

February 16, 1979

HUMAN SERVICES COMMITTEE PROCEEDINGS:

A Human Services Committee meeting was held February 16, 1979, in the Capitol Annex. The meeting was called to order by Vice-Chairman Gene Frates at 12:30 and all members were present except Representatives Holmes, O'Connell, Robbins, and Stobie.

HOUSE BILL #487 -- SPONSOR: Rep. Bengston, District #59, stated that her bill was drafted because of a request from the Boulder River School. It adds new language to the existing law dealing with voluntary admission and release of records. PROPONENTS: Senator Tom Towe, District #34, worked with the Boulder River School putting together this bill, and he explained the bill, its purpose, and the reason for the changes. He feels that the first three sections of the bill should be stricken, and requested that the committee keep that in mind when they analyzed the legislation in executive session. Dr. Peter Block, Department of Institutions, was in support of this bill, although there was some confusion on the first three sections. Mr. Dan Anderson, Developmentally Disabilities Planning and Advisory Council was very much in opposition to the first three sections of the bill. Children who are voluntarily admitted by their parents could be tough to place in the community. People who would be better in community based programs may be forced to remain in an institution. Rosemary Zion, Developmental Disabilities, Montana Advocacy Program stated that they felt there was an inconsistency regarding the admittance of voluntary minors. In alot of instances, is a child really able to make such an important decision. DDMAP thinks not. The bill sets no guidelines as to the legitimate purposes for which records can be released. A pharmacist or a registered nurse may not be the proper person to be reviewing medication regimines and determining whether the medication has adverse effects on the patients. "There is a right to prompt treatment of their 'mental ailments'". This is unclear language and without clarification, this section could be subject to abuse." Aage Hansen, Association for the Developmentally Disabled, supports the bill with amendments.

HOUSE BILL #711 -- SPONSOR: Rep. Kropp, District #65, read his bill stating its purpose is to remove the citizenship requirements for a physicians' certificate to practice medicine in Montana, and adding the requirement that a physician be able to communicate in English; physicians need to know what a person's ailment is, must communicate with the pharmacist, other people they work with, etc. Mr. Ken Robbins, Montana Hospital Association, supports this bill and asked that the committee give it favorable consideration. Mr. Larry Zanto, Department of Institutions, stated he was in favor of this legislation.

HOUSE BILL #578 -- Rep. Wyrick, District #56, read his bill stating that it would allow recognition of the National Board of Examiners for Osteopathic Physicians and Surgeons and provide them with an equivalent licensing mechanism. Hopefully, with the passage of such legislation, it would give more incentive to osteopathic physicians to move into the rural areas, which are having a great deal of problems in getting doctors to come to these areas. PROPONENTS: Dr. Wayne Nelson, administrator of the Dahl Memorial Hospital in Ekalaka,

said that threats have been made of closure of this hospital since a resident physician is required in Montana and they have none. There are two osteopathic physicians who are interested in moving into our area, but have found the licensing requirements too stringent. He requested that the committee give a do pass recommendation to help the rural areas in Montana. Mr. Bob Klobnak, American Osteopathic Assn, Placement Programs, stated that this bill changes only the acceptance of the National Board of Examiners for Osteopathic Physicians. Dr. Marion Coy, President of the National Board of Examiners for Osteopathic Physicians, stated that 46 other states recognize this board and requests that Montana do so also. Mr. Ken Rutledge, Montana Hospital Association, supported this bill, stating that it would not be the answer for rural communities faced with physician shortages, but it certainly could help.

HOUSE BILL #638 -- SPONSOR: Rep. James Azzara, District #96, introduced his bill and stated that over the past few years different complaints have been collected about Montana State Prison (MSP) from various sources. The most frequent and perhaps alarming complaints have been regarding medical practices at the institution. House Bill #638 requests that the medical practices be examined to be sure that everything that is taking place is in the best interest of all involved. PROPONENTS: Rev. Burkhardt, Chaplain of the House of Representatives, presented a statement from Rep. Polly Holmes, which explained that she was in favor of this legislation, because she had received numerous letters, phone calls, and visits from prisoners, families, lawyers, and employees questioning the adequacy and availability of proper medical, dental, nursing services, and drug practices in the prison. Rep. Holmes advocated that inmates should be protected from further degeneration; which if they don't receive proper medical attention could very easily happen. Mr. Larry Zanto, Director of the Department of Institutions, stated that he was very much in favor of this legislation because in the past he had made attempts at similar legislation, but was defeated. "There needs to be better medical delivery practices organized at MSP," said Zanto in his closing remark. Mrs. Betty Jean Gaffert, mother of an inmate in MSP, who initially had a swelling in his fingers which resulted in movement into his arm. He made several attempts to see the prison physician, but was denied repeatedly. It got so bad that the boy finally purchased a needle from the prison store and lanced it himself to find two large slivers. "Had he not done something about it himself, coupled with the apathetic prison officials, who knows what may have developed?" stated Mrs. Gaffert in her closing remark. Mrs. Ruth Redland, Deer Lodge resident, stated that the dental work they receive is so bad that several inmates have received dental plates and dentures which don't even fit. Barber tools which are very unsanitary have resulted in sores on the inmates heads. Currently, when the psychiatrist gives tranquilizers, they have to be approved by the Warden, and allegedly on some occasions these requests have been denied. Mr. Ronald J. Harris, inmate in MSP and several other institutions around the country, stated that Montana's medical practices are the least humane and worst he had ever seen. He himself got sores on his head from the dirty barber tools. His doctor at the prison had cut him off of the medication he had pre-

viously been prescribed for his epileptic condition. Mrs. Norma Keefe, Deer Lodge resident, stated that an inmate she knows has a serious bleeding problem. He bled recently for three days before they took him to the Powell County Hospital. He was taken to the hospital February 9, and returned back to his unit February 15, at 11:30 a.m. and at 7:30 p.m. he still had not received his prescription. Mrs. Josie Novokavitch, MSP inmate's wife, stated that her husband was supposed to have had surgery six months ago, because of a growth on his vocal chords. Every week since he was incarcerated he has signed the sheet to receive medical attention, and until February 7, he had been denied. On that date, he was taken to the Deer Lodge Clinic to see Dr. Stewart, who resigned from his case. Mr. Novokavitch, allegedly, can hardly hold his head up to visit and several times during visits he will lose his voice completely. He has to sit on the floor of the cell with his head just a little above the water and flush the commode repeatedly to get fresh air to breathe. "Mr. Ted Misner, Powell County Attorney, asked me if I had any money, because he was told that the stated refused to pay for the expense of the surgery," said Mrs. Novokavitch. Her plea to the committee was that they had no money and requested that the bill be passed so perhaps their case could be properly attended to. Mr. Bob Rhay, who did not speak as an opponent or proponent, was questioned by Rep. Gould as to what the medical conditions were at MSP. Mr. Rhay, who works with the Correctional Division of the Department of Institutions stated that "of all of the institutions he has seen, MSP was far superior to most in all regards".

It was the consensus of the committee that House Bill #638 be amended to have an immediate effective date.

The following action was taken:

Rep. Azzara made a motion that House Bill #638, as amended do pass. This motion was carried with an 14-1 vote.

Rep. Wyrick made a motion that House Bill #578 do pass. This motion carried unanimously.

Rep. Fabrega made a motion that House Bill #711 do pass. This motion carried unanimously.

The committee requested the proponents and opponents of House Bill #487 to get together and draw up amendments they could all agree upon and then action would be taken on this bill.

Gene Grater

CHAIRMAN

W. Patliff
SECRETARY