



Children, Families, Health, and Human Services Interim Committee

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64th Montana Legislature

SENATE MEMBERS

MARY CAFERRO--Vice Chair
FREDERICK (ERIC) MOORE
DIANE SANDS
ROGER WEBB

HOUSE MEMBERS

RON EHLI--Chair
JESSICA KARJALA
ALBERT OLSZEWSKI
GORDON PIERSON

COMMITTEE STAFF

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

MINUTES LOG

March 10-11, 2016
Room 137, Capitol Building
Helena, Montana

MARCH 10, 2016

Please note: This document is a Minutes Log and provides a notation of the time elapsed between the beginning of the meeting and the time at which the item was presented or discussed, a motion was made, or a vote was taken. The narrative presented here is provided only as a guide to the audio or video record of the meeting. The official discussion, motion, or vote is available on the audio or video archive of this meeting. The Legislature does not prepare a transcript of meeting activities. The 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 Log, along with the audio and video recordings, is listed by meeting date on the interim committee's web page. Each of the Exhibits is linked and can be viewed by clicking on the Exhibit of interest. All Exhibits are public information and may be printed.

Please contact the Legislative Services Division at 406-444-3064 for more information.

COMMITTEE MEMBERS PRESENT

REP. RON EHLI, Chair
SEN. MARY CAFERRO, Vice Chair

SEN. FREDERICK (ERIC) MOORE
SEN. DIANE SANDS
SEN. ROGER WEBB

REP. JESSICA KARJALA
REP. ALBERT OLSZEWSKI
REP. GORDON PIERSON

STAFF PRESENT

SUE O'CONNELL, Lead Staff
FONG HOM, Secretary

VISITORS' LIST ([Attachment 1](#))

AGENDA ([Attachment 2](#))

COMMITTEE ACTIONS

The committee heard presentations related to its House Bill 422 study of children's mental health outcomes, Senate Joint Resolution 22 study of guardianship and Alzheimer's disease, Senate Bill 418 study of legislative mental health investments, and HB 142 (2011) review of statutory advisory councils and reports related to the Department of Public Health and Human Services.

The committee asked staff to prepare the following bill drafts for consideration and refinement at future meetings:

- repealing several DPHHS advisory councils that have not been active in recent years and several reports that have not been prepared recently;
- incorporating proposals by the Montana Alzheimer's/Dementia Work Group to create a state Alzheimer's/dementia services facilitator, increase community-based placement options, increase funding for respite services, and provide services and supports for the non-Medicaid population by providing funding to area agencies on aging;
- implementing National Guardianship Association standards of practice;
- establishing a working interdisciplinary network of guardianship stakeholders (WINGS) program; and
- implementing model legislation designed to protect vulnerable adults from financial exploitation.

The committee also asked for additional information on:

- financing concerns related to secure psychiatric detention beds in the community;
- options for increasing the community capacity for prescribing of psychiatric medications, including the use of clinical pharmacists practitioners;
- information technology systems that could be used to collect data on children's mental health outcomes; and
- how other states handle the removal of children from their homes when an immediate threat to their health or safety exists and whether Montana statutes related to removal should be changed.

CALL TO ORDER AND ROLL CALL

00:00:02 Rep. Ehli called the meeting to order at 9:10 a.m. The committee secretary called roll. ([Attachment 3](#))

SJR 22 STUDY: GUARDIANSHIP LAWS AND SERVICE DISEASE

Introduction - Sue O'Connell, Staff Researcher

00:01:23 Ms. O'Connell

Alzheimer's Work Group: Update and Recommendations

Dr. Pat Coon, Billings Clinic
Claudia Clifford, Advocacy Director, AARP Montana

00:03:14 Dr. Coon (**Exhibit 1**)
00:10:38 Ms. Clifford (**Exhibit 2**)

Committee Questions

00:32:59 Rep. Ehli asked about the work group's plan.
00:42:15 Rep. Olszewski asked Ms. Clifford about resources for the plan.
00:44:56 Sen. Webb asked Ms. Clifford about the amount of the federal grant for the Lifespan Respite Program.
00:45:48 Kelly Williams, administrator of the Senior and Long-Term Care Division of the Department of Public Health and Human Services, discussed the Lifespan Respite Program and the funding for that program. (**Exhibit 3**)
00:46:31 Sen. Webb asked Ms. Williams how many people use the program and the availability of slots in the Big Sky Medicaid Waiver program.
00:48:30 Sen. Caferro asked Ms. Williams whether DPHHS has established priorities for the next executive budget, including whether it will increase community services or seek additional beds at the Montana Mental Health Nursing Care Center.
00:54:57 Sen. Caferro asked that Ms. Williams develop cost estimates for tiered services.
00:57:27 Sen. Webb asked Ms. Williams about the applications for the respite program.
00:58:43 Sen. Caferro asked Ms. Clifford about the reimbursement rate for providers who serve people with Alzheimer's and dementia-related diseases.
01:00:32 Sen. Caferro asked for clarification of the term "facility for extended care".
01:02:09 Sen. Caferro asked the panelists to speak to the statement "the reason people end up in the State Hospital is because they have failed in every setting in the community".
01:05:35 Sen. Sands asked Dr. Coon about workforce education and development.

Panel Presentation: Guardianship Training and WINGS Programs (by phone)

Julia Nack, National Master Guardian, Director of Volunteer Guardian Program, Central Ohio Area Agency on Aging

Shirley Bondon, Health and Aging Policy Fellow Manager, Washington Office of Guardianship and Elder Services

01:18:36 Ms. Nack (**Exhibit 4**)

Committee Questions of Ms. Nack

01:29:28 Rep. Karjala asked about annual plans that are submitted by the guardians.
01:38:37 Sen. Webb asked how many clients Ms. Nack's agency supports.
01:40:23 Sen. Sands asked about the district court control of the guardianship program.
01:46:46 Rep. Karjala asked about identifying other areas of conflict of interest.

01:44:04 Ms. Bondon (**Exhibit 5**)

Committee Questions of Ms. Bondon

01:58:57 Sen. Webb asked if guardianship training is available online.
01:59:53 Rep. Ehli asked about the three levels of guardianship and how they are funded.
02:08:10 Ms. Bondon gave a presentation on the working interdisciplinary network of guardianship stakeholders (WINGS). (**Exhibit 5, slide 14**)

Ethics and Standards for Guardians - Terry Hammond, Chair of State Affairs Committee, National Guardianship Association (by phone)

02:18:48 Mr. Hammond ([Exhibit 6](#))

Committee Questions of Mr. Hammond

02:38:18 Rep. Ehli asked about the National Guardianship Association and the number of states and organizations that are members.

Panel Presentation: Financial Protections

Meghann McKenna, McKenna Financial, Bozeman
Jesse Laslovich, Chief Counsel, State Auditor's Office

02:48:58 Ms. McKenna ([Exhibit 7](#))

02:56:34 Mr. Laslovich ([Exhibit 8](#))

Committee Questions of Mr. Laslovich

03:05:07 Rep. Karjala asked about good faith judgment and exercising reasonable care for a disabled person who has a medical trust.

03:10:02 Rep. Olszewski asked Mr. Laslovich to check with the three states that have adopted model legislation to see if there is a decrease in the number of exploitation cases or an increase in successful litigation.

03:13:45 Rep. Ehli asked if the State Auditor's Office sees a lot of inquiries into financial exploitation of the elderly.

Public Comment on the SJR 22 Study

03:19:48 Susan Bailey, Voice for Senior Guardianship Committee, Billings ([Exhibit 9](#))
([Exhibit 10](#))

03:27:52 Denise Armstrong, Big Sky Senior Services, Billings

03:34:39 Rose Hughes, Montana Health Care Association

03:41:58 Claudia Clifford, AARP Montana ([Exhibit 11](#))

03:43:59 Erin McGowan, Area Agencies on Aging

03:47:00 Jerilee Wilkerson, Area IV Agency on Aging, Helena

03:48:05 Matt Kuntz, NAMI Montana

03:50:20 Casey Blumenthal, Montana Hospital Association

03:51:57 Alicia Smith, family caregiver, Bozeman

03:53:26 Ms. O'Connell distributed public comments from Beth Brenneman, Disability Rights Montana ([Exhibit 12](#)) and Sylvia Danforth, Lifespan Respite Coalition ([Exhibit 13](#)).

LUNCH (reconvened at 2:05 p.m.)

HOUSE BILL 422 STUDY: CHILDREN'S MENTAL HEALTH STUDY

Introduction - Sue O'Connell, Committee Researcher

04:55:43 Ms. O'Connell ([Exhibit 14](#))

Panel Presentation: Outcomes Proposals from Providers

Jani McCall, Legacy Provider Group/Yellowstone Boys & Girls Ranch
Jeff Folsom, A.W.A.R.E., Inc.

05:00:32 Ms. McCall (**Exhibit 15**)
05:01:29 Mr. Folsom

Committee Questions

05:19:32 Sen. Webb asked Ms. McCall if the data would be available by the 2019 legislative session.
05:20:37 Rep. Karjala asked if the panelists had set any criteria or qualifications in their proposal for contracting with a provider.
05:25:28 Rep. Ehli asked Ms. McCall about the proposed pilot program.
05:37:20 Sen. Caferro asked if the collection of the data, the reporting of the data, and the analysis of the data will drive up the costs of programming.
05:47:38 Sen. Webb asked if the data collection will be available for future interim committees.
05:50:20 Rep. Karjala asked for an explanation of the choice behind children with serious emotional disturbance and why that determines the baseline rather than prevention of suicides.
05:56:30 Rep. Ehli commented on the great discussion between the panelists and the committee members.

Data Collection and Analysis

Zoe Barnard, Chief, DPHHS Children's Mental Health Bureau
Bob Peake, Director of Youth Court Services, Office of the Court Administrator

06:00:27 Ms. Barnard
06:06:18 Mr. Peake

Committee Questions

06:14:40 Sen. Webb asked Ms. Barnard about a project called the Child and Adolescent Needs and Strengths Assessment (CANS).
06:17:20 Sen. Sands asked whether the bureau had a database it could use to collect outcomes data.
06:17:42 Rep. Ehli asked Mr. Peake about the value of outcome measures.
06:23:29 Sen. Webb asked Ms. Barnard about why the state has not collected data on children's mental health outcomes.
06:24:08 Sen. Sands asked Ms. Barnard if she is advocating for the department to create or purchase a system for data collection.

Public Comment on the HB 422 Study

06:25:20 Sally Bisch, Montana Association of Christians
06:28:37 Donna Huston, The Center for Children and Families, Billings
06:31:52 Matt Kuntz, NAMI Montana
06:33:59 Dan Aune, Mental Health America Montana
06:35:28 Erin McGowan, Montana Children's Initiative

AGENCY OVERSIGHT: HOUSE BILL 142 REVIEW

Overview of DPHHS Advisory Councils and Reports - Sue O'Connell

06:37:26 Ms. O'Connell ([Exhibit 16](#))

Committee Questions

06:43:58 Sen. Sands asked about other interim committees' decisions to keep or eliminate reports or advisory councils.

06:45:53 Rep. Ehli recommended that the committee review the councils and reports and be ready to discuss the topic during the March 11th work session.

Public Comment on the HB 142 Review - None.

AGENCY OVERSIGHT: STAFF REPORTS

Administrative Rule Report

Committee Attorney Alexis Sandru was not present to give the Administrative Rule Report. ([Exhibit 17](#))

SB 405: Medicaid Expansion - Sue O'Connell

06:47:49 Ms. O'Connell ([Exhibit 18](#))

Committee Questions

06:50:30 Rep. Olszewski asked about the number of people who are currently in the Medicaid program.

SB 411: MDC Closure - Sue O'Connell

06:52:12 Ms. O'Connell ([Exhibit 19](#))

Committee Questions

06:59:37 Rep. Ehli asked about the number of clients transitioning to A.W.A.R.E. and to Benchmark, and the final closure date for the Montana Developmental Center.

SB 423: Montana Marijuana Act - Sue O'Connell

07:03:04 Ms. O'Connell ([Exhibit 20](#)) ([Exhibit 21](#)) ([Exhibit 22](#))

Committee Questions

07:18:07 Sen. Sands discussed looking at the implication of the Supreme Court's ruling and reviewing whether changes are needed to SB 423.

AGENCY OVERSIGHT: DPHHS Update and Reports - Richard Oppen, Director, Department of Public Health and Human Services

07:13:35 Director Oppen discussed the following topics:
07:20:04 Staff changes and the position for director of the Office of Indian Health
07:24:56 Governor's Council on Health Care Innovation and Reform
07:28:44 Project ECHO
Medicaid Expansion

Committee Questions of Director Opper

- 07:28:03 Sen. Sands asked about the possibility of the governor calling a special session on the medical marijuana issue.
- 07:33:29 Rep. Olszewski asked about the number of people eligible for the workforce programs offered to Medicaid expansion participants.
- 07:36:33 Rep. Ehli asked about the director position for the Office of Indian Health and the executive budgeting process.
- 07:41:02 Sen. Sands asked about a pilot project to collect data as proposed in HB 422.
- 07:46:28 Rep. Ehli asked about the department having a proposal for some type of data collection information system.
- 07:47:13 Rep. Ehli asked about the federal matching rate for Medicaid.

PUBLIC COMMENT on any other topic in the committee's jurisdiction

- 07:51:23 Alicia Smith, Bozeman, commented on Dr. Arzubi's psychiatric training track proposal.
- 07:52:13 Jeff Folsom, A.W.A.R.E., Inc., distributed the Mission Statement of A.W.A.R.E. ([Exhibit 23](#)) and a report on the transition of patients from the Montana Developmental Center to A.W.A.R.E. ([Exhibit 24](#)).
- 08:00:53 Rebecca Richards, parent, commented on providing care for her child who has cystic fibrosis and the decrease in available care. ([Exhibit 25](#))
- 08:05:04 Dave Richards, parent, commented on the cystic fibrosis clinics in Great Falls that have improved the care of his daughter.

RECESS

- 08:09:21 With no further business before the committee, Rep. Ehli recessed the meeting at 5:19 p.m., to reconvene at 8:00 a.m. on March 11, 2016.

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