



CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

Chris Friedel
Jen Gross
Theresa Manzella
Mary McNally

HOUSE MEMBERS

Mary Caferro
Jennifer Carlson
Jane Gillette
Dennis Lenz
Ed Stafman
Danny Tenenbaum

COMMITTEE STAFF

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

MINUTES LOG

January 20, 2022
Room 317/Zoom
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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MEMBERS PRESENT IN PERSON:

Rep. Ed Stafman, Chair (D)
Rep. Dennis Lenz, Vice Chair (R)
Rep. Mary Caferro (D)
Rep. Jennifer Carlson (R)
Sen. Chris Friedel (R)
Rep. Jane Gillette (R)
Rep. Danny Tenenbaum (D)

MEMBERS PRESENT VIA ZOOM:

Sen. Jen Gross (D)
Sen. Theresa Manzella (R)
Sen. Mary McNally (D)

STAFF PRESENT:

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

AGENDA ([Attachment 1](#))

VISITORS' LIST ([Attachment 2](#))

COMMITTEE ACTION

The committee heard presentations on the following topics as part of its continued work on studies of the publicly funded adult and children's mental health systems:

- mental health workforce education, training, recruitment, and retention matters;
- mental health crisis and diversion options;
- law enforcement practices and perspectives related to mental health crisis services and needs;
- the requirements for certified community behavioral health clinics and options for implementing that model of care in Montana;
- universal depression screening in schools;
- the history behind the children's system of care statutes and the status of their implementation;
- the use of provider taxes as a means of drawing down additional federal Medicaid funds; and
- the status of changes being made to the Comprehensive School and Community Treatment program.

The committee also set aside time to hear about staffing and patient care concerns at the Montana State Hospital and did not take action to continue its informal objection to MAR Notice No. 37-909, pertaining to administrative rules for assisted living facilities.

CALL TO ORDER/ROLL CALL

09:03:10 Presiding Officer Stafman called the meeting to order at 9:03 a.m.
The committee secretary took roll. ([Attachment 3](#))

NOVEMBER MEETING FOLLOW-UP

09:04:40 Sue O'Connell, Research Analyst, gave a follow up on study-related questions from the November meeting. ([Exhibit 1](#))

Committee Questions

09:09:17 Sen. McNally asked who is responsible for creating the certification standards for the behavioral health aides.

SENATE JOINT RESOLUTION 14 STUDY: ADULT MENTAL HEALTH SYSTEM

Certified Community Behavioral Health Clinics

09:11:05 Ms. O'Connell discussed the Medicaid Payment Methodologies briefing paper. ([Exhibit 2](#))

09:16:32 Rep. Stafman asked if the Certified Community Behavioral Health Clinic (CCBHC) model is in the same category as the FQHCs payment system.

09:18:07 Brett Beckerson, Director, Policy and Advocacy, National Council for Mental Wellbeing, gave a presentation on the Certified Community Behavioral Health Clinic (CCBHC) Model and possibilities for Montana. ([Exhibit 3](#))

Committee Questions of Mr. Beckerman

- 09:39:55 Rep. Caferro asked Mr. Beckerman to describe the CCBHC model and the Build Back Better Bill.
- 09:41:32 Rep. Gillette asked Mr. Beckerman to give examples of what the evidence-based measures might be in the CCBHC model.
- 09:49:08 Rep. Stafman asked Mr. Beckerman to give an example of the gaps created by an FHQC with limited services and where a CCBHC can fill those gaps.
- 09:53:36 Rep. Caferro asked if FQHCs are engaged in community crisis in the schools.
- 09:55:02 Rep. Caferro asked Ms. O'Connell if she knows if FQHCs are located in schools and engaged in community crisis in Montana.

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

HOUSE JOINT RESOLUTION 35 STUDY: CHILDREN'S MENTAL HEALTH SYSTEM **Universal Depression Screening in the Schools**

- 10:06:13 Ms. O'Connell discussed the School-Based Depression Screening briefing paper. [\(Exhibit 4\)](#)
- 10:07:41 Rep. Stafman asked Ms. O'Connell to explain the difference between a no-cost screening tool and a purchased screening tool.
- 10:08:41 Dr. Bowman Smelko, Montana Suicide Mortality Review Team, discussed the suicide mortality rate in schools.

Committee Questions of Dr. Smelko

- 10:15:50 Rep. Stafman asked Dr. Smelko for a copy of his presentation.
- 10:16:17 Sen. Friedel asked Dr. Smelko to define the phrase "attempt suicide". He also asked about the types of factors that may cause depression.
- 10:29:07 Rep. Carlson asked for Dr. Smelko's contact information and expressed her concern with universal screening.
- 10:33:49 Sen. Manzella asked if there is a nutritional component to the depression studies.
- 10:36:26 Sen. McNally asked if Dr. Smelko had any insight as to why the suicide rate among youth is so high in Montana as compared to other states. She asked how many of the recommendations from the 2016 findings have been implemented.

Children's System of Care: Statutes and Status

- 10:41:14 Ms. O'Connell gave an overview of the Children's System of Care Statutes. [\(Exhibit 5\)](#)
- 10:46:37 Meghan Peel, Bureau Chief, Children's Mental Health Bureau, Department of Public Health and Human Services (DPHHS), gave a presentation on the Children's System of Care and the manner in which DPHHS carries out the provisions of 52-2-310, MCA.

Provider Taxes

- 10:58:20 Josh Poulette, Legislative Fiscal Division, gave a presentation on Upper Payment Limit Supplemental Payments and provider taxes. [\(Exhibit 6\)](#)

Provider Perspective: Keeping Children in State

- 11:05:05 Mike Chavers, CEO, Yellowstone Boys & Girls Ranch
- 11:09:57 Tom Livers, Director of Governmental Relations, Shodair Children's Hospital

Committee Questions of Speakers and the Public

11:12:43 Rep. Carlson asked Ms. Peel about how the state becomes involved in making an out-of-state placement decision for a child.

11:18:53 Rep. Gillette asked if Intelligen provides utilization review of the state's behavioral health services.

11:20:50 Rep. Stafman discussed the chart he developed and distributed to committee members, entitled "How Supplemental Payments Can Support Children's Mental Health in Montana". [\(Exhibit 7\)](#).

11:30:52 Rep. Lenz noted that the Legislature hasn't voted on this matter and he cautioned the committee to approach this carefully.

11:32:05 Rep. Caferro asked Mr. Livers and Mr. Chavers to comment on the strategies in the chart and offer suggestions for solving some of the problems of workforce shortages, community services, and out-of-state placements.

11:34:46 Mr. Chavers

11:36:27 Mr. Livers

11:38:04 Rep. Caferro asked Mr. Livers to explain the differences between Shodair's hospital services and its Psychiatric Residential Treatment Facility (PRTF) services. She also asked about the average length of stay at Shodair and whether psychiatrists are on staff.

11:41:55 Rep. Caferro asked whether the committee should look at the full range of options outlined in Rep. Stafman's document to better support children's mental health services.

11:43:50 Mr. Livers

11:44:00 Mr. Chavers

11:45:00 Rep. Stafman asked Mr. Poulette about leveraging additional Medicaid funds for therapeutic group homes.

11:47:17 Rep. Carlson asked Mr. Chavers about Yellowstone Boys and Girls Ranch getting a continuity of care payment.

11:50:04 Rep. Stafman asked Ms. Peel about 52-2-310, MCA.

11:51:56 Rep. Carlson asked Ms. Peel about the placement rules for Indian children through the Indian Child Welfare Act (ICWA).

Comprehensive School and Community Treatment (CSCT) Program Update

11:54:02 Rep. Stafman gave opening remarks on the Comprehensive School and Community Treatment (CSCT) program.

11:54:35 Elsie Arntzen, Superintendent of Public Instruction (OPI)

11:55:21 Sharyl Allen, Deputy Superintendent, OPI

11:55:55 Jay Phillips, Chief Financial Officer, OPI

11:56:09 Mike Waterman, Executive Director of Business and Operations, Bozeman School District, gave a presentation on the CSCT Survey Results. [\(Exhibit 8\)](#)

12:00:33 Adam Meier, Director, Department of Public Health and Human Services

Public Comment on the HJR 35 Study

12:03:13 Matt Kuntz, Executive Director, NAMI Montana

Committee Questions of Speakers and the Public

12:09:25 Sen. McNally asked if there are plans to continue discussions regarding the OPI's accounting guidance for schools participating in the CSCT program.

12:10:35 Mr. Phillips

12:11:18 Sen. McNally asked Mr. Waterman about the schools' ability to meet the accounting guidance.

12:13:19 Sen. McNally asked Mr. Waterman if he has an estimate of the number of schools that are concerned about the accounting guidance. She also asked if schools have received the FAQs and if the documents are available to the public.

12:15:04 Sen. McNally asked Mr. Phillips when the accounting guidance goes into effect.

12:15:31 Mr. Phillips clarified a statement from Mr. Waterman that indirect and nondirect certification is a recommendation and not a requirement of OPI.

12:17:19 Sen. McNally said that she is looking for assurance that schools will not be dropping out of the program because they can't manage the process. Sen. McNally commented that CSCT is a valuable mental health resource for children.

12:19:53 Rep. Tenenbaum asked Mr. Waterman if the changes in CSCT will affect certain regions of the state or certain types of school districts.

12:21:52 Rep. Lenz asked Mr. Phillips to address how the former CSCT program created the idea that this is the right way to go forward. He also asked Mr. Phillips to address why OPI decided to go in that direction.

12:23:11 Rep. Gillette asked Director Meier if CMS, not the Legislature, told the state to use a cash match rather than an in-kind match.

12:25:43 Rep. Caferro asked Mr. Waterman about the Memorandum of Understanding (MOU) and when the school districts last heard from OPI.

12:26:45 Rep. Caferro asked Mr. Waterman which school districts are struggling with this problem.

12:29:21 Rep. Caferro asked Director Meier about the short-term gap funding provided by the Legislature so schools could continue the CSCT program until the new funding mechanism was in place.

12:30:24 Rep. Caferro asked Ms. Allen if OPI has a backup plan if school districts stop providing CSCT services and if the gap funding runs out.

12:38:12 Rep. Lenz said the number of school districts providing mental health services has been trending downward since 2016. He asked Director Meier what is driving that.

12:40:52 Rep. Gillette asked Director Meier if he has reviewed the accounting process and whether he thinks it is appropriate.

12:42:45 Rep. Gillette asked Director Meier if there are any risks of putting a mechanism in place that would audit or hold OPI responsible for following the IGT as written.

12:51:07 Rep. Stafman asked Superintendent Arntzen when OPI will fix the problems that school districts are facing in complying with the accounting guidance.

LUNCH BREAK (reconvened at 2:00 p.m.)

GENERAL PUBLIC COMMENT

14:01:01 Debbie Westlake commented on the termination of parental rights.

14:05:46 Strausie Hart commented on the child protective services (CPS) system.

14:08:47 Robin Mohs commented on the foster care system and the state requirement that people must vaccinate their own children if they want to become foster parents.

14:12:25 Ben Forsyth, Great Falls, commented on the harms of marijuana.

- 14:20:29 Bob Beitman commented on his experiences as a court-appointed special advocate.
- 14:24:39 Tracy Rearden commented on her experience with the CPS system.
- 14:28:22 Hailey Love commented on the nursing situation during the pandemic.
- 14:32:10 Maria Wyrock commented on an issue in administrative rule and state statute on foster care and vaccination requirements.
- 14:35:56 JoAnn Marione commented on her experience with the Great Falls CPS office.

SENATE JOINT RESOLUTION 14: ADULT MENTAL HEALTH STUDY

Criminal Justice/Law Enforcement Practices and Perspectives

Crisis Intervention Teams

- 14:46:24 Shane Hildenstab, President, Crisis Intervention Teams Montana

Rural Law Enforcement Perspective

- 14:47:27 Nic Eisele, Fallon County Undersheriff

Urban Law Enforcement Perspective

- 14:50:59 Sam Bofto, Yellowstone County Undersheriff

Department of Corrections Perspective

- 14:58:47 Brian Gootkin, Director of the Department of Corrections

Crisis Intervention and Diversion Options

- 15:04:20 Ms. O'Connell introduced the speakers and topics.
- 15:06:57 MarCee Neary, Program Director, Billings Community Crisis Center ([Exhibit 9](#))
- 15:20:19 Levi Anderson, CEO, Western Montana Mental Health Center

Public Comment on the SJR 14 Study

- 15:28:42 Erin McGowan, Montana Community Corrections Association
- 15:33:04 Mary Windecker, Behavioral Health Alliance of Montana
- 15:37:42 Matt Kuntz, Executive Director, NAMI Montana, distributed an informal survey he conducted regarding mental health crisis care in the community. ([Exhibit 10](#))

Committee Questions of Speakers and the Public

- 15:40:39 Rep. Carlson asked Ms. Neary how often a person can come to the Crisis Center.
- 15:42:36 Sen. Friedel asked Ms. Neary if the center had served 1,400 individual people or provided 1,400 touches and whether Native Americans using the center live in Billings or in Yellowstone County or are coming from the nearby reservations.
- 15:46:09 Rep. Gillette asked Ms. Neary about the percentage of people that come to the facility with a mental health issue and substance abuse issues.
- 15:46:42 Sen. McNally asked Ms. Neary to discuss the center's role in the continuum of care and the center's funding sources.
- 15:54:22 Rep. Stafman asked Ms. Neary if she has any advice on how the Legislature can replicate the work she is doing in other communities in the state.
- 15:59:37 Rep. Tenenbaum asked Mr. Anderson about stopping unnecessary commitments to the State Hospital.

16:04:13 Rep. Tenenbaum asked Mr. Bofto, Mr. Eisele, and Mr. Hildenstab if Crisis Intervention Team (CIT) training should be for all law enforcement officers and be incorporated in the Public Safety Office Standards and Training curriculum.

16:04:52 Mr. Bofto and Mr. Eisele responded.

16:06:44 Mr. Hildenstab responded

16:07:53 Rep. Carlson asked Mr. Bofto if he is seeing more of the mental health crisis in his facility. She also asked if there are any mental health professionals on the staff of his facility.

16:10:17 Rep. Carlson asked Mr. Eisele if his county provides telehealth mental health for the inmates.

16:10:36 Rep. Carlson asked Mr. Anderson about the four standards that he referenced in his presentation on the crisis model approved by the Substance Abuse and Mental Health Administration.

16:12:32 Rep. Gillette asked the Mr. Bofto and Mr. Eisele about community corrections and how to prevent a crisis from happening. This question was redirected to Director Gootkin.

16:13:28 Director Gootkin responded.

16:14:15 Rep. Gillette asked Director Gootkin about a rating scale for recidivism and if any programs in the state focus specifically on the people at highest risk of recidivism.

16:15:57 Rep. Caferro asked Mr. Eisele and Mr. Bofto to speak to the importance of having an actual crisis facility available for someone who is having a mental health crisis.

16:16:36 Mr. Eisele responded.

16:17:16 Mr. Bofto responded.

16:18:56 Rep. Caferro asked Mr. Eisele to describe the steps a law enforcement officer must take to transport someone in crisis when no crisis facility is available in the community.

16:22:35 Rep. Carlson asked Mr. Eisele about the transport issue in his area.

16:24:13 Sen. Friedel asked Mr. Bofto if he is involved in using money from the public safety levy for development of a mobile crisis unit.

16:27:04 Rep. Stafman asked Mr. Anderson for his perspective on Gallatin County's recent cancellation of its contract with Western Montana Mental Health Center and ways to resolve the problem.

BREAK (reconvened at 4:45 p.m.)

COMMITTEE WORK SESSION

16:45:16 Rep. Stafman asked Sen. McNally to provide an update on the activities of the Section B Interim Budget Committee.

16:46:49 Sen. McNally

16:47:17 Ms. O'Connell discussed the Medicaid Expansion Waiver -- CMS Action briefing paper. ([Exhibit 11](#))

REQUIRED REPORTS

16:51:08 Ms. O'Connell noted that DPHHS had provided the statutorily required Medicaid Expansion Quarterly Report ([Exhibit 12](#)) and Quarterly Medicaid Expansion Program Statistics report that she received today and will distribute.

Administrative Rule Report

16:51:47 Alexis Sandru, Committee Attorney, gave a brief overview of administrative rule activity and asked if the committee wants to continue its objection to MAR Notice No. 37-909. ([Exhibit 13](#))

Discussion

16:53:27 Rep. Stafman asked Rep. Tenenbaum if he was ready to report on his work with the Department on proposing an amendment to MAR Notice No. 37-909.

16:54:33 Sen. McNally gave a report on the activity of the Section B Interim Budget Committee and said there is a handout that summarizes where the budget stands and its expenditures.

16:57:34 Rep. Carlson and Sen. McNally commented on a discussion in the budget meeting regarding increasing health care workers' wages.

17:00:43 Rep. Gillette commented on her attendance of the Section B Interim Budget Committee meeting.

17:02:19 Rep. Gillette asked Ms. O'Connell about the 988 suicide prevention hotline and whether that is intended to be funded on a state level or at the individual local community level.

17:03:29 Sen. McNally thanked Ms. O'Connell for the work done on the studies.

RECESS

17:04:02 Rep. Stafman recessed the meeting at 5:04 p.m., to reconvene on January 21, 2022.