

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

February 3, 1977

The eleventh meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building on Thursday, February 3, at approximately 11:15 A.M.

ROLL CALL: All members were present, with the exception of Senators Lee and Roberts.

CONSIDERATION OF SENATE BILL 273: In the absence of Committee member, Senator Lee, who is also the sponsor of SB273, Chairman Stephens presented the bill for consideration, saying that it would amend sections 34-302 and 69-5201 of the code. With that introduction, Senator Stephens turned to witnesses for the bill.

Testifying were:

1. Rod Gudgel, Montana Nursing Home Association (support)
2. Fred A. Plummer, Montana Nursing Home Association "
3. Ordell O. Bakke, Montana Nursing Home Association "
4. Bill Ikard, Medical Assistance Bureau, SRS
5. George M. Fenner, State Dept. of Health & Environmental Sciences "
6. John W. Bartlett, Board of Health "
7. Vern Sloulin, State Dept. of Health & Environmental Sciences "
8. Mona Jamisin, State Dept. of Health & Environmental Sciences "
9. Don Judge, AFSCME, AFL-CIO (oppose)

Mr. Gudgel stated the title is misleading in the present statute and needs amending. He proposed amendments which are covered in his handout (see Exhibit "A") to clarify and put teeth into the bill. The purpose of the bill, Gudgel said, is to prohibit rooming houses or boarding homes from providing professional nursing services to occupants on a regular basis without first obtaining a license as a long-term care facility. Mr. Gudgel explained the proposed amendments and then called upon two others from his Association to testify.

Fred A. Plummer said he wanted to stress his support of the amendments the Association proposed and also, that the Committee understand that it is not their intention to support this bill merely to put more people in the pipeline for nursing homes. Their interest lies in the people who are not getting the proper services they need.

February 3, 1977

Ordell Bakke said he knows of instances now that would be non-existent if this bill were in effect. Because of the gross negligence in these cases, he urged the Committee give a Do Pass recommendation.

Bill Ikard highly supported the proposed SB273 with the amendments - without the amendments, he thinks the bill is ineffective.

George Fenner advised the Committee that his Department has neither the staff nor the funds to enforce the amendments. He suggested a fiscal note be developed.

John Bartlett said he receives a number of complaints in the area this proposed bill addresses. Because the present law does not cover the problem, Mr. Bartlett said he is unable to ask that the complaint be acted upon - There is no mechanism. With this bill, however, he would have the power.

Vern Sloulin, speaking for his Department, pointed out the amendment they feel is necessary (see Exhibit "B"). He introduced Mona Jamison, attorney for his Department, who explained the reasoning behind the amendment. As she explained, the Department is not at all interested in apartments or apartment houses. For this reason, they are making a distinction here by stipulating "without separated cooking facilities or kitchens for each individual occupant".

Don Judge testified that, because of the amendments proposed, his stand was vague - he came to testify as opposing witness. Now, he thought if time permitted study of the amendments, his people would actually be proponents. He concluded by saying if this bill is going to be amended, he would like to speak to it again.

Questions from the Committee members followed. Senator Himsel said it now seemed the proposed amendments reversed the intent of the bill. To which Gudgel explained that it probably was the Legislative Council's draftsman who muddled the bill. Senator Watt said it seemed the only way to handle the bill would be to write a substitute bill; Senator Olson agreed. Senator Stephens received an affirmative answer when he questioned witnesses whether this really needs addressing, do we have many people who are purportedly receiving professional nursing care in the facilities which are not qualified.

The hearing on SB173 was concluded. Chairman announced that he would be in further consultation with the sponsor on this bill since the consensus of the Committee was that the amendments changed the intent.

February 3, 1977

ACTION ON SENATE BILL 157: Chairman Stephens asked the Committee to consider action on the amendments before them on SB157.(Ex.C) Senator Rassmussen moved the amendments DO PASS - motion carried unanimously. Senator Rassmussen then moved Senate Bill 157, AS AMENDED, DO PASS. Roll call vote carried unanimously.

ACTION ON SENATE BILL 217: Chairman Stephens asked Senator Olson to explain the amendment before the Committee on this bill.(Ex. D) Senator said the amendment would prevent a younger person from marrying a silicotic, and upon becoming his widow, collecting the monthly sum the rest of her life. This amendment has the okay of the sponsor, Senator Healy.

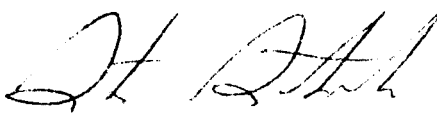
Senator Olson moved the amendment - passed unanimously. The Senator then moved SB 217, AS AMENDED, DO PASS. On a roll call vote, the motion carried unanimously.

ACTION ON SENATE BILL 154: After some discussion in consideration of the fiscal note, which the Committee was awaiting before taking action, Senator Rassmussen moved that SB 154 DO PASS. On a roll call vote, SB 154 received a DO PASS recommendation.

ANNOUNCEMENTS: Chairman Stephens advised members that the following hearing dates were set:

SB221	-	<u>Saturday</u>
SB310	-	<u>Saturday</u>
SB341	-	<u>Tuesday</u>

ADJOURNMENT: With no further business at this time, the meeting was adjourned at 12:15 P.M.



STAN STEPHENS, Chairman

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE :

[illegible]

R O L L C A L L

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date February 3 Bill No. SB154 Time 12:10

NAME S:	YES	NO
LEE, Robert	-	LEE
RASMUSSEN, Tom	✓	RASMUS
OLSON, Stuart	✓	OLSON
HIMSL, Matt		✓ HIMSL
WATT, Robert	✓	WATT
ROBERTS, Joe	-	ROBERT
NORMAN, Bill - V. Chm.	✓	NORMAN
STEPHENS, Stan - Chairman	✓	STEPH

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: DO PASS

R O L L C A L L

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date January 3 Bill No. SB217 Time 12:05

NAME S:	YES	NO
LEE, Robert	✓	LEE
RASMUSSEN, Tom	✓	RASMUSSEN
OLSON, Stuart	✓	OLSON
HIMSL, Matt	✓	HIMSL
WATT, Robert	✓	WATT
ROBERTS, Joe	✓	ROBERTS
NORMAN, Bill - V. Chm.	✓	NORMAN
STEPHENS, Stan - Chairman	✓	STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: AND AS AMENDED, DO PASS

(include enough information on motion—put with yellow copy of committee report.)

R O L L C A L L

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date February 9 Bill No. SB157 Time 12:00

NAME S:

YES

NO

	YES	NO
LEE, Robert		LEE
RASMUSSEN, Tom	✓	RASMUSSEN
OLSON, Stuart	✓	OLSON
HIMSL, Matt	✓	HIMSL
WATT, Robert	✓	WATT
ROBERTS, Joe		ROBERTS
NORMAN, Bill - V. Chm.	✓	NORMAN
STEPHENS, Stan - Chairman	✓	STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: AND AS AMENDED, DO PASS

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

FEBRUARY 3

77

19

MR. ~~PRESIDENT~~

We, your committee on **PUBLIC HEALTH, WELFARE AND SAFETY**

having had under consideration **SENATE** Bill No. **154**

Respectfully report as follows: That **SENATE** Bill No. **154**

DO PASS

STANDING COMMITTEE REPORT

.....FEBRUARY 3..... 19 77.....

MR. PRESIDENT.....

We, your committee on.....PUBLIC HEALTH, WELFARE AND SAFETY.....

having had under consideration.....SENATE..... Bill No.....157.....

Respectfully report as follows: That.....SENATE..... Bill No.....157.....

introduced bill, be amended as follows:

1. Amend page 2, section 1, lines 15 through 17.

Following: "helpless"

Strike: "but does not include persons in wheelchairs because they are nonambulatory"

Insert: ". The term does not include a person who is nonambulatory and who needs transportation assistance solely because that person is confined to a wheelchair as his usual means of mobility"

AND AS SO AMENDED, DO PASS

~~DOXKASX~~

STANDING COMMITTEE REPORT

FEBRUARY 3

19 77

MR. PRESIDENT

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE Bill No. 217,

Respectfully report as follows: That SENATE Bill No. 217,
introduced bill, be amended as follows:

1. Amend page 1, section 1, line 17.

Following: line 16

Insert: "; however, the surviving spouse is not eligible for these payments if their marriage took place after the date the deceased spouse was determined eligible to receive silicosis payments"

AND AS SO AMENDED, DO PASS

~~DO PASS~~

E X H I B I T "A"

Senate Bill No. 273

At line 4 on page 1, amend the title to read as follows:

"AN ACT TO AMEND SECTIONS 34-302 AND 69-5201, R.C.M. 1947, TO PROHIBIT ROOMING HOUSES AND OTHER SIMILAR ACCOMMODATIONS FROM PROVIDING PROFESSIONAL NURSING SERVICE ON A FULL-TIME BASIS."

Amend line 17 on page 2 by substituting "full-time" for the word "regular" and inserting the material "by the facility" following the word "basis".

Amend sub-paragraph (v) commencing at line 24 on page 5 to read as follows:

"(v) Hotels, motels, boarding houses, rooming houses or similar accommodations providing for transients, students, or persons not requiring institutional health care are not considered to be long-term facilities and shall not admit or maintain residents needing professional nursing service on a full-time basis.

✓
"Whenever persons are alleged to be residing in them who need care other than that type care which the facility is licensed to provide, shall be reported to the department of health and environmental sciences, the department's division of medical facilities shall arrange to monitor and to report inappropriate placements and instigate appropriate action."

EXHIBIT "B"

SENATE BILL 273

Amend Section 1 part (g) line 12 through line 18 deleting the entire part (g) and inserting the following:

(g) "Rooming house or retirement home" means buildings in which three (3) or more rooms are rented providing sleeping accommodations on a weekly, semimonthly, monthly or permanent basis; whether or not meals or central kitchens are provided, but without separated cooking facilities or kitchens for each individual occupant, and shall not admit or maintain residents needing professional nursing services on a full-time basis *by the facility*

EXHIBIT "C"

Page 2



Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

SENATE MEMBERS

CARROLL GRAHAM

VICE CHAIRMAN

CHET BLAYLOCK

GLEN DRAKE

FRANK HAZELBAKER

DIANA DOWLING

DIRECTOR, LEGAL SERVICES
CODE COMMISSIONER

ROBERT PERSON

DIRECTOR, RESEARCH

HOUSE MEMBERS

NORRIS L. MARKS

CHAIRMAN

FRANCIS BARDANOUVE

OSCAR KVAALEN

PAT MC KITTRICK

ROSE WEBER

EXECUTIVE DIRECTOR

ELEANOR ECK

ADMINISTRATIVE ASSISTANT

ROBERTA MOODY

DIRECTOR, LEGISLATIVE SERVICES

February 1, 1977

TO: Senate Committee on Public Health, Welfare, and Safety

FROM: Dennis M. Taylor, ^{ONT}Researcher

RE: Suggested Amendment to Senate Bill No. 157

1. Amend Section 1, page 2, lines 15 through 17.

Following "helpless"

Strike: "but does not include persons in wheelchairs because they are nonambulatory"

Insert: "The term does not include a person who is nonambulatory and who needs transportation assistance solely because that person is confined to a wheelchair as his usual means of mobility."

mp

EXHIBIT "D"

EXHIBIT 2

HOUSE MEMBERS

ROBERT E. BARNES
CHAIRMAN

FRANK D. BARDANOUE

OSCAR KVALEN

PAT MCKELTRICK

ROSE WEBER

EXECUTIVE DIRECTOR

ELEANOR ECK

ADMINISTRATIVE ASSISTANT

ROBERTA MOODY

DIRECTOR, LEGISLATIVE SERVICES



Montana Legislative Council

State Capitol

Helena, 59601

(406) 449-3064

SENATE MEMBERS

CARROLL GRAHAM

VICE CHAIRMAN

CHET BLAYLOCK

GLEN DRAKE

FRANK HAZELBAKER

DIANA DOWLING

DIRECTOR, LEGAL SERVICES,
CODE COMMISSIONER

ROBERT PERSON

DIRECTOR, RESEARCH

February 1, 1977

TO: PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE MEMBERS

FROM: Dennis M. Taylor, ^{DMT} Researcher

RE: Draft Amendment to Senate Bill No. 217

1. Amend section 1, page 1, line 17.

Following: line 16

Insert: "however, the surviving spouse is not eligible for these payments if their marriage took place after the date the deceased spouse was determined eligible to receive silicosis payments."

mp

2-3-77

Public Health

SB 273

VISITOR'S REGISTER

[illegible]

NAME: R. J. Gandy DATE: 2/3/77

ADDRESS: 5021, Helena

PHONE: 402-5432

REPRESENTING WHOM? Mont. Nursing Home Assn.

APPEARING ON WHICH PROPOSAL: SB 273

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS:

NAME: FRED A. PLUMMER DATE: FEB 3 1977

ADDRESS: 4720 23rd So.

PHONE: 549 6134

REPRESENTING WHOM? MNHA.

APPEARING ON WHICH PROPOSAL: SB 273

DO YOU: SUPPORT? yes AMEND? _____ OPPOSE? _____

COMMENTS: _____

NAME:

CORRIL O. BAKKE

DATE:

2-3-77

ADDRESS:

RT #4 Box 436 Bozeman, mt.

PHONE:

582-4404

REPRESENTING WHOM?

MONTANA NURSING HOME ASSOC.

APPEARING ON WHICH PROPOSAL:

SB 273

DO YOU:

SUPPORT?

X

AS AMENDED

AMEND?

OPPOSE?

COMMENTS:

(4)

PHONE: 499 3952

REPRESENTING WHOM? *SKS*

APPEARING ON WHICH PROPOSAL: 27.3

DO YOU: SUPPORT? AMEND? ☒ OPPOSE?

COMMENTS:

NAME:

George M. Flann

DATE:

2-3-77

ADDRESS:

2001 Lockett Helena

PHONE:

449-2037

REPRESENTING WHOM?

Health & Env Sci Dept

APPEARING ON WHICH PROPOSAL:

273

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

ADDRESS:

3214 ...

PHONE:

43-217

REPRESENTING WHOM?

Crime Research

APPEARING ON WHICH FORM?

273

DO YOU:

SUPPORT?

X

WANT?

OTHER?

COMMENTS:

Health Care Complaints

BEST COPY
AVAILABLE

BEST COPY
AVAILABLE

12

NAME: William Larnier DATE: 2/3/77

ADDRESS: 1111 N. Main St.

PHONE: 777-2630

REPRESENTING WHOM? Dept. Health & Env. Sciences

APPEARING ON WHICH PROPOSAL: S.B. 273

DO YOU: SUPPORT? 1 AMEND? _____ OPPOSE? _____

COMMENTS: _____

Don Judge

2-3-77

600 W. Cooke St. Helena, MT

442-0760

AFSCME, AFL-CIO

SB 273

SUPPORT?

OPPOSE?

Supports creation of mini-institutions:

did not testify

NAME: Mabel Bonpart DATE: _____

ADDRESS: Parkside Manor

PHONE: 442 - 0139

REPRESENTING WHOM? Nursing Home

APPEARING ON WHICH PROPOSAL: 273

DO YOU: SUPPORT? 2 AMEND? _____ OPPOSE? _____

COMMENTS: _____
