



CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

67th Montana Legislature

SENATE MEMBERS

Chris Friedel
Jen Gross
Theresa Manzella
Mary McNally

HOUSE MEMBERS

Ed Stafman, Chair
Dennis Lenz, Vice-Chair
Mary Caferro
Jennifer Carlson
Jane Gillette
Danny Tenenbaum

COMMITTEE STAFF

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

MINUTES LOG

June 16, 2021
Room 137, Capitol Building, and 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

Sen. Mary McNally (D)
Rep. Mary Caferro (D)
Rep. Jennifer Carlson (R)
Sen. Chris Friedel (R)
Rep. Dennis Lenz (R)
Rep. Ed Stafman (D)
Rep. Danny Tenenbaum (D)

MEMBERS PRESENT VIA ZOOM

Rep. Jane Gillette (R)
Sen. Jen Gross (D)
Sen. Theresa Manzella (R)

STAFF PRESENT

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

AGENDA [\(Attachment 1\)](#)

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

COMMITTEE ACTION

During their organizational meeting, Committee members reviewed their six study assignments and their statutory oversight duties to determine priorities for their time this interim. The committee agreed to the following levels of involvement for the various items:

- significant involvement in the Senate Joint Resolution 14 study of the adult mental health system;
- moderate involvement in the House Joint Resolution 35 study of the children's mental health system, the HJR 44 study of the foster care system, the HJR 45 study of factors that trigger child removals and family reunification in child abuse and neglect cases, and in general monitoring of Department of Public Health and Human Services activities; and
- minimal involvement in the HJR 39 study of the involuntary commitment of individuals suffering from Alzheimer's disease or other dementias and in the review of statutorily required advisory councils and reports related to DPHHS.

The committee also reserved time for significant involvement in the House Bill 39 review of judicial pilot projects currently underway for child abuse and neglect cases, pending further information in September 2021 on the results of the pilot projects.

Members also:

- elected Rep. Ed Stafman, D-Bozeman, as presiding officer and Rep. Dennis Lenz, R-Billings, as vice presiding officer;
- agreed to ask the Economic Affairs Interim Committee to take over the Committee's statutory monitoring duties for the medical marijuana program immediately, rather than on January 1, 2022, as required under HB 701;
- decided to hold a virtual meeting before July 11 to hear an explanation of MAR Notice 37-944 and MAR Notice 37-949, regarding provider rates; and
- adopted the Legislative Council's *Rules, Procedures, and Guidelines for Interim Committees* after specifying that proxies are allowed for absent members but must be in writing, may be provided through electronic means, are valid only for the meeting for which they're provided, may be voted for all items put to a vote during that meeting, and must be provided to the committee staff before the proxy is voted.

CALL TO ORDER/ROLL CALL

10:01:57 Sen. Mary McNally called the meeting to order at 10:01 a.m. The committee secretary took roll.

Introduction of Members

10:05:54 Members of the committee introduced themselves.

ADMINISTRATIVE MATTERS

10:14:24 Sue O'Connell, Committee Researcher, introduced the committee staff and provided opening remarks concerning the work of the committee.

Staff Roles and Responsibilities

10:15:10 Ms. O'Connell discussed the roles and responsibilities of the staff.

Rules, Procedures, and Guidelines for Interim Committees

10:16:14 Ms. O'Connell ([Exhibit 1](#))

Committee Budget/Travel Claims

10:20:55 Ms. O'Connell ([Exhibit 2](#))

Background Materials

10:21:40 Ms. O'Connell discussed the following documents: Common Acronyms ([Exhibit 3](#)); Public Assistance Eligibility ([Exhibit 4](#)); Summary of 2021 Health and Human Services Legislation ([Exhibit 5](#)).

DRAFT INTERIM WORK PLAN AND STUDY ASSIGNMENTS

List of Interim Study Rankings and Assignments

10:24:35 Ms. O'Connell ([Exhibit 6](#))

Draft Interim Work Plan

10:25:21 Ms. O'Connell ([Exhibit 7](#))

Questions from the Committee

10:39:52 Sen. McNally asked if the 75 hours is committee time or staff time.

10:40:22 Rep. Gillette asked about the topics that are intertwined with the Law and Justice Committee.

10:41:42 Sen. Gross said that she can work with Ms. O'Connell and Rachel Weiss, Lead Researcher for the Law and Justice Committee, and offered to put together a report for the Children and Families Committee.

CFHHS Interim Studies: Assignments and

Tasks 10:43:00 Ms. O'Connell ([Exhibit 8](#))

Questions from the Committee

10:44:42 Rep. Gillette asked about the ability to alter or customize the studies.

10:47:05 Rep. Lenz discussed the number of hours that is devoted to the HJR 14, HJR 35, and HJR 39 and how the changes in the system might affect the studies.

10:49:52 Sen. Gross commented that the work plan is just a roadmap at the outset and the committee can make adjustments and keep a running total as the interim progresses.

10:50:48 Rep. Lenz discussed his calculation of total hours.

AGENCY OVERSIGHT: STAFF PRESENTATIONS AND REQUIRED REPORTS

Overview of Administrative Rule Review

10:52:35 Ms. Sandru ([Exhibit 9](#))

Summary of Recent Rules

11:01:15 Ms. Sandru ([Exhibit 10](#))

Questions from the Committee

11:03:01 Rep. Stafman asked about the basis for objecting to a rule.

11:07:36 Rep. Caferro asked if the committee could meet via Zoom or conference call to get more information before filing an objection.

Medical Marijuana Monitoring

11:13:13 Ms. O'Connell discussed the DPHHS Montana Medical Marijuana Program Dashboard ([Exhibit 11](#)); the Annual Report on Medical Marijuana Complaints provided by the Board of Medical Examiners ([Exhibit 12](#)); and the draft letter from the Children and Families Committee to the Economic Affairs Committee asking the EAIC to take over the monitoring of the reports ([Exhibit 13](#)).

PUBLIC COMMENT

11:14:59 Matt Kuntz, Executive Director, NAMI Montana
11:19:42 April Sommers, Montana CASA/GAL Association
11:21:47 Mary Windecker, Behavioral Health Alliance of Montana ([Exhibit 14](#))
11:30:00 Jean Branscum, CEO, Montana Medical Association
11:39:10 Matt Furlong, Vice President of the Central Service Area Authority and President of the Montana Child Protection Alliance
11:44:47 Brian Thompson, Montana County Attorneys Association and Montana Sheriffs and Peace Officers Association
11:45:55 Sen. Walt Sales, Senate District 35 and sponsor of SJR 14
11:49:16 Beth Brennenman, Disability Rights Montana
11:54:28 Stacey Anderson, Montana Primary Care Association (*Zoom*)
11:57:45 Lauren Wilson, Pediatrician, Vice President of the Montana Chapter of the American Academy of Pediatrics (*Zoom*)
12:01:36 Kali Wicks, Blue Cross and Blue Shield of Montana (*Zoom*)
12:04:33 Thomas Hoffman, Forensic Child Psychiatrist, President of the Montana Psychiatric Association, co-chair for World Psychiatry for the American Academy of Child and Adolescent Psychiatry (*Zoom*)
12:06:13 Denise Johnson, Communications Director, Montana Child Protection Alliance (*Zoom*)

LUNCH BREAK (to reconvene at 1:00 p.m.)

13:02:55 Sen. McNally reconvened the meeting at 1:03 p.m.

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

13:03:33 Adam Meier, Director, provided updates on:
13:04:02 Creation of the Office of Inspector General and the new legislative and regulatory coordinator position, with Brenton Craggs hired to fill the coordinator position.
13:06:36 Plans for the transfer of the Medical Marijuana Program to the Department of Revenue.
13:07:45 COVID-19 vaccines, education, and reported cases and deaths.
13:10:03 Allocation of American Rescue Plan Act (ARPA) funds through House Bill 632.
13:14:06 The Healing and Ending Addiction through Recovery and Treatment (HEART) Initiative.

Questions from the Committee

13:14:50 Sen. McNally asked Director Meier if there will be ongoing updates regarding the ARPA funding proposals.

Healing and Ending Addition through Recovery and Treatment (HEART) Initiative

13:15:49 Zoe Barnard, Addictive and Mental Disorders Division, gave a presentation on the Healing and Ending Addition through Recovery and Treatment (HEART) Initiative, the Substance Abuse Block Grant Program (SABG), and the plans for an 1115 Behavioral Health Reform Waiver. [\(Exhibit 15\)](#)

Questions from the Committee

13:29:52 Rep. Carlson asked Director Meier for a copy of the ARPA proposals.

13:34:50 Sen. McNally asked if Director Meier could provide a summary of the proposals along with examples of the types of programs that the Director is referring to.

13:35:14 Rep. Carlson asked about the \$125 million that is set aside for vaccine distribution.

13:40:36 Rep. Gillette asked Director Meier if the department could list the strength of scientific evidence that supports individual programs. She also asked about the provider rate study and if the committee would be able to preview the Request for Proposals and provide input into the construction of the RFP.

13:43:40 Sen. Gross asked Ms. Barnard about whether or not communities have a coordinated prevention program in place as described in the HEART Initiative.

13:46:03 Rep. Stafman asked Director Meier about provider rates and provider shortages.

13:49:18 Rep. Stafman asked Ms. Barnard about the 1115 Behavioral Health Reform Waiver and whether the department is addressing how to increase the number of mental health providers in the state.

13:51:54 Sen. Friedel asked Director Meier about the department's overall plan and timeline for the HEART Initiative.

14:00:39 Rep. Carlson asked Director Meier about the 1115 Behavioral Health Reform Waiver.

14:01:59 Sen. Manzella asked Ms. Barnard about the primary trauma-informed prevention programs for K-3 statewide. She also asked about the universal substance screening for youths in schools and primary care.

14:06:47 Sen. McNally asked Ms. Barnard about the TRUST model for methamphetamine treatment.

COMMITTEE WORK SESSION

Medical Marijuana Monitoring

14:12:09 Sen. McNally asked if the committee wanted to immediately give oversight of the medical marijuana program to the Economic Affairs Interim Committee. (See Exhibit 13)

Motion

14:13:16 Rep. Lenz moved to approve the letter from the Children, Families, Health, and Human Services Committee to the Economic Affairs Interim Committee with any minor edits staff determines are necessary.

Discussion on the Motion

14:14:28 Sen. Manzella said she will support that motion.

Vote

14:15:04 The motion passed unanimously by voice vote.

Proxy Vote

14:15:32 Ms. O'Connell discussed adopting the Legislative Council's Rules and Guidelines and said any additional requirements to proxy votes should be made clear.

14:16:17 Sen. Friedel asked if proxy votes need to be in written form.

14:16:41 Sen. Gross clarified that a proxy vote would apply to any vote taken in the meeting.

14:17:19 Rep. Lenz agreed with Sen. Gross' assessment of a proxy vote.

Motion

14:17:52 Rep. Stafman moved to adopt the Rules, Procedures, and Guidelines for Interim Committees, including the proxy provisions as discussed.

Discussion on the Motion

14:17:52 Rep. Carlson said that a proxy is not a standing vote, but applies to the vote that the proxy was signed for.

14:18:26 Rep. Lenz suggested having proxy votes in written form for that particular meeting, as indicated in the rules document.

14:19:05 Rep. Stafman accepted Rep. Lenz's suggestion as a friendly amendment to his motion that the proxy votes are good for a particular meeting and any vote that is taken in that meeting.

14:19:18 Sen. Friedel said he concurred that a proxy vote would be only for that particular meeting and supported Rep. Lenz's amendment.

14:19:32 Rep. Caferro clarified that the motion includes proxies given via e-mail and text, as well as in writing.

14:20:15 Rep. Caferro said that it is important to provide a member the opportunity to provide a proxy "meeting to meeting" that is available to them in different situations.

14:20:51 Sen. McNally asked if there was any objections to allowing a text, e-mail and/or written form and to do it meeting by meeting.

14:22:00 Sen. Friedel said the text message should be specific on what is being voted on and who you are giving your proxy to.

14:23:52 Sen. Manzella discussed using the group text option.

14:24:27 Ms. O'Connell noted to the committee that when she receives a proxy via text, e-mail, or in written form, she prints it so that there is a record in the minutes that there was a proxy.

Motion Restated

14:26:21 Rep. Stafman restated the motion to adopt the Legislative Council's Rules, Procedures, and Guidelines for Interim Committees, and allowing proxy votes by text, e-mail, or in writing, and if by text or e-mail, requiring that a copy is provided to staff prior to voting, with the proxy good for an entire meeting.

Vote

14:26:41 The motion passed unanimously by voice vote.

Study Assignments and Draft Work Plan

14:27:15 Committee members discussed how to allocate the estimated 75 hours of meeting time for the interim among their study assignments and agency oversight duties and decided on the following allocations:

- 21.25 hours for the SJR 14 study of the adult mental health system;
- 10 hours for the HJR 35 study of the children's mental health system;
- 3 hours for the HJR 39 study of the involuntary commitment of people with Alzheimer's disease or other dementias;
- 10.75 hours for the HJR 44 study of the foster care system;
- 12 hours for the HJR 45 study of factors triggering the removal of children and reunification of families involved in the child protective services system;
- 10 hours for general oversight of DPHHS activities;
- 1.75 hours for administrative rule review; and
- .25 hours to review statutorily required advisory councils and reports.

Motion/Vote

15:14:31 Sen. Friedel moved that staff provide a final draft of the allocation of committee time to be reviewed at the next full committee meeting. The motion passed unanimously by voice vote.

MEETING DATES AND LOCATIONS

15:15:12 The committee discussed the conflicts for meeting dates in August and in September. The committee also decided to review the 1115 Behavioral Health Waiver via a Zoom meeting in August; decided against making a committee visit to the State Hospital; agreed to receive written administrative rule updates every two weeks; reviewed Rep. Matt Regier's letter ([Exhibit 16](#)) regarding meetings in tandem with the interim budget subcommittees; discussed scheduling a training provided by Leadership Montana; and agreed to meet in early July to review two administrative rule proposals, MAR Notice 37-944 and MAR Notice 37-949.

ELECTION OF OFFICERS

15:49:18 Sen. McNally provided opening remarks regarding the election of officers for the CFHHS committee and discussed the history of presiding officer. ([Exhibit 17](#))

Nominations for Presiding Officer

15:52:30 Rep. Caferro nominated Rep. Stafman for the position of presiding officer.

15:56:31 Rep. Stafman spoke to his nomination.

15:59:47 Sen. Manzella nominated Rep. Lenz for the position of presiding officer.

16:04:47 Rep. Lenz spoke to his nomination.

Vote on the Nominations

16:06:16 The nominations failed with Rep Lenz receiving 5 votes and Rep. Stafman receiving 5 votes.

Motion for co-chairs

16:09:03 Rep. Carlson moved that Rep. Stafman and Rep. Lenz hold the positions as co-chairs of the committee.

Discussion on Rep. Carlson's motion

16:09:24 Sen. Friedel asked how the responsibilities would be split between the co-chairs.

16:10:23 Rep. Gillette and Sen. Manzella supported the motion.

16:15:21 Rep. Caferro opposed the motion.

Roll Call Vote on Rep. Carlson's motion

16:16:42 The motion failed on a tie vote, 5-5, with Senators Friedel and Manzella and Representatives Carlson, Gillette, and Lenz voting yes. Senators McNally and Gross and Representatives Caferro, Stafman, and Tenenbaum voted no, with Sen. Gross voting by proxy.

Discussion

16:18:48 Sen. McNally discussed next steps in the officer election process.

16:20:35 Rep. Lenz said he preferred revisiting the officer election in September.

16:21:36 Rep. Caferro commented on holding elections in September with new nominations.

16:22:26 Sen. McNally asked if the committee wanted to wait until September to hold officer elections.

16:22:40 Sen. Friedel requested that the committee take a 5-minute recess.

RECESS

RECONVENE

16:58:00 Sen. McNally reconvened the meeting.

Nominations for Officers

16:58:26 Rep. Caferro nominated Rep. Stafman as chair and Rep. Lenz as vice chair.

Vote

17:00:57 The nomination passed, 7-3, on a roll call vote with Senators Friedel, Gross, and McNally and Representatives Caferro, Lenz, Stafman, and Tenenbaum voting yes. Senator Manzella and Representatives Carlson and Gillette voted no. Sen. Gross voted by proxy.

ADJOURNMENT

17:02:18 Sen. McNally adjourned the meeting at 5:02 p.m.