

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
54th LEGISLATURE - REGULAR SESSION**

**JOINT SUBCOMMITTEE ON HUMAN SERVICES & AGING**

**Call to Order:** By **CHAIRMAN JOHN COBB**, on January 18, 1995, at 8:00 a.m.

**ROLL CALL**

**Members Present:**

Rep. John Cobb, Chairman (R)  
Sen. Charles "Chuck" Swysgood, Vice Chairman (R)  
Rep. Beverly Barnhart (D)  
Sen. James H. "Jim" Burnett (R)  
Rep. Betty Lou Kasten (R)  
Sen. John "J.D." Lynch (D)

**Members Excused:** REP. BETTY LOU KASTEN

**Members Absent:** None.

**Staff Present:** Mark Lee, Legislative Fiscal Analyst  
Connie Huckins, Office of Budget & Program  
Planning  
Ann Boden, Committee Secretary

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

**Committee Business Summary:**

Hearing: DEPARTMENT OF HEALTH & ENVIRONMENTAL  
SCIENCES OVERVIEW: Health Facilities  
Division; Health Care Authority  
Executive Action: DEPARTMENT OF HEALTH & ENVIRONMENTAL  
SCIENCES: Health Services Division,  
Family/Maternal Child Health Bureau.

**CHAIRMAN JOHN COBB** said that **REP. BETTY LOU KASTEN** had left her votes, and they are reflected accordingly. **REP. KASTEN** returned to the meeting at approximately 9:00 a.m. **SEN. J.D. LYNCH** was absent for approximately 15 minutes of the meeting.

**Mark Lee, Legislative Fiscal Analyst's (LFA) Office**, said the meeting between the Senate Finance & Claims and the House Appropriations Committee determined that if this subcommittee was in disagreement with the three statewide present law adjustments figures in the "1997 Budget Analysis," it would be necessary to approve the amounts and then to direct staff to reduce expenditures within those areas.

EXECUTIVE ACTION ON HEALTH SERVICES DIVISION

Motion/Vote: SEN. CHUCK SWYSGOOD MOVED TO PUT THE AMOUNTS BACK INTO ALL STATEWIDE PRESENT LAW ADJUSTMENTS AS PROPOSED BY THE EXECUTIVE AND ALLOW THE LFA TO MAKE NECESSARY ADJUSTMENTS TO PERSONAL SERVICES OR OPERATING EXPENSES WHEN SUBCOMMITTEE ACTION RESULTS IN A FAILED MOTION TO ACCEPT ALL STATEWIDE PRESENT LAW ADJUSTMENTS. Motion CARRIED 4-0. (SEN. LYNCH and REP. KASTEN were not present for this vote.)

BUDGET ITEM Rural Physicians Residency: Tape No. 1:A:4.2

Motion/Vote: CHAIRMAN COBB MOVED TO ACCEPT \$100,000 IN EACH YEAR OF THE BIENNIUM FOR RURAL PHYSICIANS RESIDENCY. Motion CARRIED 4-1, with SEN. SWYSGOOD voting no. (SEN. LYNCH was not present for this vote.)

BUDGET ITEM Food & Consumer Safety (F&SC) Bureau Data System Conversion:

Tape No. 1:A:4.3

Motion/Vote: CHAIRMAN COBB MOVED TO ACCEPT \$30,000 IN FY96 FOR F&SC BUREAU DATA SYSTEM. Motion CARRIED 5-0. (SEN. LYNCH was not present for this vote.)

BUDGET ITEM F&CS Bureau Rules Printing: Tape No. 1:A:5.1

Discussion: Connie Huckins, Budget Office, reported that this budget item is not in the base, it is in contracted services, so it will be zeroed out in the next biennium.

No motion was made.

BUDGET ITEM Primary Care Cooperative Agreement: Tape No. 1:A:5.9

SEN. LYNCH arrived to the meeting.

Motion/Vote: REP. BEVERLY BARNHART MOVED TO ACCEPT \$42,350 IN EACH YEAR OF THE BIENNIUM FOR PRIMARY CARE COOPERATIVE AGREEMENT. Motion CARRIED 3-2, with REP. COBB and SEN. SWYSGOOD voting no. (REP. KASTEN did not vote on this item.)

BUDGET ITEM Indirect Costs: Tape No. 1:A:6.9

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$176,814 IN FY96 AND \$178,010 IN FY97 FOR INDIRECT COSTS. Motion CARRIED 5-0. (REP. KASTEN did not vote on this motion.)

BUDGET ITEM Grants to Counties:

Tape No. 1:A:7.2

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$67,698 IN EACH YEAR OF THE BIENNIUM FOR GRANTS TO COUNTIES. Motion CARRIED 5-0. (REP. KASTEN did not vote on this motion.)

BUDGET ITEM Equipment:

Tape No. 1:A:7.4

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$31,118 IN FY96 AND \$14,618 IN FY97 FOR EQUIPMENT. Motion FAILED 2-3 with REP. BARNHART and SEN. LYNCH voting yes. (REP. KASTEN did not vote on this motion.)

BUDGET ITEM Other:

Tape No. 1:A:7.7

Motion/Vote: REP. BARNHART MOVED TO ACCEPT \$55,325 IN FY96 AND \$41,098 IN FY97 FOR ALL OTHER EXECUTIVE PRESENT LAW ADJUSTMENTS. Motion FAILED 2-3 with REP. BARNHART and SEN. LYNCH voting yes. (REP. KASTEN did not vote on this motion.)

BUDGET ITEM Health Statistics:

Tape No. 1:A:9.2

REP. KASTEN arrived to the meeting.

Motion: SEN. LYNCH MOVED TO ACCEPT 2.00 FTE AND \$100,000 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM FOR HEALTH STATISTICS.

Discussion: Mr. Bob Robinson, Director, Department of Health & Environmental Sciences commented that this new proposal is the key to being able to plan public health in the future in this Division.

CHAIRMAN COBB asked how this was supposed to fit in with the collection of data by the Health Care Authority (HCA). Mr. Robinson said if the HCA would be collecting data, it would be a different type of data. For example, the HCA would collect what the medical costs are around the state for health services compared to this budget item for data collection which uses the county data for health conditions in the county, mortality, morbidity, and tumor registry data to determine what the health condition is in Montana.

Vote: Motion CARRIED 5-1 with SEN. SWYSGOOD voting no.

BUDGET ITEM Tumor Registry:

Tape No. 1:A:10.7

Motion/Vote: REP. BARNHART MOVED TO ACCEPT \$138,342 TOTAL FUNDS IN FY96 AND \$120,249 TOTAL FUNDS IN FY97 FOR TUMOR REGISTRY. Motion FAILED 3-3, with REP. COBB, SEN. SWYSGOOD and SEN. JIM BURNETT voting no.

**BUDGET ITEM HUD Funds - Lead Abatement:**

Tape No. 1:A:11.3

**Motion:** SEN. LYNCH MOVED TO ACCEPT 1.00 FTE AND \$1,000,000 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM FOR HUD FUNDS, LEAD ABATEMENT.

**Discussion:** CHAIRMAN COBB asked if this money would only be applied to residential use. Dale Taliaferro, Administrator, Health Services Division, said that it would be only for residential use.

SEN. SWYSGOOD asked if there was another lead abatement program. Mr. Taliaferro indicated that there was no other lead abatement programs.

Mr. Lee informed the subcommittee that these funds would be contingent upon approval by the Natural Resources Appropriations Subcommittee for the lead abatement certification program.

**Vote:** Motion FAILED 3-3, with REP. KASTEN, SEN. SWYSGOOD, and SEN. BURNETT voting no.

**BUDGET ITEM Licensing Administrative Support:**

Tape No. 1:A:13.1

**Discussion:** Mr. Robinson explained that this funding is for a secretarial position to replace the contracted services.

SEN. SWYSGOOD said he had a problem with this item being in the base. Mr. Lee said there is still approximate \$9,800 in the base that would need to be removed.

No motion was made.

**BUDGET ITEM Inspect State Facilities:**

Tape No. 1:A:14.2

**Motion/Vote:** REP. BARNHART MOVED TO ACCEPT 0.50 FTE AND \$37,500 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM TO INSPECT STATE FACILITIES. Motion FAILED 2-4 with REP. BARNHART and SEN. LYNCH voting yes.

**BUDGET ITEM Personal Services Reductions:**

Tape No. 1:A:15.0

**Motion/Vote:** SEN. SWYSGOOD MOVED TO ACCEPT (1.00) FTE IN EACH YEAR OF THE BIENNIUM AND (\$22,287) GENERAL FUND AND (\$66,287) TOTAL FUNDS IN FY96 AND (\$22,597) GENERAL FUND AND (\$66,597) TOTAL FUNDS IN FY97 FOR PERSONAL SERVICES REDUCTIONS, BUT TO TAKE THE REDUCTIONS FROM OPERATING EXPENSES NOT VACANCY SAVINGS. Motion CARRIED 5-1 with REP. BARNHART voting no.

**Discussion:** SEN. LYNCH requested that the subcommittee take another look at the lead abatement budget item and reconsider its previous motion. He felt this program did a good job, and

couldn't understand why the subcommittee wouldn't approve the federal funding for the program. After discussion, he decided not to make a motion to reconsider because he did not receive the other members support of the program.

**BUDGET ITEM Certificate of Need (CON) Program: Tape No. 1:A:18.5**

**Motion:** SEN. SWYSGOOD MOVED TO ELIMINATE THE CERTIFICATE OF NEED PROGRAM FROM THE HEALTH SERVICES DIVISION, AND THAT THE SUBCOMMITTEE DRAFT A BILL THAT ADDRESSES THE STATUTES THAT REQUIRES THE DEPARTMENT TO CONTINUE THIS FUNCTION.

**Discussion:** Mr. Robinson commented "that all along what we've got is an embarrassment to the state of Montana as far as our funding for the Certificate of Need and the ability to do the job and it is important that the legislature fund it right, or we not do it."

REP. BARNHART spoke against the motion. She felt that the subcommittee had not heard enough about the CON program to make this decision.

REP. KASTEN said that she too would resist this motion because she felt the CON has had a capping effect on nursing homes.

SEN. LYNCH said that he supported the motion because he felt that once the bill is before the members, all arguments could be heard in a proper forum.

SEN. SWYSGOOD said that since the Department feels this program is not funded the way it should be, the proposed bill could address all problems associated with the CON program.

**Amended Motion/Vote:** SEN. SWYSGOOD AMENDED HIS MOTION TO ELIMINATE ALL FUNDING FOR THE CON PROGRAM. Motion FAILED 3-3 with REPS. BARNHART and KASTEN, and SEN. LYNCH voting no.

**Motion/Vote:** SEN. SWYSGOOD MOVED TO DRAFT A COMMITTEE BILL TO ADDRESS THE CERTIFICATE OF NEED PROGRAM. Motion CARRIED 5-1 with REP. BARNHART voting no.

Mr. Lee informed the subcommittee that there are \$15,500 worth of expenses and \$25,000 worth of funding that remains in the Health Department related to this program, should it be transferred.

CHAIRMAN COBB asked if this would be the appropriate time to address the "shotty mattress law." Mr. Robinson said yes, the Department requested a committee bill repealing the statutes that require it to control mattress regulation.

Motion/Vote: REP. KASTEN MOVED TO DRAFT A COMMITTEE BILL TO REPEAL THE MATTRESS REGULATION LAWS THAT PERTAIN TO THE DEPARTMENT OF HEALTH & ENVIRONMENTAL SCIENCES. Motion CARRIED unanimously.

The members then discussed the drafting of another bill regarding the regulation of flour and wheat and the following motion was made:

Motion/Vote: REP. KASTEN MOVED TO DRAFT A COMMITTEE BILL TO ELIMINATE THE REGULATION OF FLOUR AND BREAD BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES. Motion CARRIED unanimously.

EXECUTIVE ACTION ON FAMILY/MATERNAL  
AND CHILD HEALTH (MCH) BUREAU

Tape No. 1:A:25.8

BUDGET ITEM Personal Services:

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$15,722 IN FY96 AND \$20,866 IN FY97 FOR PERSONAL SERVICES. Motion FAILED 3-3, with REP. COBB, SEN. SWYSGOOD and SEN. BURNETT voting no.

BUDGET ITEM Inflation/Deflation; Fixed Costs: Tape No. 1:A:27.0

Motion/Vote: REP. KASTEN MOVED TO ACCEPT \$33,297 IN FY96 AND \$51,759 IN FY97 FOR INFLATION/DEFLATION; AND \$54,824 IN FY96 AND \$69,009 IN FY97 FOR FIXED COSTS. Motion FAILED 3-3, with, REP. COBB, SEN. SWYSGOOD and SEN. BURNETT voting no.

Mr. Lee pointed out that the two previous motions resulted in the need to add the amounts back into the statewide present law adjustments.

The members then informed REP. KASTEN and SEN. LYNCH of the prior motion to put the amounts back into all statewide present law adjustments proposed by the executive.

Motion/Vote: SEN. SWYSGOOD MADE A GLOBAL MOTION TO PUT THE AMOUNTS BACK INTO IN ALL STATEWIDE PRESENT LAW ADJUSTMENTS AS PROPOSED BY THE EXECUTIVE AND ALLOW THE LFA TO MAKE NECESSARY ADJUSTMENTS TO PERSONAL SERVICES OR OPERATING EXPENSES WHEN SUBCOMMITTEE ACTION RESULTS IN A FAILED MOTION TO ACCEPT ALL STATEWIDE PRESENT LAW ADJUSTMENTS. Motion CARRIED unanimously.

BUDGET ITEM Nutrition Program Consulting:

Tape No. 1:A:29.1

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT (\$990,761) IN EACH YEAR OF THE BIENNIUM FOR NUTRITION PROGRAM CONSULTING. Motion CARRIED unanimously.

BUDGET ITEM MIAMI:

Tape No. 1:a:29.4

Motion: SEN. SWYSGOOD MOVED TO ACCEPT \$85,370 IN FY96 AND \$84,212 IN FY97 FOR MIAMI.

Discussion: CHAIRMAN COBB asked if the Medicaid dollars were reflected in MIAMI. Mr. Lee said the federal dollars were already in the base. CHAIRMAN COBB asked SEN. SWYSGOOD if he could line-item his motion so funding could remain in the whole program.

Amended Motion/Vote: SEN. SWYSGOOD AMENDED HIS MOTION TO ACCEPT \$85,370 IN FY96 AND \$84,212 IN FY97 AS A LINE-ITEM RESTRICTING ALL GENERAL FUND MONEY SOLELY FOR THE MIAMI PROGRAM. Motion CARRIED 5-1, with REP. KASTEN voting no.

BUDGET ITEM Indirect Costs:

Tape No. 1:A:31.2

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$120,897 IN FY96 AND \$121,624 IN FY97 FOR INDIRECT COSTS. Motion CARRIED unanimously.

BUDGET ITEM County Data Development:

Tape No. 1:A:32.0

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT (\$30,043) IN FY96 AND (\$64,823) IN FY97 FOR COUNTY DATA DEVELOPMENT. Motion CARRIED unanimously.

BUDGET ITEM Family Planning Grants; Child and Adult Food Program (CACFP):

Tape No. 1:A:32.2

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$ 32,622 IN EACH YEAR OF THE BIENNIUM FOR FAMILY PLANNING GRANTS; AND \$1,801,783 IN FY96 AND \$2,867,413 IN FY97 FOR CACFP GRANTS. Motion CARRIED unanimously.

BUDGET ITEM Equipment:

Tape No. 1:A:32.9

Motion/Vote: REP. KASTEN MOVED TO ACCEPT \$48,571 IN FY96 AND \$96,856 IN FY97 FOR EQUIPMENT. Motion FAILED 3-3, with REP. COBB, SEN. SWYSGOOD and SEN. BURNETT voting no.

BUDGET ITEM Women Infant and Children (WIC) Food Benefits to Individuals:

Tape No. 1:A:33.3

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$2,059,525 IN EACH YEAR OF THE BIENNIUM FOR WIC FOOD BENEFITS TO INDIVIDUALS. Motion CARRIED unanimously.

BUDGET ITEM Other:

Tape No. 1:A:33.6

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT (\$51,433) IN FY96 AND (\$55,194) IN FY97 FOR ALL OTHER PRESENT LAW ADJUSTMENTS PROPOSED BY THE EXECUTIVE. Motion CARRIED unanimously.

BUDGET ITEM Follow Me Expansion:

Tape No. 1:A:33.9

Discussion: REP. BARNHART asked that the Department explain this program. Maxine Ferguson, Bureau Chief, Family/Maternal Child Health Bureau, gave a brief summary of the Follow Me program. She said the request for expansion money is because more referrals are being received by physicians and local hospitals to local health departments than can be handled. She indicated that general fund money was needed in order to maximize Medicaid dollars for the base budget. She distributed a map that shows the extent of the coverage of both MIAMI and Follow Me programs. EXHIBIT 1

Tape No. 1:A:47.0

Kate Mrgudic, staff person, Montana Council for Families, then spoke on the Family Preservation Partnership and how its efforts collaborate with the MIAMI and Follow Me programs. She emphasized that for the first time in Montana history, there is a system to deal with the most at risk families and children for child abuse and neglect.

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT 1.00 FTE AND \$238,000 GENERAL FUND IN EACH YEAR OF THE BIENNIUM AND \$283,401 TOTAL FUNDS IN FY96 AND \$283,573 TOTAL FUNDS IN FY97 FOR THE FOLLOW ME EXPANSION. Motion FAILED 2-4, with SEN. LYNCH and REP. BARNHART voting yes.

BUDGET ITEM Medical Outreach:

Tape No. 1:A:49.6

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT 2.00 FTE AND \$150,000 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM FOR MEDICAL OUTREACH. Motion FAILED 2-4, with SEN. LYNCH and REP. BARNHART voting yes.

BUDGET ITEM Lead Abatement Expansion:

Tape No. 1:A:50.0

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$300,000 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM FOR LEAD ABATEMENT EXPANSION. Motion CARRIED unanimously.

BUDGET ITEM Child Nutrition Administrative Support:

Tape No. 1:A:50.2

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT. 0.50 FTE IN EACH YEAR OF THE BIENNIUM AND \$19,788 TOTAL FUNDS IN FY96 AND \$19,787 IN FY97 TOTAL FUNDS FOR CHILD NUTRITION ADMINISTRATIVE SUPPORT. Motion FAILED 3-3, with REPS. KASTEN and BARNHART, and SEN. SWYSGOOD voting no.

BUDGET ITEM Family Planning Health Educator:

Tape No. 1:A:51.1

Motion: SEN. LYNCH MOVED TO ACCEPT 1.00 FTE AND \$50,000 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM FOR FAMILY PLANNING HEALTH EDUCATOR.

Discussion: SEN. LYNCH conveyed that this is a step in the right direction to educate "young children having children" to prevent pregnancies. He emphasized that approximately 17,000 unwanted pregnancies were prevented because of family planning rather than abortion as a method of birth control. He urged other members of the subcommittee to support his motion.

Vote: Motion FAILED 3-3, with REPS. COBB and KASTEN, and SEN. BURNETT voting no.

BUDGET ITEM Personal Services Reductions:

Tape No. 1:A:52.8

Motion/Vote: SEN. SWYSGOOD MOVED TO ACCEPT (\$53,096) TOTAL FUNDS IN FY96 AND (\$53,540) IN FY97 FOR PERSONAL SERVICES REDUCTIONS, BUT TO TAKE THE REDUCTIONS FROM OPERATING EXPENSES, NOT VACANCY SAVINGS. Motion CARRIED 5-1, with REP. BARNHART voting no.

BUDGET ITEM BA486 Communications System Development:

Tape No. 1:A:53.4

Discussion: Mr. Robinson clarified that this budget amendment should have been reflected as "Community" System Development rather than "Communications" System Development. He said these funds are distributed to counties to allow them to develop their plan for public health services.

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$100,000 TOTAL FUNDS IN FY96 AND \$25,000 TOTAL FUNDS IN FY97 FOR BA486 COMMUNITY SYSTEM DEVELOPMENT. Motion FAILED 3-3, with SEN. SWYSGOOD, REP. KASTEN, and SEN. BURNETT voting no.

Motion: CHAIRMAN COBB MOVED TO INCREASE THE GENERAL FUND DOLLARS FOR THE MATERNAL AND CHILD HEALTH CARE GRANT BY \$150,000 EACH YEAR OF THE BIENNIUM.

Discussion: CHAIRMAN COBB explained that the reason for his motion is to use the increased funding to try to do Medicaid match. The funding would go to the counties or high risk groups, like the reservations, where there is a real need to try to control costs. He felt the counties should decide the best way to use the funding rather than directing the state to continue to create programs aimed at various targeted groups to try to distribute the funds.

REP. KASTEN said she would be inclined to support the amendment if she could be assured funding was going to the reservations and not to the easier need populations to serve.

No action was taken.

EXECUTIVE ACTION ON PREVENTIVE HEALTH BUREAU

BUDGET ITEM Personal Services; Inflation/Deflation; Fixed Costs:  
Tape No. 1:A:57.8

Motion/Vote: REP. KASTEN MOVED TO ACCEPT (1.00) FTE IN EACH YEAR OF THE BIENNIUM AND \$155,838 IN FY96 AND \$160,218 IN FY97 FOR PERSONAL SERVICES; \$31,714 IN FY96 AND \$51,843 IN FY97 FOR INFLATION/DEFLATION; AND \$16,822 IN FY96 AND \$17,831 IN FY97 FOR FIXED COSTS. Motion FAILED 3-3, with REP. COBB, SEN. SWYSGOOD, and SEN. BURNETT voting no.

BUDGET ITEM HIV Lab Testing & Evaluation: Tape No. 1:A:58.2

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$24,305 IN FY96 AND \$26,905 IN FY97 FOR HIV LAB TESTING AND EVALUATION. Motion CARRIED unanimously.

BUDGET ITEM Contracts With Counties: Tape No. 1:A:58.5

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT \$509,641 IN FY96 AND \$529,641 IN FY97 FOR CONTRACTS WITH COUNTIES. Motion CARRIED unanimously.

BUDGET ITEM Eliminate Rabies Vaccine: Tape No. 1:A:58.6

Motion/Vote: REP. KASTEN MOVED TO ACCEPT (\$17,080) IN EACH YEAR OF THE BIENNIUM FOR THE ELIMINATION OF RABIES VACCINE. Motion CARRIED unanimously.

BUDGET ITEM Indirect Costs: Tape No. 1:A:58.8

Motion/Vote: REP. KASTEN MOVED TO ACCEPT \$115,898 IN FY96 AND \$116,803 IN FY97 FOR INDIRECT COSTS. Motion CARRIED unanimously.

BUDGET ITEM Equipment:

Tape No. 1:A:59.0

Motion/Vote: REP. KASTEN MOVED TO ACCEPT \$7,023 IN FY96 AND \$4,823 IN FY97 FOR EQUIPMENT. Motion FAILED 2-4, with REP. COBB, SEN. SWYSGOOD, SEN. LYNCH and SEN. BURNETT voting no.

BUDGET ITEM Other:

Tape No. 1:A:59.4

Motion/Vote: REP. KASTEN MOVED TO ACCEPT \$10,182 IN FY96 AND (\$2,140) IN FY97 FOR ALL OTHER PRESENT LAW ADJUSTMENTS AS PROPOSED BY THE EXECUTIVE. Motion CARRIED 4-2, with SEN. SWYSGOOD and SEN. BURNETT voting no.

BUDGET ITEM Public Health Nutritionist:

Tape No. 1:A:61.2

Discussion: Mr. Lee reported that after reviewing the work papers associated with this adjustment, there would be a duplication of \$16,769 in FY96 and \$18,624 in FY97 if this budget item is approved. He indicated that the duplicating figures should be removed from operating expenses.

Motion/Vote: CHAIRMAN COBB MOVED TO APPROVE 1.00 FTE IN EACH YEAR OF THE BIENNIUM AND THE REDUCED AMOUNTS OF \$42,425 TOTAL FUNDS IN FY96 AND \$42,575 TOTAL FUNDS IN FY97 FOR THE PUBLIC HEALTH NUTRITIONIST. Motion CARRIED 4-2, with REP. KASTEN and SEN. LYNCH voting no.

BUDGET ITEM Communicable Disease Emergency:

Tape No. 1:A:63.6

Motion/Vote: SEN. LYNCH MOVED TO APPROVE A BIENNIAL APPROPRIATION OF \$50,000 GENERAL FUNDS TO BE LINE-ITEMED SOLELY FOR THIS EMERGENCY FUND AND \$50,000 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM FOR COMMUNICABLE DISEASE EMERGENCY. Motion CARRIED 5-1 with SEN. SWYSGOOD voting no.

BUDGET ITEM Diabetes Control:

Tape No. 1:A:64.8

Motion/Vote: SEN. LYNCH MOVED TO ACCEPT 2.00 FTE IN EACH YEAR OF THE BIENNIUM AND \$201,474 TOTAL FUNDS IN FY96 AND \$220,245 TOTAL FUNDS IN FY97 FOR DIABETES CONTROL. Motion FAILED 2-4, with SEN. LYNCH and REP. BARNHART voting yes.

BUDGET ITEM Personal Services Reduction:

Tape No. 1:A:65.8

Motion/Vote: REP. KASTEN MOVED TO ACCEPT (\$46,970) TOTAL FUNDS IN FY96 AND (\$47,336) TOTAL FUNDS IN FY97 FOR PERSONAL SERVICES REDUCTIONS, BUT TO TAKE THE REDUCTIONS FROM OPERATING EXPENSES RATHER THAN VACANCY SAVINGS. Motion CARRIED unanimously.

**BUDGET ITEM BA357 - State Immunization Information System:**

Tape No. 1:A:66.3

**Discussion:** CHAIRMAN COBB questioned if the Department was required to do this system. Mr. Taliaferro said the Department is not doing a statewide system, but that this proposal is to use money for local immunization information systems.

**Motion:** SEN. LYNCH MOVED TO ACCEPT 1.00 FTE AND \$1,000,000 TOTAL FUNDS IN EACH YEAR OF THE BIENNIUM FOR BA357.

**Discussion:** SEN. LYNCH commented that if we can get little kids immunized on time, it will save an awful lot of money on Medicaid and AFDC in the future.

CHAIRMAN COBB expressed his support about getting this system at a local level rather than statewide. He was concerned that if the system was statewide it would cost too much money to track people down. Mr. Robinson indicated that these funds were not to put the statewide registry into place, in fact the Department was resisting to do so. This funding would go toward each county to provide the immunizations.

**Vote:** Motion CARRIED unanimously.

**BUDGET ITEM Breast & Cervical Cancer:**

Tape No. 1:A:69.5

**Discussion:** CHAIRMAN COBB questioned why it took 3.00 FTE in two years to conduct a study in order to qualify for federal dollars for screening. He asked if the Department could contract out to conduct the study or if it was possible to complete the study sooner.

Judy Gedrose, Preventative Health Bureau, explained that planning is being done at the local level with collations with the 3.00 FTE. SEN. LYNCH asked if 2.00 FTE were approved and the additional money were released, could more be done in the communities than simply having 3.00 FTEs statewide. Ms. Gedrose said she would support the concept.

**Motion/Vote:** SEN. LYNCH MOVED TO AMEND THE EXECUTIVE PROPOSAL TO ACCEPT 2.00 FTE IN EACH YEAR OF THE BIENNIUM, AND TO GIVE COMMUNITIES THE ADDITIONAL SAVINGS TO BE USED FOR SERVICES. Motion CARRIED 4-2, with REP. KASTEN and SEN. SWYSGOOD voting no.

**BUDGET ITEM BA529 Expand Tobacco & Control:**

Tape No. 1:A:73.0

**Discussion:** SEN. LYNCH said he was not opposed to the purpose of this proposal, but he questioned the need for 1.00 FTE. Mr. Robinson said the 1.00 FTE basically provides for some coordination and direction for prevention activities to reduce tobacco usage.

**Mona Jameson, representing the Montana Chapter of the American Lung Association** said she was unable to address the 1.00 FTE issue, however, she made a plea to the subcommittee to support funding. She urged that by approving funding for this budget item, there would be a reduction in Medicaid.

**Dennis Alexander, Executive Director American Lung Association (ALA), Montana** noted that the ALA contracts with DHES to carry out the Tobacco Free Montana program, which is funded by the Center for Disease Control. He said the 1.00 FTE request is for a clerical position that would be housed in the ALA office to help staff the other two positions that are funded as part of this program. **SEN. LYNCH** asked what the ALA would do if funding was approved for the program, but the FTE was not. **John McCray, policy person, ALA,** said the American Lung Association could carry on with the program if funding for the FTE is denied.

**Motion/Vote:** SEN. LYNCH MOVED TO AMEND THE EXECUTIVE PROPOSAL TO ACCEPT \$300,000 TOTAL FUNDS IN FY96 AND \$350,000 TOTAL FUNDS IN FY97, BUT TO EXCLUDE 1.00 FTE. Motion FAILED 3-3, with REP. KASTEN, SEN. SWYSGOOD and SEN. BURNETT voting no.

**Motion/Vote:** SEN. LYNCH MOVED TO ACCEPT 1.00 FTE IN EACH YEAR OF THE BIENNIUM AND \$300,000 TOTAL FUNDS IN FY96 AND \$350,000 TOTAL FUNDS IN FY97. Motion FAILED 3-3, with REP. KASTEN, SEN. SWYSGOOD and SEN. BURNETT voting no.

#### OVERVIEW ON HEALTH FACILITIES DIVISION

Tape No. 1:B:0.5

**Denzel Davis, Administrator, Health Facilities Division** briefly talked about issues up for executive action. He then distributed a Division overview, and directed the subcommittee members to the Health Facilities Division State Licensure Workload Database page under tab G of the attached handout and addressed the issue brought up by the LFA under Licensure Inspections. **EXHIBIT 2**

**REP. BARNHART** asked how she would know, as a consumer, if a facility has been inspected. **Mr. Davis** said that the Department believes that a posted license is the stamp of approval by the Health Department that the facility has met minimum requirement, and if no license is posted, the facility is not in compliance with state law.

**Mr. Davis** then talked about the budget item for Nurse Aide OBRA87. He referred the subcommittee to tab C of **EXHIBIT 2**. He reported that 330 complaints are currently pending for patient abuse and neglect by those in the nurse aide profession. The requested funding is 50% Medicare and 50% Medicaid.

**SEN. BURNETT** asked what constitutes a complaint. **Mr. Davis** said a complaint is generated by either the tampering of resident funds, or staff abuse against a resident. He noted that

primarily staff against resident abuse constitutes the most complaints.

OVERVIEW ON HEALTH CARE AUTHORITY

Tape No. 1:B:31.1

Mike Craig, Planning & Research Director, Health Care Authority (HCA) distributed and discussed the Montana Health Care Authority 1995 Performance Indicators, Continuing Statutory Responsibilities, FY95-97 Executive Budget Recommendations, and Proposed Budget & Responsibilities. EXHIBIT 3 Mr. Craig then addressed the issues brought up by the LFA.

EXECUTIVE ACTION ON HEALTH FACILITIES DIVISION

BUDGET ITEM Personal Services; Inflation/Deflation; Fixed Costs:

Tape No. 1:B:46.6

Motion: REP. KASTEN MOVED TO ACCEPT \$184,523 IN FY96 AND \$195,619 IN FY97 FOR PERSONAL SERVICES; \$9,101 IN FY96 AND \$12,765 IN FY97 FOR INFLATION/DEFLATION; AND \$10,080 IN FY96 AND \$11,172 IN FY97 FOR FIXED COSTS.

Discussion: SEN. SWYSGOOD indicated that he would look at this Division differently than he has other Divisions of the Department. He felt the problems found in the legislative audit would be compounded if three statewide present law adjustments were voted down.

Vote: Motion CARRIED unanimously.

BUDGET ITEM Licensure - Operating:

Tape No. 1:B:49.0

Motion/Vote: REP. BARNHART MOVED TO ACCEPT \$77,484 IN FY96 AND \$78,672 IN FY97 FOR LICENSURE - OPERATIONS. Motion CARRIED unanimously.

BUDGET ITEM Licensure Inspections:

Tape No. 1:B:50.5

Motion/Vote: REP. KASTEN MOVED TO ACCEPT \$10,000 IN EACH YEAR OF THE BIENNIUM FOR LICENSURE INSPECTIONS. Motion CARRIED 4-2, with REP. COBB and SEN. BURNETT voting no.

BUDGET ITEM Nurses Aide OBRA87:

Tape No. 1:B:50.9

Discussion: CHAIRMAN COBB asked if these funds could be taken out of the nursing home budget. Mr. Robinson didn't feel this item had much to do with the reimbursement for Medicaid, but was more designed to investigate abuse allegations.

SEN. BURNETT asked why this responsibility wouldn't come under the jurisdiction of the local law enforcement authority. Mr. Davis replied that it is a Department responsibility under the Medicare/Medicaid contract.

CHAIRMAN COBB asked if this money was coming from Social and Rehabilitative Services (SRS). Mr. Davis replied that about half of the funding would, but 90% of the cost may end up being paid for by Medicaid. Ms. Huckins clarified that this request is an authority issue, the actual general fund match is provided in the SRS budget.

Motion/Vote: REP. BARNHART MOVED TO ACCEPT \$100,000 IN EACH YEAR OF THE BIENNIUM FOR NURSES AID OBRA87. Motion FAILED 1-5, with REP. BARNHART voting yes.

BUDGET ITEM Indirect Costs:

Tape No. 1:B:54.1

Motion/Vote: CHAIRMAN COBB MOVED TO ACCEPT \$217,955 IN FY96 AND \$220,175 IN FY97 FOR INDIRECT COSTS. Motion CARRIED unanimously.

BUDGET ITEM Equipment:

Tape No. 1:A:53.2

Motion/Vote: REP. KASTEN MOVED TO ACCEPT (\$4,930) IN EACH YEAR OF THE BIENNIUM. Motion CARRIED 5-1, with REP. COBB voting no.

BUDGET ITEM Other:

Tape No. 1:B:54.7

Motion/Vote: REP. KASTEN MOVED TO ACCEPT (\$576) IN FY96 AND (\$276) IN FY97 FOR ALL OTHER PRESENT LAW ADJUSTMENTS PROPOSED BY THE EXECUTIVE. Motion CARRIED unanimously.

BUDGET ITEM Personal Services Reductions:

Tape No. 1:B:54.9

Motion/Vote: REP. KASTEN MOVED TO ACCEPT (2.00) FTE IN EACH YEAR OF THE BIENNIUM AND (\$90,484) TOTAL FUNDS IN FY96 AND (\$91,039) TOTAL FUNDS IN FY97 FOR PERSONAL SERVICES. Motion CARRIED 5-1, with REP. COBB voting no.

EXECUTIVE ACTION ON HEALTH CARE AUTHORITY

Tape No. 1:B:55.5

The subcommittee discussed whether or not to take executive action on the Health Care Authority (HCA), pending hearing by the House Select Committee. The following action took place:

BUDGET ITEM Duties Defined in Statute:

Tape No. 1:B:57.3

No motion was made.

BUDGET ITEM Certificate of Need (CON) Transfer:

Tape No. 1:B:58.2

Motion: SEN. LYNCH MOVED TO ACCEPT 2.00 FTE IN EACH YEAR OF THE BIENNIUM AND \$86,753 IN FY96 AND \$87,015 IN FY97 FOR THE CERTIFICATE OF NEED TRANSFER.

Discussion: Mr. Craig indicated that the HCA claims no ownership in health care reform and the HCA supports the Governor's budget to fund it fully and adequately.

Vote: Motion FAILED 1-5, with REP. BARNHART voting yes.

Mr. Lee clarified that the net result of the previous motion is that Certificate of Need (CON) is actually not funded anywhere.

BUDGET ITEM CON Workload:

Tape No. 1:B:60.0

No motion was made.

BUDGET ITEM Personal Services Reductions:

Tape No. 1:B:61.2

Motion/Vote: SEN. SWYSGOOD MOVED TO ACCEPT (\$11,751) GENERAL FUND AND TOTAL FUNDS IN FY96 AND (\$11,827) GENERAL FUND AND TOTAL FUNDS IN FY97 FOR PERSONAL SERVICES REDUCTIONS, BUT TO TAKE THE REDUCTIONS FROM OPERATING EXPENSES RATHER THAN VACANCY SAVINGS. Motion CARRIED unanimously.

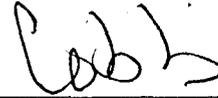
Discussion: SEN. LYNCH brought BA529 Expand Tobacco & Control budget item back to the subcommittee's attention for reconsideration. He didn't feel the federal funds available for this budget amendment should be reverted to another state.

Motion: SEN. LYNCH MOVED TO AMEND THE EXECUTIVE PROPOSAL TO REMOVE THE 1.00 FTE REQUESTED, BUT TO ACCEPT \$300,000 TOTAL FUNDS IN FY96 AND \$350,000 IN FY97.

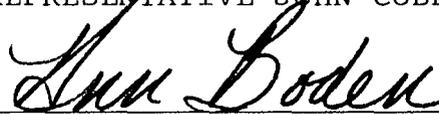
Vote: Roll call vote was taken. Motion FAILED 3-3, with REP. KASTEN, SEN. SWYSGOOD and SEN. BURNETT voting no.

ADJOURNMENT

Adjournment: 10:50 a.m.



REPRESENTATIVE JOHN COBB, Chairman



ANN BODEN, Secretary

JC/ab

# HUMAN SERVICES AND AGING

## Joint Appropriations Subcommittee

ROLL CALL

DATE 1-18-95

NAME	PRESENT	ABSENT	EXCUSED
Rep. John Cobb, Chairman	X		
Rep. Beverly Barnhart	X		
* Rep. Betty Lou Kasten	<del>X</del>		X
Sen. Chuck Swysgood, Vice Chairman	X		
Sen. J.D. Lynch			
Sen. Jim Burnett	X		

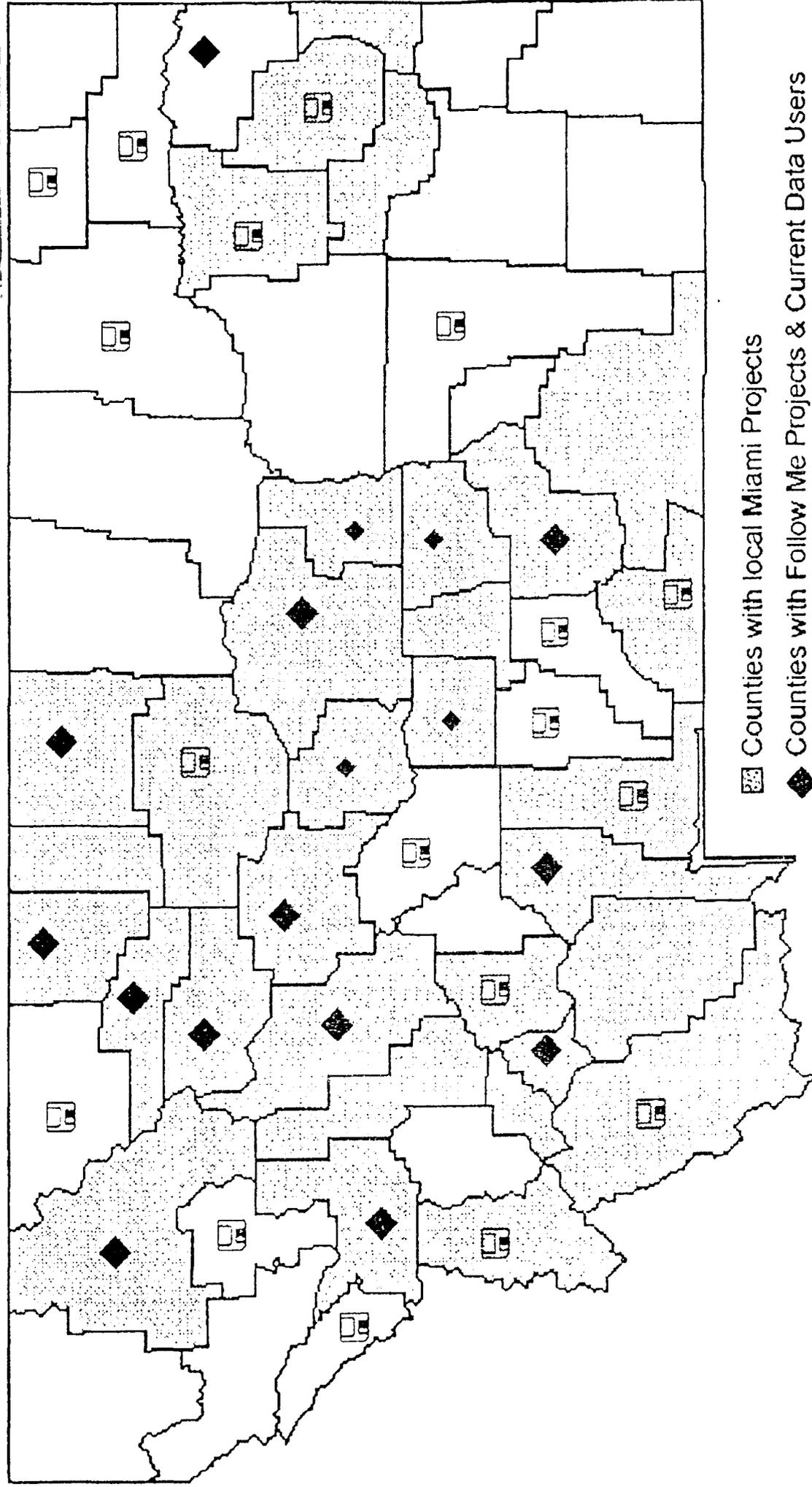
\* in @ 9:10

# Montana Department of Health and Environmental Sciences

EXHIBIT

Locations of Local MIAMI and Follow Me Projects DATE 1-18-95

HB



▨ Counties with local Miami Projects

◆ Adjacent Counties Receiving FM Services

◆ Adjacent Counties Receiving FM Services

▨ Development Data User Sites (Target Date 6/95)

January 1995



**MONTANA HEALTH CARE AUTHORITY  
1995 BIENNIUM ACCOMPLISHMENTS (PERFORMANCE INDICATORS)**

**1. STATEWIDE UNIVERSAL HEALTH CARE ACCESS PLANS (REPORTS)**

- VOLUME I (50-4-101, 301, 302, 303, 305, 306, 601 MCA)

Single Payer Alternative  
Regulated Multiple Payer Alternative

- VOLUME II

Supporting and reference materials for the single and multiple payer plans, including financing strategies, cost assumptions, demographic information, and small group health insurance reform

- VOLUME III (50-4-304, 402)

Regional and Statewide Health Resource Management Plans

- VOLUME IV (50-4-101, 304, 307, 402 MCA)

Public Participation Activities, including reports on electronic citizens forums, town meetings, public hearings on the statewide universal access plans, public hearings on the regional and statewide health care resource management plans, and a telephone survey of public opinion on health care reform

- VOLUME V (50-4-503 MCA)

Health Insurer Cost Management Plans

**2. DESIGN OF A HEALTH PURCHASING POOL FOR MONTANA (50-4-308 MCA)  
(REPORT)**

**3. AN ASSESSMENT OF MONTANA'S CERTIFICATE OF NEED PROGRAM (50-4-311  
MCA) (REPORT)**

**4. A MARKET-BASED SEQUENTIAL HEALTH CARE REFORM PLAN FOR  
MONTANA (REPORT)**

**5. ADMINISTRATIVE RULES**

- Selection of regional health planning board members
- Cooperative Agreements Process

## MONTANA HEALTH CARE AUTHORITY

### CONTINUING STATUTORY RESPONSIBILITIES

1. (50-1-201) **State Health Plan** - The Authority administers comprehensive health planning effective July 1, 1996
2. (50-4-201) **Terms of the Board** - Authority board members serve terms of four years
3. (50-4-303) **Cost Containment** - Statewide Universal Access Plans must contain annual cost containment targets
4. (50-4-303) **Cost Containment** - The Authority shall negotiate annual budgets or fees for health service reimbursement
5. (50-4-304) **Statewide Health Care Resource Management Plan** - The Authority must revise annually
6. (50-4-308) **Purchasing Pool** - The Authority shall report to the legislature in December 1994 & December 1996
7. (50-4-309) **Prescription Drugs** - The Authority shall report to the legislature in December 1996
8. (50-4-310) **Long Term Care** - The Authority shall report to the legislature January 1997
9. (50-4-401) **Terms of Regional Board Members** - Regional planning board members serve terms of four years
10. (50-4-402) **Regional Health Care Resource Management Plan** - The regional boards shall revise annually
11. (50-4-402) **Regional Planning Board Budgets** - Regional boards shall submit annual budget requests to the Authority
12. (50-4-502) **Data Base** - The Authority shall develop and maintain a unified health care data base
13. (50-4-601) **Cooperative Agreements** - The Authority supervises and controls a cooperative agreements process

**MONTANA HEALTH CARE AUTHORITY**

**PROPOSED BUDGET & RESPONSIBILITIES**

	FY96	FY97	TOTAL
1. PERSONAL SERVICES			
FTEs	4	4	4
Salaries	\$145,276	\$145,276	\$290,552
Employee Benefits	\$31,961	\$31,961	\$63,921
Board Per Diem	\$13,000	\$13,000	\$26,000
Personal Services Total	\$190,237	\$190,237	\$380,473
2. OPERATING EXPENSES			
Consulting/Professional Services	\$75,000	\$75,000	\$150,000
Other Services	\$17,900	\$17,900	\$35,800
Supplies & Materials	\$5,500	\$5,500	\$11,000
Communications	\$12,000	\$12,000	\$24,000
Travel			
Board Members	\$24,000	\$24,000	\$48,000
Regional Board Members	\$16,800	\$16,800	\$33,600
Staff	\$10,000	\$10,000	\$20,000
Rent	\$11,844	\$11,844	\$23,688
Other Expenses	\$35,340	\$35,340	\$70,680
Operating Expenses Total	\$208,384	\$208,384	\$416,768
3. EQUIPMENT	0	0	0
<b>TOTAL</b>	<b>\$398,621</b>	<b>\$398,621</b>	<b>\$797,241</b>

1. Complete the design of a health information data base.
2. Provide for certification of voluntary purchasing pools.
3. Update regional and statewide health care resource management plans.
4. Evaluate the progress and impact of sequential reforms and report back to the legislature.
5. Manage the cooperative agreements process.
6. Monitor and analyze health system cost trends.
7. Provide support for state and regional Authority boards.
8. Assume responsibility for state comprehensive health planning.

*Activities  
\$90,000  
2000*