

**CHILDREN, FAMILIES, HEALTH AND HUMAN SERVICES  
INTERIM COMMITTEE  
*Draft Work Plan***

by  
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## **INTRODUCTION AND OVERVIEW**

The Children, Families, Health and Human Services Interim Committee (CFHHS) is one of seven committees established in law to operate in the time period between the end of one regular legislative session and the beginning of the next. State law sets out the following duties and responsibilities for each of these interim committees:

- reviewing administrative rules, programs, and legislation for agencies within the committee's jurisdiction;
- conducting interim studies as assigned; and
- proposing bills and resolutions the committee believes should be presented to the next Legislature.

CFHHS is responsible, under 5-5-225, MCA, for monitoring the Department of Public Health and Human Services, the largest agency in state government.

The Legislative Council also assigned two studies to the committee for the 2007-08 interim:

- Senate Joint Resolution 5, a study of emergency medical services in Montana, and
- Senate Joint Resolution 15, a study of the impacts of various health care delivery systems, including specialty hospitals, on health care services.

In addition, the Council assigned top-ranked House Joint Resolution 48, a study of health insurance reforms, to the Economic Affairs Committee, with a recommendation that the study be conducted by a joint subcommittee of the CFHHS and Economic Affairs committees.

This draft work plan details the agency oversight and study duties assigned to the committee this interim, which effectively runs from June 2007 through August 2008, and also discusses other activities the committee may want to undertake. The work plan includes: a matrix to help the committee determine the level of involvement it would like to have in each of its statutorily assigned duties; a list of topics for which the committee may want additional information during the interim; and a proposed schedule of activities for each committee meeting.

## **AGENCY OVERSIGHT**

The Department of Public Health and Human Services (DPHHS) has more than 3,000 employees throughout the state and is responsible for providing both public health services to all Montanans and a wide array of assistance to vulnerable Montanans, including children and the elderly, needy, disabled, abused, neglected, or mentally ill. The department is organized into 11 divisions and operates six different institutions serving veterans and people with developmental disabilities, mental illnesses, and substance abuse problems:

- the Montana Developmental Center, in Boulder
- the Montana State Hospital, in Warm Springs
- the Montana Chemical Dependency Center, in Butte
- the Mental Health Nursing Care Center, in Lewistown
- the Eastern Montana Veterans Home, in Glendive, and
- the Montana Veteran's Home, in Columbia Falls.

The CFHHS Committee has several duties, set out in 5-5-215, MCA, in fulfilling its oversight

responsibilities for DPHHS. Each of these duties is discussed below, followed by information on any action the committee will need to take to finalize the work plan.

### **Rule Review**

The committee's legal staff routinely reviews and summarizes DPHHS rulemaking notices and will provide the committee with information on rules considered to be out of compliance with legislative intent. The Montana Administrative Procedure Act also allows interim committees to:

- obtain an agency's rulemaking records, to review for compliance;
- submit written recommendations to the agency for the adoption, amendment or rejection of a rule;
- require that a rulemaking hearing be held;
- participate in proceedings; and
- review the conduct of administrative proceedings.

**Action Item:** *The committee should decide the level of involvement it would like to have in the rule review process, using the matrix provided in Appendix A.*

### **Program Monitoring**

The committee is required to monitor DPHHS operations with specific attention to:

- identifying issues likely to require future legislative action;
- identifying opportunities for improving the existing laws governing the agency's operation;
- determining whether experiences Montanans have had with the agency may be improved through legislative action;
- reviewing proposed agency legislation; and
- reviewing other materials relevant to the committee's oversight of DPHHS.

**Action Item:** *The committee should decide the level of oversight and review it would like to provide for DPHHS activities, using the matrix provided in Appendix A.*

### **Review of Draft Legislation**

The interim committee process allows an early review of many pieces of agency-requested legislation, which are forwarded to the Legislative Services Division for drafting in advance of the session if approved by the interim committee. Bills drafted as a result of this process must be pre-introduced, thus ensuring that legislation is available to be scheduled for hearings as soon as the session begins.

In 2006, the Children, Families, Health and Human Services Committee forwarded for early drafting 25 pieces of agency legislation. Of those, two were canceled during the drafting process and a third was drafted but never introduced. Of the 22 introduced bills, 19 became law.

State agencies must submit their legislative proposals to the Governor's Office by June 2008, although the bills often are not fully drafted at that point. If the committee would like to review actual drafts of the legislation, it should provide early notice to DPHHS, so the agency can complete bill drafts prior to the committee's review.

**Action Item:** *The committee should determine whether it wants to ask DPHHS to provide actual bill drafts or simply a description of each of its legislative proposals.*

### **Required Reports**

DPHHS is required by law to present various reports to the CFHHS Committee, including this interim:

- a report on use of the children's system of care account, which was created by HB 98 to pay for services to at-risk children in the least restrictive and most appropriate setting in an effort to "provide for the care, protection, and mental, social, and physical development" of those children.
- the suicide reduction plan developed under SB 478, which authorized the creation of a suicide prevention program within DPHHS.
- a report from the Cervical Cancer Task Force on the use and effectiveness of the HPV vaccine in adolescents, including recommendations for strategies for vaccination and public education. SB 505 extended the sunset date on the task force so it could specifically study issues related to the vaccine.

Presentations on these and other reports will be scheduled into the committee's regular meetings as the reports are completed.

### **INTERIM STUDY ACTIVITIES**

At its May 15, 2006, meeting, the Legislative Council assigned two studies to the Children, Families, Health and Human Services Committee:

- Senate Joint Resolution 5, requesting a study "to identify the issues and challenges involved in providing emergency care and to report on strategies that can strengthen Montana's emergency medical services system."
- Senate Joint Resolution 15, requesting a study of "the impacts of various models for the delivery of health care services on the cost of health care, the quality of care, and access to health care services." The resolution specifically directs that the study include an analysis of services offered by specialty hospitals and by physician-owned and privately owned health care facilities.

In addition, the Council assigned the top-ranked study, House Joint Resolution 48, to the Economic Affairs Interim Committee but recommended that a joint subcommittee of Economic Affairs and CFHHS members undertake the study. HJR 48 seeks a broad study of health insurance reforms and of health care access to consider ways to:

- create a system of universal, portable, affordable health insurance coverage for all Montanans, involving both private health insurance companies and existing public programs; and
- improve the quality, affordability, and delivery of health care.

***Because both the HJR 48 and the SJR 15 studies*** involve topics related to health care delivery and access, staff recommends that if the Economic Affairs and the CFHHS committees decide to establish a joint subcommittee for HJR 48, the same subcommittee conduct the primary study activities for the SJR 15 study.

The 2007 Legislature also appropriated \$200,000 to the Legislative Services Division for a mental health study. Senate Joint Resolution 27, which died in the regular session, set out goals for the use of that money. The Legislative Council will discuss at its June 21 meeting how to proceed with this study; the CFHHS Committee will discuss Legislative Council action on the appropriation, including any role the CFHHS Committee may have in a mental health study.

Separate draft study plans outline proposed activities for the SJR 5, SJR 15, and HJR 48 studies. A copy of SJR 27 is attached, to provide background for any discussion of the mental health appropriation.

The amount of time the committee decides to devote to each of these studies will affect the amount of time remaining for staff and committee members to spend on other items.

**Action Items:** *Discuss the assigned studies and proposed study plans and determine the amount of committee time to devote to each. If the Economic Affairs Committee has referred the HJR 48 study to a joint subcommittee, decide whether to participate in the subcommittee. If so, appoint members and decide whether to assign SJR 15 to the same subcommittee.*

#### **OTHER INTERIM ACTIVITIES**

As part of its oversight duties, the committee may undertake additional activities as time allows to follow health and human services issues.

#### **Ongoing Issues of Interest**

The committee may wish to receive periodic written or oral updates on topics that were the subject of recent legislation or on issues that may emerge during the interim. The amount of time the committee wishes to devote to the assigned interim studies and to its other statutory duties will affect the amount of time remaining for staff to devote to additional topics.

A list of topics that the committee may be interested in following is provided in Appendix B. The list provides a short description of the topic and the reason it was included on the list, with room to indicate the type of activity each committee member may prefer for that topic. The list also has space for additional ideas from committee members.

**Action Item:** *Discuss the list of topics and determine what type of activity, if any, the committee would like to pursue for each item.*

#### **Member Issues**

At any time during the interim, members may seek additional information on issues that fall within the committee's jurisdiction. These may be issues brought up by constituents, issues that are emerging in Montana or other states as items of concern or interest involving health and human services, or any other items that members would like to review. The committee may request that staff or other parties provide information on the issue.

If the full committee is not interested in pursuing an item, an individual committee member may submit a research request. Under rules adopted by the Legislative Council, a staff member may

work a maximum of 16 hours on a research request that is not included in the committee's work plan, unless the presiding officer of the interim committee approves additional research time.

**Staff Recommendation for Additional Activities**

Committee staff will keep tabs on DPHHS issues, as well as other health and human service issues that may be of interest to the committee. Staff will either report on these items or, if desired, prepare written updates for the committee.

**MEETING SCHEDULE**

Following is a tentative meeting schedule for the interim that proposes eight meeting days, including the organizational meeting. The schedule is based on the assumption that a subcommittee will work on the HJR 48 study, thus reducing the number of meetings the full committee may convene. The subcommittee is tentatively scheduled to meet six times, for a total of seven meeting days. If a subcommittee is not appointed, the committee could meet an additional two or three days. If the SJR 15 study is assigned to the subcommittee, as well, the full committee may choose to reduce the number of times it meets so additional resources could be devoted to the subcommittee.

The proposed meeting schedule is, of course, just a proposal -- committee members may change the dates or the number of meetings, within the budget, to better reflect their wishes for the interim work.

Appendix C provides an overview of the suggested activities for each of the meeting dates.

**Proposed Meeting Schedule**

Tuesday	June 26, 2007
Monday	Sept. 24, 2007
Friday	Nov. 16, 2007
Friday	Jan. 25, 2008
Thur/Fri	March 17-18, 2008
Friday	June 6, 2008
Monday	Aug. 22, 2008

## APPENDIX A: CFHHS WORK PLAN DECISION MATRIX

CFHHS members should discuss and decide the degree to which they would like the committee to be involved in each interim activity.

<b>Rule Review:</b> <i>Decide the level of involvement the committee would like to have in the rule review process.</i>		
<p><b><u>Minimal Involvement</u></b></p> <ul style="list-style-type: none"> <li>Receive brief written descriptions of each rule prior to meetings.</li> <li>Legal staff will note issues of concern.</li> </ul>	<p><b><u>Moderate Involvement</u></b></p> <ul style="list-style-type: none"> <li>Receive brief written descriptions of each rule prior to meetings.</li> <li>Legal staff will note issues of concern.</li> <li>Review in committee topics:               <ol style="list-style-type: none"> <li>that legislators flag as important or of concern, or</li> <li>that a committee member has asked be placed on the agenda.</li> </ol> </li> </ul>	<p><b><u>Significant Involvement</u></b></p> <ul style="list-style-type: none"> <li>Receive an oral report from legal staff at each meeting on all proposed rules/notices and any issues of concern;               <p style="text-align: center;">or</p> </li> <li>Receive copies of rules from agencies for personal review.</li> <li>Seek public comment on rules of legislative concern.</li> </ul>
<b>Agency Monitoring:</b> <i>Decide the level of DPHHS oversight and review the committee would like to provide.</i>		
<p><b><u>Minimal involvement</u></b></p> <ul style="list-style-type: none"> <li>Receive a written update of DPHHS activities in a pre-meeting mailing; committee members could designate topics on which they would like further information.</li> <li>DPHHS presentation on any statutorily required report.</li> </ul>	<p><b><u>Moderate Involvement</u></b></p> <ul style="list-style-type: none"> <li>Receive an agency update from DPHHS officials at each meeting.</li> <li>Request additional updates based on issues from the 2007 session, issues raised by DPHHS or constituents, or issues identified through other means.</li> <li>DPHHS presentation on any statutorily required report.</li> </ul>	<p><b><u>Significant Involvement</u></b></p> <ul style="list-style-type: none"> <li>In-depth presentations from two or three DPHHS divisions each meeting.</li> <li>Request follow-up reports on specific items or on issues from the 2007 session, issues raised by constituents, or issues identified through other means.</li> <li>DPHHS presentation on any statutorily required report.</li> </ul>
<b>Legislation Review:</b> <i>Decide the level of oversight and review for DPHHS legislation.</i>		
<p><b><u>Minimal involvement</u></b></p> <ul style="list-style-type: none"> <li>Hear a DPHHS presentation on the requests submitted to the Governor's Office before deciding which bills to forward for early drafting.</li> </ul>	<p><b><u>Moderate Involvement</u></b></p> <ul style="list-style-type: none"> <li>Hear a DPHHS presentation on the requests submitted to the Governor's Office.</li> <li>Review full bill drafts before deciding which bills to forward for early drafting.</li> </ul>	
<b>Interim Studies:</b> <i>Discuss the assigned studies and proposed study plans and determine the amount of committee time to devote to each. If the Economic Affairs Interim Committee has referred the HJR 48 study to a joint subcommittee, appoint members and decide whether to assign SJR 15 to the same subcommittee.</i>		
<p><b><u>No subcommittee appointed</u></b></p> <ul style="list-style-type: none"> <li>Decide how much time to devote to the SJR 5 and SJR 15 studies.</li> <li>Hear updates as desired on the HJR 48 study and mental health studies being undertaken by the Law and Justice Interim Committee (LJIC).</li> </ul>	<p><b><u>Subcommittee appointed--option 1</u></b></p> <ul style="list-style-type: none"> <li>Give the subcommittee primary responsibility for the SJR 15 study.</li> <li>Devote 35% to 50% of the full committee's meetings to the SJR 5 study.</li> <li>Hear updates at each meeting on the two health care studies and as desired on the LJIC mental health studies.</li> </ul>	<p><b><u>Subcommittee appointed--option 2</u></b></p> <ul style="list-style-type: none"> <li>Keep the SJR 15 study with the full CFHHS committee.</li> <li>Decide how much time to devote to the SJR 5 and SJR 15 studies and the level of full committee involvement in the HJR 48 study.</li> <li>Hear updates as desired for the LJIC mental health studies.</li> </ul>
<b>Topics of Interest:</b> <i>Review and decide on topics to follow.</i>		

## APPENDIX B: Topics for CFHHS Consideration

Activities could include presentations, staff briefing papers, or other activities as decided by the committee.

Topic: Mental Health	Reason	Activity	Date
Mental Health Funding	2007 Legislature approved funding for a number of services, including 72-hour crisis stabilization, drop-in centers, prescription drugs for criminal offenders, community liaison staff, and expansion of the Mental Health Services Plan; follow up on implementation of various items		
Secure Treatment & Evaluation Program (STEP)	DPHHS proposed in 2007; funding and legislation died. Follow up on plans for 2009		
Behavioral Health Inpatient Facilities (BHIFs)	CFHHS-requested legislation for expanded use approved; follow up on use of services		
Mental Health Treatment Courts	SB382 authorized voluntary mental health treatment courts; follow up on use/funding		
Suicide Prevention	SB478 established a new prevention program; follow up on implementation/results		
Mental Health Studies	The Law and Justice Interim Committee will study the precommitment process and costs and mental health issues in the adult and youth corrections systems		
Topic: CHIP	Reason	Activity	Date
CHIP Eligibility	The 2007 Legislature increased eligibility from 150% to 175% of the poverty level; follow up on efforts to enroll additional children		
Dental Benefits	The 2007 Legislature increased funds for CHIP dental services; follow up on number of children served/costs of services		
Administrative Structure	State switched to a self-insured plan in October 2006, rather than a plan insured through BCBS; follow up on costs/benefits		
Topic: Public Assistance	Reason	Activity	Date
TANF-DRA	Deficit Reduction Act required changes to the Temporary Assistance to Needy Families program; update on effects		



<b>Topic: Medicaid</b>	<b>Reason</b>	<b>Activity</b>	<b>Date</b>
HIFA Waiver	DPHHS sought a federal waiver for new services in 2005; follow up on status of waiver and services		
Health Care for Health Care Workers	SB206 authorized a DPHHS study and pilot program involving health insurance coverage for direct-care workers; follow up on study/program		
Physician Reimbursement	SB354 put in law a formula for physician reimbursement rates with guaranteed increases in future bienniums; follow up on implementation plans/efforts		
Eligibility Issues	2007 Legislature increased eligibility levels for pregnant women and children under 1 year of age and changed calculations for the medically needy; follow up on numbers served/costs		
Provider Increases	Follow up on increases for a variety of providers to determine effect on areas such as availability of services, waiting lists, staff retention		
<b>Topic: Child Abuse/Neglect</b>	<b>Reason</b>	<b>Activity</b>	<b>Date</b>
Staffing Changes/Increases	DPHHS received funds for 20 new Child Protective Services FTE		
Liability Insurance	2007 Legislature approved CFHHS-requested legislation for state-funded liability policies for foster parents; follow up on development/use of insurance policies		
<b>Topic: Health Care</b>	<b>Reason</b>	<b>Activity</b>	<b>Date</b>
Community Health Centers	HB406 created a grant program for new community health centers or expanded services; followup on program status/results		
Chronic Disease	HB743 allowed use of tobacco settlement funds for diabetes and heart disease prevention activities;HB2 appropriated \$2.7 million. Follow up on activities.		
<b>Topic: Seniors</b>	<b>Reason</b>	<b>Activity</b>	<b>Date</b>
Older Montanans Trust Fund	SB155 created a trust fund for seniors using unexpended funds from the Big Sky Rx program; follow up on implementation/funding		

## APPENDIX C: CFHHS Meeting Plan Summary

Date	Activity	Tasks/Policy Decisions
June 26, 2007	<ul style="list-style-type: none"> <li>➤ Organizational</li> <li>➤ Agency Monitoring</li> <li>➤ Assigned Studies</li> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◆ Elect officers</li> <li>◆ Review, adopt work plan</li> <li>◆ Review, adopt meeting dates</li> <li>◆ Rule Review</li> <li>◆ Report from DPHHS</li> <li>◆ Review, adopt plan for SJR 5 study</li> <li>◆ Review, adopt plan for SJR 15 study</li> <li>◆ Presentation on HJR 48 study plan/EAIC action               <ul style="list-style-type: none"> <li>◇ Consider appointing HJR 48 subcommittee members</li> <li>◇ Decide whether to refer SJR15 to subcommittee</li> </ul> </li> <li>◆ Information on mental health study appropriation</li> </ul>
Sept. 24, 2007	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li> <li>➤ Assigned Studies</li> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◆ Rule review as necessary</li> <li>◆ DPHHS presentations as necessary/requested</li> <li>◆ SJR 5: Emergency Medical Services               <ul style="list-style-type: none"> <li>◇ Agency presentations: DPHHS, Board of Medical Examiners, Legislative Audit Division</li> </ul> </li> <li>◆ SJR 15: Health care services delivery (if with CFHHS)               <ul style="list-style-type: none"> <li>◇ Presentation of background reports</li> <li>◇ Committee direction for future meetings</li> </ul> </li> <li>◆ Update on HJR 48: Health care coverage</li> <li>◆ Update on mental health studies</li> <li>◆ Update on topics of interest, as requested</li> </ul>
Nov. 16, 2007	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li> <li>➤ Assigned Studies</li> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◆ Rule review as necessary</li> <li>◆ DPHHS presentations as necessary/requested</li> <li>◆ SJR 5: Emergency Medical Services               <ul style="list-style-type: none"> <li>◇ Presentation of Legislative Audit Division findings</li> <li>◇ Review of briefing paper(s)</li> <li>◇ Stakeholder testimony</li> <li>◇ Committee direction on further analysis or legislation</li> </ul> </li> <li>◆ SJR 15: Health care services delivery (if in CFHHS)               <ul style="list-style-type: none"> <li>◇ Review of quality issues</li> <li>◇ Stakeholder presentations</li> </ul> </li> <li>◆ Update on HJR 48: Health care coverage</li> <li>◆ Update on mental health studies</li> <li>◆ Update on topics of interest, as requested</li> </ul>
Jan. 25, 2008	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li> <li>➤ Assigned Studies</li> <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◆ Rule review as necessary</li> <li>◆ DPHHS presentations as necessary/requested</li> <li>◆ SJR 5: Emergency Medical Services               <ul style="list-style-type: none"> <li>◇ Stakeholder testimony</li> <li>◇ Review of additional research</li> <li>◇ Issue identification/policy direction</li> </ul> </li> <li>◆ SJR 15: Health care services delivery (if in CFHHS)               <ul style="list-style-type: none"> <li>◇ Panel discussions and/or background reports</li> <li>◇ Committee direction on further analysis or draft legislation</li> </ul> </li> <li>◆ Update on HJR 48: Health care coverage</li> <li>◆ Update on mental health studies</li> <li>◆ Update on topics of interest, as requested</li> </ul>

Date	Activity	Tasks/Policy Decisions
March 17-18, 2008	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li>   <li>➤ Assigned Studies</li>   <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◆ Rule review as necessary</li> <li>◆ DPHHS presentations as necessary/requested</li> <li>◆ Preliminary presentation of DPHHS legislative requests</li>   <li>◆ SJR 5: Emergency Medical Services <ul style="list-style-type: none"> <li>◇ Presentations or briefing papers, if requested</li> <li>◇ Identify policy options/preferences</li> <li>◇ Additional direction as needed</li> </ul> </li> <li>◆ SJR 15: Health care services delivery <ul style="list-style-type: none"> <li>◇ Review of draft legislation</li> <li>◇ Discussion of further analysis required</li> </ul> </li> <li>◆ Update on HJR 48: Health care coverage</li>   <li>◆ Update on mental health studies</li> <li>◆ Update on topics of interest, as requested</li> </ul>
June 6, 2008	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li>   <li>➤ Assigned Studies</li>   <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◆ Rule review as necessary</li> <li>◆ DPHHS presentations as necessary/requested</li> <li>◆ Review of DPHHS legislative requests</li>   <li>◆ SJR 5: Emergency Medical Services <ul style="list-style-type: none"> <li>◇ Review of draft legislation</li> <li>◇ Additional policy direction as needed</li> </ul> </li> <li>◆ SJR 15: Health care services delivery (if in CFHHS) <ul style="list-style-type: none"> <li>◇ Review of draft legislation</li> <li>◇ Discussion of final report</li> </ul> </li> <li>◆ HJR 48: Health care coverage <ul style="list-style-type: none"> <li>◇ Update on EAIC or subcommittee activity</li> <li>◇ Review/approval of legislative proposals, if appropriate</li> </ul> </li>   <li>◆ Update on mental health studies</li> <li>◆ Update on topics of interest, as requested</li> <li>◆ Direction on CFHHS-legislation not related to studies</li> </ul>
Aug. 22, 2008	<ul style="list-style-type: none"> <li>➤ Agency Monitoring</li>   <li>➤ Assigned Studies</li>   <li>➤ Other Issues</li> </ul>	<ul style="list-style-type: none"> <li>◆ Rule review as necessary</li> <li>◆ Presentations as necessary/requested</li> <li>◆ Final action on DPHHS legislative requests</li>   <li>◆ SJR 5: Emergency Medical Services <ul style="list-style-type: none"> <li>◇ Review of final report information</li> <li>◇ Final action on bill drafts</li> </ul> </li> <li>◆ SJR 15: Health care services delivery (if in CFHHS) <ul style="list-style-type: none"> <li>◇ Review of final report information</li> <li>◇ Final action on bill drafts</li> </ul> </li> <li>◆ Update on HJR 48: Health care coverage</li>   <li>◆ Update on mental health studies</li> <li>◆ Update on topics of interest, as requested</li> <li>◆ Final action on bill drafts not related to studies</li> </ul>

The dates and activities above are based on a committee decision to retain jurisdiction over the SJR 15 study. If the committee decides to place the study in a joint subcommittee with the HJR 48 study, the activities would be revised and one meeting day may be transferred to the subcommittee, if necessary.