

**MINUTES**

**MONTANA SENATE  
55th LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY**

**Call to Order:** By CHAIRMAN STEVE BENEDICT, on March 5, 1997, at 3:13 PM, in Room 410.

**ROLL CALL**

**Members Present:**

Sen. Steve Benedict, Chairman (R)  
Sen. James H. "Jim" Burnett, Vice Chairman (R)  
Sen. Larry L. Baer (R)  
Sen. Chris Christiaens (D)  
Sen. Bob DePratu (R)  
Sen. Dorothy Eck (D)  
Sen. Sharon Estrada (R)  
Sen. Eve Franklin (D)  
Sen. Fred Thomas (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Susan Fox, Legislative Services Division  
Karloyn Simpson, Committee Secretary

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

**Committee Business Summary:**

Hearing(s) & Date(s) Posted: HB 359, HB 340, HB 370,  
2/24/97  
Executive Action: HB 340, HB 359, HB 370

**HEARING ON HB 359**

**Sponsor:** REP. BETTY LOU KASTEN, HD 99, Brockway

**Proponents:** Jim Ahrens, MT Hospital Assn.  
Denzel Davis, DPHHS  
Kip Smith, Primary Care Assn.

**Opponents:** None

**Opening Statement by Sponsor:**

REP. BETTY LOU KASTEN, HD 99, Brockway, said medical assistance facilities have not been in existence long in Montana and there now are 12 medical assistance facilities in Montana. They are

rural facilities and must be in areas where there are less than six people per square mile. Under present law, they can keep an individual at the facility for 96 hours or less. HB 359 will allow longer stays due to emergencies such as weather, or the available ambulance isn't in good enough shape to take the patient the 95 miles to the nearest hospital. This bill will not require a lot of rule-making by the Department because this will be restricted to a case-by-case basis (page 5, line 20).

Proponents' Testimony:

**Jim Ahrens, President, Montana Hospital Association**, said the first medical assistance facility law was passed in 1987 and the first facility established in 1990. These facilities provide access to medical care in rural communities. Primary care giver can be a physician, nurse, or physician assistant. (EXHIBIT 1)

**Denzel Davis, Quality Assurance Division, Department of Public Health and Human Services**, said the Department supports this bill. (EXHIBIT 2)

**Kip Smith, Associate Director, Primary Care Association**, said this bill makes a minor adjustment to medical assistance facilities, which provide excellent care in rural communities. He urged the committee's approval of the bill.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

**REP. BETTY LOU KASTEN, HD 99, Brockway**, thanked the committee for the hearing and said HB 359 makes it clear in statute that longer stays in the facility are allowed and better for people for safety reasons and it will save money.

HEARING ON HB 340

Sponsor: **REP. DEB KOTTEL, HD 55, Great Falls**

Proponents: **Sam Sperry, DPHHS**  
**Steve Yeakel, MT Funeral Directors Assn.**

Opponents: None

**CHAIRMAN STEVE BENEDICT** turned the gavel over to **VICE CHAIRMAN JIM BURNETT**.

Opening Statement by Sponsor:

**REP. DEB KOTTEL, HD 45, Great Falls**, said last session, a major re-write of statistics laws for Montana was done, and a technical issue was overlooked. HB 340 clarifies death certificate information of place of death and where the death certificate

would be registered. When time of death is unclear, this bill clarifies that issue.

Proponents' Testimony:

**Sam Sperry, Chief, Vital Statistics Bureau, Department Public Health and Human Services**, spoke in favor of HB 340. (EXHIBIT 3)

**Steve Yeakel, representing Montana Funeral Directors Association**, said the corrections in the bill are major to resolve some of the gripes funeral directors have had with the state.

Opponents' Testimony: None

Questions From Committee Members and Responses: None

Closing by Sponsor:

REP. DEB KOTTEL made no further remarks in closing.

HEARING ON HB 370

Sponsor: REP. CARLY TUSS, HD 46, Black Eagle

Proponents: Sam Sperry, Dept. of Public Health & Human Services  
Beda Lovitt, MT Medical Assn.

Opponents: None

Opening Statement by Sponsor:

REP. CARLY TUSS, HD 46, Black Eagle, said HB 370 expands some of the reporting requirements to the tumor board. It is valuable to both the patient and the physician. This bill allows information to be released to a practitioner.

Proponents' Testimony:

**Sam Sperry, Chief Vital Statistics Bureau, Department of Public Health and Human Services**, testified in support of HB 370. (EXHIBIT 4)

**Beda Lovitt, representing Montana Medical Association**, said they support HB 370 because it is important information to be gathered to be able to look at trends and treatments.

Opponents' Testimony: None

Questions From Committee Members and Responses:

SENATOR BOB DePRATU asked **Sam Sperry** for the legal definition of tumors.

**Sam Sperry** said there are two kinds of tumors, benign and malignant. The Tumor Registry Act in Montana specifies, through rules, which tumors are reportable. Malignant tumors are referred to as a cancer. It does not cover melanomas.

SENATOR DePRATU asked where melanoma and skin cancers are listed.

Sam Sperry said not in Montana.

SENATOR CHRIS CHRISTIAENS asked if there is reciprocity between states in reporting.

Sam Sperry said yes. There is an agreement with other states controlled through a non-profit organization at the University of Utah. There is reciprocal exchange agreement on tumors with other states.

SENATOR CHRISTIAENS asked, when a melanoma is diagnosed, then later develops into a tumor, does it then get reported.

Sam Sperry said the tumor would be reported to the registry. Presumably, the incidence of melanoma would be included in the registry.

SENATOR DOROTHY ECK asked about the confidentiality section of the bill, page 2, and the release of information.

Sam Sperry said once treatment is completed, then the patient is under the care of another physician, who had nothing to do with the diagnosis and treatment for cancer, the tumor registry goes to primary care for information on the status of the patient.

SENATOR ECK asked if that regards follow-up studies on persons with tumors and the release information to their primary care physician.

Sam Sperry said yes.

Closing by Sponsor:

REP. CARLY TUSS said tumor registry is important and the information is used in service to patients who have had cancer.

EXECUTIVE ACTION ON HB 370

Motion/Vote: SENATOR SHARON ESTRADA moved HB 370 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 340

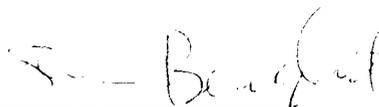
Motion: SENATOR EVE FRANKLIN moved HB 340 BE CONCURRED IN. The motion CARRIED UNANIMOUSLY.

EXECUTIVE ACTION ON HB 359

Motion/Vote: SENATOR EVE FRANKLIN moved HB 359 BE CONCURRED IN.  
The motion CARRIED UNANIMOUSLY.

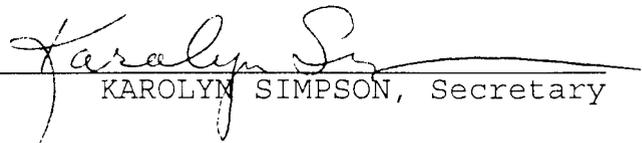
ADJOURNMENT

Adjournment: 3:45 pm



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SEN. STEVE BENEDICT, Chairman



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KAROLYN SIMPSON, Secretary

SB/KS