

MINUTES OF THE MEETING  
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE  
MONTANA STATE SENATE

MARCH 13, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Friday, March 13, 1981 at 12:30 in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Johnson who was excused. Senators Berg and Halligan arrived late. Kathleen Harrington, staff researcher, was also present.

Many visitors were in attendance. (See attachments)

CONSIDERATION OF HOUSE BILL 167: Representative Jerry Metcalf of district 31, sponsor of House Bill 167, gave a brief resume of the bill. This bill is an act to include dentists in the freedom of choice requirement for disability insurance policies regarding selection of health care practitioners.

This bill provides that all disability policies and all policies under the insurance Workers' Compensation Act must allow the insured to choose his own dentist.

Roger Tippy, representing the Montana Dental Association, stated that this is the dentists' non-controversial bill of the session. He stated that this was just an oversight when the original bill was drafted .

There were no other proponents to this bill. Chairman Hager then called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Himsl asked if this is just an oversight from before, and was told yes, this is the case.

Senator Himsl asked Representative Metcalf if he would have any problem with the bill being amended on page 1, line 18 Strike: chiropodist and, Insert: podiatrist. The reason for this is a change in the language used in the bills. Mr. Metcalf replied that there was no problem with this as far as he was concerned.

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Senator Olson asked why did it take the dentist so long to discover the problem. No one could answer this question.

Representative Metcalf closed.

CONSIDERATION OF HOUSE BILL 517: Representative Francis Bardanouve of district 6, sponsor of House Bill 517, gave a brief resume of this bill. This bill is an act to repeal the law relating to eugenical sterilization and the Board of Eugenics. This bill would repeal the Board of Eugenics and the statutes relating to the sterilization of the mentally deficient. The board has been inactive for many years. The board was responsible for holding hearings on the application of sterilization. This application could be filed by the person to be sterilized or on behalf of that person. This board was created in 1969. 1971 was the last year the board received appropriations from the Legislature. The board has not met since in the early 1970's. The former bill is a past thing of America. It is obsolete.

Nick Rotering of the Department of Institutions stated that the reason this bill was requested the the Department of Institutions is because during the last several years there has been no need for a Board of Eugenics. The Board last met on May 19, 1972. In view of the new commitment and treatment acts for Warm Springs and Boulder River School and Hospital passed in 1975, adequate safeguards regarding individuals in institutions and their rights were clearly established. The population level of Boulder River School and Hospital residents is such that it is not feasible for these residents to come before the Board of Eugenics. The fact that the laws are still in the code books adds confusion in the private sector. Private physicians and attorneys are confused on whether or not a Board of Eugenics should be impaneled for specific cases. But if it was the laws could violate the individual's constitutional right under the Equal Protection Clause of the United States Constitution. No monetary appropriations have been given since the 1971 legislature and therefore, is not subject to Sunset Review.

With no further proponents, Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Norman stated that he has had several letters and phone calls about this matter. Senator Norman then asked how this procedure is gone about at the present time. Mr. Rotering stated that the person must be over 18 years of age and a hearing will be held on whether or not that person is competent.

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Representative Bardanouve stated that at the present time there is not any board. The governor has not appointed one in recent years.

Senator Himsl stated that the Board has been abandoned and the matter has been turned over to the courts.

Mr. Rotering stated that the Board has outlived its usefulness.

Representative Bardanouve closed by saying he hoped that the Committee would concur with this bill.

CONSIDERATION OF HOUSE BILL 504: Representative Jack Moore of district 41, sponsor of the bill gave a brief resume. This bill provides for the revision of the qualifications for the superintendent of the Galen State Hospital. The individual must have a minimum of three years full time hospital administration experience and must be either a physician or a person with a master's degree in hospital administration, business or health care, or human services. This is just another part of the reorganization and consolidation of the services at Galen State Hospital and Warm Springs State Hospital.

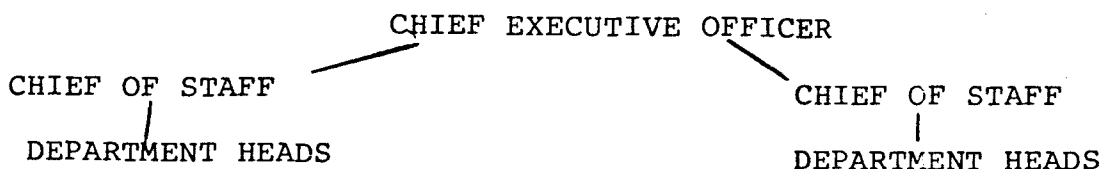
Curt Chisolm, representing the Department of Institutions, stood in support of the bill and reiterated what Representative Moore stated.

With no further proponents Chairman Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Norman asked what the salary of the superintendent would be. This is unknown at the present time.

Senator Himsl asked if the chief executive officer would be over both institutions, and if both institutions would have a chief of staff.

Curt Chisolm explained that the chain of command for both institutions would be as follows:



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Representative Moore closed by asking the Committee for a favorable recommendation. He then asked Senator Himsl to please carry this bill on the floor.

DISPOSITION OF HOUSE BILL 437: Representative Menehan is the sponsor of this bill. The bill is an act to revise the responsibilities of the Alcoholism Services Center located at the Galen State Hospital and to change its name.

A motion was made by Senator Norman that HB 437 BE CONCURRED IN.

Senator Berg stated that he had some questions about this bill and would like to check into the matter a little farther over the weekend, if at all possible.

Senator Olson stated that he would like to know how many alcoholics are treated each month at the Center.

Senator Norman withdrew his motion.

DISPOSITION OF HOUSE BILL 420: Representative Waldron is the chief sponsor of this bill. The bill is an act to delete the distinction between private and public alcohol treatment facilities.

Senator Norman asked if the facility is operating on all private money, is it still effected by this bill. The general feel of the Committee was that the answer would be "yes".

Senator Himsl stated that both public and private treatment facilities are handled the same.

Senator Norman stated that the State has an obligation to oversee the treatment centers.

It was stated that if there is no state money in the facility there is no need to see that portion of the books which entails private money.

Senator Berg stated that he did not believe that there is any completely private centers in the state.

Senator Halligan arrived.

A motion was made by Senator Berg that House Bill 420 BE CONCURRED IN.

Senator Hager made a substitute motion was the bill the amended on Page 1, lines 17 through 19 to be reinstated,

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Motion carried with all voting yes, except Senators Berg and Norman.

A motion was made by Senator Norman that House Bill 420 receive a recommendation of BE NOT CONCURRED IN, as amended. Motion carried unanimously.

DISPOSITION OF HOUSE BILL 439: This bill is an act concerning payment of fees for certain alcoholism related services and indicating how the department will distribute funds generated by the tax on alcoholic beverages.

Senator Norman stated that he has done some checking into this bill. The money referred to in this bill is that alcohol money used to reimburse the counties.

Senator Himsl stated that this is distribution of ear marked money.

A motion was made by Senator Norman that House Bill 439 BE CONCURRED IN. Motion carried. Senator Norman will carry this bill on the floor.

DISPOSITION OF HOUSE BILL 632: This bill is an act require formulation of a county alcohol treatment and prevention plan annually.

A motion was made by Senator Norman that House Bill 632 BE CONCURRED IN. Motion carried with all voting yes except Senators Olson and Hager. Senator Norman will carry this bill on the floor.

DISPOSITION OF HOUSE BILL 717: This bill is an act to generally revise and clarify the laws relating to the licensing of dentists and dental hygenists.

Senator Hager read a letter from Roger Tippy, lobbyist for the Montana Dental Association which also had some requested amendments.

Senator Himsl that the Senate Bill 391 is in the House at the present time and the dentists and their related counterparts should amend everything into one bill instead of several small bills to work on in Committee.

A motion was made by Senator Himsl that House Bill 717 BE NOT CONCURRED IN. Motion carried unanimously.

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DISPOSITION OF HOUSE BILL 95: This bill is an act to eliminate the responsibility of relatives of applicants for public assistance.

A motion was made by Senator Berg that House Bill 95 BE CONCURRED in. Motion carried with all voting yes with the exceptions of Senators Halligan and Hager.

DISPOSITION OF HOUSE BILL 172: This bill is an act to amend the law relating to the detainer of adulterated or misbranded articles.

Senator Norman stated that the locals wanted some authority for them amended into this bill.

A motion was made by Senator Norman that House Bill 172 BE CONCURRED IN.

Senator Berg stated that he is representing some constituents which this bill would affect.


Senator Himsl question the word "embargoed".

A vote was taken on Senator Norman's motion. All voting yes except Senator Berg. Motion carried.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee was scheduled for Monday, March 16 at 12:30 in Room 410 of the State Capitol Building to consider House Bills 554 and 646.

ADJOURN: With no further business the meeting was adjourned.

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CHAIRMAN, TOM HAGER



# STANDING COMMITTEE REPORT

MARCH 13, 19 81

MR. **PRESIDENT:**

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**

having had under consideration **HOUSE** Bill No. **439**

**WALDRON (NORMAN)**

Respectfully report as follows: That **HOUSE** Bill No. **439**

~~XXXXXXXXXX~~

BE CONCURRED IN

30.

# STANDING COMMITTEE REPORT

MARCH 13, 1981

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration HOUSE Bill No. 420,

WALDRON (HAGER)

Respectfully report as follows: That HOUSE Bill No. 420,

third reading copy bill, be amended as follows:

1. Page 1, line 19.

Following: "patients-"

Insert: "The standards may concern only the health standards to be met and standards of treatment to be afforded patients."

~~XXXXPSSXX~~

AND, as so amended,  
BE NOT CONCURRED IN

30.

# STANDING COMMITTEE REPORT

MARCE 13, 1981

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration HOUSE Bill No. 632

SIVERTSEN (NORMAN)

Respectfully report as follows: That HOUSE Bill No. 632

~~BE PASSED~~ BE CONCURRED IN

*BA*

# STANDING COMMITTEE REPORT

.....MARCH 13.....19.81.....

MR. **PRESIDENT:**.....

We, your committee on **PUBLIC HEALTH, WELFARE & SAFETY**.....

having had under consideration **HOUSE**..... Bill No. **95**.....

**FEDA (BERG)**

Respectfully report as follows: That **HOUSE**..... Bill No. **95**.....

~~XXXX PASSX~~ BE CONCURRED IN

# STANDING COMMITTEE REPORT

MARCH 13, 1981

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration HOUSE Bill No. 172

DONALDSON (HAGER)

Respectfully report as follows: That HOUSE Bill No. 172

~~DO PASSEY~~ BE CONCURRED IN

# STANDING COMMITTEE REPORT

MARCH 13, 1981

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration HOUSE Bill No. 717

WINSLOW ( )

Respectfully report as follows: That HOUSE Bill No. 717

~~WINSLOW~~ BE NOT CONCURRED IN





HB 517 To Abolish the Board of Eugenics

"An Act to repeal Sections 5323-101 through 53-23-105 MCA which establishes and describes the functions of the Board of Eugenics. Also, Section 2-15-2304 MCA where the Board of Eugenics is referenced in executive reorganization code is repealed.

The reason the bill was requested by the Department is because during the last several years there has been no need for a Board of Eugenics. The Board last met May 19, 1972. In view of the new commitment and treatment acts for Warm Springs State Hospital, and Boulder River School and Hospital passed in 1975, adequate safeguards regarding individuals in institutions and their rights were clearly established.

Futher, the population level of Boulder River School and Hospital residents is such that it is not feasible for these residents to come before the Board of Eugenics.

The fact that the laws are still in the code books adds confusion in the private sector. Private physicians and attorneys are confused on whether or not a Board of Eugenics should be impaneled for specific cases. But if it was the laws could violate the individual's constitutional right under the Equal Protection Clause of the United States Constitution.

No monetary appropriations have been given since the 1971 legislature and therefore is not subject to Sunset Review."

NAME: WJET CHISHOLM

DATE: 5/13/81

ADDRESS: INSTITUTIONS

PHONE: 449-3930

REPRESENTING WHOM? INSTITUTIONS

APPEARING ON WHICH PROPOSAL: 20 504 | 40 517

DO YOU: SUPPORT?  AMEND?  OPPOSE?

COMMENTS: \_\_\_\_\_  
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PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROGER TIPPY

*Attorney At Law*

BOX 475

86 SOUTH LAST CHANCE MALL  
HELENA, MONTANA 59601

442-4451

March 10, 1981

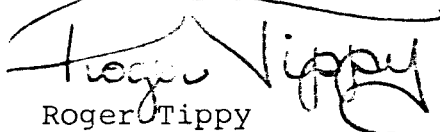
Senator Tom Hager, Chairman  
Committee on Public Health,  
Welfare and Safety  
Montana Senate  
Capitol Station  
Helena, Montana 59620

Re: House Bill 717

Dear Mr. Chairman:

As requested by Senators Himsl and Norman, I am submitting formal amendatory language for the Montana Dental Association's requested modifications to HB 717.

Sincerely yours,

  
Roger Tippy

RT:ah  
Enclosure

Amend HB717, third reading bill

1. Title, line 16  
Following: "HYGIENISTS;"  
Insert: "TO SPECIFY PROCEDURES THAT MAY NOT BE DELEGATED TO DENTAL HYGIENISTS;"
2. Title, line 19  
Following: "37-4-401;"  
Insert: "37-4-401"
3. Page 12, line 9  
Following: "analgesia;"  
Insert:  
"Section 8. Section 37-4-401, MCA, is amended to read:  
"37-4-401. Practice of dental hygiene. The practice of dental hygiene is the doing by one person for a direct or indirect consideration with respect to the teeth of another person, an act or service, educational, therapeutic, prophylactic, or preventive in nature, as the board in writing defines and authorizes. However, this section does not allow the board or a licensed dentist to delegate any of the following duties:  
(1) diagnosis, treatment planning, and prescription for drugs, medications, or work authorizations;  
(2) surgical procedures, including suture placement and cutting or removing on hard and or soft tissues except for root planing and gingival curettage;  
(3) restorative, prosthetic, orthodontic, and other procedures which require the knowledge and skill of a dentist placement, adjustment, or intraoral carving of restorations except for removal of overhangs; impressions for permanent fixed or removable prosthesis or tooth restoration; final jaw registrations; activating orthodontic appliances; or adjusting fixed or removable prosthesis;  
(4) prescription for drugs, medications, or work authorizations administration of local anesthesia or induction of nitrous oxide analgesia."

Renumber: following sections