

MINUTES

**MONTANA SENATE
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

Call to Order: By Chairman Dorothy Eck, on March 25, 1991, at
6:25 p.m.

ROLL CALL

Members Present:

Dorothy Eck, Chairman (D)
Eve Franklin, Vice Chairman (D)
James Burnett (R)
Thomas Hager (R)
Judy Jacobson (D)
Bob Pipinich (D)
David Rye (R)
Thomas Towe (D)

Members Excused: None

Staff Present: Tom Gomez (Legislative Council)
Christine Mangiantini (Committee Secretary)

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: None.

EXECUTIVE ACTION ON HOUSE BILL 545

Motion:

Senator Towe moved concurrence.

Discussion:

None.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 8 ayes and 0 nays the motion carried.

EXECUTIVE ACTION ON HOUSE JOINT RESOLUTION 40

Motion:

Senator Towe moved adoption of the amendments denoted in Exhibit #1.

Discussion:

Senator Towe said he thought these changes better reflected the state of Medicare and Medicaid in Montana.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Recommendation and Vote:

Senator Towe moved concurrence as amended. There being 7 ayes and 1 nay by Senator Rye the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 635

Motion:

Senator Franklin moved concurrence.

Discussion:

Chairman Eck wanted to know about page 4, line 4, regarding its effect on people suffering for diabetes.

Senator Hager said it was a painful death if insulin was withheld.

Senator Jacobson said the danger in messing around with the bill was the impact it would have on the caregivers.

Senator Rye said he was reluctant to amend the bill.

Amendments, Discussion, and Votes:

None.

Recommendation and Vote:

There being 7 ayes, 1 present by Senator Hager and 0 nays the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 761

Motion:

Senator Eck moved adoption of the amendments denoted in Exhibit #2.

Discussion:

Senator Franklin said the county attorneys were concerned about who was responsible for providing counseling.

Senator Towe said it provides for notification by the county attorney.

Senator Jacobson said it releases the information to the victim not to the convicted person that receives the test.

Senator Towe read from the bill.

Senator Jacobson said that section on page 3 would be stricken, lines 7 through 9.

Chairman Eck said Representative Peck introduced the bill, there was another bill that was folded into this bill. She said she had received letters from county health officers who want the information and want to be notified about AIDs.

Senator Jacobson read language that stated that provisions from the AIDs prevention Act do not apply.

The chairman recognized Bruce DeSonia from the Department of Health and Environmental Sciences. The provision is assuming that the person convicted would not have the right to deny testing. We are saying they have to be tested. That is the major reason that language is being struck.

Senator Towe said Mr. Connor would leave that and strike everything else. The information could be given by the county attorney to the victim. It does not say that the offender receives the results.

Mr. DeSonia said he was reviewing the amendments denoted in Exhibit #2. He said the current statute does provide for testing of prisoners for sexually transmitted diseases. This bill only allowed for the information to be provided to the victim.

Senator Jacobson asked if in present law the results are given to the prisoner.

Mr. DeSonia said it was not specified in the statute but the information is given to the prisoner.

Senator Towe suggested adding language that would require that the defendant also receive the information.

Senator Franklin said the whole issue was the results of a positive test.

Senator Jacobson said it is assumed that if you do not receive the results the tests were negative.

Senator Franklin said she was not sure what this bill accomplished.

Chairman Eck asked who was notified under present statutes regarding the outcome of the tests.

Mr. DeSonia said the prisoner would be notified. The victim would not. Only the Department of Health or other health care providers with consent of the patient would be notified.

Senator Franklin said she wanted to make sure victims were notified.

Amendments, Discussion, and Votes:

There being no objections the motion carried.

Recommendation and Vote:

Senator Rye moved to hold the final vote on the bill until Mr. Connor could be present. There being no objections the motion carried.

EXECUTIVE ACTION ON HOUSE BILL 917

Motion:

Senator Franklin moved adoption of amendment #4 of Exhibit #3.

Discussion:

None.

Amendments, Discussion, and Votes:

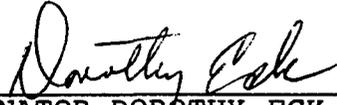
There being no objections the motion carried.

Recommendation and Vote:

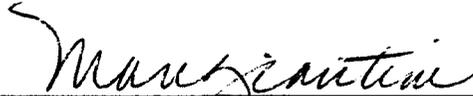
Senator Franklin moved concurrence as amended. There being no objections the motion carried.

ADJOURNMENT

Adjournment At: 7:30 p.m.



SENATOR DOROTHY ECK, Chairman



CHRISTINE MANGIANTINI, Secretary

DE/cm

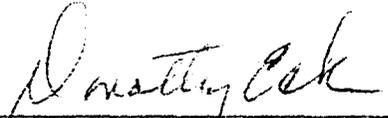
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 545 (third reading copy -- blue), respectfully report that House Bill No. 545 be concurred in.

Signed: _____



Dorothy Eck, Chairman

3-26-91
Amd. Coord.

SB 3-26-91 8:10
Sec. of Senate

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 27, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Joint Resolution No. 40 (third reading copy -- blue), respectfully report that House Joint Resolution No. 40 be amended and as so amended be concurred in:

1. Page 2, line 6.

Following: "in"

Strike: "the State of"

Insert: "rural"

2. Page 2, line 13.

Following: "Medicare"

Strike: "recipients"

Insert: "beneficiaries"

3. Page 2, line 16.

Following: "B"

Strike: "have"

Insert: "has"

4. Page 2, lines 20 through 24.

Strike: lines 20 through 24 in their entirety

Insert: "WHEREAS, Medicare beneficiaries are paying an increasingly greater percentage of their income for medical care, including at least 20% of the approved medical bill, a \$100 deductible on medical expenses, a deductible of \$628 for hospitalization, and all costs of medicine; and"

5. Page 3, line 10.

Following: "Medicare"

Strike: "recipients"

Insert: "beneficiaries"

6. Page 3, line 11.

Following: "Medicare"

Strike: "recipients"

Insert: "beneficiaries"

Signed: _____

Dorothy Eck
Dorothy Eck, Chairman

MA 3-27-91
Amd. Coord.

SA 3-27 2:20
Sec. of Senate

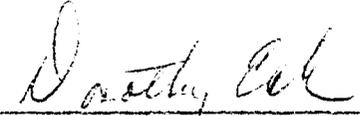
SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 26, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 635 (third reading copy as amended -- blue), respectfully report that House Bill No. 635 be concurred in.

Signed: _____



Dorothy Eck, Chairman

~~AR 3-26-91~~
Amd. Coord.

~~SB 3-26-91~~
Sec. of Senate

8:10

SENATE STANDING COMMITTEE REPORT

Page 1 of 2
March 27, 1991

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 917 (third reading copy -- blue), respectfully report that House Bill No. 917 be amended and as so amended be concurred in:

1. Title, page 2, line 2.

Following: "FACILITY"

Insert: "OR EMERGENCY SERVICES"

Following: "PERSONNEL"

Strike: "OR EMERGENCY RESPONDERS"

2. Title, page 2, line 14.

Following: "50-16-529,"

Insert: "50-16-702."

3. Page 11, line 14.

Following: "A"

Strike: "FIRST RESPONDER"

Insert: "person providing emergency services who is described in 50-16-702(1)"

4. Page 18, line 15.

Following: line 14

Insert: "Section 7. Section 50-16-702, MCA, is amended to read:
"50-16-702. Report of unprotected exposure to disease. (1)

A report may be filed, as provided in subsection (2), by a person:

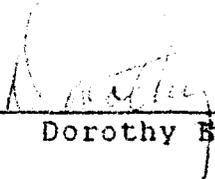
(a) employed by or acting as a volunteer with a public or private organization that provides emergency services to the public, including but not limited to a law enforcement officer, firefighter, emergency medical technician, corrections officer, or ambulance service attendant; and

(b) who, in his official capacity with the public or private organization, attends or assists in transporting a patient to a health care facility and believes he has sustained an unprotected exposure.

(2) A person who qualifies in subsection (1) may submit to the health care facility, on a form prescribed by the department, a report of unprotected exposure that contains his name and other information required by the department, including a description of the unprotected exposure.

(3) If the exposure described in the report occurred in a manner that may allow infection by HIV, as defined in 50-16-1003, by a mode of transmission recognized by the center for disease control, then submission of the report to the health care facility constitutes a request to the patient's physician to seek consent for performance of an HIV-related test pursuant to 50-16-1007(10)."

Renumber: subsequent sections

Signed: 
Dorothy Bek, Chairman

Jan 3-27-91
Asst. Coord.

SR 2 27 3:20
Sec. of Senate

Amendments to House Joint Resolution No. 40
Third Reading Copy

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
March 27, 1991

SENATE HEALTH & WELFARE

EXHIBIT NO. 1

DATE 3/25

HJR BILL NO. 40

1. Page 2, line 6.
Following: "in"
Strike: "the State of"
Insert: "rural"

2. Page 2, line 13.
Following: "Medicare"
Strike: "recipients"
Insert: "beneficiaries"

3. Page 2, line 16.
Following: "B"
Strike: "have"
Insert: "has"

4. Page 2, lines 20 through 24.
Strike: lines 20 through 24 in their entirety
Insert: "WHEREAS, Medicare beneficiaries are paying an increasingly greater percentage of their income for medical care, including at least 20% of the approved medical bill, a \$100 deductible on medical expenses, a deductible of \$628 for hospitalization, and all costs of medicine; and"

5. Page 3, line 10.
Following: "Medicare"
Strike: "recipients"
Insert: "beneficiaries"

6. Page 3, line 11.
Following: "Medicare"
Strike: "recipients"
Insert: "beneficiaries"

PROPOSED AMENDMENTS
HOUSE BILL 761

Prepared by
John Connor

For Montana County Attorneys Assn.

Page 1, line 7.

Following: "FOR"

Strike: the remainder of line 7 through line 13

Insert: "PROVIDING FOR ~~POSITIVE TEST RESULT~~ NOTIFICATION TO THE VICTIM; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

of test results

Page 2, line 4.

Following: "SHALL"

Strike: the remainder of line 4 and lines 5 and 6

Insert: "release the information concerning the test results to the victim of the offense committed by the convicted person, or to the parent or guardian of the victim if the victim is a minor."

add ' + to the convicted persons

Page 2, line 9.

Strike: remainder of page 2, all of page 3, all of page 4, and lines 1 through 24 of page 5.

Amendments to House Bill No. 917
Third Reading CopyDATE 3/25H BILL NO. 917

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez
March 27, 1991

1. Title, page 2, line 2.

Following: "FACILITY"

Insert: "OR EMERGENCY SERVICES"

Following: "PERSONNEL"Strike: "OR EMERGENCY RESPONDERS"

2. Title, page 2, line 14.

Following: "50-16-529,"

Insert: "50-16-702,"

3. Page 11, line 14.

Following: "A"Strike: "FIRST RESPONDER"Insert: "person providing emergency services who is described in
50-16-702(1)"

4. Page 18, line 15.

Following: line 14

Insert: "**Section 7. Section 50-16-702, MCA, is amended to read:
"50-16-702. Report of unprotected exposure to disease. (1)**A report may be filed, as provided in subsection (2), by a
person:(a) employed by or acting as a volunteer with a public or
private organization that provides emergency services to the
public, including but not limited to a law enforcement officer,
firefighter, emergency medical technician, corrections officer,
or ambulance service attendant; and(b) who, in his official capacity with the public or
private organization, attends or assists in transporting a
patient to a health care facility and believes he has sustained
an unprotected exposure.(2) A person who qualifies in subsection (1) may submit to
the health care facility, on a form prescribed by the department,
a report of unprotected exposure that contains his name and other
information required by the department, including a description
of the unprotected exposure.(3) If the exposure described in the report occurred in a
manner that may allow infection by HIV, as defined in 50-16-1003,
by a mode of transmission recognized by the center for disease
control, then submission of the report to the health care
facility constitutes a request to the patient's physician to seek
consent for performance of an HIV-related test pursuant to 50-16-
1007(10)."

Renumber: subsequent sections

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91 H Bill No. 545 Time 6:30 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved concurrence. There being no objections
the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91 HJR ~~XXXX~~ No. 40 Time 6:35 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved adoption of the amendments denoted in
Exhibit #1. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91

HJR ~~XXX~~ No. 40

Time 6:36 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE		X
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Towe moved concurrence as amended. There being
7 ayes and 1 nay the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91 H Bill No. 635 Time 6:40 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER Present Not Voting	-----	-----
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Franklin moved concurrence. There being 7 ayes,
1 present and 0 nays the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91 H Bill No. 761 Time 7:05 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Eck moved adoption of the amendments denoted in
Exhibit #2. There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91 H Bill No. 761 Time 7:07 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Rye moved to hold the final vote. There being
no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91 H Bill No. 917 Time 7:10 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Franklin moved adoption of amendment #4 in Exhibit #3.
There being no objections the motion carried.

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 03/25/91

H Bill No. 917

Time 7:15 p.m.

NAME	YES	NO
SENATOR BURNETT	X	
SENATOR FRANKLIN	X	
SENATOR HAGER	X	
SENATOR JACOBSON	X	
SENATOR PIPINICH	X	
SENATOR RYE	X	
SENATOR TOWE	X	
SENATOR ECK	X	

Secretary

Chairman

Motion: Senator Franklin moved concurrence as amended. There
being no objections the motion carried.