



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

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

### 66th Montana Legislature

#### SENATE MEMBERS

JOHN ESP  
MARY MCNALLY  
ALBERT OLSZEWSKI  
DIANE SANDS

#### HOUSE MEMBERS

BARBARA BESSETTE  
MARY CAFERRO  
DENNIS LENZ  
FREDERICK (ERIC) MOORE  
GORDON PIERSON  
TOM WELCH

#### COMMITTEE STAFF

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

# MINUTES LOG

July 30, 2019 Conference Call  
Room 137, Capitol Building  
Helena, Montana

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>. From the homepage, select the "Committees" drop down menu at the top, then select Administrative or Interim, and the appropriate committee. The written minutes log can be located by expanding the accordion menu, Meeting Minutes. Links to the audio/video files can be located by selecting the Video/Audio button on the same page, then the "past/current recordings" button. From here, use the calendar to select the date of the meeting you wish to view/listen to.

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

### **COMMITTEE MEMBERS PRESENT**

SEN. JOHN ESP (*phone*)  
SEN. MARY MCNALLY (*phone*)  
SEN. ALBERT OLSZEWSKI (*phone*)  
SEN. DIANE SANDS

REP. BARBARA BESSETTE (*phone*)  
REP. MARY CAFERRO  
REP. DENNIS LENZ (*phone*)  
REP. FREDERICK (ERIC) MOORE (*phone*)  
REP. TOM WELCH (*phone*)

### **COMMITTEE MEMBERS EXCUSED**

REP. GORDON PIERSON

### **STAFF PRESENT**

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

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

## AGENDA ([Attachment 2](#))

### COMMITTEE ACTIONS

The Committee met by conference call to hear a presentation and take public comment, as required by law, on the waiver application the Department of Public Health and Human Services must submit to the federal government to continue Medicaid expansion in accordance with House Bill 658 (2019). That bill imposes community engagement requirements for certain expansion enrollees and also calls for gradually increasing premiums from 2% to 4% of an enrollee's income, depending on the number of years the person remains in the expansion program.

The Committee also reviewed and adopted a revised interim work plan, after deciding to decrease the number of hours spent on a study of the child protective services system in order to reserve 5 hours of committee time to hear about any health and human services issues that may emerge during the interim.

### CALL TO ORDER -- ROLL CALL -- *Rep. Eric Moore, Presiding Officer*

10:32:45 Rep. Eric Moore called the meeting to order at 10:32 a.m. The secretary called roll. Rep. Gordon Pierson was excused. ([Attachment 3](#))

### MEDICAID EXPANSION: Waiver Application

#### Overview of Waiver Application -- *State Medicaid Director Marie Matthews*

10:35:09 Ms. Matthews ([Exhibit 1](#))

#### Questions of Ms. Matthews

- 10:58:24 Sen. John Esp referred to page 21 of Ms. Matthews' presentation and asked about the reasonable promptness requirement.
- 10:59:50 Sen. Esp referred to page 17 of Ms. Matthews' presentation and asked about the number of enrollees who would be exempt from reporting requirements.
- 11:01:32 Sen. Esp asked about the number of Medicaid expansion enrollees who would be exempt from work requirements.
- 11:02:17 Sen. Esp referred to Ms. Matthews' comment that some enrollees would be required to work in other programs and therefore are exempt from the HB 658 requirement, and asked how many of the 74,000 enrollees would be required to work in other programs.
- 11:03:44 Sen. Esp asked for more information on enrollees who would have to meet the work requirements.
- 11:04:28 Rep. Eric Moore commented on the difference between work requirements and reporting requirements.
- 11:05:44 Rep. Mary Caferro thanked Ms. Matthews and DPHHS staff for their work on House Bill 658. She said that she is concerned about what impacts the work requirements in HB 658 would have on access to health care.

- 11:07:50 Rep. Mary Caferro asked Ms. Matthews to comment on concerns raised nationally that Medicaid expansion has increased opioid addiction.
- 11:08:43 Ms. Matthews deferred Rep. Caferro's question to Sheila Hogan, Director, Department of Public Health and Human Services.
- 11:09:00 Sheila Hogan, Director, Department of Public Health and Human Services, discussed trends in opioid use in Montana.
- 11:11:37 Lesa Evers, Tribal Relations Manager, DPHHS, discussed opioid use in Indian Country.
- 11:14:42 Rep. Dennis Lenz referred to page 17 of the presentation regarding the data on the work/community engagement requirements and asked for clarification on compliance with work and reporting requirements.
- 11:17:26 Rep. Lenz asked about the term "exempt" in reference to the 74,000 Medicaid enrollees who are exempt or compliant.
- 11:20:24 Sen. Sands asked if the evaluation that was done for the current program is available online.

**PUBLIC COMMENT on waiver application**

- 11:21:35 Jennifer Hensley, PacificSource Health Plans
- 11:26:59 Jackie Mohler, past president, Montana Association for Behavior Analysts, commented on the Medicaid expansion waiver and also submitted public comment from Diana Tavary ([Exhibit 2](#)).
- 11:31:02 David Wojciechowski, Synergetics
- 11:32:51 Rep. Mary Ann Dunwell, House District 84

**REVISED DRAFT INTERIM WORK PLAN** -- Sue O'Connell, Research Analyst

- 11:36:41 Ms. O'Connell discussed the *Revised Work Plan*. ([Exhibit 3](#))
- 11:39:31 Ms. O'Connell discussed the Time Allocation Worksheet. ([Exhibit 4](#))

**Questions**

- 11:41:25 Sen. Mary McNally thanked Ms. O'Connell for the work plan.
- 11:42:07 Sen. Sands discussed the issue of the recent removal of children from a private alternative adolescent residential treatment program.
- 11:42:41 Sen. Esp commented on the Time Allocation Worksheet.

**PUBLIC COMMENT on the revised work plan, study assignments and any other item within the committee's jurisdiction**

None.

## **COMMITTEE WORK SESSION**

### **Medicaid Waiver Application**

No discussion from the committee.

#### **Revised Work Plan**

- 11:44:13 Rep. Caferro suggested reducing the time spent on the HJR 48 and 49 studies from 35 hours to 25 hours, increasing the time spend on the HJR 50 study from 20 hours to 25 hours, and allocating 5 hours for emerging issues.
- 11:45:42 Rep. Lenz said he was pleased that the committee had decided in June to allocate 35 hours towards the HJR 48/49 study of child protective services.
- 11:47:04 Sen. Sands reminded the committee that it can revise the work plan as the interim progresses if some issues will need more time. She said that it is important to save 5 hours for emerging issues.
- 11:48:12 Sen. Esp said that he is in agreement with Sen. Sands and that the committee can adapt the work plan as time goes forward.
- 11:49:00 Rep. Lenz suggested dropping 5 hours from the children protective services study and putting that into emerging issues but retaining flexibility to add time back to the HJR48/49 study if the additional time isn't needed for emerging issues.
- 11:49:40 Sen. Olszewski concurred with Sen. Esp and Rep. Lenz.
- 11:49:52 Rep. Moore agreed and asked Rep. Caferro if she was satisfied with that approach.
- 11:50:25 Rep. Caferro said she believes that 20 hours is not enough time for the HJR 50 study of the DPHHS Senior and Long-Term Care Division but would accept the committee's consensus and see if more time was available for it later in the interim.
- 11:51:03 Sen. McNally concurred with Rep. Caferro.
- 11:51:25 Rep. Moore asked Ms. O'Connell about the committee's next steps.
- 11:51:36 Ms. O'Connell said the Legislative Council rules require the adoption of a work plan.

#### **Motion/Vote**

- 11:51:50 Sen. Sands moved to adopt the revised work plan with the changes as discussed. The motion carried unanimously by voice vote.
- 11:52:47 Rep. Moore asked if the committee must take any action with regard to the Medicaid expansion waiver application.
- 11:52:56 Ms. O'Connell said that the statute requires that DPHHS present the waiver to the committee and that public comment is heard, but that the committee is not required to take action.

**Next meeting date**

11:53:51 Ms. O'Connell said that the next scheduled meeting date is September 13, 2019.

**Report on CSG Meetings** -- *Sen. Diane Sands*

11:53:57 Sen. Sands reported that she will be attending the medical marijuana session at the Council of State Governments Conference in Denver. She reported on her attendance at the Chairs' Forum on Foster Care session at the CSG-Big Sky Conference that was held in mid-July.

**Further Business**

- 11:54:37 Sen. Esp and Sen. McNally asked for a matrix of meeting dates for all interim committees.
- 11:55:29 Rep. Caferro suggested including the Native American communities in panel presentations scheduled for the committee's studies.
- 11:56:41 Sen. Sands commended the Department of Public Health and Human Services, the Department of Justice, the FBI, and local law enforcement on the recent removal of children from the private alternative adolescent residential treatment program.

**ADJOURNMENT**

11:57:34 With no further business before the committee, Rep. Moore adjourned the meeting at 11:57 a.m.

CI0425 9212fhxa.