

March 8, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Tuesday, March 8, 1977 at 10:00 a.m. in Room 431 of the State Capitol. All members were present with the exception of Reps. Palmer, Colburn and Ryan.

The first bill heard was SENATE JOINT RESOLUTION 15, sponsored by Senator Towe. This resolution addresses the entire question of deinstitutionalization; it addresses the question of who pays the cost. It states the intent of the Legislature that the state will not operate like so many federal programs operate; the federal government will institute a program and then stop its funding. \$16,968,000 was budgeted in the last biennium to run the Boulder River School and Hospital; over \$2 million less was budgeted this year. But there have been increases in other areas. \$8.9 million was saved on Boulder and Warm Springs, but \$6.7 million more was spent in the local communities, for a net savings of about \$2.2 million. This resolution will insure the local communities that even though it is going to cost us less, it is not our intention to withdraw funding.

C. J. Harrington, Southwest Montana Mental Health Center, spoke. Their one concern is that the program and staff that have been employed and implemented would have to be discontinued without additional support. Phil Powers, Dept. of Institutions, then testified in support of this resolution. He distributed a handout entitled "HIGHLIGHTS OF MONTANA'S MENTAL HEALTH PROGRAMS", which described how the community health centers operated. Over the past year, they have been able to serve 250 - 275 of the deinstitutionalized patients in the community. Funds were transferred to take care of the added expense. This resolution will insure that they will not have to go this route in the future. The centers receive funding from several different places, but they do need general fund support.

Jan Brown, representing the Mental Health Assoc., then spoke. She testified as the citizens' advocate for the mentally ill in support of the resolution. Bill Emge spoke as a representative of AIDS, a state association of providers. Over the past two years much progress has been made in the field of deinstitutionalization. Mike Bullock, Helena Rehabilitation Industries then spoke; see prepared statement. Ken Rohyans, Progress, Inc., spoke. Progress, Inc. is a community-based facility for the developmentally disabled. They are a training facility. There were five workshops and one community facility, and now there are 39 in the state, since 1973. He is in favor of the measure. Gregg L. McCurdy, Montana Assoc. of Counties, stated that this is a readjustment program, in keeping with the deinstitutionalization process.

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JoAnne Willis, a volunteer for the Montana Association for Retarded Citizens, solicited the counties' support for the resolution at this time. Diane Williams, League of Women voters, then spoke.

There were no opponents to SJR 1. The sponsor closed. Questions were answered. Generally speaking, Senator Towe said, the reduction of expenses at Boulder will result in a substantial savings overall to the state. Rep. Lynch stressed that the counties would not be saving any money, they were paying out. Senator Towe said that the local salary level was similar to the state level, and stressed that there was an advantage to local control, and the prerogative to decide salary levels should be left there. Rep. Holmes then spoke up, saying "There is no issue that we have faced in the last six years that has changed the atmosphere and attitude so much."; to see this much progress made is one of the inspirations that has led her to believe that it is not all hopeless and the world is improving. Rep. Menahan stated his view that it is unfair that people in the communities could receive more pay than the state employees. The hearing was then closed.

SENATE JOINT RESOLUTION 8 was then heard. The sponsor was Senator Murray. A previous Legislature enacted a statute permitting the access by Montana citizens to acupuncture treatment. It also provided that the Board of Medical Examiners would administer this law. The Board in the Administrative Code created a rule which the effect of was to require that a person desiring treatment first had to obtain in essence a prescription from a medical doctor. During the Senate hearing on this resolution, there were many people who spoke up in support of the practice of acupuncture, but they had been going to Canada or elsewhere for this treatment, because it was often impossible to obtain referrals. This resolution will make the Board of Medical Examiners delete this provision from the rules.

Dr. Tsay then spoke. He is at present practicing acupuncture in Great Falls. The present law bothers the patient, the doctor, and the acupuncturist. The patient is not always able to make his doctor fill out the "prescription". The doctors don't treat the patients, but they don't want to sign anything. Senator Rasmussen then spoke. This situation should be changed; we should have the freedom of choice to go to an acupuncturist as we desire.

The opponents to SJR 8 then spoke. Tom Malee, Board of Medical Examiners, stressed that this rule was not intended to be restrictive in any way; it was hoped the rule would help to bring the two fields together. These rules and regulations have insured that the state gets quality acupuncturists, and we do have the "cream of the crop". Ron

Richards, Montana Medical Assoc., spoke next. The MMA opposes this measure basically on the basis that the membership feels that there are many rules, regulations and laws protecting the consumer. This resolution could open some problems for the patients.

Questions were then asked. Rep. Kenny asked Mr. Richards whether an acupuncturist had to be a physician according to the Board's requirements, and it was confirmed that he did not have to be. Dr. Malee stated that a basic science test was taken by acupuncturists, and doctors took a medical test. Dr. Tsay, even though he is a physician also, would have to get referrals, because he is not licensed to practice medicine in Montana. Rep. Lynch then addressed Dr. Malee. He asked whether some doctors were not refusing to refer patients. Dr. Malee replied that many doctors did not believe in acupuncture and did not care to refer their patients. Rep. Lynch commented that from the consumer's point of view, these patients are being charged for doctors visits and all they are trying to do is get a referral. Rep. Lynch then asked Dr. Malee whether his organization was unanimous in their opposition to the resolution and it was admitted that there was a split in the MMA. Rep. Feda said that in light of the Board of Examiners' statement that they had not intended the rule to be restrictive and the fact that it had in fact turned out to be so, why then were they opposed to the resolution. Dr. Malee stressed the consumer protection aspect of the problem. Rep. Holmes suggested setting up a procedure where the patient would contact the Board of Medical Examiners and receive a report on the quality of the various acupuncturists. Dr. Malee stressed the importance of a diagnosis of the patient's condition. It was brought up that malpractice insurance costs less for the acupuncturist. If there were a lawsuit, Dr. Malee supposed that both the M.D. and the acupuncturist would be named. Under the proposed set-up, only the acupuncturist would be named. Rep. Kimble drew a comparison between acupuncturists and chiropractors and optometrists.

Senator Murray then closed. What we have here is a really simple problem which is, are we going to be able to determine if acupuncture could be an alternative, or is an M.D.? Several of his friends from Missoula were unable to receive referrals. The hearing was closed.

SENATE BILL 83, sponsored by Senator Rasmussen, was then heard. He distributed a handout entitled "MONTANA DISASTER ACT OF 1977". In 1974 Congress passed the Disaster Relief Act. The purposes of this bill are patterned after it. The main purpose of the bill is to bring Montana laws up to date, and to clarify them by stating the duties and roles of the state agencies and public officials more specifically. The bill will bring about an orderly and continuing means of

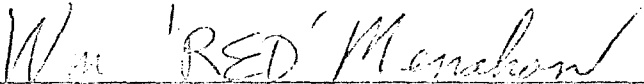
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assistance for those who need it in a disaster. The bill does not expand the powers of the governor, any public office, or state agency. The other key to the bill is that it provides a mechanism by which assistance begins at the local level and state assistance is provided if necessary. This mechanism is triggered when an emergency or disaster situation has occurred, as defined in Section 4. The intent of the bill is to improve the services to the state. It will not increase the cost of providing these services. Mr. Robert Lohn then spoke, on behalf of the governor. He suggested three possible amendments, which would restore language originally in the bill, which had been stricken in the Senate. Following are the amendments: (1) Page 12, beginning with subsection (6), reinsert all of the material on lines 11 through 18. (2) On page 13, reinsert subsections (d) and (f). The governor's office probably would have these powers anyway in the case of a disaster or an emergency, but these subsections would spell that out. There was some concern in the Senate that these powers might allow a potential "dictatorship", but he stressed that the powers could only be exercised in case of emergency or disaster.

There were no opponents to SB 83. The sponsor closed. He concurred in the amendments. Questions were then asked.

It was announced that executive action on the above bills would be taken on Thursday, March 10, as the House Appropriations Committee was going to hear Senator Towe's SJR 15 at that time, and that committee did not want to be influenced by this committee's actions.

The meeting was adjourned.


Chairman - Rep. Wm. "Red" Menahan

Secretary