



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

November 16, 2021
Room 317, Capitol Building
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:

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)
Sen. Jen Gross (D)
Sen. Mary McNally (D)
Rep. Danny Tenenbaum (D)

MEMBERS PARTICIPATING VIA ZOOM:

Sen. Theresa Manzella (R)

STAFF PRESENT:

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

AGENDA (Attachment 1)

VISITORS' LIST (Attachment 2)

RECONVENE

- 08:03:12 Presiding Officer Stafman reconvened the meeting at 8:03 a.m.
08:03:42 Rep. Stafman gave opening remarks.

MENTAL HEALTH STUDIES: SJR 14, HJR 35, HJR 39

Crisis Services

- 08:04:44 Melissa Higgins, DPHHS Behavioral Health and Developmental Disabilities Division ([Exhibit 1](#))
08:13:20 Scott Malloy, Montana Healthcare Foundation ([Exhibit 2](#))
08:26:25 Terry Kendrick, Program Manager, gave a presentation on the Missoula Mobile Support Team.
08:29:46 John Petroff, Operations Manager, discussed the operations of the Missoula Mobile Support Team.

Committee Questions of Speakers

- 08:36:46 Sen. Gross asked Ms. Kendrick and Mr. Petroff if they have received any calls from a business where an employee is experiencing a crisis and whether there might be an alternative to calling 911.
08:40:33 Rep. Gillette asked Mr. Malloy if crisis stabilization teams can be combined with the CCBHC model.
08:47:19 Rep. Carlson asked how the Missoula Mobile Support Team is funded.
08:48:12 Rep. Carlson asked Mr. Malloy about the long-term sustainability of the Montana Healthcare Foundation's funding.
08:49:30 Rep. Carlson asked about the county tribal matching grant program.
08:52:34 Rep. Lenz asked about other programs in the state that are similar to the Missoula Mobile Support Team program.
08:54:20 Ms. Kendrick and Mr. Malloy respond.
08:54:36 Rep. Caferro asked Mr. Malloy how the Montana Healthcare Foundation decides where to dedicate its resources.
08:57:53 Rep. Caferro asked Ms. Higgins how DPHHS decides where to dedicate its resources.
08:58:42 Sen. McNally asked the Missoula Mobile Support Team if it sees the same people repeatedly or does the Support Team get those individuals to a crisis stabilization facility.
09:02:37 Sen. Friedel asked Mr. Petroff what Missoula is doing in reducing or eliminating the scenario of seeing some people repeatedly.
09:06:09 Rep. Stafman asked the Missoula Mobile Support Team about training and qualifications for the people working in the field.
09:09:08 Rep. Stafman asked the Support Team about the number of incarcerated people who have committed a crime and what types of crimes were diverted.
09:09:51 Rep. Stafman asked Ms. Higgins for more detail on the department's plans to seek approval for Medicaid coverage for mobile crisis services and the status of implementing the 988 suicide prevention hotline.

Provider Perspective: System Gaps, Needs, and Opportunities

09:17:56 Brenda Kneeland, CEO, Eastern Montana Community Mental Health Center
09:28:18 Jim FitzGerald, CEO, Intermountain
09:39:01 Matt Bugni, CEO, AWARE, Inc. [\(Exhibit 3\)](#)
09:46:55 Skip Rosenthal, Executive Director, Youth Homes [\(Exhibit 4\)](#)

Committee Questions of Speakers

10:01:58 Rep. Caferro asked Ms. Kneeland how the Eastern Montana Community Mental Health Center fits into the FQHC model.

BREAK

Consumer/Advocate Perspectives: System Gaps, Needs, and Opportunities

10:17:21 Ms. O'Connell gave an overview of the Mental Health Advisory Groups. [\(Exhibit 5\)](#)
10:18:46 Matt Furlong, President, Central Service Area Authority. [\(Exhibit 6\)](#)
10:20:17 *Rep. Tenenbaum joined the meeting at 10:20 a.m.*
10:30:02 Brent Morris, Eastern Service Area Authority (ESAA) [\(Exhibit 7\)](#)
10:36:12 Bruce Peterson, ESAA
10:40:46 Tyler Steinebach, Chair, Western Service Area Authority, introduced Will Harvey, Missoula County, who spoke of his experience with mental illness and homelessness.
10:45:28 Lesa Evers, Tribal Relations Manager, Department of Public Health and Human Services [\(Exhibit 8\)](#)
10:55:39 Matt Kuntz, Executive Director, NAMI-Montana

Public Comment on the Mental Health Studies

11:04:08 Katherine Buckley-Patton, Beaverhead County Mental Health Local Advisory Council
11:09:58 Rep. Mary Ann Dunwell, House District 84

Committee Questions of Speakers

11:15:10 Sen. Gross asked Mr. Rosenthal about the ways in which youth are referred to or can seek shelter care.
11:17:16 Rep. Carlson asked Ms. Evers about funding for recruitment of providers.
11:19:51 Rep. Caferro asked Ms. Evers if Medicaid expansion has made an impact on behavioral health care for Native Americans.
11:22:23 Rep. Stafman asked Mr. FitzGerald about the statutory framework to address the integrated system of care that DPHHS is responsible to implement.
11:26:42 Rep. Gillette asked staff for data on the community behavioral health aides authorized by House Bill 599 in 2019.
11:28:09 Rep. Stafman asked Mr. Bugni about a proposed rule that would reduce CSCT and home support services to families.
11:30:44 Rep. Stafman asked Mr. Bugni and Mr. Kuntz about the reimbursement rates for providers.
11:34:08 Rep. Stafman asked Ms. Buckley-Patton about her work in Beaverhead County.

LUNCH BREAK (reconvened at 12:24 p.m.)

INTERIM COMMITTEE AND WORK GROUP UPDATES

HB 39 Working Group

12:25:24 Rep. Tenenbaum and Rep. Lenz gave an update on the first meeting of the HB 39 Working Group.

Law and Justice Interim Committee

12:28:33 Rachel Weiss, Legislative Research Analyst, gave an update on the HJR 4 Study of criminal proceedings and commitment.

12:30:32 Sen. Friedel asked if the Children and Families Committee is looking at scheduling its January meeting to coincide with the Law and Justice Committee to have a conversation about HJR 4.

HJR 39: COMMITMENT OF INDIVIDUALS WITH DEMENTIA

Alternatives to Involuntary Commitment

12:32:08 Dr. Patricia Coon, Montana Alzheimer's/Dementia Work Group ([Exhibit 9](#))

12:49:28 Eric Carlson, Justice in Aging ([Exhibit 10](#))

12:58:25 Rose Hughes, Montana Health Care Association ([Exhibit 11](#))

13:14:27 Ms. O'Connell referred the committee to the document from Georgia State Rep. John LaHood, who was unable to participate as scheduled because the Georgia Legislature was in special session ([Exhibit 12](#)). Ms. O'Connell also referred the committee to her memorandum regarding Montana State Hospital Patients with Dementia Diagnoses ([Exhibit 13](#)).

Public Comment on the HJR 39 Study - None

Committee Questions of Speakers

13:17:33 Rep. Tenenbaum asked Dr. Coon to give a brief introduction of her qualifications. He asked how Montana is doing in terms of the education and training of care teams for Montanans who are living with dementia.

13:21:47 Rep. Tenenbaum asked Mr. Carlson about comparing Montana to other states where there are better outcomes or higher quality of care for people living with dementia.

13:24:35 Sen. Friedel asked about other states that are licensing assisted living facilities for higher levels of care.

13:31:26 Sen. Friedel asked if Mr. Carlson was familiar with ARM 37.106.2801, which allows a Category C facility to require a resident to leave.

13:32:05 Ms. O'Connell provided the committee with additional comments from Rep. LaHood.

13:32:56 Sen. Friedel provided the statutory authority for the administrative rule he referenced.

13:37:14 Rep. Carlson asked Dr. Coon to clarify the treatment recommendation in her slide for people with traumatic brain injuries. She asked if those recommendations would be good for all residents of every care facility as far as providing the best level of care.

13:40:22 Rep. Carlson asked Dr. Coon about her statement that care needs to become more humanized.

13:41:37 Rep. Caferro asked Ms. Hughes if Medicaid pays for training.

13:45:57 Sen. McNally praised Dr. Coon for her work at the Billings Clinic.

Law and Justice Interim Committee Update

13:46:56 Sen. Gross provided an update on the LJIC activities. She said the Law and Justice Committee has requested more mental health information from the Department of Corrections and will be monitoring the implementation of House Bill 658.

13:48:12 Rep. Carlson asked Sen. Gross about suicides in restrictive housing.

AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

Required Reports

13:49:32 Ms. O'Connell distributed but did not discuss the statutorily required report from the Department of Labor and Industry regarding the workforce development activities for Medicaid expansion enrollees. [\(Exhibit 14\)](#)

13:50:08 Rep. Gillette asked about the issue of using Temporary Assistance for Needy Families (TANF) funds for the HELP Link program.

Administrative Rule Review

13:51:08 Alexis Sandru, Committee Attorney [\(Exhibit 15\)](#)

GENERAL PUBLIC COMMENT

13:52:58 Dave Kesler, Philipsburg, discussed his family's experience with the DPHHS Child and Family Services Division. [\(Exhibit 16\)](#) (A copy is available upon request)

14:00:25 John Speare, Director/Owner, White Buffalo Laboratories, spoke on proposed rules regarding medical marijuana testing laboratories. [\(Exhibit 17\)](#)

14:05:09 Nathan Kosted, Stillwater Laboratories, discussed the rule changes for testing laboratories and asked the committee to hold a meeting regarding MAR Notice No. 37-967.

14:10:38 Ms. Sandru discussed the timeline of 37-967.

14:11:16 Shelly Demars, Rocky Boy Health Center, said she is available to answer any questions regarding how services are being delivered throughout the Rocky Boy Reservation.

14:13:50 Kate Cholewa, Montana Cannabis Industry Association, commented on the proposed rules for medical marijuana testing laboratories.

Committee Questions of the Public

14:15:42 Rep. Stafman asked Ms. Cholewa if the Montana Cannabis Industry Association has had any conversations with DPHHS about the Association's concerns.

14:16:57 Rep. Gillette asked Ms. Cholewa what the Montana Cannabis Industry Association is doing to maintain air quality in residential or business areas.

14:17:58 Sen. Friedel asked Mr. Speare about the timeframe for complying with the proposed testing lab rules.

14:24:40 Sen. Friedel asked Mr. Kosted if he would send the committee a relative timeline of what it would take to implement each part of the regulations.

14:25:13 Sen. Manzella asked Mr. Kesler if he felt that he is being targeted by DPHHS or discriminated against and his theories as to why that would be the case.

14:28:29 Rep. Stafman commented that there is another interim committee that has jurisdiction over other marijuana rules.

Update on Proposed CSCT Rules (MAR Notice No. 37-963)

14:30:57 Meghan Peel, Chief, DPHHS Children's Mental Health Bureau

Committee Questions

14:38:15 Rep. Caferro asked Ms. Peel about waiting lists from two elementary schools for CSCT services and whether other schools have waiting lists.

14:39:43 Rep. Tenenbaum asked Ms. Peel about the degree to which CSCT services and home support services are being duplicated.

14:42:21 Rep. Stafman asked about the usefulness of the evaluation tool when some schools have stopped offering the program.

BREAK (reconvened at 3:00 p.m.)

Agency Update

Adam Meier, Director, DPHHS, gave an update on:

15:05:31 COVID-19 vaccinations, hospitalizations, and deaths;

15:09:24 American Rescue Plan Act (ARPA) Funding Summary Report ([Exhibit 18](#));

15:17:33 processing payments to optometrists (MAR Notice No. 37-966);

15:20:16 the status of the HEART Initiative Medicaid waiver application;

15:22:53 new positions in the department;

15:25:06 the number of psychological evaluation and reports requested in child removal cases; and

15:26:17 the department's position on implementing the certified community behavioral clinic model.

Committee Questions of Director Meier

15:27:38 Sen. McNally asked why nothing is being done about supporting nurses currently in the workforce and whether funding is available for retention bonuses.

15:33:11 Rep. Carlson asked Director Meier to expand on the child care slots.

15:34:35 Sen. Manzella commented on the situation where a hospital was not providing alternative drugs for COVID patients. She is also interested on having an understanding of how much COVID treatments have costs the state versus how much Medicare and Medicaid have paid.

15:40:11 Rep. Gillette asked about ARPA funding for mental health or behavioral health services.

15:44:14 Rep. Stafman asked if the Director expects to see results of the provider rate study.

15:45:01 Rep. Caferro asked if revenue replacement is a potential strategy that would free up ARPA funds to address the issues of underfunded programs, staffing shortages, and suicide rates for youths.

15:47:48 Rep. Caferro requested that the department and the executive consider using revenue replacement to address the urgent needs of children and adults with mental illness and adults.

15:52:32 Rep. Caferro expressed her concern about Montana investing federal ARPA funds in people who are struggling rather than returning unused money that will go to other states and asked how much of the funding will be returned to the federal government to be redistributed.

15:55:38 Rep. Stafman asked about the decision made by the department to not target children regarding public service announcements about COVID vaccinations.

16:02:19 Rep. Stafman asked if the department has taken action to change the part of the emergency mask rule regarding the efficacy of masks worn by children.

16:07:33 Rep. Stafman asked what DPHHS intends to do about the concerns raised by the marijuana testing labs.

16:08:59 Rep. Stafman asked if the Director sees the climate crisis as contributing to the public health issue.

16:11:36 Rep. Gillette commented on Director Meier's leadership with respect to child welfare.

16:12:17 Rep. Carlson commented on the fact that some of these questions have been repeatedly asked of and answered by Director Meier.

COMMITTEE WORK SESSION

16:13:45 Ms. O'Connell discussed the revised work plan ([Exhibit 19](#)) and provided an overview of the activities planned for the January meeting. She asked for additional direction from the committee.

Committee Discussion

16:16:47 Sen. Friedel asked Ms. O'Connell to research the state laws and related administrative rules associated with dementia training.

16:17:43 Rep. Carlson said she was hoping to talk more with Mr. Carlson about dementia-related laws that he has already researched in other states.

16:23:07 Rep. Stafman said he would like to hear more about Mr. Rosston's suicide screening program; the CCBHC model; provider shortages; the Comprehensive School and Community Treatment (CSCT) program; expanding the Missoula Mobile Crisis program to other areas; encourage the use of the FQHC model in schools; and the children's system of care statutes mentioned by Intermountain.

16:28:40 Rep. Gillette commented on the provider shortage issue.

16:30:03 Rep. Caferro said she would like to have a discussion on revenue replacement as a mechanism for providing more flexibility for the use of federal COVID funds.

16:31:30 Sen. McNally commented on using ARPA funds for potential bonuses.

16:31:56 Committee members discussed the nature of the staffing shortages facing mental health providers, the scope of the legislative role in development and support of mobile crisis teams, and areas for committee action on the HJR 39 study.

16:45:33 Rep. Gillette said she is concerned about the time constraints for hearing certain topics.

16:51:03 Rep. Caferro said she would like to hear from people receiving mental health services. She suggested that future agendas have fewer topics and more time for committee questions. She asked that Native American speakers be invited to give presentations on their perspectives.

16:54:02 Rep. Carlson said she would like to discuss the rates paid to in-state and out-of-state residential treatment facilities for children.

16:55:08 Rep. Stafman said that the CFHHS' March meeting might coincide with the budget committee's meeting and asked if the committees would be meeting jointly.

ADJOURNMENT

16:56:37 Rep. Stafman adjourned the meeting at 4:56 p.m.