



## Children, Families, Health, and Human Services Interim Committee

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### 64th Montana Legislature

#### SENATE MEMBERS

MARY CAFERRO--Vice Chair  
FREDERICK ( ERIC ) MOORE  
DIANE SANDS  
ROGER WEBB

#### HOUSE MEMBERS

RON EHLI--Chair  
JESSICA KARJALA  
ALBERT OLSZEWSKI  
GORDON PIERSON

#### COMMITTEE STAFF

SUE O'CONNELL, Lead Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

# MINUTES LOG

September 14, 2015  
Room 137, Capitol Building  
Helena, Montana

**Please note:** This document is a Minutes Log and provides a notation 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 record 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 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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Please contact the Legislative Services Division at 406-444-3064 for more information.

### **COMMITTEE MEMBERS PRESENT**

REP. RON EHLI, Chair  
SEN. MARY CAFERRO, Vice Chair

SEN. DIANE SANDS  
SEN. ROGER WEBB

REP. JESSICA KARJALA  
REP. ALBERT OLSZEWSKI  
REP. GORDON PIERSON

### **COMMITTEE MEMBERS EXCUSED**

SEN. FREDERICK (ERIC) MOORE

### **STAFF PRESENT**

SUE O'CONNELL, Lead Staff  
ALEXIS SANDRU, Staff Attorney  
FONG HOM, Secretary

## **VISITORS' LIST** (Attachment 1)

## **AGENDA** (Attachment 2)

### **COMMITTEE ACTIONS**

The committee reviewed and discussed the revised interim work plan and the revised plan for the Senate Joint Resolution 22 study of guardianship laws and services, in addition to hearing presentations related to its studies and agency oversight duties.

The committee:

- adopted the revised SJR 22 study plan, with the addition of language indicating the study will also look at the supports and services available to individuals with Alzheimer's and dementia and their families to keep patients in their homes and communities;
- adopted the revised interim work plan after deciding to reduce the committee's level of monitoring from moderate to minimal for the implementation of SB 405, the Medicaid expansion bill, and SB 411, the bill to close the Montana Developmental Center in Boulder;
- decided against visiting the Montana Mental Health Nursing Care Center in Lewistown during their November meeting; and
- asked staff to develop a list of potential tour sites in Billings related to their study and oversight duties.

### **CALL TO ORDER AND ROLL CALL**

00:00:01 Rep. Ehli called the meeting to order at 8:02 a.m.

00:01:59 The committee secretary called roll. Sen. Moore was excused. (Attachment 3)

00:03:18 Ms. O'Connell gave an overview of the agenda.

### **REVISED WORK AND STUDY PLANS**

#### **Senate Joint Resolution 22 Study Plan**

00:04:17 Ms. O'Connell gave a brief overview of the revised SJR 22 Study Plan.  
(Exhibit 1)

#### **Committee discussion**

00:07:37 Sen. Caferro discussed adding language on community support for Alzheimer's and dementia patients to the SJR 22 Study Plan.

#### **Interim Work Plan**

00:12:50 Ms. O'Connell presented the revised draft interim Work Plan to the committee.  
(Exhibit 2)

#### **Committee discussion**

00:15:03 Sen. Caferro suggested lowering the level of involvement on SB 405 and SB 411 from moderate to minimal.

00:15:54 The committee members discussed the suggested revision.

Public Comment on Revised Study and Work Plans  
00:19:34 Claudia Clifford, Advocacy Director, AARP Montana

## **SB 418: LEGISLATIVE MENTAL HEALTH INVESTMENTS**

### **Overview of Legislative Action and Continuum of Care**

00:22:04 Ms. O'Connell discussed the briefing paper "Summary of 2015 Legislative Action". [\(Exhibit 3\)](#)

### **Committee questions**

00:26:39 Rep. Ehli asked for continued monitoring of appropriations that don't have specific guidelines for use.

00:27:58 Sen. Sands asked about the three unsuccessful bills that were part of the package of seven bills that resulted from last interim's Children, Families, Health, and Human Services Committee.

00:30:42 Ms. O'Connell discussed the briefing paper "Continuum of Mental Health Services". [\(Exhibit 4\)](#)

### **Administrative Rule Activity - Alexis Sandru, Staff Attorney**

00:33:10 Ms. Sandru gave a presentation on the Department of Public Health and Human Services' proposal of a new rule implementing House Bill 35, one of the mental health bills the committee is monitoring.

### **Committee questions**

00:35:42 Rep. Ehli asked about the eligible providers covered in the proposed rule.

### **Department of Public Health and Human Services Activity to Date**

**Glenda Oldenburg, Administrator, DPHHS Addictive and Mental Disorders Division**

**Zoe Barnard, Chief, DPHHS Children's Mental Health Bureau**

00:39:05 Ms. Oldenburg [\(Exhibit 5\)](#)

### **Committee questions**

00:56:15 Sen. Sands asked about evidence-based programs and discussed the importance of data collection.

00:58:50 Ms. Barnard

### **Measurement of Mental Health Objectives - Glenda Oldenburg**

01:00:04 Ms. Oldenburg [\(Exhibit 5\)](#) and [\(Exhibit 6\)](#)

### **Committee questions**

01:08:31 Sen. Sands asked about goals, data collection, and best practices across the country.

01:10:13 Rep. Ehli asked about evidence-based outcomes, the department objectives,

- and monitoring the disbursement of diversion grants.
- 01:21:37 Sen. Webb asked Ms. Oldenburg for a breakout of new programs and existing programs for the county grant program.
- 01:23:12 Sen. Webb asked about the employment data graph on page 2 of Exhibit 6.
- 01:23:51 Sen. Caferro asked if similar methods will be used to analyze the effectiveness of the programming in state-run facilities.
- 01:25:00 Rep. Ehli asked about the effects the newly funded programs will have on the Montana State Hospital census.
- 01:29:41 Rep. Karjala asked about the costs of treatment for individuals in the McCollom Home.

#### Public Comment on the SB 418 Study

The following individuals provided public comment on the SB 418 Study and mental health services:

- 01:38:20 Jody Daly, Chief Executive Officer, Western Montana Mental Health Center
- 01:44:55 Sheila Smith, Western Montana Mental Health Center
- 01:50:55 Jani McCall, Legacy Provider Group
- 01:54:13 Erin McGowan, Executive Director, Montana Children's Initiative
- 01:56:30 Barb Mettler, Executive Director, South Central Montana Regional Mental Health Center
- 02:01:31 Kathy McGowan
- 02:04:55 Patti Jacques, Helena
- 02:08:36 Sydney Blair, Center for Mental Health

#### **SB 405: MEDICAID EXPANSION**

##### **Summary of Action to Date - Sue O'Connell**

- 02:13:51 Ms. O'Connell discussed the briefing paper, "Summary of Waiver Requests".  
**(Exhibit 7)**
- 02:15:38 Ms. O'Connell discussed the briefing paper, "Third-Party Administrator RFP".  
**(Exhibit 8)**

##### **Overview of Waiver Proposals and RFP - Mary Dalton, State Medicaid Director**

- 02:17:36 Ms. Dalton gave a presentation on the Medicaid waiver proposals and the process of selecting a third-party administrator.

##### Committee questions

- 02:28:40 Rep. Karjala asked if the public comments were favorable and how the comments might factor into the federal decision.
- 02:30:03 Rep. Olszewski asked about a premium tax placed on Medicaid managed care programs.
- 02:32:50 Rep. Ehli asked what will happen if the federal government denies parts of the waiver request.
- 02:33:47 Sen. Caferro thanked Ms. Dalton and the governor for providing health care to 70,000 Montanans.
- 02:34:16 Rep. Ehli thanked the department for its work to get the program running.

02:34:57 Sen. Sands said she would like the plans and the administrative rule changes forwarded to the committee in a timely manner.

**HB 422: CHILDREN'S MENTAL HEALTH OUTCOMES - Sue O'Connell**

02:35:36 Ms. O'Connell discussed two briefing papers: "Overview of the Children's Mental Health System" ([Exhibit 9](#)), and "Continuum of Children's Mental Health Services" ([Exhibit 10](#)).

Committee questions

02:39:19 Rep. Karjala asked whether gaps exist between the Healthy Montana Kids Plan and private insurance coverage.

**Montana's Publicly Funded Mental Health Systems**

**Zoe Barnard, Chief, DPHHS Children's Mental Health Bureau**

**Jo Thompson, Chief, DPHHS Member Health Management Bureau**

02:41:43 Ms. Barnard ([Exhibit 11](#)) and ([Exhibit 12](#))

Committee questions of Ms. Barnard

02:54:51 Sen. Caferro asked if autism is included in the DSM 5 and if it is still in the definition of SED.

02:56:00 Ms. Thompson ([Exhibit 13](#))

Committee questions of Ms. Thompson

02:59:46 Sen. Caferro asked whether the Healthy Montana Kids Plan should be covering autism services as part of the mental health benefit.

03:01:54 Rep. Olszewski asked about the number of children involved in the CHIP-funded component of children's mental health.

**Children's Mental Health through the Public Health Lens**

**Jani McCall, Legacy Provider Group and Montana Children's Initiative**

**Jeff Folsom, A.W.A.R.E., Inc.**

03:04:14 Ms. McCall ([Exhibit 14](#))

Committee questions of Ms. McCall

03:19:29 Rep. Karjala asked about Adverse Childhood Experiences and the value of identifying those experiences.

03:23:12 Mr. Folsom ([Exhibit 15](#))

Committee questions

03:43:15 Sen. Sands asked Ms. Barnard about the difference in the effectiveness of treatment programs for Native Americans.

03:47:21 Sen. Sands asked that a speaker discuss mental health issues from a Native American perspective at a future meeting.

- 03:47:58 Rep. Ehli asked Mr. Folsom how the committee can move forward to accomplish the HB 422 goals.
- 03:54:56 Sen. Sands commented on the efforts between DPHHS and the Office of Public Instruction, particularly on the reservations, in dealing with children mental health issues.

#### Public Comment on the HB 422 Study

The following individuals provided public comment on the HB 422 Study and mental health matters related to children in foster care:

- 03:57:05 Geoff Birnbaum, Missoula Youth Homes
- 04:01:01 Robin Castle, licensed clinical provider ([Exhibit 16](#)) and ([Exhibit 17](#))

**LUNCH** - reconvene at 1:23 p.m.

### **SJR 22: GUARDIANSHIP LAWS AND SERVICES**

#### **Overview of State Laws - Alexis Sandru, Staff Attorney**

- 05:22:25 Ms. Sandru gave a brief overview of state laws on guardianship. ([Exhibit 18](#))

#### **Overview of Legal Proceedings**

**Jon McCarty, Attorney, Great Falls**  
**Douglas Day, Regional Deputy Public Defender, Lewistown**  
**Hon. Mike Menahan, District Judge, Helena**

- 05:24:35 Jon McCarty
- 05:37:08 Douglas Day
- 05:48:37 Hon. Mike Menahan ([Exhibit 19](#))

#### **Committee questions**

- 06:01:32 Rep. Pierson asked about guardianships for the elderly.
- 06:03:53 Rep. Ehli asked Judge Menahan and Mr. McCarty about fiduciary roles in guardianships.
- 06:06:56 Rep. Ehli asked about the protections for interested third parties if they file a complaint.
- 06:09:48 Rep. Karjala asked about trustee relationships and guardianships.

#### **Overview of State Role and Services**

**Kelly Williams, Administrator, DPHHS Senior and Long-Term Care Division**  
**Valerie Bashor, DPHHS Attorney**

- 06:14:48 Kelly Williams ([Exhibit 20](#))
- 06:26:35 Valerie Bashor

#### **Committee questions**

- 06:35:06 Rep. Ehli asked Ms. Bashor about mandatory reporting of suspected elder abuse.

## Public Comment on the SJR 22 Study

The following individuals provided public comment on the SJR 22 Study:

06:36:51 Beth Brenneman, Disability Rights Montana

06:40:22 Erin McGowan, Montana Association of Area Agencies on Aging

**BREAK** - reconvened at 3:01 p.m.

## **AGENCY OVERSIGHT: STAFF REPORTS**

### **Administrative Rule Review - Alexis Sandru**

07:00:21 Ms. Sandru discussed administrative rule activities. [\(Exhibit 21\)](#)

#### Committee questions

07:01:16 Rep. Ehli asked if Ms. Sandru's administrative rule review presentations are of benefit to the committee members.

07:01:23 Sen. Sands said that it is important to get the rule review information and would like to keep receiving the bi-monthly reports.

### **SB 411: Montana Developmental Center Closure - Sue O'Connell**

07:02:11 Ms. O'Connell gave an update on the implementation of SB 411 and the work of the Transition Planning Committee. She also discussed client status as of August 2015. [\(Exhibit 22\)](#)

#### Committee questions of Ms. O'Connell

07:07:32 Rep. Ehli asked about the repurposing of the facility.

07:08:20 Sen. Webb asked for the names of the legislative members who are on the Transition Planning Committee.

### **SB 423: Montana Marijuana Act - Sue O'Connell**

07:09:04 Ms. O'Connell gave an update on developments related to SB 423 through August 2015. [\(Exhibit 23\)](#). The document "Registry Statistics" was not discussed. [\(Exhibit 24\)](#)

## **AGENCY OVERSIGHT: DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**

### **UPDATE AND REPORTS - Richard Opper, Director**

07:11:44 Mr. Opper provided an update of the department's activities in the following areas:

07:12:36 Addictive and Mental Disorder Division

07:14:07 Child Support Enforcement Division

07:14:54 Disability Employment and Transitions Division

07:15:30 Human and Community Services Division

07:17:37 Health Resources Division

07:18:20 Public Health and Safety Division

07:20:21 Senior and Long-Term Care Division

#### Committee questions

- 07:24:22 Sen. Webb asked about the Montana Independent Living Centers' litigation.
- 07:25:18 Mr. Opper distributed the "Required Out-of-State Placement and Monitoring Report". ([Exhibit 25](#))

#### **PUBLIC COMMENT on any other item within the committee's jurisdiction**

- 07:26:05 Claudia Clifford, AARP, gave an update on the work of the Alzheimer's and Dementia Work Group.
- 07:31:05 Alicia Smith, Bozeman, thanked the committee for the work done on the mental health issue.
- 07:31:51 April Hall commented on the document "Rebuild the Trust". (Exhibit 16)
- 07:35:02 John Walton, grandparent, commented on the DPHHS Child and Family Services Division.
- 07:41:36 Lacitha Osborne commented on the handling of suspected child abuse cases and the work of court-appointed special advocates.
- 07:45:23 Dennis Osborne commented on Ms. Osborne's testimony.
- 07:49:07 Patti Jacques, Helena, commented on the need to fund group homes in the community for people in state facilities.

#### **COMMITTEE WORK SESSION**

##### **Plans for November Meeting**

- 07:52:34 The committee discussed travel plans for the November meeting in Billings and a possible visit to the Mental Health Nursing Care Center in Lewistown.
- 07:55:21 Rep. Ehli said that the committee will not visit the Nursing Care Center in Lewistown and the meeting in Billings will be a full two-day meeting.

##### **Approve Revised SJR 22 Study Plan**

- 07:55:51 Ms. O'Connell discussed the revised SJR 22 Study Plan that needed the Committee's approval and adoption.

#### Committee questions

- 07:56:43 Sen. Caferro discussed adding language to the Study Tasks section in the revised SJR 22 Study Plan.

#### **Motion/Vote**

- 07:59:07 Sen. Caferro moved to add the language "for support and services for individuals who have dementia/Alzheimer's and their families necessary to keep them in their homes and communities" under the heading Study Tasks in the SJR 22 Study Plan.
- 08:00:24 The motion passed unanimously by voice vote.



**Motion**

- 08:01:05 Sen. Caferro moved to change the interim Work Plan to lower the levels of involvement for SB 405 and SB 411 from moderate to minimal and to not recommit the additional time to other things.
- 08:01:10 There was a discussion regarding the need to adopt the revised SJR 22 Study Plan.
- 08:01:20 **Sen. Caferro withdrew her motion.**

**Motion/Vote**

- 08:02:42 Rep. Ehli moved to accept the study plan for SJR 22 as revised. The motion carried unanimously by voice vote.

**Motion/Vote**

- 08:02:56 Sen. Caferro moved to revise the interim Work Plan to reduce the level of involvement for SB 405 and SB 411 from moderate to minimal.
- 08:04:42 The motion passed on a voice vote, 6-1, with Rep. Olszewski voting nay.

**Further direction to staff on HB 422, SB 418, and SJR 22 studies and other topics**

- 08:05:20 Ms. O'Connell asked if the committee had further direction on the HB 422 and SB 418 studies.

**Committee discussion**

- 08:05:32 Sen. Sands asked about topics to be discussed at the meeting in Billings.
- 08:08:07 Sen. Sands suggested getting more information on brain trauma in children at a later meeting.
- 08:09:26 Sen. Webb suggested getting information on what other states are doing with regard to the SJR 22 study.
- 08:10:20 Sen. Webb suggested a visit to the Yellowstone Boys and Girls Ranch and the Community Crisis Center in Billings.
- 08:11:43 Rep. Karjala suggested a tour at St. John's Lutheran Home which provides all levels of service for people with Alzheimer's and aging-related issues.
- 08:12:51 Sen. Sands suggested looking at the area of crisis services for mental health.

**Motion/Vote**

- 08:13:48 Sen. Sands moved for final approval of the interim Work Plan as revised.
- 08:13:59 The motion passed unanimously by voice vote.

**ADJOURNMENT**

- 08:14:22 With no further business before the committee, Rep. Ehli adjourned the meeting at 4:16 p.m.