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**CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM
COMMITTEE**
67th Montana Legislature

SENATE MEMBERS

John Esp
Mary McNally
Albert Olszewski
Diane Sands, Vice Chair

HOUSE MEMBERS

Barbara Bessette
Mary Caferro
Dennis Lenz
Frederick (Eric) Moore, Chair
Gordon Pierson
Tom Welch

COMMITTEE STAFF

Sue O'Connell, Research Analyst
Alexis Sandru, Attorney
Fong Hom, Secretary

MINUTES LOG

Zoom Conference Meeting

May 11, 2020

Remote Room 102, Capitol Building
Helena, Montana

Please note: This document is a Minutes Log and provides annotation 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 recording 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 the meeting activities. The time designation may be used to locate the referenced discussion on the audio or video recording of this meeting.

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ROLL CALL

Members Present Remotely:

Rep. Frederick (Eric) Moore, Chair
Sen. Diane Sands, Vice Chair
Rep. Barbara Bessette
Rep. Mary Caferro
Sen. John Esp
Rep. Dennis Lenz
Sen. Mary McNally
Sen. Albert Olszewski
Rep. Gordon Pierson
Rep. Tom Welch

Staff Present Remotely:

Sue O'Connell, Research Analyst
Alexis Sandru, Attorney
Fong Hom, Secretary

AGENDA (Attachment 1)

COMMITTEE BUSINESS SUMMARY

The Committee heard presentations related to its House Joint Resolution 50 study of senior and long-term care services, focusing on:

- services provided to older Montanans through provider agencies;
- Alzheimer's disease in Montana; and
- the adult protective services provided by the Department of Public Health and Human Services.

The committee also heard from DPHHS on the public health and human services effects of COVID-19 in Montana.

Members asked that DPHHS provide information about the effects of legislation passed in 2019 to address financial exploitation of vulnerable adults and for information from the Legislative Fiscal Division about revenue collections from the nursing home bed tax and whether the availability of the Community First Choice program has reduced the need for higher levels of care.

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

- 12:32:00 Rep. Eric Moore called the meeting to order at 12:32 p.m. The committee secretary called roll. Sen. Diane Sands joined the meeting at 12:44 p.m.
- 12:33:46 Sue O'Connell, Research Analyst, gave an overview of the meeting and the meeting documents. [\(Exhibit 1\)](#)

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES COVID-19 Update - Sheila Hogan, Director, and Todd Harwell, Administrator of the Public Health and Safety Division

- 12:39:08 Director Hogan gave an update on what the agency is doing to make sure Montanans have access to the department's public assistance and human services programs during the COVID-19 pandemic. [\(Exhibit 2\)](#)
- 12:46:43 Mr. Harwell provided an update on the state, local, and tribal public health response to the COVID-19 pandemic. [\(Exhibit 3\)](#)

Committee Questions

- 13:01:54 Rep. Moore asked Mr. Harwell about the science of warmer temperatures on the COVID virus.
- 13:02:59 Sen. Sands asked Director Hogan about the use of federal pandemic funds.
- 13:05:41 Rep. Moore asked Director Hogan about the child abuse and neglect reports after the lockdown began and if the trend has flattened out or increased.
- 13:07:19 Rep. Caferro asked Director Hogan about the housing situation for Montanans during the pandemic.
- 13:11:10 Rep. Pierson asked Mr. Harwell if there has been any distribution of tests to the Montana State Prison and about the accuracy of the different types of tests. Rep. Pierson also asked about antibody testing and the collection

of data regarding the number of people who have not been tested that had symptoms and were possibly COVID-19 positive.

- 13:16:25 Sen. Esp asked Mr. Harwell about the median age of the people that have died due to COVID-19. Sen. Esp commented about getting people back to work and lowering the restrictions of reopening the state.
- 13:18:50 Rep. Caferro asked about support for children in foster care homes.
- 13:19:45 DPHHS Deputy Director Laura Smith and Director Hogan responded to Rep. Caferro's question.
- 13:23:03 Rep. Caferro thanked the department for its work and said that foster care parents are often times left out when discussing providers.

GENERAL PUBLIC COMMENT

- 13:25:13 Beth Brenneman, Disability Rights Montana
- 13:27:19 Travis Hoffman, Advocacy Coordinator at Summit Independent Living
- 13:30:57 Heather O'Loughlin, Montana Budget and Policy Center

HJR 50 STUDY: SENIOR AND LONG-TERM CARE

Overview of Staff Briefing Papers - Sue O'Connell, Research Analyst

- 13:38:14 Ms. O'Connell gave an overview of the three briefing papers on the HJR 50 Study of Senior/Long-Term Care: Policy Changes and Their Origins ([Exhibit 4](#)); 2019 Budget Cuts and Restorations ([Exhibit 5](#)); and Summary of Suggestions ([Exhibit 6](#)).

Aging Services Programs

Alzheimer's Association

- 13:43:13 Hannah VanHoose, Public Policy Director, Alzheimer's Association, Montana Chapter ([Exhibit 7](#))
- 13:46:31 Barbara Schneeman, RiverStone Health/Alzheimer's Association Advocate

Montana Area Agencies on Aging Association

- 13:53:17 Adrienne Cotton discussed the services that the Area Agencies on Aging offers. ([Exhibit 8](#))

Advocacy and Outreach, AARP Montana

- 13:59:07 Mike Batista ([Exhibit 9](#))

Committee Questions

- 14:11:32 Rep. Moore asked Ms. Cotton about the continuation of the Meals on Wheels program during the COVID-19 crisis.
- 14:13:01 Sen. Sands asked about recruitment, training, and wage issues in the workforce.

- 14:13:59 Ms. VanHoose responded.
- 14:15:37 Sen. Sands asked Ms. VanHoose about the employee turnover rate and how that compares nationally.
- 14:16:24 Sen. Sands asked about restoration of the budget cuts from 2017.
- 14:16:46 Ms. Cotton provided more information to Sen. Sands' question regarding the workforce.
- 14:17:41 Sen. Sands asked about people not receiving services in rural communities and having to move in order to access those services.
- 14:19:06 Sen. McNally said that the direct care worker wage was one of the things that was not restored in the budget cuts.

**Department of Public Health and Human Services Aging Services Programs
DPHHS Adult Protective Services Bureau**

- 14:21:06 Michael Hagenlock, Bureau Chief, DPHHS Adult Protective Services Bureau ([Exhibit 10](#))

Committee Questions of Mr. Hagenlock

- 14:38:15 Sen. Sands asked about comparing the bureau's caseload to the national average.
- 14:41:55 Sen. Sands asked Mr. Hagenlock about cultural training for the Native American communities that tend to be more isolated and have a different set of issues. She also asked if jurisdictional issues exist relative to the tribes.
- 14:44:24 Rep. Caferro discussed HB 24 that allowed financial advisers to delay payment while the Insurance Commissioner investigates suspected financial exploitation. Rep. Caferro asked Mr. Hagenlock to provide an update on how that system is working.

Senior and Long-Term Care Appropriation Trends - Legislative Fiscal Division

- 14:47:25 Josh Poulette, Legislative Fiscal Division ([Exhibit 11](#))

Committee Questions

- 14:57:35 Rep. Moore asked about the appropriations for the Senior and Long-Term Care Division.
- 15:00:16 Rep. Caferro asked whether the Community First Choice program has led to a decrease in the use of higher levels of care. She also asked about the revenue generated from the nursing home bed tax and whether it's been affected by the decrease in nursing home bed days.
- 15:04:19 Rep. Caferro asked if Mr. Poulette had prepared a Medicaid monitoring report for this committee or for the Finance Committee.
- 15:04:38 Jon Arnold, Legislative Fiscal Division, reported that the last Medicaid Monitoring Report was done in March.

2019 Biennium Budget Cuts/Restorations - Senior and Long-Term Care Division

- 15:05:43 Barb Smith, Division Administrator ([Exhibit 12](#))
- 15:19:06 Ms. Smith provided additional information on restoring reductions in direct care wages and on the challenges of providing services in rural areas.

Committee Questions of Ms. Smith

- 15:21:08 Rep. Caferro asked if there is a measurement in place to see if, by increasing the reimbursement rate, more assisted living facilities are able to take people who are on Medicaid. She also asked about the funding source.
- 15:24:12 Rep. Moore asked about putting more money into community care and in-home care and trying to reduce care in more expensive settings.

Public Comment on the HJR 50 Study

- 15:26:18 Written testimony submitted by Amanda Hawley, Staffing Solutions ([Exhibit 13](#))
- 15:27:23 Rose Hughes, Executive Director, Montana Healthcare Association
- 15:37:27 Beth Brenneman, Staff Attorney, Disability Rights Montana
- 15:45:00 Travis Hoffman, Advocacy Coordinator for Summit Independent Living, Missoula
- 15:49:25 Joel Peden, Advocacy Coordinator for Montana Independent Living Project

Committee Discussion and Direction on HJR 50 Study

- 15:55:51 Rep. Moore asked Mr. Poulette to comment on waiver slots vs. reimbursement rates.
- 16:01:49 Rep. Moore asked Mr. Poulette about the number of people on the wait list over the last four years.
- 16:02:30 Rep. Lenz asked Mr. Poulette if one waiver slot is the equivalent of one person.
- 16:05:36 Rep. Moore asked Mr. Poulette about the revenue numbers going into the 2021 session. He also asked about the revenue shortfalls in the 2017 Special Session.
- 16:08:08 Sen. McNally asked Mr. Poulette to elaborate on his statements about the decreased number of people on the waiver wait list.
- 16:09:55 Ms. Smith discussed the decrease in the waiting list.
- 16:11:41 Rep. Moore asked if the Big Sky Waiver was ever benchmarked against other states that have similar long-term care systems.
- 16:12:21 Rep. Caferro commented that it doesn't make sense to continue to increase slots as far as the expenditures go if the reimbursement rates aren't high enough for providers to take Medicaid participants.

- 16:20:14 Mr. Poulette discussed the guidance of the COVID-19 federal relief money.
- 16:20:44 Sen. Esp said that the committee should look at the existing budget and come up with priorities to pass onto the appropriations subcommittee when the 2021 Legislature starts.
- 16:22:16 Rep. Lenz said that he has concerns about the unknowns on the loss of providers in the state that will affect the wait list.
- 16:24:28 Rep. Caferro suggested that the committee take some time to think about the ideas that the committee heard today.
- 16:24:58 Rep. Moore discussed drafting a letter to the congressional delegation regarding Montana's likely budget deficit and asking that the state have some flexibility with the COVID-19 relief funds.
- 16:25:45 Sen. Esp said he would not support that. He said Montana should use the funds as intended and deal with whatever shortfalls exist as allowed by law.
- 16:28:22 Ms. O'Connell discussed the topics for the May 13 meeting.

RECESS

- 16:30:14 Rep. Moore recessed the meeting at 4:30 p.m., to reconvene at 1:00 p.m. on May 13, 2020.