



SECOND DRAFT WORK PLAN

**CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES
INTERIM COMMITTEE
2023-2024 INTERIM**

For review and changes on July 13, 2023

Milly Allen, Research Analyst

MONTANA STATE LEGISLATURE

COMMITTEE MEMBERS AND STAFF: 2023-2024 INTERIM

Committee Members

| Senators | | Representatives | |
|---------------|-------|------------------|-------|
| Daniel Emrich | SD 11 | Jennifer Carlson | HD 69 |
| Chris Friedel | SD 26 | SJ Howell | HD 95 |
| Jen Gross | SD 25 | Ron Marshall | HD 87 |
| Dennis Lenz | SD 27 | Mike Yakawich | HD 51 |

Committee Staff

| Staff Member | Role | Phone | E-Mail |
|------------------|------------------|--------------|--|
| Milly Allen | Research Analyst | 406-444-9280 | milly.allen@legmt.gov |
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| Jolanda Songer | Secretary | 406-444-0502 | jolanda.songer@legmt.gov |

INTERIM WORK PLAN

INTRODUCTION AND OVERVIEW

The Children, Families, Health, and Human Services Interim Committee is one of several interim committees established in law. State law requires interim committees to meet in between legislative sessions to:

- conduct interim studies as assigned;
- explore topics and issues brought forth by committee members;
- propose bills and resolutions that committee members believe should be presented to the next Legislature; and
- review administrative rules, programs, and legislation for agencies within each committee's jurisdiction.

The Children, Families, Health, and Human Services Interim Committee is responsible under state law for monitoring the activities of the Department of Public Health and Human Services (DPHHS), the largest agency in state government.

The Legislative Council assigned no studies to the committee for this interim.

This work plan details the committee's study and agency oversight duties for the interim, which runs from July 2023 through September 15, 2024.

MEMBER TOPICS

Members may suggest topics for the committee to explore. As with studies, the committee chooses which topics to pursue and how much time to spend on each.

Whether conducting a study or investigating a member topic, the process follows a basic pattern as shown below.



The first phase happens during the first few meetings of the interim when the committee:

- hears presentations by people with experience and expertise;
- takes public comment from interested parties, who may offer specific suggestions; and
- reviews informational materials, such as staff research papers.

In the second phase, the committee spends a meeting or two narrowing its focus. Members identify specific aspects, ideas, or questions they'd like to analyze further. This phase helps members concentrate on the issues they consider to be of the greatest importance and obtain any additional information needed to make final recommendations.

During the final stage, members review and decide on options for action. Potential solutions, including legislation, are usually reviewed and refined at multiple meetings before the committee takes final action.

COMMITTEE DUTIES

Agency Oversight Duties

The Department of Public Health and Human Services has nearly 3,000 employees throughout the state and is responsible for providing Montanans with public health services and a broad scope of assistance programs, including children and the elderly, needy, disabled, abused, neglected, and mentally ill. It operates the following facilities:

- the Intensive Behavior Center in Boulder, a secure, 12-bed facility for seriously developmentally disabled individuals who are committed to the facility by a court;
- the Montana State Hospital at Warm Springs and its Forensic Mental Health Facility at Galen, for adults with mental illness who have been committed for treatment by a court because they pose a danger to themselves or others or have been charged with or convicted of a crime;
- the Montana Chemical Dependency Center in Butte, an inpatient treatment center for adults diagnosed as having an addiction to drugs or alcohol or who suffer co-occurring addiction and mental illness;
- the Mental Health Nursing Care Center in Lewistown, a long-term care facility for people who have a mental disorder, require a level of care that isn't available in the community, and can't benefit from treatment at the State Hospital; and
- the Eastern Montana Veterans' Home in Glendive, the Montana Veterans' Home in Columbia Falls, and the Southwest Montana Veterans' Home in Butte. The facilities are open to veterans and spouses who need skilled nursing care or suffer from Alzheimer's disease.

Administrative Rule Review

Interim committees review administrative rule proposals of the agencies for which they have oversight responsibility. The committee's legal staff reviews DPHHS rulemaking notices and provides regular updates, noting any rules that may be out of compliance with the Montana Administrative Procedure Act (MAPA). That law allows interim committees to, among other things:

- obtain an agency's rulemaking records to review them for compliance;
- submit written recommendations on adopting, amending, or rejecting a rule;
- require that a rulemaking hearing be held;
- require an economic impact statement relating to a rule adoption; and
- poll the Legislature by mail to determine if a proposed rule is consistent with legislative intent.

Interim committees also may delay the adoption of proposed rules by objecting to proposals that members believe do not comply with the provisions of MAPA. The Speaker of the House and the Senate President may break a tie vote on any rule objection being considered by an interim committee (2-4-112, MCA).

Program Monitoring

The committee monitors DPHHS operations with specific attention to issues likely to require future legislative action, opportunities for improving the laws governing the agency's operation and programs, and experiences that Montanans have had with the agency that may be improved through legislative action.

Review of Advisory Councils and Reports

At the request of any committee member, the committee may review statutorily created advisory councils and required reports related to the agencies they oversee, to see if the councils or reports should be revised or repealed.

Review of Draft Legislation

The interim committee process allows for an early review of agency-requested legislation. Interim committees typically authorize the drafting of many state agency bills in advance of the November election, which frees up time for the Legislative Services Division staff to concentrate on legislator bill draft requests after the election. Agency bills drafted as a result of this process must be introduced before the 2023 legislative session begins.

Required Reports

DPHHS and other entities present a number of statutorily required reports to the committee.

| Report | Frequency |
|--|-----------------|
| Task Force to Modify and Improve CPS System Final Report | Once |
| Task Force on a Court System for Dependency and Neglect | Once |
| Child and Family Ombudsman Activities and Recommendations | Annually |
| Children's Mental Health Outcomes | Annually |
| Medicaid Expansion Workforce Development Participation/Employer Grants | Annually |
| Status of Individuals Placed from MDC into the Community | Annually |
| HELP-Link Workforce Program | Annually |
| Out-of-State Placement of Children with Mental Health Needs | Annually |
| DPHHS Updates on Collecting Medicaid Provider Expenditure Data | Quarterly |
| Medicaid Expansion Participation, Demographics, and Funding <i>Terminates June 30, 2025</i> | Quarterly |
| Child Abuse and Neglect Review Commission Recommendations | Every Two Years |
| Suicide Reduction Plan | Every Two Years |
| Prescription Drug Registry Report | Every Two Years |
| Interim Budget Committee Information: Staff and Agency Reports | Periodically |
| Interim Budget Committee Information: Staff and Agency Reports | Periodically |

Interim Review of Child Protective Services

SB 352 from the 2023 Legislature requires the committee, with the help of a workgroup that consists of additional stakeholders, to review the operation of child protective services in Montana and identify ways to improve how this system serves children and families. The committee must prepare a final report of its findings, conclusions, and recommendations and prepare draft legislation by September 15, 2024.

Other Duties

Statewide Initiative Review

The 2021 Legislature passed House Bill 651, which requires each interim committee to review and decide whether to place language in the initiative's signature-gathering petition that indicates whether the committee supports or opposes putting the measure on the ballot. The 2023 Legislature enacted Senate Bill 93 to clarify and revise the review process enacted in House Bill 651 in 2021. SB 93 applies to statewide initiatives submitted to the secretary of state after May 19, 2023.

An interim committee must hold a public hearing on a statewide initiative – including a constitutional initiative, constitutional convention initiative, or a statutory initiative – referred to the committee by the executive director of the Legislative Services Division. The committee then votes to either support or not support the placement of the proposed statewide initiative on the ballot. The petition used to gather signatures to place the statewide initiative on the ballot must include the interim committee vote.

The committee must conduct the review and make its decision within 14 days of receiving the final text of the proposed initiative, which may result in additional committee meetings. The law allows a committee to meet by electronic means to conduct the review.

A complaint was filed on May 26, 2023 in Lewis and Clark County District Court challenging SB 93. Committee staff will follow this case and provide the committee with any updates that may impact its work.

Section B Interim Budget Committee

The 2021 Legislature created several interim budget committees with House Bill 497. The Section B Interim Budget Committee handles Public Health and Human Services budgeting. The committees may meet jointly, attend each other's meetings, and a mix of both.

Other Interim Monitoring

Interim committees also may take up other matters related to the agencies and topic areas they oversee. The Committee may request regular updates on DPHHS programs and activities, request information on implementation of newly passed legislation, or review other health and human services topics as the need arises.

Meeting Schedule

The committee adopted the following meeting schedule at its July 13 meeting. The dates prefaced with an asterisk (*) fall immediately adjacent to a Section B Budget Committee meeting.

The committee's budget allows for approximately **ten meeting dates**. The adopted schedule includes only eight meeting dates. The committee may choose to use the two remaining meeting dates to schedule a joint meeting with another committee, extend a one-day meeting into a two-day meeting, or schedule additional meetings.

Meeting Schedule

| Day | Date |
|-----------|--|
| Thursday | July 13, 2023 |
| Tuesday | *September 12, 2023 (Section B meets September 13) |
| Wednesday | November 15, 2023 |
| Thursday | January 18, 2024 |
| Tuesday | *March 12, 2024 (Section B meets March 13) |
| Thursday | May 9, 2024 |
| Wednesday | July 17, 2024 |
| Wednesday | September 11, 2024 |

Member Topics and Prioritization

As set by the committee at its July 13, 2023 meeting.

| Activity | Required? | Options for Committee Involvement/Meeting Hours | | | |
|--|--------------------------|---|---------|----------|-------------|
| | | None | Minimal | Moderate | Significant |
| Administrative Rule Review | Required | | | X | |
| Agency Legislation | Required | | X | | |
| Review of Advisory Councils and Reports | Optional | X | | | |
| Statewide Initiative Review | Required As Needed | X | | | |
| Agency Monitoring and Required Reports | Required | | | X | |
| Review of Child Protective Services (SB 353) | Required | | | X | |
| Committee Topic: Behavioral Health | | | | | X |
| Committee Topic: Continuum of Long-Term Care (HJ 28) | | | | X | |
| Committee Topic: Daycare | | | X | | |
| Committee Topic: Provider Burnout (HJ 38) | | | X | | |
| Committee Topic: Family Peer Support Models | | | X | | |
| Total: 11 Activities | | 2 | 4 | 4 | 1 |

APPENDIX A: COMMITTEE DECISIONS ON STUDY AND OVERSIGHT ACTIVITIES

The table below provides a sketch of what different levels of committee involvement for different duties could look like.

| | Minimal Involvement: | Moderate Involvement: | Significant Involvement: |
|---|--|--|--|
| Member Topics | <ul style="list-style-type: none"> One panel discussion or individual speaker on the topic Staff summary | <ul style="list-style-type: none"> Review staff-provided background materials on two or three sub-topics as identified by the Committee Two panel discussions or individual speakers on the selected topics Staff summary | <ul style="list-style-type: none"> Review staff-provided background materials on at least four sub-topics as identified by the Committee Review additional staff materials developed at the Committee's request At least four panel discussions or individual speakers on the selected topics Additional items as identified by the Committee Staff summary |
| Administrative Rule Review | <ul style="list-style-type: none"> Receive brief written descriptions of each rule prior to each meeting Legal staff will note issues of concern | <ul style="list-style-type: none"> Receive longer written descriptions of each rule prior to each meeting Legal staff will note issues of concern | |
| Agency Legislation | <ul style="list-style-type: none"> Brief DPHHS presentation on all its legislation | Lengthier DPHHS presentation on all its legislation | Two to three DPHHS presentations on legislation |
| Agency Monitoring | <ul style="list-style-type: none"> Agency reports provided in writing Brief DPHHS updates at each meeting | <ul style="list-style-type: none"> Agency presentation on one or two statutorily required reports; other reports provided only in writing DPHHS updates at each meeting Additional updates on one or two topics identified by Committee members | <ul style="list-style-type: none"> Agency presentation on three or four statutorily required reports; other reports provided only in writing DPHHS updates at each meeting Additional updates on three or more topics identified by Committee members |
| Advisory Council and Report Review | <ul style="list-style-type: none"> Review a list of statutory advisory councils to determine if any should be reviewed for changes | | |

