



## 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

November 14, 2019

Board of Oil and Gas Conservation Meeting Room  
2535 St. John's Avenue  
Billings, 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  
SEN. MARY MCNALLY  
SEN. ALBERT OLSZEWSKI  
SEN. DIANE SANDS

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

### **COMMITTEE MEMBERS EXCUSED**

### **STAFF PRESENT**

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

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

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

### **COMMITTEE ACTIONS**

During a two-day meeting in Billings, the Committee heard presentations and visited sites related to three of its studies. Study activities included:

- presentations and a demonstration related to a perinatal behavioral health initiative funded by the Montana Healthcare Foundation and the Department of Public Health and Human Services to screen pregnant women for substance use and mental health disorders and connect them with appropriate treatments;
- a panel discussion of issues affecting nursing homes and assisted living facilities, as well as tours of two facilities; and
- information from parties who represent children, parents, and DPHHS in abuse and neglect cases, district judges who hear the cases, and DPHHS caseworkers who investigate abuse and neglect reports and work with families whose children have been removed from the home.

The committee also visited Passages community corrections facility and spoke with women offenders whose children are in foster care; toured psychiatric facilities at the Billings Clinic; and visited the Billings Community Crisis Center.

The committee also received several DPHHS reports that are required by law, heard an agency update from DPHHS Director Sheila Hogan, and received a summary of public comment related to proposed administrative rules revising public health standards for schools. Members asked to review the final version of the rules before DPHHS adopts the rules and also asked that an agency representative speak about the public health reasons behind the proposed rules when the committee meets in January.

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

08:02:25 Rep. Eric Moore called the meeting to order at 8:02 a.m. The committee secretary called roll. ([Attachment 3](#))

08:04:00 Ms. O'Connell gave an overview of the agenda.

### **AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

#### **Administrative Rule Review**

#### **Rule Report** - Alexis Sandru, Committee Attorney

08:04:58 Ms. Sandru ([Exhibit 1](#))

08:05:28 Sen. Sands commented on the hearing that was held regarding the adoption of new rules for private alternative adolescent residential programs (PAARPs).

## **Update on School Health Rules - Robert Lishman, DPHHS Office of Legal Affairs**

08:06:22 Mr. Lishman ([Exhibit 2](#))

### **Committee Questions of Mr. Lishman**

08:12:07 Sen. Sands asked if the \$192,000 that the Department of Environmental Quality has is for testing lead levels or replacing the lead faucets in schools and what the costs of remediation will be.

08:14:04 Rep. Moore asked about the testing requirements; the deadline for schools to complete the testing; and if the \$192,000 is a one-time-only source of funding.

08:17:46 Sen. Esp commented on the need to understand the scope of the problem before mandating a solution that has an unknown cost.

08:18:36 Sen. Olszewski asked about the current acceptable level of lead in water for schools and for the state and about the current lead level requirements.

08:20:13 Sen. Olszewski asked if there has been any pilot testing.

08:20:56 Sen. Sands asked if Mr. Lishman would comment on the impact that remediation might have on schools, particularly in terms of costs.

08:24:06 Rep. Moore asked where the department is procedurally with the rulemaking process and whether the committee will see the final language of the rule before it is adopted.

08:25:48 Rep. Moore requested that the committee see the actual language that is going into the administrative rules before DPHHS adopts the rule.

08:26:55 Sen. Olszewski asked whether the lead testing rules will apply to the Stars to Quality program.

08:27:37 Rep. Caferro asked if someone from DEQ could speak about the public health impact or environmental impact on children.

08:31:07 Rep. Caferro said that the costs of the impact to children's health could far outweigh the costs of the testing.

## **Update on the Private Alternative Adolescent Residential Treatment Programs (PAARP) Rules - Erica Johnston, DPHHS Operation Branch Manager (by phone)**

08:32:11 Ms. Johnston

### **Committee Questions of Ms. Johnston**

08:34:48 Sen. Sands asked about the timeline for compliance and whether any additional treatment programs are out of compliance.

08:38:55 Sen. Sands requested that the committee receive updated reports on the process of the implementation of the PAARPs rules.

## **Statutorily Required Reports - Sue O'Connell, Committee Research Analyst**

08:39:34 Ms. O'Connell referred the committee to two statutorily required reports in the

committee folders: Senate Bill 5 Work Plan ([Exhibit 3](#)) and the HELP-Link Program report ([Exhibit 4](#)).

#### Committee Questions

08:40:35 Rep. Moore suggested that time be allotted for a discussion on the HELP-Link Program at the next meeting.

#### **AGENCY OVERSIGHT: LEGISLATIVE FISCAL DIVISION FISCAL UPDATES - Josh**

##### **Poulette, Legislative Fiscal Analyst**

08:41:09 Mr. Poulette reported on the 20-Year Expenditure History ([Exhibit 5](#)) and the document showing fund growth in the Department of Public Health and Human Services ([Exhibit 6](#)).

#### Committee Questions of Mr. Poulette

08:55:48 Rep. Moore asked what caused the spike in state special revenue expenditures as shown in Mr. Poulette's handout.

08:57:15 Sen. Esp asked about the state special revenue expenditures found on page two of the 20-Year Expenditure History document.

08:58:33 Sen. Esp asked about the spending shown on the traditional Medicaid chart.

08:59:46 Sen. Esp asked how the Legislature can change spending on Medicaid when it is an entitlement.

09:01:21 Rep. Moore asked about the caseload population and the need to adjust for caseload, caseload costs per case per patient, and also caseload as a percentage of the total population.

09:04:24 Rep. Caferro asked if Mr. Poulette took into account, specifically child protective services, the methamphetamine and the opioid crises and the acuity of care needed for the children who are removed from the home.

09:07:05 Rep. Caferro asked about the implementation of cost-saving mechanisms, such as annual caps on services or utilization reviews, to bring down the costs associated with Medicaid.

09:13:40 Sen. Olszewski said that medical inflation doesn't occur to Medicaid. Medicaid costs what the government is willing to pay for it.

09:14:31 Rep. Caferro asked Mr. Poulette to provide information on Medicaid expenditures by category of coverage.

#### **HJR 32 STUDY: PRENATAL DRUG USE**

##### **Topic Introduction - Sue O'Connell**

09:16:09 Ms. O'Connell

### **Montana Perinatal Behavioral Health Initiative**

Tressie White, Program Director, Montana Healthcare Foundation (*by phone*)  
Jen Rieden, Chief, DPHHS Member Health Services Bureau  
Maria Russell, Behavioral Interventionist/Program Coordinator, Northern Cheyenne  
Board of Health (*by phone*)

09:18:37 Ms. White (*by phone*)  
09:25:21 Ms. Rieden  
09:30:54 Ms. Russell (*by phone*)

### **Committee Questions**

09:38:07 Sen. Sands asked Ms. Rieden if there has been any interaction with the law enforcement community relative to pregnant women seeking treatment.  
09:39:28 Sen. Sands asked if Ms. Rieden is seeing a change in working with the medical community.  
09:39:58 Ms. White  
09:43:33 Sen. Olszewski asked whether the hospital is tracking outcomes.  
09:45:11 Ms. White  
09:48:20 Ms. Russell  
09:49:44 Sen. Olszewski asked about the outcomes for women on the Northern Cheyenne reservation who didn't participate in the program and commented on the need for outcome data to evaluate the effectiveness of the program.  
09:51:19 Rep. Lenz asked whether law enforcement is in agreement that pregnant women seeking treatment should not experience a punitive response.  
09:52:14 Ms. Rieden  
09:52:54 Sen. Sands said that was the intent of the safe harbor bill that she carried.

### **Public Comment on the HJR 32 Study**

None

**BREAK** (reconvened at 10:00 a.m.)

### **AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN RESOURCES**

#### **UPDATE - Sheila Hogan, Director**

10:05:41 Director Hogan gave an update on the following:  
10:06:39 Funding for the DEQ's lead testing and retrofit for schools  
10:08:41 Medicaid expansion waiver  
10:09:58 Suicide prevention efforts  
10:12:08 Child support enforcement  
10:13:16 Medicaid Management Information System (MMIS)

- 10:14:34 Family First Prevention Services Act
- 10:16:19 Senior and long-term care
- 10:16:22 Pre-employment transition services
- 10:16:51 Utilization review and management
- 10:17:43 The new Early Childhood and Family Support Division that will be created by the end of the year

Committee Questions

- 10:18:18 Sen. Olszewski asked for an accounting of the \$1 million that was appropriated for suicide prevention awareness.
- 10:20:35 Rep. Moore asked about the timetable for implementation of the Medicaid expansion work requirements in House Bill 658.
- 10:21:29 Rep. Moore asked about the status of federal approval of the Medicaid expansion waiver.
- 10:22:20 Rep. Caferro discussed the new state law that said Medicaid expansion work requirements are contingent upon the federal government signing off on the plan.
- 10:25:25 Sen. Sands asked what the Director is doing about the vaping crisis in Montana.
- 10:26:08 Director Hogan referred Sen. Sands' question to Mr. Lishman.
- 10:26:39 Mr. Lishman
- 10:26:41 Director Hogan
- 10:27:52 Sen. Sands asked the Director what the department is doing about vaping in the schools and if the department is working with the Office of Public Instruction on this topic.
- 10:29:52 Sen. Sands asked if the Director has given any thought on possible legislation against the use and sale of vaping products.
- 10:31:55 Sen. Olszewski asked about educating people about the dangers of vaping.
- 10:32:49 Rep. Moore asked to see the final edit of the school public health rule before it goes into effect.
- 10:33:54 Rep. Lenz asked about the implementation of the Family First Prevention Services Act.

**HJR 50 STUDY: SENIOR AND LONG-TERM CARE**

**Overview of Staff Reports - Sue O'Connell**

- 10:38:46 Ms. O'Connell presented and discussed the following documents: Medicaid Eligibility and Levels of Care ([Exhibit 7](#)); Availability and Use of Nursing Home Beds ([Exhibit 8](#)); the Nursing Home Beds map ([Exhibit 9](#)); and the Location of Medicaid-Funded Assisted Living Facilities map ([Exhibit 10](#)).

### Committee Questions

10:43:27 Rep. Moore referred the committee to the pie chart on page 2 of Exhibit 8, HJR 50: Senior/Long-Term Care, Nursing Home Occupancy, and asked if those nursing beds were 40% Medicaid or if the Medicaid beds were only 40% occupied.

### Nursing Home and Assisted Living Services

Mike White, Caslen Living Centers  
Shawna Boatman, Eagle Cliff Manor  
Paula Small-Plenty, Big Horn Senior Living, Hardin  
Rose Hughes, Montana Healthcare Association

10:45:08 Mr. White ([Exhibit 11](#))  
10:55:12 Ms. Boatman ([Exhibit 12](#))  
11:02:39 Ms. Small-Plenty  
11:12:05 Ms. Hughes distributed two documents: Adult Residential - Assisted Living ([Exhibit 13](#)) and Nursing Home Facts ([Exhibit 14](#))

### Committee Questions of the panel

11:34:14 Rep. Lenz asked the panel about taking on Medicaid patients vs. solely private-pay patients.  
11:35:24 Mr. White  
11:36:21 Ms. Small-Plenty  
11:37:31 Rep. Lenz asked Ms. Boatman about the benefits of assisted living.  
11:39:14 Rep. Lenz asked Mr. White what it would look like for the people in his care if there were no Medicaid payments.  
11:40:44 Rep. Lenz asked Ms. Hughes about nursing homes vs. assisted living.  
11:43:46 Sen. Olszewski asked Ms. Hughes about patients living in their own homes and possibly renting the homes.  
11:44:50 Sen. Olszewski commented on the assisted living/nursing care home environment.

### Public Comment on the HJR 50 Study

11:45:58 Jason George, Home Park  
11:51:41 Michael Larson, Executive Director, Adult Resource Alliance of Yellowstone County  
11:58:04 Chris Kukowski, owner of assisted living in Miles City  
12:06:27 Brenda Dahl, Administrator, Montana Community Services  
12:08:10 Sue Bailey, Program Manager, Adult Resource Alliance of Yellowstone County  
12:10:19 Lynn Mullowney Cabrera, Executive Director, Alzheimer's Association Montana

Chapter **(Exhibit 15)**

12:13:06 Jan Smith, Billings, Montana Alzheimer's Dementia Work Group  
12:15:23 Jed Barton, Public Relations and Government Affairs Coordinator, Living  
Independently for Today and Tomorrow (LIFTT)  
12:18:35 Beth Brenneman, Disability Rights Montana

**RECESS**

12:22:46 With no further business before the committee, Rep. Moore recessed the  
meeting at 12:22 p.m., to reconvene at 8:45 a.m. on November 15, 2019.

CI0425 9352fhxc.