

January 24, 1979

HUMAN SERVICES COMMITTEE PROCEEDINGS:

A Human Services Committee hearing was held January 24, 1979, at 1:30 in Capitol Annex Room #20. The meeting was called to order by Chairman Holmes and all members were present.

HOUSE BILL #112--SPONSOR: Rep. Ellis, District #93, introduced this bill whos purpose is to establish an oversight committee for the Department of Institutions to improve development services by setting up a multipurpose caseworker, information and referral systems. The Interim Committee on Human Services decided that such a bill is necessary to better implement these services. This bill in essence would increase cooperation of human services agencies. He mentioned existing co-operative programs where similar programs are working very well, namely Missoula and West Yellowstone. PROPONENTS: Judy Carson, SRS, spoke in support of said bill and claimed that the Department has cooperated on projects and the passage of this bill will develop new and better ways of servicing the people. Mr. Larry Zanto, Department of Institutions, spoke out in favor of this bill. Pat Watson, Montana Human Resource Council, Directors Association urged the committee to pass the bill. Rep. Ellis in his closing statement urged the committee give a do pass recommendation on House Bill #112 to improve existing services and get more for the tax payer's dollar.

HOUSE BILL #201--SPONSOR: Rep. Azzara, District #96, stated that his bill was drafted as per a request from the Department of Social and Rehabilitation Services and that it is brief and self-explanatory. There has been a problem in the past with people on Medicare and Medicaide being discriminated against, because they have to receive such assistance. This bill would outlaw such practices. PROPONENTS: Mr. Bill Ikard, Chief of Medical Assistance Bureau of SRS, claimed that in the past some medical facilities have prevented patients from receiving medical assistance because they were recipients of Medicare & Medicaide. In one specific case, a nursing home operator told the Medicaide patients in his nursing home that they would have to leave within one week. They also have been delayed or in some cases denied such services. This bill has no bearing on those not receiving medical assistance. This bill is in line with the discrimination clause of the U.S. Constitution. Ms. Gail Stoltz, Montana Human Resources Development Council, said that on behalf of low income people, the HRDC's primary concern is that these individuals who are dependant on federal, state, or local public medical assistance are not denied quality care because of that dependance. The situations that this bill addresses are: nursing homes, a person should not be denied space becuae they are on some form of assistance. If they are already in a nursing home, the removal or movement of that person can be traumatic. HRDC asks that the Committee give a do pass recommendation on this bill. Mr. J. Burt Annin, SRS attorney said that the bill was introduced to address the problem of poor recipients who have been denied medical on the basis they are poor. Reports have been made of beds being available in nursing homes and hospitals, but they have been denied to these recipients. Please give this bill a do pass

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recommendation. OPPONENTS: Mr. William E. Leary, Executive Vice President of Montana Hospital Association claimed that since providers are adequately covered with federal and state law in the area of discrimination, that he sees House Bill #201 unnecessary and its adoption dangerous to the health care industry. Before any hospital, skilled nursing facility, or home health agency may become a provider under Medicare, it's compliance with provisions of Title VI must be assured. Investigating must be and should be done by the Office of Civil Rights of the Department of Health, Education, and Welfare, and to date no complaints have been filed in that office; so obviously all facilities are under compliance. There has been one suit to date filed against a Great Falls hospital by the American Indian Action Council in 1976. The Human Rights Commission found that on October 1, 1976, that the hospital did not violate any part of the Human Rights Act. He advocated that the real purpose of House Bill No. 201 is contained in lines 23 and 24 which will set up a situation where the SRS can name the reimbursement rate they want to pay these providers, under the threat that if they don't accept it, they will be forced into fighting discrimination cases. He requested that House Bill No. 201 do not pass. Mr. Jerome T. Leondorf, Montana Medical Assoc., felt that the Department didn't understand the implications of the bill when they wrote it up. Title 49-52 (existing law pertaining to subject) doesn't have the limitations which this bill would place on all participants; recipients as well as providers. Mr. Glenn Drake, Montana Nursing Home Association, handed out a patient bill of rights which is handed to each nursing home patient and is required by the HEW. Section IV states "The patients is transferred or discharged only for medical reasons, or for his welfare or that of other patients, or for non-payment of his stay (except as prohibited by Titles XVIII or XIX of the Social Security Act), and is given reasonable advance notice to insure orderly transfer or discharge, and such actions are documented in his medical record". Dr. John W. McMahon, Montana Medical Assoc., and the Montana Medical Care, says that providers have option to either accept or reject medical assistance patients on an all or nothing basis. He feels that by passing this bill it would discourage providers from accepting Medicare or Medicaid into their facility and that this bill would hurt those it is designed to help. "This bill will have a "catch-22" effect and I urge you to recommend a do not pass". Rep. Azzara in his closing statement addressed all the comments made as not realizing it's potential and recommended that the committee table the bill to act upon it later.

It was the concensus of the committee that a study needed to be made of the additional cost of the colocation of agencies on House Bill No. 112 and that some sort of clause should be put in if it's sister bill, House Bill #117 did not pass.

The meeting was adjourned at 3:00 by Chairman Holmes.

CHAIRMAN