



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

March 4, 2022

Room 137/Zoom, Capitol Building
Helena, Montana

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MEMBERS PRESENT IN PERSON:

Rep. Ed Stafman, Chair (D)
Rep. Mary Caferro (D)
Rep. Jennifer Carlson (R)
Sen. Jen Gross (D)
Sen. Mary McNally (D)
Rep. Danny Tenenbaum (D)

MEMBERS PRESENT VIA ZOOM:

Rep. Dennis Lenz, Vice Chair (R)
Rep. Jane Gillette (R)

MEMBERS EXCUSED:

Sen. Chris Friedel (R)
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

The committee heard from several speakers about the conditions that prompted the Centers for Medicare and Medicaid Services to issue a notice of Immediate Jeopardy for the Montana State Hospital. Members also heard from the Department of Public Health and Human Services about its plans to address the violations that lead to issuance of the notice.

Members approved drafting bills to:

- provide for transition of patients with dementia from the State Hospital to the community; and,
- require the Department of Public Health and Human Services to provide Disability Rights Montana with all reports related to allegations of abuse or neglect involving the State Hospital.

CALL TO ORDER/ROLL CALL

13:01:59 Presiding Officer Stafman called the meeting to order at 1:01 p.m. The committee secretary took roll. ([Attachment 3](#))

13:03:15 Rep. Stafman gave opening remarks.

AGENCY OVERSIGHT: MONTANA STATE HOSPITAL

DPHHS Director Adam Meier

13:05:23 Director Meier discussed the department's plans for addressing the issues cited in the notice of Immediate Jeopardy. ([Exhibit 1](#))

13:11:04 Rep. Caferro asked for Director Meier's presentation to be given to her in hard copy format.

BREAK (reconvened at 1:28 p.m.)

AGENCY OVERSIGHT: MONTANA STATE HOSPITAL

Mental Disabilities Board of Visitors

13:29:45 Jeremy Hoscheid, Executive Director, Mental Disabilities Board of Visitors

Disability Rights Montana

13:34:02 Bernadette Franks-Ongoy, Executive Director, Disability Rights Montana

Montana Federation of Public Employees

13:49:57 Amanda Curtis, Montana Federation of Public Employees

Montana Alzheimer's/Dementia Work Group

14:03:42 Dr. Patricia Coon, Montana Alzheimer's/Dementia Work Group (Zoom)
([Exhibit 2](#))

Committee Questions

- 14:24:09 Rep. Tenenbaum asked Ms. Franks-Ongoy if it is possible to find an appropriate place for a person living with dementia that can provide the care and services in cities and communities across Montana.
- 14:25:41 Rep. Tenenbaum asked Dr. Coon the same question.
- 14:26:44 Rep. Carlson asked Ms. Curtis if there is anything that the union can do to help with the training of nurses.
- 14:31:26 Rep. Carlson asked Ms. Franks-Ongoy to repeat her suggestion about making records available to the state advocacy group.
- 14:33:55 Rep. Carlson asked about the statute that establishes the state advocacy group. (53-21-169, MCA).
- 14:34:58 Rep. Caferro asked Ms. Curtis if the COVID differential is still in place. Rep. Caferro also asked about the recruitment/retention bonuses for in-state health care workers.
- 14:44:38 Rep. Caferro asked Director Meier about one of his strategies he mentioned during the Section B Interim Budget Committee meeting in September regarding contract staff and training people. She also asked when the workers will see the raise that he talked about.
- 14:55:23 Sen. Friedel asked Director Meier for a comparison of what staff nurses receive in pay and benefits compared to traveling nurses.
- 14:58:45 Sen. McNally asked Director Meier about workers pay raises and whether they are competitive.
- 14:59:04 Sen. McNally asked Ms. Curtis for her thoughts on that issue.
- 15:02:57 Sen. McNally asked Director Meier if he is looking to propose legislation that connects mental health care at various levels across communities.
- 15:05:33 Rep. Lenz asked Director Meier what the legislators can do to help with the situation.
- 15:08:00 Rep. Stafman asked Director Meier about the reports of patients falling and injuring themselves, the training of staff, and soliciting help from the National Guard to alleviate the staffing crisis.
- 15:19:07 Rep. Stafman asked the speakers for their opinions on patients being at risk of serious injury and death on a short-term basis until some of the long-term issues can be addressed.
- 15:19:59 Mr. Hoscheid and Ms. Franks-Ongoy responded.
- 15:22:20 Rep. Tenenbaum asked Director Meier about the difficulty of getting properly trained staff to care for people living with dementia.

BREAK (reconvened at 3:39 p.m.)

Public Comment on the Montana State Hospital

- 15:41:14 Dr. Marla Lemons ([Exhibit 3](#))
- 15:45:51 Olivia Butori, self
- 15:49:06 Matt Kuntz, Executive Director, NAMI Montana

15:53:00 Jack Griswold, Psych Tech, Montana State Hospital (**Exhibit 4**)

15:56:54 Debbie Mehring, Social Worker, Acute Unit

15:59:56 Joel Peden, Executive Director, Montana Association of Centers for Independent Living

16:03:52 Josh Butterfly, self (**Exhibit 5**)

16:08:53 Shelby Gearhart, Psych Tech, Montana State Hospital

16:12:28 Erica Jerome, Certified Behavioral Peer Support Specialist and Executive Director of Extraordinary Distances

16:16:04 Gary Buchanan, Licensed Registered Nurse

16:19:54 Shelly Banta, Psychiatric Mental Health Clinical Nurse Specialist

16:22:04 Dr. Gary Milhelish, advocate for people with mental health issues

16:25:47 Jennifer Preble, Licensed Clinical Social Worker (Zoom)

16:28:07 Rep. Mary Ann Dunwell, HD 84

16:32:14 May Simmons

16:35:48 Alyssa Hoefer, Registered Nurse

16:40:17 Mary Windecker

GENERAL PUBLIC COMMENT

16:42:28 Josh Butterfly asked the committee to write a letter to the Districting and Apportionment Commission requesting a count of patients at the State Hospital.

Committee Questions

16:44:21 Rep. Stafman asked Director Meier about any plans to address personnel issues especially with regard to employee morale.

16:48:30 Rep. Carlson asked Director Meier when the committee can expect an additional report or information from the review of the RFP for a third-party review of the State Hospital. Rep. Carlson also asked the director to address Ms. Windecker's suggestion on looking at the CCBHCs as a long-term solution for admitting people who are not forensic patients to the State Hospital.

BREAK (reconvened at 5:23 p.m.)

COMMITTEE WORK SESSION

17:23:27 Rep. Stafman discussed writing a formal letter from the committee to the director requesting a particular action and have staff begin the drafting process for a committee bill.

17:24:55 Rep. Carlson discussed the issues of staff shortages and inadequate training.

17:27:45 Rep. Stafman discussed expanding the loan repayment program that is for nurses and doctors to other people who incur student debt that if they work at the State Hospital.

- 17:29:54 Sen. McNally said that her take away from the 2020 report by the Western Interstate Commission on Higher Education is that there are different skills needed for these different populations that are being thrown together and that staff members need targeted training.
- 17:31:41 Rep. Gillette commented on what Rep. Carlson said.
- 17:33:32 Rep. Stafman asked Ms. O'Connell if she knows if other interim committees are working on training. He would like that information by the next meeting.
- 17:34:36 Rep. Gillette said the Montana University System committee is looking at how to increase the health care workforce and will be presenting the framework for that process to the Board of Regents.

Motion/Consensus

- 17:38:51 Rep. Tenenbaum moved for a draft bill to end the practice of institutionalizing people who are living with dementia as opposed to finding a more appropriate placement in a community.
- 17:43:32 After a discussion on the motion, Rep. Stafman said that there was consensus for staff to begin drafting a bill. He asked that Rep. Tenenbaum and either Rep. Carlson or Sen. Friedel work with staff on the bill draft.

Further Discussion

- 18:05:38 Rep. Stafman discussed the issue of Disability Rights Montana not receiving reports regarding abuse at the State Hospital.
- 18:08:22 Ms. Franks-Ongoy discussed receiving reports from the Montana Developmental Center (IBC). She discussed the drafting of a bill that would have all reports of abuse, neglect, or significant events and deaths in the facilities go to Disability Rights Montana.
- 18:08:34 Rep. Stafman asked the committee if it would like a second committee bill regarding this issue.
Rep. Gillette said she is unclear what the difference would be between that and our existing long-term care ombudsman program.
Ms. Franks-Ongoy said that the ombudsman program does not provide oversight and investigations into abuse and neglect, exploitation, significant injuries or death in the facility.
Rep. Caferro asked Ms. Franks-Ongoy about the report being produced but not shared.

Motion/Consensus

- 18:08:50 Rep. Stafman asked if there is consensus on drafting a committee bill regarding the sharing of reports from the State Hospital to Disability Rights Montana. With only Rep. Gillette indicating opposition, Rep. Stafman said consensus existed for a bill draft and asked Sen. Gross and Sen. Friedel to work with staff on the bill draft.

Motion on letter to the Department of Public Health and Human Services

18:14:14 Rep. Caferro suggested writing a letter to DPHHS requesting that it address the immediacy of the issue by: 1) deploying the National Guard; 2) apply the COVID differential across the board; and 3) take action dealing with the problems with infections at the State Hospital.

Discussion

18:17:09 Rep. Carlson gave her reason for not supporting Rep. Caferro's suggestion.

18:18:19 Rep. Caferro discussed the reason for using the National Guard.

Motion for the record

18:22:19 Rep. Caferro moved that the committee write a letter to DPHHS on the actions she suggested.

Roll Call Vote

Rep. Caferro's motion failed on a tie vote, 5-5, with Sens. Gross and McNally and Reps. Stafman, Tenenbaum, and Caferro voting yes. Reps. Carlson and Gillette voted no. Sens. Friedel and Manzella, and Rep. Lenz voted no by proxy.

Further Business

18:24:27 Ms. O'Connell distributed an invitation from Shodair Hospital to attend a presentation later this month and noted that the March 15th meeting materials are at their places.

Rep. Stafman discussed his e-mail regarding the procedure for the work session at the March 15 meeting.

ADJOURNMENT

18:27:58 Rep. Stafman adjourned the meeting at 6:28 p.m.