

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

February 19, 1977

The eighteenth meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Stan Stephens in Room 415 of the State Capitol Building on Saturday, February 19, 1977, at 11:00 A.M.

ROLL CALL: All members of the Committee were present with the exception of Senator Norman.

CONSIDERATION OF SENATE BILL 443: Chairman Stephens advised the Committee that SB443 is a Committee bill substitution for SB273 (Senator Lee's bill).

Proponents for SB443 were as follows:

1. Rod Gudgel, Montana Nursing Home Association.
2. George M. Fenner, Montana Department of Health and Environmental Services.
3. Del Bakke, Montana Nursing Home Association.

All proponents favored the bill in its entirety. Mr. Fenner asked for a fiscal note, however, before the Committee passed the bill.

There were no opponents.

Questions from the Committee established the differences in the substitute bill and Lee's original bill (SB273). Senator Stephens asked Mr. Fenner what the fiscal impact would be to the Health and Environmental Services Department if SB443 were passed. Mr. Fenner said, in his opinion, there would be a lot of complaints that would need investigation the first year the law was in effect. After that, he thought the number of complaints would drop. As to actual cost, Mr. Fenner could not give the Committee a definite answer.

The hearing on Senate Bill 443 was concluded, with NO ACTION being taken.

ACTION DELAYED ON SENATE BILLS. In discussing Senate bills 221, 355 and 427, the Committee decided to act on them Tuesday, February 22nd. Chairman Stephens, in the interim, will further discuss SB221 with its sponsor, in view of HB300 which addresses the same problem.

February 19, 1977

The decision to wait to take action on SB355 was made by the Committee due to the discussion on this bill. Senator Lee and Senator Rasmussen expressed concern over a section of the bill dealing with dispensing "devices". Following Senator Rasmussen's amendment to deal with the above matter, Senator Roberts asked the Committee to wait until HB544, which deals with the same problems, comes over and the Committee could work with that bill. It was agreed to wait.

Senator Lee requested the Committee to wait to take action on SB427 until Tuesday, to give Mr. Taylor, Legislative Council Researcher, the opportunity to contact the witnesses (opponents) for the Press Association for further input and also to ascertain whether the opposing witnesses met to work out an amendment.

CONSIDERATION OF SB246 brought a verbal report from Senators Roberts and Olson. The Senators talked with SB246 sponsor, Senator Lowe - Senator Lowe requested, due to the two similar bills in Judiciary Committee, SB246 be held in Public Health Committee with no action. The problem SB246 addresses will be taken care of in other committees. Committee accepting report, NO ACTION taken.

ACTION ON SENATE BILL 365: Discussion before voting brought out amendments (Page 1, Line 20, Following: "subrogated" - Page 6, Line 21, Following: "subrogated" - Page 9, Line 15, Following: "subrogated" - Insert: "after the providers of medical services") presented to the Committee February 17 by Chad Smith. Senator Lee made the motion to move these amendments - by a roll call vote, motion failed, 4 No, 3 Yes (one Senator absent). Senator Roberts moved attached amendments (see Exhibit "A") - by a voice vote, motion carried. Senator Roberts then moved SB365, AS AMENDED, DO PASS - motion carried, 7 Yes (one Senator absent).

ACTION ON SENATE BILL 329: Following Senator Lee's motion SB329 DO NOT PASS, discussion followed - Senator Olson then made a substitute motion SB329 DO PASS - motion carried, 6 Yes, 1 No (one Senator absent).

ACTION ON SENATE BILL 425: Following a short discussion, Senator Olson moved Senate Bill 425 DO PASS - motion carried unanimously, all present voting yes.

ADJOURNMENT: With no further business at this time, Chairman Stephens adjourned the meeting at 11:55 A.M.



STAN STEPHENS, Chairman

E X H I B I T "A"

AMENDMENT OF SENATE BILL 365

Amend Senate Bill 365 following Subsection (2), Page 2, by the addition of:

(3) A needy person who is a recipient of medical benefits, or his legal representative, shall notify the state department of any action initiated, or of any compromise or settlement agreed to by the needy person, or his legal representative, for the recovery of compensation or damages for medical expenses to which medical benefits have been applied.

Notice shall be given by service upon the state department of the legal instrument initiating the action or embodying the compromise or settlement.

(4) No portion of attorney's fees may be withheld from the amount collected from legal proceedings or as a result of settlement which is due the state department under Subsection (1) without prior approval of the state department.

~~(3)~~ (5)

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE :

[illegible]

2/14/77
Sundt
BILL NO. 443

BILL NO. 443

VISITOR'S REGISTER

[illegible]

STANDING COMMITTEE REPORT

February 19

77

MR. **PRESIDENT**

We, your committee on **PUBLIC HEALTH**

having had under consideration **SENATE**

Bill No. **329**

Respectfully report as follows: That **SENATE**

Bill No. **329**

DO PASS

STANDING COMMITTEE REPORT

February 19 77

19

MR. **PRESIDENT**

We, your committee on **PUBLIC HEALTH**

having had under consideration **SENATE** Bill No. **425**

Respectfully report as follows: That **SENATE** Bill No. **425**

DO PASS

STANDING COMMITTEE REPORT

February 19 19 77

MR. President

We, your committee on Public Health

having had under consideration Senate Bill No. 365

Respectfully report as follows: That Senate Bill No. 365

introduced bill, be amended as follows:

1. Amend page 2, section 1, line 18.

Following: line 17

Insert: "(3) A needy person who is a recipient of medical benefits, or his legal representative, shall notify the state department of any action initiated, or of any compromise or settlement agreed to by the needy person, or his legal representative, for the recovery of compensation or damages for medical expenses to which medical benefits have been applied.

Notice shall be given by service upon the state department of the legal instrument initiating the action or embodying the compromise or settlement.

(4) No portion of attorney's fees may be withheld from the amount collected from legal proceedings or as a result of settlement which is due the state department under Subsection (1) without prior approval of the state department."

Renumber: subsequent subsection

~~DO PASS~~

AND AS SO AMENDED, DO PASS

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45TH LEGISLATIVE SESSION - 1977.

Date 2/19 Bill No. 427 Time

NAME S:	YES	NO
LEE, Robert		LEE
RASMUSSEN, Tom		RASMUS
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:

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date

2/19

Bill No.

355

Time

10:00

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:

R O L L C A L L

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date FEBRUARY 19 Bill No. 365 Time

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.		always NORMAN
STEPHENS, Stan - Chairman		4 STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: BY SENATOR LEE - MOVED AMENDMENTS BY
CHAD SMITH WHICH WERE PRESENTED TO COMMITTEE
FEBRUARY 17th.

(include enough information on motion - put with yellow copy of
minutes)

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date 2/19 Bill No. 365 Time _____

NAME S:	YES	NO
LEE, Robert	✓	LEE
RASMUSSEN, Tom	2	RASMUSSEN
OLSON, Stuart	3	OLSON
HIMSL, Matt	4	HIMSL
WATT, Robert	5	WATT
ROBERTS, Joe	6	ROBERTS
NORMAN, Bill - V. Chm.	absent	NORMAN
STEPHENS, Stan - Chairman	7	STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: MADE BY SENATOR ROBERTS. DO PASS, AS AMENDED.

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

Date 2/19 Bill No. 329 Time 11:00

NAME'S:	YES	NO
LEE, Robert		1
RASMUSSEN, Tom	1	
OLSON, Stuart	2	
HIMSL, Matt	3	
WATT, Robert	4	
ROBERTS, Joe	5	
NORMAN, Bill - V. Chm.	absent	
STEPHENS, Stan - Chairman	6	

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: SUBSTITUTE MOTION BY SENATOR OLSON

DO PASS SB329.

ROLL CALL

VOTE

SENATE COMMITTEE PUBLIC HEALTH, WELFARE AND SAFETY

45th LEGISLATIVE SESSION - 1977.

DATE FEBRUARY 19 Bill No. 425 Time

NAME S:	YES	NO
LEE, Robert	✓	LEE
RASMUSSEN, Tom	2	RASMUS
OLSON, Stuart	3	OLSON
HIMSL, Matt	4	HIMSL
WATT, Robert	5	WATT
ROBERTS, Joe	6	ROBERT
NORMAN, Bill - V. Chm.	all out	NORMAN
STEPHENS, Stan - Chairman	7	STEPHENS

Joyce (Kelly) Allen
Secretary

STAN STEPHENS
Chairman

Motion: SENATOR OLSON MOVED SB425 DO PASS

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