

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

March 12, 1977

The twenty-fifth meeting of the Public Health, Welfare and Safety Committee was called to order in Room 405 of the State Capitol Building by Chairman Stan Stephens on Saturday, March 12, at approximately 11:00 A.M.

ROLL CALL: All members were present with the exception of Senator Lee who was excused for State business.

CONSIDERATION OF HOUSE BILL 330: Representative Kessler was introduced by Chairman Stephens and then proceeded to explain his bill to the Committee. HB330, sponsored by Kessler at the request of the Department of Social and Rehabilitation Services, will provide a State subsidy to families who adopt hard to place (see definition page 2, lines 2-6) children. Should a child be handicapped, or face the real possibility of a handicap, the State will provide a subsidy (maximum \$2,600) for medical expenses incurred as a result of that handicap. Or, in the case of a sibling group, where a family would like to have the children but could not afford the financial burden of taking all of the children, the State would assist them financially (which could be done either in a lump sum or spread out). The sponsor said the State is already picking up the tab on these children, either through foster home care or in institutions - this legislation would provide a stable home life for the children and could reduce the total paid out by the State for hard to place youngsters.

Pat Melby, Director of the Social and Rehabilitation Services, testified in support of the bill, saying the funds for the children were included in the executive budget and a fiscal allowance was made. There was some concern, however, over the program's limitations - Melby said it was apparent that the limitation would be set by the funds themselves. But to alleviate those concerns, the Director proposed an amendment on page 5, following line 2: "The Department may not expend or obligate funds for the purposes of subsidized adoption in excess of those specifically appropriated for that purpose." (Mr. Taylor will submit that amendment to the Committee's approval March 15th.)

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Norma Cutone of the SRS spoke next. She testified they currently have about 70 children that could be placed out for adoption but they don't have a subsidized program that is workable. Cutone supports the bill.

Pat Pomroy, of Foster Parents-Adoptive Parents, said she supports the testimony of those speaking in support of HB330.

Gil Alexander, of Foster Parents-Adoptive Parents, supports the bill because it would provide some amount of permanency for those handicapped children. He felt this would cost the State less money than is currently being spent. Alexander said this bill is for the children who cannot speak for themselves.

Alan Rainey, of Foster Parents-Adoptive Parents, said he has three children that would be classified as hard to place in his home. He said he does not know of anyone who could afford their problems.

Jeanette Mattfeldt, also of Foster Parents-Adoptive Parents, supports the bill - she feels the financial help is sorely needed.

Ken Rohyans of Progress, Inc. and AIDS, supports the bill - Mr. Rohyans said he and his wife are foster parents of a small child who would be classified as hard to place. The financial problems involved with adopting a child such as they have in their home would be monumental.

There were no opponents to this proposed legislation.

Questions followed from the Committee covering the problems of where the money would come from, how much--to the family with the physically/mentally handicapped child or to the family with the sibling group. Points brought out in these questions were:

- 1.) This is not to pay people to adopt these children.
- 2.) There will be no subsidy if there is no medical expense to the family as a result of that hard-to-place child's handicap.
- 3.) There is a review currently underway in Congress on this same program, on a federal basis.
- 4.) If a foster child, who is classified a hard to place child, is adopted, the payments for the child which were made when he was a foster child, are stopped. It is not the intent to provide funds for the rearing of the child, only for the medical problems the youngster may endure. Even this amount is limited.
- 5.) In the case of the sibling group which should not be split up among different adoptive parents, the State would help compensate a couple who would be willing to open their home to the whole group.

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6.) The request through this bill is to commit \$26,000 per year of general funds to support this program.

7.) As to how many adoptions this would help subsidize at this time, the answer was 40 children.

8.) The answer was affirmative when it was asked if these children are now covered by Medicaid; Medicaid would cease for these children when adoption occurs.

9.) The child would be covered by this subsidy to his parents until the age of majority - in extreme cases, however, this subsidy would possibly continue the handicapped person's lifetime.

10.) The average amount foster parents now receive for a child to the age of 12 years is \$125 months - \$150 through 18 years of age.

11.) Twenty-six states, as of last year, had legislation similar to this.

12.) To Senator Norman's question about the \$26,000 yearly for this program, the observation was that that amount certainly would not be much to run the program.

13.) There might possibly be a few children in State institutions (no survey has yet been conducted) who would be classified as adoptive under this program.

14.) The state of Washington did a survey concerning the amount of funds involved in this program versus the funds supporting the same children in foster homes and institutions - that state found the payments lower for the adoptive situation.

The hearing was concluded on this bill, with NO ACTION being taken. Mr. Melby was asked to get some figures together regarding the Department's budget and present them to the Committee before the next Committee meeting.

CONSIDERATION OF HOUSE BILL 772: Chairman Stephens turned the meeting over to Representative Dussault. The sponsor of HB772 explained her bill as one which would amend a current law which govern the Montana Developmental Disabilities Services. This proposed legislation makes a number of amendments to the Montana Developmental Disabilities Services and Facilities Act of 1974. What Ms. Dussault decided to do was to put all these amendments into one bill rather than bring them to the legislature piecemeal. The sponsor then went through the bill, section by section, to tell Committee members what was done to the current law. Follow-

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ing that procedure, Rep. Dussault turned the Committee's attention to a full page of amendments she proposed in addition to those incorporated in HB772. One additional amendment was read to the Committee (see Exhibit "A").

Pal Melby, Director of the Department of Social and Rehabilitation Services, testified next. Melby said the Department requested Representative Dussault sponsor this bill. From his point of view, the purpose of HB772 was clarification. He was, of course, in support of the bill, especially amendments to Sections 1, 3 and 6, plus amendments 2,3,4,5, and 6.

Sharen Dieziger, Montana Nurses Association, spoke in full support of the bill, with amendments. She and her association worked with Ms. Dussault.

Joanne Willis, Council Member, Developmental Disabilities Services, testified in support of the bill and amendments.

Ken Rohyans of Progress, Inc. and AIDS, testified in support of the bill. Rohyans gave some history on the bill, saying that, in the past, Section 3 (drafted in 1973) was very proper since the thought at that time was that the State would provide those services referred to. Later, it became necessary to change the language in that section because of the non-profit organizations that came into being.

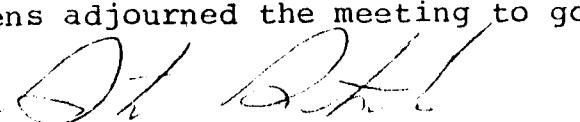
No opponents testified on this bill.

Questions from the Committee concerned council members and how they are appointed, how they are paid, how the alternate is paid for meeting attendance, how often council meetings are held (Mr. Melby will furnish additional information on the council and council costs). The question was asked whether there are any patients returned from community-based facilities (very, very few) and also whether there might be more--Mr. Melby said it is always a possibility and he would have no objection to re-inserting subsection 3 to protect the Department.

Senator Norman pointed out the word, "normally" on page 6, line 2, and suggested that the word be changed to "customarily" or "usually" - Mr. Melby concurred.

NO ACTION was taken on HOUSE BILL 772 at the close of this hearing.

AJOURNMENT: Chairman Stephens adjourned the meeting to go into Senate Session.



STAN STEPHENS, Chairman

ROLL CALL

PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE

45th LEGISLATIVE SESSION - 1977

DATE: ✓✓✓

TESTIFYING

SUPPORT, OPPOSE OR AMEND?

DATE 5-12-68

COMMITTEE ON

Public HealthBILL NO. 37

732

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppose
George Hyatt	self		
Patricia Malone	Board of Missing		
Barbara Davis	Montana Nurses Ass.		
Wadleigh Dawson	" " "		
Donna Small	" " "		
Dee Ann Duran	" " "		
Teri (Wardrobe)	Advocates for Young Citizens Co.		
Marie Bixby	M.N.A.		
Lucy Bell	M.N.A.		
Edwin Roberts	M.N.A.		
City Law	Legal side		
John R Kessler	Billerings		
John Waller	M.A.C.	<input checked="" type="checkbox"/>	
Tom Tapscott	Progressive Health		
Robert L Hall	President, Montana Association of Rehabilitation Facilities Amendments		

E X H I B I T "A"

PROPOSED AMENDMENTS TO HB 772

1. Amend page 3, section 1, line 11.

Following: line 10

Insert: "(5) "Planning and advisory council" means the developmental disabilities planning and advisory council created in 71-2406."

2. Amend page 5, section 3, lines 5 through 8 and 9.

Following: "(1)"

Strike: "The department shall control developmental disabilities programs which receive any state assistance by adopting rules, for providing developmental disabilities facilities and services."

Insert: "The department may adopt rules necessary for the proper administration of this chapter.

(2) The department may contract for programs for developmental disabilities services. Contracts entered into by the department shall contain specific conditions for performance by the contractor."

Renumber: subsequent subsections accordingly.

3. Amend page 5, section 3, line 10.

Following: "qualifications"

Strike: "

4. Amend page 5, section 3, lines 10 and 11.

Following: "and"

Strike: "compensation scales, and personnel policies"

5. Amend page 6, section 3, line 1.

Following: "assist"

Strike: "in the administration of medication to"

Insert: "and supervise"

6. Amend page 6, section 3, line 2.

Following: "facility"

Insert: "in taking medication."

7. Amend page 6, section 4, line 9.

Following: line 8

Strike: "82A-110"

Insert: "the provisions of this section"

8. Amend page 6, section 4, line 10.

Following: twenty-one ("

Strike: "21"

Insert: "22"

9. Amend page 6, section 4, line 19.

Following: "psychology,"

Strike: "and"

Following: "social work"

Insert: ", and special education"

10. Amend page 7, section 4, line 17.

Following: "(c)"

Strike: "Seven"

Insert: "Eight".