

March 17, 1977

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE PROCEEDINGS:

A meeting of the House Public Health, Welfare and Safety Committee was held on Thursday, March 17, 1977 at 10:00 a.m. in Room 431 of the State Capitol. All members were present with the exception of Reps. Holmes, Colburn, Cooney, Harper and Lynch, who were excused.

The only bill heard was SENATE BILL 443, sponsored by the Senate Public Health Committee, Senator Stan Stephens, Chairman. Chairman Menahan had received a message that the Senator assigned to introduce SB 443 would not be able to appear. In his absence, Rod Gudgel, Montana Nursing Home Association, opened. The need for this bill arose originally from the fact that there are certain boarding homes in the state that are not to be providing full-time nursing care without the proper license, and in some instances professional nursing services aren't provided. There is a need for modification in the definition of "rooming house" by the Dept. of Health.

Vern Sloulin, Dept. of Health, then spoke in favor of the bill. He is responsible for the administration of the act pertaining to hotels, motels and rooms. Since the bill had been opened up for amendments in the Senate, his department had requested these further definitions to be included. Bill Ikard, Dept. of Social and Rehabilitation Services, Medical Assistance Bureau Chief, then spoke. He is in favor of the bill as it came from the Senate. It is his belief that only those who truly require nursing home care should be in the nursing homes. However, some of the persons living in rooming houses may come to require nursing home care once again, should their state of health worsen. He doesn't want the problem of de facto nursing home care and doesn't want people with medical needs in boarding homes. At this point he distributed information showing in detail why they were after that goal. George Fenner, Dept. of Health, then testified. This bill will provide a mechanism for monitoring boarding homes and retirement homes, in order that their residents can be properly placed.

There were no opponents to SENATE BILL 443. Questions were asked. Rep. Ryan wanted to know if this bill was aimed at preventing a person from placing an infirm parent or relative in a boarding home. Mr. Gudgel answered that it was not, if they did not require full-time nursing care. If they did require it, they would have to go to a nursing home. Rep. Kenny asked if a private nurse could come into the boarding home to administer medication. It was replied that one could, and one purpose of the bill in fact was to support the concept of home health care. Mr. Fenner explained that his department had worked up the fiscal note. Investigations would have to be contracted for. Also, a complaint would have to be received before the investigation was originated. Licensing of these establishments requires two inspections per

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year, by the Dept. of Health. If there were any question about the operations of the establishments during these inspections, then the homes would be reported. Local sanitarians do these inspections. The hearing was then closed.

The committee went into executive session to consider the following bills:

SENATE BILL 105 - Rep. Vinger moved that it BE CONCURRED IN; Rep. Stobie seconded the motion. Rep. Harper left an "aye" vote on the bill; he had previously excused himself from the meeting. Motion carried with Rep. Gould opposed. The chairman Rep. Menahan said that he would carry this bill on the floor.

SENATE BILL 365 - Rep. Porter moved and Rep. Gunderson seconded that it BE CONCURRED IN. Motion carried unanimously. Rep. Porter agreed to carry this bill.

SENATE BILL 331 - Mr. Pyfer, the committee's attorney, presented some proposed amendments. The bill as it stands would create a direct conflict in the law; the amendments would clear this up. The sponsor concurs in these amendments. These changes were contained in the original bill, but some of the parties involved with the bill decided that the same measure as was introduced in the 44th Legislature was wanted. There was enough misunderstanding that the conflict this would create was going to take place anyway. After discussing the matter with Mr. Pyfer, the parties became agreeable to the bill's being amended so as to incorporate the provisions of both the former bill and the original bill which had been introduced this session. Rep. Porter then moved that SB 331 BE CONCURRED IN AS AMENDED. Discussion. Rep. Kenny stated that his optometrist objected to the bill. He feels that this would open the door to the companies that sell optical supplies to also sell contact lens replacements. Rep. Palmer pointed out that some optometrists would be opposed to the bill, but that the official stand on the part of the optometrists and the ophthalmologists was in favor of the bill. Rep. Menahan said that this bill was a compromise anyway, in view of the fact that the government was going to make new regulations covering this area. Rep. Feda then seconded Rep. Porter's motion. Motion carried with Rep. Kenny opposed. Rep. Porter agreed to carry the bill.

SENATE BILL 443 - Rep. Metcalf moved that it BE CONCURRED IN; motion seconded. He stated that mainly this was a consumer protection bill. Motion carried with Reps. Ryan, Vinger and Stobie opposed. Rep. Feda agreed to carry the bill on the floor.

Meeting was adjourned.

*Wm 'RED' Menahan*  
Chairman - Rep. Wm. "Red" Menahan

*Debbie Jakobson*  
Secretary