



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

June 27, 2022
Room 137/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. Mary Caferro (D)
Sen. Chris Friedel (R)
Sen. Mary McNally (D)
Rep. Danny Tenenbaum (D)

MEMBERS PRESENT VIA ZOOM:

Rep. Jennifer Carlson (R)
Rep. Jane Gillette (R)
Rep. Dennis Lenz, Vice Chair (R)
Sen. Theresa Manzella (R)

MEMBERS EXCUSED:

Sen. Jen Gross (D)

STAFF PRESENT:

Sue O'Connell, Research Analyst
Alexis Sandru, Attorney (**Zoom**)
Fong Hom, Secretary

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

COMMITTEE ACTION

The committee heard additional presentations related to its HJR 45 study of the factors that trigger the removal of children from the home and the reunification of families in child abuse and neglect cases and heard preliminary results of the state's ongoing study of reimbursement rates for Medicaid providers. Members approved the following bill drafts as committee bills to be introduced in the 2023 legislative session:

- HJR 35-1v2, for enhanced rates for psychiatric residential treatment facilities and therapeutic group homes that serve children who meet age or acuity requirements identified by the Department of Public Health and Human Services;
- HJR 35-2v2, to strengthen the qualified provider pool statute;
- SJR 14-1, to change the reciprocal licensing law for behavioral health providers;
- HJR 39-1v2, to change the involuntary commitment laws for people with dementia or traumatic brain injury and transition those patients from the Montana State Hospital to community settings;
- HJR 39-2v2, to require the Montana State Hospital to provide Disability Rights Montana with reports of abuse and neglect at the facility; and
- HB 39-1v2, the bill from the House Bill 39 Working Group regarding emergency protective services (EPS) hearings and prehearing conferences.

Members also:

- asked for additional revisions to HJR 45-1v2, which makes a number of changes to the child abuse and neglect laws;
- considered but did not approve SJR14-2, to require DPHHS to implement the Certified Community Behavioral Health Clinic model; and
- agreed to send a letter to the executive branch asking that it use available state and federal funds to raise Medicaid provider rates in Fiscal Year 2023.

CALL TO ORDER/ROLL CALL

08:03:48 Presiding Officer Ed Stafman called the meeting to order at 8:03 a.m. The committee secretary took roll. **(Attachment 3)**

MAY MEETING FOLLOW UP

May Meeting Requests

08:05:10 Sue O'Connell, Lead Researcher, referred the committee to several documents provided in response to requests members made at the May meeting:

- reports from Alvarez and Marsal regarding state-run health care facilities **(Exhibit 1)**;
- the scope of work by and costs of the contract with the Collaborative Safety LLC **(Exhibit 2)**;
- recent claims data for the Comprehensive School and Community Treatment program **(Exhibit 3)**; and
- a document about the plans for reviewing Medicaid eligibility when the COVID-19 public health emergency ends **(Exhibit 4)**.

Required Reports

- 08:07:11 Ms. O'Connell discussed the statutorily required reports provided to the committee and offered to arrange presentations at the August meeting if requested:
- Medicaid Expansion Statistics (**Exhibit 5**); and
 - the House Bill 495 Task Force report.

HOUSE JOINT RESOLUTIONS 44 AND 45 STUDIES: CHILD PROTECTIVES SERVICES Staff Research and Introduction to Scheduled Topics

- 08:10:04 Ms. O'Connell discussed the briefing paper " HJR 45: Child Removal / Reunification-Parents Representation Program" (**Exhibit 6**).
- 08:12:07 *Rep. Tenenbaum joined the meeting at 8:12 a.m.*

Questions from the Committee

- 08:13:04 Rep. Gillette asked Ms. O'Connell about Montana's practice standard for public defenders in child abuse and neglect cases.
- 08:13:48 Rep. Stafman asked if the committee is interested in bringing Montana's practices for parent representation closer to Washington's practices.

Panel Presentation: Treatment and Support Services for Family Reunification

Tyson Wilke, CEO, (RE) Services Inc
Todd Wilson, Executive Director, Helena Indian Alliance-Leo Pocha Clinic
Kyle Ann Johnson, Behavioral Health Director, HIA-Leo Pocha Clinic

- 08:17:51 Tyson Wilke (**Exhibit 7**)
- 08:18:14 *Rep. Caferro joined the meeting at 8:18 a.m.*
- 08:27:41 Todd Wilson
- 08:28:46 Kyle Ann Johnson

Questions from the Committee

- 08:32:13 Rep. Caferro asked Ms. Johnson to elaborate on the Family Treatment Court and how that intersects with child protective services (CPS).
- 08:36:06 Rep. Caferro asked Ms. Johnson and Mr. Wilke if there is a wait list for parents who need treatment because of a shortage of beds in a facility.
- 08:39:22 Rep. Carlson asked Mr. Wilke if (RE) Services Inc. assesses a fee to parents who wanted to see their children.
- 08:43:35 Sen. Manzella asked Mr. Wilke if (RE) Services is compensated for the services that they provide.
- 08:45:38 Sen. Manzella asked Mr. Wilke how many families (RE) Services Inc. has helped and about the compensation it receives from the state and federal governments.
- 08:47:26 Rep. Gillette asked Ms. Johnson to clarify her statement that "sometimes reunification isn't possible because a parent is still using his/her substance of choice."
- 08:49:11 Sen. Friedel asked Mr. Wilke how long has (RE) Services been in Montana.
- 08:50:43 Sen. Friedel asked Ms. O'Connell for more information on the effectiveness of the programs offered by the speakers.

Panel Presentation: Effects of Abuse, Neglect, and Removal on Children

Peter Pecora, Managing Director, Research Services, Casey Family Programs
Shanta Trivedi, Assistant Professor of Law and Faculty Director of the Meyerhoff Center
for Families, Children and the Courts, University of Baltimore School of Law
Abigail Eyre, LCSW, Polson

08:54:58 Peter Pecora (**Exhibit 8**)
09:03:20 Shanta Trivedi (**Exhibit 9**)
09:14:22 Abigail Eyre

Questions from the Committee

09:24:49 Rep. Caferro asked Ms. O'Connell if the policy that Ms. Eyre spoke of is in law or in a rule or policy.
09:25:34 Rep. Caferro asked Ms. Trivedi about the harms and future repercussions to children who are removed from their homes.
09:30:17 Rep. Caferro asked Ms. Trivedi to provide evidence that researchers have found that children in the foster care system are more likely to be abused in foster care than the general population.
09:35:40 Rep. Gillette asked Ms. O'Connell if CPS workers are aware of when criminal charges are filed in domestic violence cases that involve a child's removal from the home.
09:37:09 Rep. Lenz asked Ms. Trivedi to define "harm of removal within the judicial system".
09:40:23 Rep. Stafman asked Ms. Trivedi if she has looked into Montana laws or practices to determine whether courts weigh the risk of removal in a consistent manner.
09:43:44 Sen. Manzella asked Ms. Eyre about parental alienation syndrome where a child is forced to reunify with the offending parent.
09:47:55 Rep. Carlson asked Ms. Eyre about parents not being charged with a crime when their child has been found to be severely neglected or abused.
09:54:50 Rep. Tenenbaum asked Ms. Trivedi to expand on her comments related to balancing constitutional rights when removing a child.

Panel Presentation: Options for Legal Proceedings and Child Removals

Katie Handley, Deputy Flathead County Attorney
Judge Jessica Fehr, 13th Judicial District
Brian Smith, Administrator, PUblic Defender Division, Office of State Public Defender

09:56:54 Katie Handley
10:06:16 Judge Jessica Fehr
10:22:05 Brian Smith

Questions from the Committee

10:27:33 Rep. Stafman asked Judge Fehr to clarify her comments about turning CPS workers into law enforcement officers and the potential liability under a 9th U.S. Circuit of Appeals ruling on the use of warrants.
10:33:46 Rep. Lenz asked Ms. Handley about the timeframes for DUI cases and whether Emergency Protective Services (EPS) hearings could be held more quickly.

- 10:36:21 Rep. Lenz asked Judge Fehr whether the court system could be open to a shorter timeframe for the EPS hearing.
- 10:39:45 Rep. Gillette asked Judge Fehr about the best interest analysis in family law and about a 5-day timeframe for the EPS hearing.
- 10:44:38 Rep. Tenenbaum asked staff to clarify when the timeframe for EPS hearings changed from 48 hours.
- 10:45:11 Alexis Sandru, Committee Attorney, said the change related to a 48-hour timeframe involved the filing of the child abuse and neglect petition and occurred in 1991.
- 10:45:43 Rep. Stafman asked Mr. Smith about the 9th Circuit case that makes it clear that a warrant is required prior to a child's removal, absent an emergency.
- 11:02:05 Sen. Manzella asked Mr. Smith if the Legislature should be focusing on removal and the triggers for removal.
- 11:05:14 Rep. Caferro asked Mr. Smith about the HB 39 appropriation of \$300,000 to provide legal representation to parents and guardians.
- 11:08:23 Rep. Stafman asked Judge Fehr about the warrant process.
- 11:13:34 Sen. McNally asked Mr. Smith about the Office of the Public Defender's budget and the need to hire additional FTEs.

CPS BILL DRAFTS: HB 39 AND HJR 45 STUDIES

Overview of Bill Drafts

- 11:19:54 Ms. O'Connell gave a presentation on HB 39-1v2, revising EPS hearing and prehearing conference laws. ([Exhibit 10](#))
- 11:24:05 Ms. Sandru gave a presentation on HJR 45-1v2, revising child abuse and neglect laws. ([Exhibit 11](#))

Questions from the Committee

- 11:26:08 Rep. Caferro asked about the definition of abuse in HJR 45-1v2.
- 11:29:38 Ms. Sandru and Rep. Tenenbaum responded.
- 11:30:21 Rep. Gillette asked Ms. Sandru where the issue of warrants is referenced in Montana's criminal laws.

Public Comment on the HB 39 and HJR 45 Bill Drafts

- 11:32:50 Dave Kesler, Philipsburg
- 11:36:37 JoAnne Malone, Seeking Recovery Chemical Dependency Treatment, Great Falls
- 11:40:09 Lillie Rutledge, self
- 11:44:10 Matt Furlong
- 11:45:47 Nanette Gilbertson, Montana County Attorneys Association
- 11:48:40 Sen. Ellie Boldman, Missoula
- 11:53:03 Denise Johnson, Montana Child Protection Alliance
- 11:56:23 Brie Shulman, self
- 12:00:00 Kelsen Young, Montana Coalition against Domestic and Sexual Violence

GENERAL PUBLIC COMMENT

- 12:04:04 Mary Ann Dunwell, HD 84, spoke on reproductive health insurance and health care privacy.

- 12:05:55 Kaisa Nelson spoke on reproductive rights in Montana.
12:07:25 David Kesler, Philipsburg, spoke on abortion rights and undefined conditions.

LUNCH BREAK (reconvened at 1:16 p.m.)

COMMITTEE WORK SESSION: CHILD PROTECTIVE SERVICES STUDIES

- 13:16:42 Rep. Stafman gave an overview of the process for discussing the bill drafts.
13:19:48 Rep. Lenz said he would like to discuss the HB 39 and HJR 45 bill drafts separately.

Discussion on HB 39-1v2

- 13:21:08 Rep. Carlson said she wanted to address the issue of the 24-hour notification to the Office of the Public Defenders (OPD).
13:22:44 Rep. Caferro said she wanted to address funding issues.
13:22:45 Rep. Carlson commented on the 72-hour and the 5-day timeframes.

Consensus on HB 39-1v2

- 13:23:32 Rep. Stafman asked for a consensus from the committee to change the notification to OPD from one business day to 24 hours.

Discussion on the 24-hour Notification

- 13:24:25 Rep. Caferro stated her opposition to the change in HB 39-1v2.
13:24:29 Rep. Lenz stated his approval for the change.

Consensus Vote

- 13:24:30 Rep. Stafman asked for a show of hands from the committee and said consensus exists, with one dissent, to make the change.

Discussion on Funding Sources

- 13:25:50 Rep. Caferro proposed that DPHHS apply for Title IV-E funding or other federal funding as it becomes available.
13:28:18 Rep. Gillette
13:29:09 Rep. Caferro
13:30:21 Rep. Stafman asked for a show of hands on adding Rep. Caferro's proposed language.

Motion on added language on funding sources

- 13:30:27 Rep. Caferro moved to add language requiring DPHHS to apply for Title IV-E funding or other federal funds as they become available.

Roll Call Vote

- 13:30:30 The motion failed on a tie vote, 5-5, with Sens. Friedel and Manzella and Reps. Carlson, Gillette, and Lenz voting no. Sen. McNally and Reps. Caferro, Tenenbaum, and Stafman voted yes, and Sen. Gross voted yes by proxy.

Motion on HB 39-1v2

- 13:32:55 Rep. Carlson moved that HB 39-1v2 as amended do pass.

Discussion on the Motion

13:33:30 Rep. Caferro said the bill might adversely affect families because it lacks the necessary resources.

Roll Call Vote

13:33:55 The motion passed on a roll call vote, 9-1, with Sens. Friedel, Manzella, and McNally and Reps. Carlson, Gillette, Lenz, Tenenbaum, and Stafman voting yes. Sen. Gross voted yes by proxy. Rep. Caferro voted no.

Discussion on HJR 45-1v2

13:36:52 Rep. Tenenbaum discussed changing 41-3-423, to require active efforts rather than reasonable efforts and changing 41-3-425, to guarantee the right to counsel for children.

13:40:56 Rep. Carlson said she is concerned about serving warrants in the middle of the night if it is not an emergency. She also suggested that CPS workers be required to call law enforcement when an emergency situation exists.

13:41:40 Rep. Gillette asked about adding explicit language reminding CPS that it must work with the parents ahead of time to resolve the issue outside of the court system.

13:44:53 Ms. O'Connell and Ms. Sandru responded.

13:46:33 Rep. Stafman discussed his concern over the timeframe for EPS hearings.

Consensus on changing "reasonable" efforts to "active" efforts

13:46:53 Rep. Stafman discussed Rep. Tenenbaum's proposal to change "reasonable" efforts to "active" efforts. The committee, with a show of hands, indicated consensus for the change.

Consensus on Right to Counsel for Children

13:47:28 Rep. Stafman discussed Rep. Tenenbaum's change to 41-3-425, to create an unqualified right to counsel for children. The committee indicated consensus on the change.

Discussion on Warrants

13:50:32 Rep. Stafman said he is reluctant to make the proposed change.

13:50:55 Sen. Friedel

13:53:07 Rep. Stafman and Rep. Carlson discussed the hours during which warrants could be served.

Motion to amend HJR 45-1v2

13:55:39 Rep. Carlson moved to amend HJR 45-1v2 to prohibit the serving of warrants during certain night hours.

Roll Call Vote

13:56:16 The motion passed, 6-4, with Sens. Friedel and Manzella and Reps. Carlson, Gillette, Lenz, and Tenenbaum voting yes. Sen. McNally and Reps. Caferro and Stafman voted no, and Sen. Gross voted no by proxy.

Discussion on Emergency Removal

13:59:04 Rep. Stafman

13:59:26 Rep. Caferro
13:59:38 Sen. Friedel
14:59:55 Rep. Carlson
14:01:55 Sen. Friedel
14:02:20 Rep. Stafman suggested having Ms. Grossberg discuss the topic in August.
14:03:40 Rep. Lenz
14:04:01 Rep. Stafman asked Rep. Carlson to work with staff to draft additional language to be reviewed in August.

Discussion on EPS Hearing Timeframe

14:05:50 Rep. Stafman discussed options for the timeframe for the EPS hearing.
14:05:40 Rep. Tenenbaum
14:06:45 Rep. Stafman
14:08:56 Sen. Manzella
14:10:31 Rep. Carlson
14:12:17 Sen. Friedel
14:12:46 Rep. Stafman

Motion

14:14:10 Sen. McNally moved to change the 3-day EPS hearing back to a 5-day hearing.

Roll Call Vote

14:15:14 The motion failed, 7-3, with Sens. Friedel and Manzella and Reps. Carlson, Gillette, Lenz, and Tenenbaum voting no, and Sen. Gross voting no by proxy. Sen. McNally and Reps. Caferro and Stafman voted yes.
14:17:02 Rep. Stafman asked Rep. Gillette to develop language related to her proposed change.

Draft Final Report

14:18:15 Ms. O'Connell gave a presentation on the draft final report for the CPS Studies: HJR 44, HJR 45, and HB 39. ([Exhibit 12](#))

MENTAL HEALTH STUDIES: PART 1

Overview of Bill Drafts

14:22:07 Ms. O'Connell discussed the briefing paper, "Bill Draft Revisions/Decision Points" ([Exhibit 13](#)); SJR 14-2 ([Exhibit 14](#)); SJR 14-1 ([Exhibit 15](#)); and HJR 39-2v2 ([Exhibit 16](#)).

Public Comment on SJR 14-1 and HJR 39-2v2 Bill Drafts

14:23:39 Bernadette Franks-Ongoy, Executive Director, Disability Rights Montana
14:24:28 Matt Kuntz, Executive Director, NAMI Montana
14:25:06 Duane Preshinger, Montana Hospital Association

Motion/Vote on HJR 39-2v2

14:25:30 Sen. McNally moved to proceed with HJR 39-2v2 as a committee bill. The motion passed by consensus with those present and voting.

Motion/Vote on SJR 14-1

14:26:38 Sen. McNally moved to proceed with SJR 14-1 as a committee bill. The motion passed by consensus of those present and voting.

Public Comment on SJR 14-2

14:27:50 Matt Kuntz, Executive Director, NAMI Montana
14:29:27 Scott Eynchner, Department of Corrections
14:30:02 Rep. Mary Ann Dunwell, HD 84
14:31:36 Erin McGowan, representing 4 different organizations
14:33:45 Maria Mulvaugh, Chief Operations Officer, L'esprit
14:35:02 Levi Anderson, Chief Executive Officer, Western Montana Mental Health Center
14:37:10 Katherine Buckley-Patton, Beaverhead County Mental Health Local Advisory Council
14:40:39 Mary Windecker, Behavioral Health Alliance of Montana

Committee Discussion/Questions

14:41:46 Rep. Gillette said she believes the bill draft incorrectly makes Community Certified Behavioral Health Clinics (CCBHC) a mandatory Medicaid-covered service when it isn't a service considered mandatory under federal law. She said she would support the bill if it was revised to make Medicaid coverage optional.
14:43:41 Ms. O'Connell said that federal law requires that if a state participates in the Medicaid program, it must cover certain services and others can be optional. The state does have discretion to determine if it wants to add to the list of mandatory services for its own Medicaid program. The committee could revise the draft to make CCBHCs an optional service..
14:46:16 Rep. Carlson
14:46:54 Rep. Stafman
14:49:42 Rep. Caferro

Motion to Amend

14:51:30 Rep. Gillette moved that the bill be revised to put CCBHCs in the optional coverage category.

Discussion on the Amendment

14:52:16 Rep. Stafman asked Ms. O'Connell about the practical implications of the change.
14:52:24 Ms. O'Connell said that DPHHS could decide whether or not to make it a Medicaid covered service.
14:53:29 Rep. Stafman asked Rep. Gillette about her motivation for her motion.
14:54:48 Sen. McNally
14:56:04 Rep. Carlson
14:59:01 Ms. O'Connell
15:00:12 Rep. Stafman

15:01:17 Rep. Stafman asked Ms. Windecker for her opinion on the amendment.
15:01:44 Ms. Windecker
15:02:47 Rep. Caferro
15:04:58 Rep. Stafman asked the committee whether or not the amendment is necessary to create support for the bill.

Roll Call Vote

15:05:12 The motion to amend failed on a tie vote, 5-5, with Sens. Friedel and Manzella and Reps. Carlson, Gillette, and Lenz voting no. Sen. McNally and Reps. Caferro, Stafman, and Tenenbaum voted yes, and Sen. Gross voted yes by proxy.

Discussion

15:07:20 Rep. Carlson asked what the bill proposes with or without the amendment.
15:10:17 Ms. O'Connell explained the sections of the bill.
15:12:00 Rep. Stafman said that with the amendment that Rep. Gillette is proposing, it would still be mandatory for the department to set up the model but it would be optional whether they fund it with Medicaid. He changed his earlier decision and supported the amendment. He asked for a motion to introduce the bill as a committee bill subject to the amendment.

Motion

15:12:36 Rep. Gillette moved to proceed with SJR 14-2 as a committee bill with the proposed amendment.

Discussion on the Motion

15:13:32 Rep. Caferro stated her opposition to the amendment.
15:13:36 Rep. Caferro asked Ms. O'Connell about the effects of the amendment.
15:15:20 Rep. Stafman asked about delaying the vote until August to get answers to the technical questions.
15:15:33 Sen. Friedel
15:16:37 Rep. Lenz

Roll Call Vote

15:17:24 The motion failed, 5-4, with Sen. McNally and Reps. Caferro, Lenz, and Tenenbaum voting no, and Sen. Manzella voting no by proxy. Sen. Friedel and Reps. Carlson, Gillette, and Stafman voted yes.

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Administrative Rule Review

15:22:06 Ms. Sandru offered to answer questions about her rule review report.
(Exhibit 17)

Motion to object

15:24:19 Rep. Tenenbaum moved to object to MAR Notice No. 37-1002, regarding changing the identification of sex on birth certificates.

Discussion on the Motion

15:25:34 Rep. Lenz
15:26:37 Rep. Caferro
15:26:58 Rep. Tenenbaum

Roll Call Vote

15:28:58 The motion failed on a tie vote, 5-5, with Sen. McNally and Reps. Caferro, Tenenbaum, and Stafman voting yes, and Sen. Gross voting yes by proxy. Sen. Friedel and Reps. Carlson, Gillette, and Lenz voted no, with Sen. Manzella voting no by proxy.

BREAK (reconvened at 3:40 p.m.)

15:44:07 Rep. Stafman asked Ms. Sandru to explain the next steps regarding the tie vote on the motion to object. Ms. Sandru said she will notify the Speaker of the House and the President of the Senate who will have the opportunity to break the tie. Rep. Stafman said he will hold the final decision in abeyance pending their vote.

Provider Rate Study

15:46:12 Coy Jones, Director, Guidehouse, Inc., gave a presentation on the General Reimbursement Recommendations in the Provider Rate Study. [\(Exhibit 18\)](#)

Questions from the Committee

16:21:39 Sen. McNally asked for clarification on the state's share of the cost of bringing rates up to the benchmark levels.
16:25:02 Rep. Stafman asked Director Meier if there were any reasons why the full federal-state costs of \$82 million could not be paid for on a one-year basis with COVID or American Rescue Plan Act (ARPA) money. He asked how the department intends to address the \$82 million shortfall this coming fiscal year.
16:31:30 Sen. McNally asked Director Meier about using ARPA and Coronavirus Aid, Relief, and Economic Security (CARES) Act money to fund provider rates.
16:39:23 Rep. Tenenbaum asked whether the department supports fully funding the increase.
16:40:10 Rep. Stafman asked Director Meier about the likelihood of losing additional youth therapeutic beds without an immediate rate increase.

Agency Update

16:42:49 Director Meier introduced two new hirees: Mike Randol, Executive Director of the Health Services Branch, and William Evo, Deputy Administrator for Health Care Facility Operations.

Questions from the Committee

16:45:41 Rep. Stafman asked Director Meier about the funding opportunities in the recently passed Bipartisan Safer Communities Act and whether DPHHS has decided whether any of the opportunities make sense for Montana.

Montana State Hospital Update Presentation

16:48:27 Diane Rafferty and Christopher Baglio, Alvarez and Marsal, reported on their work with state-run health care facilities, including the Montana State Hospital.

Questions from the Committee

- 17:02:15 Rep. Tenenbaum asked about trends in the use of large psychiatric hospitals.
- 17:04:57 Rep. Tenenbaum asked what percentage of Montana State Hospital patients could receive better care at a smaller facility.
- 17:07:07 Rep. Tenenbaum asked what measures are reviewed specific to the quality of care.
- 17:08:26 Rep. Gillette asked about the number of facilities they've reviewed that don't have electronic health records.
- 17:11:19 Rep. Tenenbaum asked if it's typical to house multiple dementia patients in one room.

MENTAL HEALTH STUDIES: PART 2

Overview of Bill Drafts

- 17:13:36 Ms. O'Connell referred the committee to the briefing paper "HJR 35: Children's Mental Health-Potential Costs of Enhanced Rates. ([Exhibit 19](#))
- 17:16:28 Ms. O'Connell discussed HJR 35-1v2. ([Exhibit 20](#))
- 17:16:56 Ms. O'Connell discussed HJR 35-2v2. ([Exhibit 21](#))

Public Comment on the Bill Drafts

- 17:17:53 Mary Ann Dunwell, HD 84

Motion/Vote

- 17:19:15 Rep. Caferro moved to adopt HJR 35-1v2 and HJR 35-2v2 as committee bills. The motion passed unanimously by consensus, with Sen. Gross voting yes by proxy.

HJR 39-1v2: Revise Involuntary Commitment Laws for Dementia/TBI Patients

- 17:20:57 Ms. O'Connell discussed HJR 39-1v2. ([Exhibit 22](#))

Motion/Vote

- 17:22:52 Rep. Tenenbaum moved to proceed with HJR 39-1v2 as a committee bill. The motion passed by consensus with a show of hands, with Sen. Gross voting yes by proxy.

Public Comment HJR 39-1v2

- 17:24:25 Rose Hughes, Executive Director, Montana Health Care Association ([Exhibit 23](#))
- 17:26:47 Chad Parker, Deputy Chief Legal Counsel, DPHHS ([Exhibit 24](#))

Questions from the Committee

- 17:30:23 Rep. Carlson thanked Ms. Hughes for her comments.
- 17:32:42 Rep. Tenenbaum said the intent of the bill is to remove discretion from judges in certain involuntary commitment cases.

Re-Motion/Re-Vote on HJR 39-1v2

- 17:34:11 Rep. Stafman moved to proceed with HJR 39-1v2 as a committee bill. The motion passed unanimously with Sen. Gross voting yes by proxy.

Draft Final Report on Mental Health Studies

17:35:19 Ms. O'Connell gave a presentation on the draft final report for the Mental Health Studies: SJR14, HJR 35, and HJR 39. ([Exhibit 25](#))

Motion to Send Letter to the Executive Branch

17:35:26 Sen. McNally moved that staff draft a letter to the Executive Branch requesting a review of potential funding sources to address the provider rate gap in the upcoming fiscal year.

Discussion on the Motion

17:38:20 Rep. Gillette
17:39:40 Rep. Carlson
17:40:47 Rep. Lenz
17:41:40 Sen. McNally

Roll Call Vote

17:42:20 The motion passed on a roll call vote, 8-2, with Reps. Lenz and Gillette voting no, and Sen. Gross voting yes by proxy.

Motion on Laws Related to Abortion

17:44:32 Sen. McNally moved to codify access to abortion and women's health care services into Montana law to the same extent that it currently exists.

Discussion on the Motion

17:45:10 Rep. Stafman

Roll Call Vote

17:46:23 The motion failed on a roll call vote, 5-5, with Sens. Friedel and Manzella and Reps. Carlson, Gillette, and Lenz voting no. Sen. McNally and Reps. Caferro, Stafman, and Tenenbaum voted yes, and Sen. Gross voted yes by proxy.

Bipartisan Safer Communities Act

17:48:44 Rep. Stafman discussed the Bipartisan Safer Communities Act ([Exhibit 26](#)) and proposed appointing two committee members to work with Ms. O'Connell to determine which programs the committee wants DPHHS to participate in.

Motion

17:48:44 Rep. Caferro moved that the presiding officer appoint two committee members, a Republican and a Democrat, to review the Bipartisan Safer Communities Act and make recommendations on the programs DPHHS should participate in.

Discussion on the Motion

17:51:17 Rep. Lenz
17:52:06 Rep. Gillette
17:52:40 Rep. Stafman
15:54:27 Rep. Caferro

Roll Call Vote

17:55:27 The motion failed on a roll call vote, 5-5, with Sens. Friedel and Manzella and Rep. Lenz voting no, and Reps. Carlson and Gillette voting no by proxy. Sen. McNally and Reps. Caferro, Stafman, and Tenenbaum voted yes, and Sen. Gross voted yes by proxy.

ADJOURNMENT

17:57:54 Rep. Stafman adjourned the meeting at 5:57 p.m.