► **Community Provider Discussion of Continuum of Care**  
**Frank Sadowski, Missoula Developmental Services Corp.**  
**Michael Ruppert, Boyd Andrew Community Services, and Montana Addiction Services Providers**  
**Sydney Blair, Center for Mental Health**  
**Jeff Folsom, A.W.A.R.E., Inc.**

02:04:35 Fran Sadowski gave a presentation on Missoula Developmental Services Corp. and on issues related to serving developmentally disabled individuals in the community.

02:13:45 Michael Ruppert gave a presentation on community-based chemical dependency services and related issues.

02:19:28 Sydney Blair gave a presentation on services provided by community mental health centers and related issues.

02:27:07 Jeff Folsom, A.W.A.R.E., Inc., discussed the services that A.W.A.R.E. provides to people with developmental disabilities and mental illness. Mr. Folsom discussed the document, "A.W.A.R.E. Inc. Strategy Map" ([Exhibit 9](#)).

Committee questions

02:40:57 Rep. Ehli  
02:41:15 Ms. Blair  
02:41:57 Rep. Ehli  
02:42:12 Ms. Sadowski  
02:42:37 Rep. Ehli  
02:43:26 Ms. Sadowski  
02:46:50 Sen. Murphy  
02:47:20 Ms. Blair  
02:49:37 Sen. Murphy  
02:49:55 Ms. Blair  
02:50:01 Sen. Windy Boy  
02:50:40 Ms. Sadowski  
02:50:52 Sen. Windy Boy  
02:51:19 Ms. Sadowski  
02:51:44 Sen. Windy Boy  
02:52:19 Mr. Folsom  
02:53:25 Rep. Pease-Lopez  
02:54:41 Mr. Folsom  
02:55:52 Sen. Murphy  
02:56:16 Mr. Folsom  
02:56:45 Sen. Murphy  
02:56:57 Mr. Folsom  
02:57:08 Sen. Murphy  
02:57:25 Mr. Folsom  
02:57:30 Sen. Murphy  
02:57:37 Mr. Folsom  
02:57:50 Sen. Webb  
02:58:05 Ms. Blair  
02:58:38 Mr. Folsom  
02:59:18 Sen. Webb  
02:59:25 Rep. Pease-Lopez  
03:00:17 Mr. Ruppert  
03:01:35 Sen. Wanzonried

• **Public Comment**

03:04:11 Janice Reichelt of Malta, Montana, offered to answer questions about the written comments she had provided to the committee earlier.

03:04:41 Carol Dailey commented on the vision of the Montana Developmental Center and the treatment that her son had received from MDC.

03:08:24 Coralee Goni, Chief Operations Officer, Rimrock Foundation, commented on the funding sources for Rimrock.

- 03:08:59 Donna Huston, Center for Children and Families, Billings, recommended dual licensure of chemical dependency and mental health professionals, standardized assessment throughout facilities in Montana as it relates to substance abuse and co-occurring mental health disorders, and consideration of family-based, community-based treatment.
- 03:11:17 Joel Peden, Montanans for Independent Living Centers, said the centers promote community living for people with disabilities. He distributed a handout regarding the ruling in *Olmstead v. L.C.* ([Exhibit 10](#)), but did not discuss it.
- 03:15:41 Leo Gallagher, Lewis and Clark County Attorney, commented on the need for more community treatment options for people with mental illness.
- 03:20:20 John Wilkinson, family member, provided written comments on assisted outpatient treatment ([Exhibit 11](#)).
- 03:28:00 Mike Foster, representing the four partners of the Community Crisis Center in Billings, discussed a handout on the Community Crisis Center ([Exhibit 12](#)).
- 03:33:36 Pat Keim, Alternatives, Inc., discussed mental health services at the two pre-releases in Billings and the need for more community-based services.
- 03:37:07 Mike Thatcher, Community Counseling and Corrections Services, discussed the need for community-based services for criminal offenders who have mental health disorders.
- 03:42:27 Matt Kuntz, NAMI Montana, discussed the need for a review of all institutions and a need for a long-term plan. Mr. Kuntz discussed potential Montana institution revision options ([Exhibit 13](#)) that NAMI had drafted.
- 03:45:16 Mike Mahoney, Executive Director, Family Outreach, said that if MDC were to be closed, a review of the guilty but mentally ill statute is needed.
- 03:48:05 Patti Jacques, family member and NAMI member, provided written comments ([Exhibit 14](#)) to the committee.

#### **AGENCY OVERSIGHT: MEDICAID MENTAL HEALTH PROVIDER PANEL**

**Sydney Blair, Executive Director, Center for Mental Health**

**Jani McCall, Yellowstone Boys and Girls Ranch**

- 03:52:21 Sydney Blair discussed the services in mental health and what the state has done in finding alternative funding sources. She also discussed gaps in services.
- 03:56:49 Jani McCall gave an overview of the continuum of mental health services for children and suggested ideas for further improvements to the system. Ms. McCall referred the committee to the DPHHS report "Required Out-of-State Placement and Monitoring Report" ([Exhibit 15](#)).

Committee questions

04:09:09 Sen. Windy Boy  
04:09:33 Ms. McCall  
04:10:29 Sen. Windy Boy  
04:10:40 Ms. McCall  
04:11:36 Sen. Windy Boy  
04:11:57 Sen. Wanzenried  
04:12:42 Ms. McCall  
04:15:09 Sen. Wanzenried  
04:15:45 Ms. McCall

**LUNCH BREAK**

**SJR 20 STUDY: PRESCRIPTION DRUG ABUSE**

• **Medical Perspectives on Opioid Use and Abuse**

**Kaye Norris, Ph.D., Program Director, Montana Pain Initiative**  
**Dr. Camden Kneeland, Montana Center for Wellness and Pain Management (via phone)**  
**Dr. Megan Littlefield, RiverStone Health**  
**Dr. Deborah Agnew, Billings Clinic**  
**Dr. Bill Gallea, St. Peter's Hospital, Helena**

05:03:48 Kaye Norris gave a presentation on the Montana Pain Initiative ([Exhibit 16](#)).

05:13:54 Dr. Camden Kneeland gave a presentation on pain management and the use of prescription medications.

05:21:17 Dr. Deborah Agnew discussed the complexities of creating guidelines for treating patients with chronic pain.

05:33:44 Dr. Megan Littlefield gave a presentation on approaches to treatment of patients with chronic pain.

05:45:21 Dr. Bill Gallea gave a presentation on the epidemic of prescription drug abuse and diversion ([Exhibit 17](#)).

Committee questions

05:57:49 Rep. Reichner  
06:01:14 Dr. Agnew  
06:02:27 Ms. Norris  
06:03:35 Dr. Gallea  
06:05:33 Dr. Littlefield  
06:07:25 Rep. Reichner  
06:09:13 Dr. Kneeland  
06:11:51 Sen. Windy Boy  
06:12:45 Dr. Littlefield  
06:14:29 Sen. Murphy  
06:15:15 Ms. Norris

06:16:12 Sen. Murphy  
06:17:01 Ms. Norris  
06:17:36 Rep. Pease-Lopez  
06:18:20 Dr. Gallea  
06:19:18 Dr. Agnew  
06:19:50 Sen. Webb  
06:20:19 Dr. Gallea  
06:20:39 Sen. Webb  
06:20:48 Rep. Schreiner  
06:21:24 Dr. Gallea  
06:22:20 Dr. Littlefield  
06:23:25 Dr. Agnew  
06:24:26 Sen. Wanzenried  
06:24:42 Dr. Kneeland  
06:25:05 Dr. Littlefield  
06:25:47 Dr. Gallea  
06:26:00 Dr. Agnew  
06:27:05 Sen. Wanzenried

- **Montana Prescription Drug Registry**  
**Marcie Bough, Executive Director, Montana Board of Pharmacy**  
**Chad Smith, Montana Pharmacy Association**

06:29:01 Marcie Bough gave a presentation on the Montana Prescription Drug Registry Program ([Exhibit 18](#)).

06:47:11 Chad Smith gave a presentation on the role of pharmacies and pharmacists in identifying and reducing prescription drug abuse ([Exhibit 19](#)).

Committee questions

07:01:38 Sen. Windy Boy  
07:02:24 Ms. Bough  
07:03:02 Sen. Windy Boy  
07:05:04 Ms. Bough  
07:05:12 Sen. Wanzenried  
07:05:23 Mr. Smith  
07:06:54 Sen. Wanzenried  
07:07:33 Mr. Smith  
07:07:41 Ms. Bough  
07:08:02 Sen. Wanzenried  
07:08:04 Ms. Bough

**BREAK reconvened at 3:18 p.m.**



- **Law Enforcement Perspectives on Prescription Drug Abuse and Diversion**  
**Alisha Tuss, Drug Enforcement Administration, Billings**  
**Mark Long, Chief, Montana Narcotics Investigation Bureau**  
**Chad Parker, Assistant Attorney General, Prosecution Services Bureau**

07:18:26 Alisha Tuss gave a presentation on the Drug Enforcement Administration's efforts to investigate prescription drug abuse.

07:24:57 Mark Long, Chief of the Montana Narcotics Investigation Bureau, gave a presentation on the role that the Narcotics Investigation Bureau plays in the area of prescription drug abuse.

07:33:11 Chad Parker, Assistant Attorney General, Attorney General's Office, spoke on the prescription drug abuse issue from a prosecutor's perspective.

Committee questions

07:41:54 Sen. Wanzenried

07:42:11 Ms. Tuss

07:43:16 Sen. Wanzenried

07:43:27 Ms. Tuss

07:43:47 Mr. Long

07:45:02 Sen. Windy Boy

07:45:44 Ms. Tuss

07:45:47 Sen. Windy Boy

07:45:58 Ms. Tuss

07:46:02 Sen. Windy Boy

07:46:34 Ms. Tuss

07:47:04 Sen. Windy Boy

07:47:30 Mr. Parker

07:49:23 Sen. Windy Boy

07:50:14 Sen. Wanzenried

- **Public Comment on SJR 20 Study**

07:51:18 Deb Matus, Montana Medical Association, commented on the ongoing commitment of MMA to the study of prescription drug abuse.

07:52:54 Mike Foster, Catholic Hospitals of Montana, commented on the prescription drug abuse problem.

Committee questions

08:01:28 Sen. Wanzenried

08:01:56 Mr. Foster

**PUBLIC COMMENT ON ANY OTHER ISSUE BEFORE THE COMMITTEE**

08:02:50 Jackie Semmens, Montana Budget & Policy Center, said that Montana has an opportunity to improve the quality of care for many Montanans by expanding Medicaid.

- 08:03:56 Terry Minow, MEA-MFT, said that the union supports the mission and the work of Montana Developmental Center.
- 08:06:24 Rose Hughes, Montana Association of Community Disability Services, commented on placements and discharges of developmentally disabled individuals.
- 08:11:38 Laura Cowee, Intermountain, submitted Jim FitzGerald's written comments to the committee ([Exhibit 20](#)).
- 08:13:10 Erin McGowan, Executive Director, Montana Children's Initiative, said that the group is interested in working with the committee on children's crisis intervention services.
- 08:16:47 Beth Brenneman, Disability Rights Montana, distributed an overview of the proposal, "System and Institutional Redesign Proposal" ([Exhibit 21](#)). She also provided written comments regarding assisted outpatient treatment ([Exhibit 22](#)).

### COMMITTEE WORK SESSION

- **Proposed items for January agenda**
- 08:30:17 Sue O'Connell discussed proposed agenda items for the January meeting.
- **SJR 20 Study**
- 08:31:54 Sen. Webb discussed having a standard protocol for the sharing of information, getting tribal entities involved, and looking at opportunities for involving more physicians and individual prescribers.
- 08:32:58 Rep. Pease-Lopez said she is interested in the HIPPA guidelines.
- 08:34:57 Sen. Windy Boy said he would like a letter written with the presiding officer's signature outlining the parameters of SJR 20 to present to the Montana-Wyoming Tribal Leaders Council.
- **HJR 16 Study**
- 08:37:50 Rep. Pease-Lopez discussed looking at the progress that is being made for those with mental health problems that are treatable with drugs, the area of personality disorders, and childhood trauma.
- 08:40:20 Rep. Ehli said he would like to continue a discussion on capital improvement plans with DPHHS.
- 08:41:40 Sen. Windy Boy would like to have tribal representatives involved in planning for community services.
- **Agency Monitoring**
- 08:45:51 Rep. Pease-Lopez would like to hear the Department's response on the changes made at the Chemical Dependency Center.

08:46:51 Sen. Webb said he would like access to information from the Legislative Finance Committee's monitoring of the Medicaid budget.

08:47:23 Ms. O'Connell discussed having a representative from DPHHS present more information on the Title IV-E Foster Care Waiver.

- **Other items within the committee's jurisdiction**

08:47:29 Ms. O'Connell discussed the committee's interest in the uninsured population or the Medicaid population as a result of the Affordable Care Act and people's ability to get insurance.

08:47:54 Sen. Wanzonried suggested waiting until March to discuss that issue. He suggested having a representative from the Bureau of Business and Economic Research give a presentation on who makes up the uninsured population.

### **ADJOURNMENT**

08:48:54 With no further business before the committee, Sen. Wanzonried adjourned the meeting at 4:50 p.m.

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