



## HEALTH AND HUMAN SERVICES INTERIM BUDGET COMMITTEE

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### 68th Montana Legislature

#### SENATE MEMBERS

Carl Glimm  
Bob Keenan  
Mary McNally

#### HOUSE MEMBERS

Mary Caferro  
Frank Garner  
Terry Moore  
Matt Regier

#### COMMITTEE STAFF

Charlene Devine - Secretary  
Brian Hannan - OBPP Staffer  
Matt Hartnett - Fiscal Analyst  
Joshua Poulette - Legislative Fiscal Analyst

## MINUTES LOG

September 14, 2022  
Room 102  
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. Matt Regier, Chair (R)  
Sen. Carl Glimm, Vice Chair (R)  
Rep. Mary Caferro (D)  
Rep. Frank Garner (R)  
Sen. Bob Keenan (R)  
Sen. Mary McNally (D)  
Rep. Terry Moore (R)

#### **MEMBERS EXCUSED:**

#### **MEMBERS ABSENT:**

#### **STAFF PRESENT:**

Charlene Devine, Secretary  
Brian Hannan, OBPP Staffer  
Matt Hartnett, Fiscal Analyst  
Joshua Poulette, Legislative Fiscal Analyst

**AGENDA (Attachment 1)**

**VISITORS' LIST (Attachment 2)**

**COMMITTEE ACTION**

**CALL TO ORDER/ROLL CALL**

09:32:18 Rep. Matt Regier called the meeting to order at 9:32 AM. The committee secretary took roll.

09:33:18 Brian Hannan - Lead Budget Analyst, Office of Budget Program Planning  
Introduction - Amy Franks, Analyst

09:34:00 Introduction - Julia Hamilton, Fiscal Analyst

**DPHHS UPDATES - Charlie Breneton, DPHHS Director**

09:35:57 Director Brereton gave an overview of presentations.

**DPHHS Red Tags Relief**

09:36:59 Brenton Craggs, Information and Regulatory Affairs Coordinator, DPHHS

09:43:31 Rep. Moore joined the meeting.

**Committee Questions & Discussion**

09:46:11 Rep. Garner asked Director Brereton about viewing high priority rule

09:46:29 changes. Chair Regier asked if the statutory changes were overlapping in

09:47:56 departments. Chair Regier asked about approved and pending bills.

09:49:31 Chair Regier asked if the Department would furnish the committee with all 19 bills.

**Montana State Hospital and Behavioral Health System Reform Update**

09:50:09 Chris Baglio, Senior Director, Alvarez & Marsal

09:51:26 Will Evo, Deputy Chief of Facilities, DPHHS

09:51:49 Director Brereton

09:56:40 Rep. Caferro joined the meeting

**Will Evo, Deputy Chief of Facilities**

09:58:58 Mr. Evo

**Chris Baglio and Diane Rafferty, Alvarez and Marsal**

10:03:29 Mr. Baglio provided an overview.

10:07:47 Diane Rafferty - Alvarez & Marsal

10:10:00 Mr. Baglio spoke on quality processes. Exhibit 1

**Committee Questions & Discussion**

10:14:36 Rep. Garner asked Director Brereton how quality goals are determined.

10:16:44 Rep. Garner asked Director Brereton what the definition of operations is.

10:20:30 Rep. Caferro asked Director Brereton to explain the foot note on the facility scorecard on page 4 of the handout.

10:22:09 Rep. Caferro asked Director Brereton where the list of all the quality measurements can be found.

10:28:12 Rep. Caferro asked about quality measures and where the referred to list could be found. Rep. Caferro referred to a list that was presented by CMS and asked how the list intersects with the work of the study,

10:32:29 Rep. Caferro asked how the issues of IJ and CMS are being addressed.

10:35:00 Chair Regier asked about chemical dependency numbers.

10:36:27 Mr. Evo referred committee members to page 16 and 17.

10:38:29 Sen. Keenan asked Director Brereton about allowing Legislatures to visit hospitals. Sen Keenan talked about his visit to the facility.

10:53:18 Rep. Moore asked Director Brereton for clarity on the vacancy rate.

10:53:31 Rep. Moore asked Mr. Evo if the vacancy rate included temporary contractors. Rep. Moore also asked Mr. Evo for clarification on the daily census and vacancy rate.

10:57:26 Rep Moore asked Ms. Rafferty about low census and staffing.

10:59:41 Sen. Keenan referred to page 8 and asked if acuity are overviews.

11:03:35 Chair Regier referred to page 11 and asked Director Brereton for clarification on information on page 5.

11:04:13 Chair Regier commented on pay.

11:06:10 Rep. Caferro asked about questions asked to leaving employees.

11:07:21 Rep. Caferro asked if the Department has any intention of implementing an electric medical system and plans to stabilize the workforce.

11:09:10 Rep. Caferro asked for clarification on if there was an electronic system in place at the State Hospital.

11:09:47 Rep. Caferro asked for more clarification regarding the use of an electronic system at the Montana State Hospital and referred to the CMS report.

11:23:45 Rep. Caferro referred to page 12 and asked about the number of falls at the State Hospital.

11:26:16 Rep Caferro asked about the falls data.

11:27:12 Rep Caferro asked about fall initiatives and improvement in the data.

11:31:09 Rep. Caferro requested Director Brereton report on State Hospital falls on page 16. Rep. Caferro asked about Medicaid eligibility.

11:33:44 Rep. Garner asked Director Brereton when the last vulnerability assessment and strategic recommendations was done. Rep. Garner gave a summary view of the Department's challenges and expectations.

### **DPHHS Financial Update**

11:41:01 Kim Aiken, CFO, DPHHS

### **Committee Questions & Discussion**

11:52:16 Rep. Caferro referred to page 5 of HB 2 Budget Modifications.

11:53:16 Rep. Caferro asked Director Brereton for clarification on the budget changes.

11:54:08 Chair Regier asked when the state of emergency of enhance FMAP would end.

11:56:18 Chair Reiger asked about the contingency fund.

**DPHHS PROVIDER RATE STUDY**

2:00:16 Director Brereton (Exhibit 2)

12:04:25 Coy Jones, Director Guidehouse, DPHHS

**LUNCH BREAK (reconvene at 12:50:37)**

**DPHHS PROVIDER RATE STUDY - continuation**

12:51:29 Mr. Jones

**Public Comment**

13:01:20 Patrick Maddison, Montana Association of Community Disability Services (MACDS)

13:03:21 Joshua Kendrick, CEO. Opportunity Recourses, Inc.

13:04:37 Mary Windecker, Behavioral Health Alliance of Montana, (BAM)

**DPHHS PROVIDER RATE STUDY - continuation**

13:09:23 Mr. Jones continued with Fiscal Impact Analysis presentation. Ref. exhibit 2

13:26:13 Mr. Jones continued with Policy Considerations. Exhibit 2, page 11-13.

**Committee Questions & Discussion**

13:34:25 Sen. Keenan asked if state services overlap with state providers and would that data be skewed.

13:36:34 Rep Garner asked what the process of administrative rate.

13:37:05 Chair Regier asked Mr. Jones about impact effecting the utilization.

13:43:24 Rep. Garner commented on regular reviews.

**Additional Committee Questions**

14:02:12 Rep. Moore asked Mr. Jones about considerations when establishing provider rates.

14:05:04 Rep. Moore commented on conclusion of the report.

**Mike Randol, Executive Director, Medicaid and Health Services**

**Committee Questions & Discussion**

14:07:08 Sen. Keenan asked Director Brereton if the reports are public documents.

**QUARTERLY FINANCIAL REPORT, LFD Staff**

14:09:03 Joshua Poulette, Legislative Fiscal, Analyst (Exhibit 3)

14:12:40 Kim Aiken, CFO, DPHHS, (Exhibit 4)

**Committee Questions & Discussion**

14:15:31 Rep. Garner asked for clarification of the Chemical Dependency Prevention Framework grant on page 2.

14:16:26 Chair Regier asked Ms. Aiken if the marijuana money had been transferred.

14:23:24 Rep. Regier commented that the benefits and claims decreased and asked where the line items came from.

14:32:30 Rep. Caferro asked Mr. Poulette about nursing home data.

### **DPHHS UPDATES BY DIVISION**

#### **Director Brereton**

14:35:28 Kim Aiken CFO, DPHHS

#### **Director's Office**

14:37:02 Director Brereton explained the major functions of the Director's Office, (Exhibit 5)

14:49:13 Karol Anne Davis, Office of Human Resources,DPHHS

14:49:33 Rep. Moore referred to Mr. Poulette's report and asked about the gap in appropriations.

14:50:45 Rep. Garner asked about ARPA and contract employees.

14:51:25 Rep. Regier asked about Faith and Community Based Services.

14:52:04 Chair Regier asked how many organizations there are.

14:56:42 Paula Stennard, Office of Legal Affairs

#### **Business and Financial Services Division**

15:00:39 Corrine Kyler, Administrator BFSD, (Exhibit 6)

#### **Committee Questions & Discussion**

15:15:47 Rep. Garner commented on succession planning and communication of all departments.

#### **Technology Services Division**

15:18:36 Carrie Albro, Chief Information Officer, (Exhibit 7)

15:47:07 Rep. Moore asked about 16 divisions verses 23 divisions.

15:47:25 Rep. Moore asked how the division assures data security and risk management.

#### **Office of Inspector General**

15:50:19 Mitchell Truex, Inspector General (acting), (Exhibit 8)

#### **Committee Questions & Discussion**

15:58:28 Chair Regier referred to the Flex Grant and critical access and asked if it is based on beds.

#### **Healthcare Facilities Division**

16:00:22 Mr. Evo, Chief Health Care Offices, DPHHS, (Exhibit 9)

16:03:12 Chair Regier asked Mr. Evo if there were any new thoughts regarding IBC.

### **MEDICAID-FUNDED ABORTION UTILIZATION REVIEW**

16:06:56 Director Brereton presented overview of Montana Medicaid Funded Abortions. (Exhibit 10)

### **Committee Questions & Discussion**

- 16:17:50 Chair Regier asked if the court defined "medically necessary" in the 1995 Jeanette vs Ellery case or was it provided in ARM.
- 16:18:25 Chair Regier asked if the ARM has been there since 1980.
- 16:19:02 Chair Regier asked if the court decided medically necessary and if the process has changed since 1995.
- 16:21:05 Chair Regier asked if the form was MA - 037.
- 16:21:17 Chair Regier asked about providers completing forms.
- 16:22:16 Chair Regier asked if the Physicians - Related Services Manual was a Department manual,
- 16:23:47 Sen. Glimm asked about MA-037.
- 16:23:53 Sen. Glimm asked what constitutes a physician.
- 16:24:47 Chair Regier asked for information provided in an expanded narrative.
- 16:27:21 Chair Regier commented on funds given to the Heart Fund.
- 16:27:25 Mr. Poulette discussed Agency Budget Submission and Personal Services Snapshot Summary. (Exhibit 11)
- 16:29:56 Sen. Keenan refereed to the NH Authority handout in Department's packet.

### **ADJOURNMENT**

- 16:31:06 Chair Reiger adjourned the meeting at 4:31 PM.