



## CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

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### 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

May 13, 2022  
Room 137/Zoom  
Helena, Montana

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#### **MEMBERS PRESENT:**

Rep. Ed Stafman, Chair (D)  
Rep. Dennis Lenz, Vice Chair (R)  
Rep. Jennifer Carlson (R)  
Sen. Chris Friedel (R)  
Rep. Jane Gillette (R)  
Sen. Jen Gross (D)  
Sen. Theresa Manzella (R)  
Sen. Mary McNally (D)  
Rep. Danny Tenenbaum (D)

#### **MEMBERS EXCUSED:**

Rep. Mary Caferro (D)

#### **STAFF PRESENT:**

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

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

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

### **RECONVENE**

07:59:08 Presiding Officer Ed Stafman reconvened the meeting at 7:59 a.m. The secretary did not call roll but noted that Rep. Caferro was excused and that her proxy was left with Sen. McNally.

### **SECTION B INTERIM BUDGET COMMITTEE UPDATE**

07:59:49 Sen. McNally gave a presentation on the work of the Section B Interim Budget Committee.

### **Questions from the Committee of Sen. McNally**

08:07:02 Rep. Gillette asked about the unallocated child care funding.

08:09:46 Rep. Stafman asked about the unspent funds that were allocated for child care.

08:11:57 Rep. Carlson commented.

### **MENTAL HEALTH STUDIES: Senate Joint Resolution 14, House Joint Resolution 35, AND House Joint Resolution 39**

#### **Overview of Bill Drafts and Related Considerations**

08:13:21 Sue O'Connell, Lead Researcher, discussed the briefing paper "Mental Health Studies: Bill Draft Considerations" ([Exhibit 11](#)).

### **HJ 35-1: Increase Access to In-State Psychiatric Residential Treatment Facilities (PRTF) and Therapeutic Group Home (TGH) Treatment**

08:14:32 Ms. O'Connell ([Exhibit 12](#)).

### **Questions from the Committee on HJ 35-1**

08:19:09 Rep. Gillette asked Ms. O'Connell about the definition of "high risk child" as used in 52-2-302, MCA.

08:20:27 Rep. Stafman asked about the estimated costs in the briefing paper.

### **HJ 35-2: Strengthen Qualified Provider Pool Statute**

08:23:09 Ms. O'Connell ([Exhibit 13](#))

### **HJ 35-3: Institute PRTFs and TGH Utilization Fee**

08:24:34 Ms. O'Connell ([Exhibit 14](#))

### **Questions from the Committee on HJ 35-3**

08:27:45 Rep. Stafman asked about the charts in the briefing paper related to the potential costs of HJ 35-1 and potential revenue from HJ 35-3.

### **SJR 14-1: Revise Licensing Reciprocity for Behavioral Health Licensees**

08:29:16 Ms. O'Connell ([Exhibit 15](#))

### **HJR 39 Study: Retrospective of the MDC Closure**

08:31:43 Ms. O'Connell discussed the briefing paper "Retrospective of the MDC Closure" ([Exhibit 16](#)) and bill drafts HJR 39-1 ([Exhibit 17](#)) and HJR 39-2

08:39:16 ([Exhibit 18](#)). Rep. Stafman commented.

### **DPHHS Update: Mental Health Study Topics**

#### **Crisis Beds and Mobile Crisis Units**

08:42:19 Melissa Higgins, Treatment Bureau Chief, DPHHS Behavioral Health and Developmental Disabilities Division ([Exhibit 19](#))

### **Universal Depression Screening in the Schools**

09:01:48 Rebecca de Camara, Administrator, DPHHS Behavioral Health and Developmental Disabilities Division

### **Certified Community Behavioral Health Clinic Model**

09:10:57 Adam Meier, Director, DPHHS, gave an update on the consideration of the Certified Community Behavioral Health Clinic (CCBHC) model.

### **Public Comment on Bill Drafts and Other Mental Health Study Items**

09:17:45 Matt Kuntz, Executive Director, NAMI Montana

09:20:15 Mary Windecker, Behavioral Health Association of Montana

### **Questions from the Committee on the mental health studies**

09:22:15 Rep. Tenenbaum asked Ms. Higgins about the chart showing where emergency beds used to exist. He also asked about the emergency detention beds in Great Falls, Billings, or Flathead County.

09:24:33 Rep. Gillette asked Director Meier about the department's plans to sustain funding for the universal screening after the temporary funds are used up.

09:25:58 Rep. Gillette asked Director Meier how many children are screened before they are diagnosed with a clinical issue.

09:27:32 Rep. Gillette asked Director Meier what clinical outcomes will be measured and how they will be tracked.

09:28:28 Sen. Gross asked Mr. Kuntz if there are any connections between the crisis centers and the CCBHC model as far as benefits go.

09:29:49 Rep. Stafman asked Mr. Kuntz about any proposed legislation for crisis beds that would help and not interfere with the work that the department is doing.

09:33:02 Rep. Carlson asked Ms. Higgins about a proposed bill regarding the emergency detention beds. She also asked for a copy of Ms. Higgins' presentation.

09:34:19 Rep. Carlson asked if Western Montana Mental Health Center is a CCBHC and licensed by the state.

09:35:09 Director Meier responded.

09:35:31 Sen. Manzella asked if the department is working with the Office of Public Instruction in making decisions on the screening tools provided by the third party vendors.

09:36:07 Ms. de Camara responded.

09:37:06 Rep. Carlson asked Director Meier if he was talking about a state facility or a private facility with state licensing.

09:38:29 Rep. Gillette asked Director Meier how universal screening works.

09:39:50 Rep. Stafman asked Director Meier if there is any advantage in proposing legislation that would implement universal screening.

09:41:39 Rep. Stafman asked Director Meier about proposing a bill modeled on the Illinois legislation to authorize CCBHCs.

09:44:32 Rep. Stafman asked Ms. Higgins for an update on the crisis beds and the mobile crisis team units.

09:45:49 Rep. Stafman asked Director Meier what future legislation might look like that would address the crisis beds issue.

09:50:50 Rep. Stafman asked Mr. Kuntz to respond to Director Meier's answer on future legislation regarding crisis beds.

09:52:32 Rep. Lenz asked Ms. Higgins to elaborate on funding for the mobile crisis response team.

09:54:03 Rep. Carlson asked Director Meier about Bozeman using a CCBHC model.

**BREAK** (reconvened at 10:07 a.m.)

### **Public Comment on Bill Drafts and Other Mental Health Study Items**

#### **Public Comment on SJR 14-1, License Reciprocity**

10:08:20 Katherine Buckley-Patton, Beaverhead County Mental Health Local Advisory Council, Billings

#### **Public Comment on the HJR 39 Bill Drafts**

10:15:04 Chad Parker, Deputy Chief Legal Counsel, Department of Public Health and Human Services (**Exhibit 20**)

10:20:30 Matt Kuntz, Executive Director, NAMI Montana

10:24:15 Bernadette Franks-Ongoy, Disability Rights Montana

10:27:55 Rose Hughes, Executive Director, Montana Healthcare Association

10:29:59 Adam Meier, Director, DPHHS, responded to Ms. Hughes' comments.

### **Questions from the Committee**

10:31:15 Rep. Carlson asked Ms. Hughes about the possibility of raising rates and adding staff to community facilities in order to take patients with higher needs and not send them to the State Hospital.

- 10:35:53 Rep. Gillette asked Mr. Parker to further elaborate on his statement, "Thus if facilities pursue certification, legislative intent may conflict with federal regulations."
- 10:38:30 Rep. Gillette asked Ms. Hughes if a level C assisted living facility could transition into a level D.
- 10:40:02 Rep. Tenenbaum asked Director Meier about the costs for a person with dementia at the State Hospital, what the current reimbursement rate is for facilities that the Healthcare Association represents, and if there would be a reimbursement rate that creates community placements.

### **Public Comment on the HJR 35 Bill Drafts**

- 10:47:11 Mary Windecker clarified funding issues between the CCBHC and the crisis beds.

### **Questions from the Committee**

- 10:56:39 Rep. Stafman asked Ms. Windecker about the comments made by others about the need for changes to Montana telehealth laws.
- 10:59:00 Rep. Stafman asked Ms. Windecker to clarify her position on HJR 35-1.
- 11:00:31 Director Meier responded.
- 11:01:28 Rep. Stafman asked Director Meier about the acuity criteria.
- 11:04:14 Rep. Carlson asked Director Meier about the HEART Initiative waiver and if there is a process to access that funding to help with the HJR 39 Study.

**BREAK** (reconvened at 11:20 a.m.)

### **GENERAL PUBLIC COMMENT**

- 11:22:25 Rose Hughes, Executive Director, Montana Healthcare Association, distributed information on skilled nursing facilities ([Exhibit 21](#)).
- 11:27:19 Reverend Sue DeBree, self, read her daughter's testimony regarding suicide prevention.
- 11:30:39 Elizabeth Peterson, researcher, spoke on parental alienation and Family Bridges.
- 11:34:37 Lonnie Dennis, self, provided testimony on a dependent/neglect case.
- 11:38:37 Paul Johnson, Bozeman, provided testimony regarding his experience with parental alienation syndrome.
- 11:42:12 Denise Johnson, self, provided testimony regarding parental alienation syndrome.
- 11:45:35 Sarah Monich Hinkle, licensed clinic social worker, provided testimony regarding parental alienation syndrome.
- 11:49:22 Jody Wilson Palmer, Attorney and advocate for children, Bozeman, provided testimony regarding parental alienation syndrome.

**AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**  
**Statutorily Required Reports**

11:54:37 Milly Allen, Staff Researcher ([Exhibit 22](#))

**Administrative Rule Review**

11:54:58 Alexis Sandru, Legal Staff, gave a presentation on the administrative rule compilation. ([Exhibit 23](#))

**Waiver for Additional Services and Populations (WASP) Update**

11:56:00 Director Meier gave an update on the application to extend the Waiver for Additional Services and Populations. ([Exhibit 24](#))

**Questions from the Committee on the WASP Waiver**

11:58:15 Sen. Gross asked if the public health emergency is going to end soon.

11:59:04 Sen. Gross asked how the department is planning to track Medicaid re-enrollment for those who don't fall under the parent/relative caretaker population within the WASP waiver and what internal matrix the department is considering to ensure adequate staffing for re-enrollments. She also asked for a copy of the baseline and monthly reports that will be required for the Medicaid program when the public health emergency ends.

**Montana State Hospital Update**

12:05:55 Director Meier gave an update on the activities of the Montana State Hospital.

**Questions from the Committee of Director Meier**

12:07:45 Sen. McNally asked about the work Collaborative Safety, LLC, is doing at the State Hospital.

12:10:28 Rep. Gillette asked Director Meier about adding services back to the State Hospital that had been available before the pandemic.

12:11:51 Rep. Tenenbaum asked about a timeline for returning services back to the State Hospital.

12:13:42 Rep. Tenenbaum asked about the housing situation for patients with dementia at the State Hospital.

12:18:32 Rep. Stafman asked about the immediate Jeopardy report from CMS that resulted in Medicaid funding being revoked.

12:21:07 Rep. Stafman asked if there has been an application to reinstate the funding and what efforts are being made to address the staffing issue.

12:31:33 Sen. McNally requested that the committee get copies of the consultant's monthly report.

**Other Agency Updates**

Director Meier gave a brief update on the following:

12:32:24 Staff and organizational updates;

12:34:19 the HEART Initiative waiver application to provide services for people with substance abuse disorder;  
 12:36:42 the P-EBT program allowing temporary additional SNAP benefits;  
 12:39:23 faith and community-based services regional summits;  
 12:40:41 provider rate study findings and report;  
 12:42:26 Red Tape Relief Initiative; and  
 12:42:40 future administrative rules.

#### **Questions from the Committee of Director Meier**

12:45:04 Rep. Gillette asked several questions regarding parental alienation syndrome and the role CPS plays in the removal of children from the home.  
 12:47:49 Sen. McNally asked for more information regarding school children and the Comprehensive School and Community Treatment (CSCT) program, funding sources for the P-EBT program, and how much of the funding for child care was spent.  
 12:56:08 Rep. Stafman asked for more information on the funding for child care.  
 12:57:22 Sen. Manzella asked if Director Meier agreed with the statement "that all men are endowed by their creator with certain inalienable rights and among them are the right to life, liberty, and the pursuit of happiness and for that sole purpose of protecting those god given rights, governments are instituted among men".  
 12:57:56 Sen. Manzella asked Director Meier if he found the discussion on parental alienation syndrome compelling. She asked for a commitment from the Director to meet with her and the people who testified on the topic.

**BREAK** (reconvened at 1:21 p.m.)

#### **HJR 45 STUDY: CHILD REMOVAL AND FAMILY REUNIFICATION TRIGGERS**

##### **Family Resource Centers**

13:22:46 Susan Dawson, Family Resource Center, Bozeman  
 13:29:32 Andrew Russo, co-founder and director, National Family Support Network  
 (Exhibit 25)  
 13:41:38 Ms. Dawson gave a presentation on Montana's Opportunity. (See Exhibit 25)

##### **Public Comment on Family Resource Centers Presentation**

13:47:40 Steph Goble, Executive Director, Mountain Home, Missoula  
 13:51:06 Marilyn Thorn, Executive Director, The Parenting Place  
 13:54:40 Denise Johnson (Exhibit 26)  
 13:59:48 Joshua Kendrick, Montana Children's Trust Fund manager

#### **Questions from the Committee**

14:00:59 Sen. Manzella asked Mr. Russo about the funding mechanisms in the program.

14:01:50 Rep. Lenz asked Ms. Dawson if the Family Resource Center model was better than the current model.

14:03:42 Rep. Stafman asked Ms. Dawson how the Family Resource Center program related to what is in place currently. Ms. Dawson redirected the question to Mr. Russo.

14:05:37 Rep. Stafman asked Ms. Dawson to explain what a differential response is.

14:07:21 Rep. Tenenbaum asked Mr. Russo if the staff and volunteers at the centers are mandatory reporters of suspected child abuse and neglect.

14:08:41 Rep. Tenenbaum asked Mr. Russo if families or parents are notified that the staff and the volunteers are mandatory reporters.

14:10:28 Rep. Lenz asked if substance abuse treatment is a service that the Family Resource Center provides.

14:12:01 Mr. Russo and Ms. Dawson responded.

14:12:39 Rep. Stafman asked what other states have done regarding programs similar to the Family Resource Centers.

14:15:38 Ms. Dawson and Mr. Russo responded.

14:16:43 Sen. Friedel asked Ms. Dawson why an outside source, such as the Family Resource Center, would do this work.

14:21:52 Mr. Russo provided additional information.

14:23:51 Sen. Friedel asked about potential barriers in a large, rural state.

14:25:44 Ms. Dawson and Mr. Russo responded.

14:30:09 Sen. Manzella asked about the average salary of the Family Resource Centers employees.

14:31:02 Ms. Dawson and Mr. Russo responded.

14:31:20 Sen. Manzella asked Mr. Russo if he has ever seen a situation in any state where an appropriation to CPS would decrease because of successful outcomes.

14:33:56 Rep. Stafman asked Ms. Dawson about the pilot program idea.

**BREAK** (reconvened at 2:45 p.m.)

### **COMMITTEE WORK SESSION**

#### **Committee Discussion on the CCBHC bill draft**

14:50:08 Rep. Stafman gave an overview of his proposed legislation.

14:51:39 Rep. Carlson asked about Mr. Kuntz' bill regarding the CCBHC model.

14:52:34 Rep. Stafman responded.

### **Motion**

14:57:54 Rep. Lenz moved for a committee bill adopting a CCBHC model based on the Illinois model.



### **Roll Call Vote**

14:57:54 The motion passed 6-4, on a roll call vote with Sens. Friedel, Gross, and McNally and Reps. Stafman and Tenebaum voting yes. Rep. Caferro voted yes by proxy. Sen. Manzella and Reps. Carlson, Gillette, and Lenz voted no.

### **HJR 39-2: Share Montana State Hospital Abuse and Neglect Reports**

14:59:59 Rep. Stafman opened the discussion on HJR 39-2.

15:00:00 Ms. Allen said that the committee could hold a final vote on this bill draft in August or vote on the bill draft now.

15:02:08 Rep. Stafman said consensus exists to move the bill draft forward and take a final vote at the next meeting.

15:03:14 Rep. Stafman discussed having Ms. O'Connell research the Washington Parents Representation Program. Sen. McNally commented.

15:04:05 Rep. Stafman referred the committee to the briefing paper "Mental Health Studies: Work Session Decision Points." ([Exhibit 27](#))

### **SJR 14-1: Revise Licensing Reciprocity for Behavioral Health Licensees**

15:04:24 Rep. Stafman opened the discussion on SJR 14-1.

15:05:24 Sen. Friedel suggested expanding the reciprocity to other licensed workers and vote on it at the next meeting.

15:05:43 Rep. Stafman said that by consensus, this bill will move forward. Sen. McNally said that for the record, Rep. Caferro is a no by proxy.

### **HJR 39-1: Revise Involuntary Commitment Laws for Dementia**

15:06:04 Rep. Stafman opened the discussion on HJR 39-1.

15:08:13 Rep. Stafman went back to the discussion on HJR 39-2, and asked about an effective date if the bill passed.

15:09:55 The committee discussed HJR 39-1.

15:20:49 Rep. Stafman summarized the committee's discussion as agreement to continue work on the bill with Reps. Carlson and Tenenbaum taking the lead.

### **Bill Drafts for the Mental Health Studies**

15:21:30 Rep. Stafman opened discussion on the three children's mental health bill drafts.

### **HJR 35-1: Increase Access to In-State PRTF and TGH Treatment**

15:23:42 Rep. Stafman opened the discussion on HJR 35-1.

15:24:03 Rep. Gillette asked who decides the level of acuity. She discussed including audit requirements.

15:27:13 Rep. Stafman discussed the three key questions.

15:31:28 Rep. Stafman propose \$2 million as placeholder appropriation.

15:33:03 Rep. Gillette won't vote for a \$2 million price tag.

15:37:45 Sen. McNally asked if someone will keep track of the allocation.  
15:43:36 Rep. Stafman summarized the committee's discussion and said the next version will be redrafted to allow higher payments only for certain ages or acuity levels and retain a placeholder for an appropriation.

#### **HJR 35-2: Strengthen Qualified Provider Pool Statute**

15:43:49 Rep. Stafman opened the discussion on HJR 35-2.  
15:45:23 Rep. Carlson commented that she likes bill because the providers will get a benefit with the enhanced rate.  
15:46:34 Rep. Gillette said she will vote no because the bill creates unnecessary work.  
15:47:00 Rep. Lenz said he is a no and remains unconvinced that this will solve the problem.  
15:49:21 Rep. Stafman asked whether anyone wants to make any changes to the draft.

#### **Motion**

15:54:56 Rep. Lenz moved to proceed with HJR 35-2, with no changes to the draft bill.

#### **Roll Call Vote**

15:54:56 The motion passed, 6-4, on a roll call vote with Sens. Gross and McNally and Reps. Carlson, Stafman, and Tenenbaum voting yes, and Rep. Caferro voting yes by proxy. Sens. Friedel and Manzella and Reps. Gillette and Lenz voted no.

#### **HJR 35-3: Institute PRTFs and TGH Utilization Fee**

15:57:02 Rep. Stafman opened the discussion on HJR 35-3.  
15:59:27 Rep. Lenz opposed the bill draft.  
16:01:07 Rep. Stafman commented on the money involved.

#### **Motion**

16:02:33 Rep. Lenz moved to proceed with HJR 35-3.

#### **Roll Call Vote**

16:02:33 The motion failed on a roll call vote, 5-5, with Sens. Gross and McNally and Reps. Stafman and Tenenbaum voting yes, and Rep. Caferro voting yes by proxy. Sens. Friedel and Manzella and Reps. Carlson, Gillette, and Lenz voted no.

#### **Additional Items related to the HJR 44 and HJR 45 studies**

16:05:16 Ms. Allen discussed agenda items for the HJR 44 and 45 studies for the June meeting.

16:09:01 Rep. Stafman discussed drafting a letter to the Interim Budget Committee that deals with ARPA funds to address the crisis bed capacity and to make ARPA funds available to schools to continue the CSCT program.

**Motion**

16:11:05 Rep. Carlson moved that the committee draft a letter to the ARPA committee requesting ARPA funds for emergency detention crisis beds.

**Discussion on the Motion**

16:11:37 The committee discussed the availability of ARPA funds and Substance Abuse and Mental Health Services Administration grants.

**Roll Call Vote**

16:16:22 The motion failed on a tie vote, 5-5, with Sens. Friedel and Manzella and Reps. Carlson, Gillette, and Lenz voting no. Sens. Gross and McNally and Reps. Stafman and Tenenbaum voted yes, and Rep. Caferro voting yes by proxy.

**Motion**

16:17:12 Sen. Gross moved for a committee letter to the ARPA committee requesting that funds be dispersed to the CSCT programs that are currently not up and running.

**Discussion on the Motion**

16:17:33 Rep. Gillette said that you can't use federal funds to match or support other federal programs and Medicaid.

**Motion Withdrawn**

16:18:05 Sen. Gross withdrew her motion.

**ADJOURNMENT**

16:19:43 Rep. Stafman adjourned the meeting at 4:20 p.m.