

February 19, 1979

# HUMAN SERVICES COMMITTEE PROCEEDINGS:

A Human Services Committee meeting was held February 19, 1979, in the Capitol Annex Room #20. The meeting was called to order at 12:30 by Chairman Holmes and all members were present except Representative Hemstad.

HOUSE BILL #587 -- SPONSOR: Rep. Waldron, District #97, introduced his bill which sets up a Board of Midwifery who acts in an advisory capacity and which the Department of Health and Environmental Sciences sets up rules and licensing requirements. He stated that Montana is suffering from a maternity crisis and that more and more home births are occurring every year. By not passing this bill, midwifery won't be stopped, but will remain illegal. Sen. Robert Palmer, District #48, stated that he was in favor of this bill and requests that the committee give it a do pass recommendation. Ms. Dierdre Boggs, stated that practicing midwifery unless you are a certified nurse midwife, under Montana statutes is practicing medicine without a license. In Montana there is only one certified nurse midwife, which is certainly not enough to meet the needs. Last year alone in Missoula, there were 29 homebirths. Women who choose to have children at home are left with people who have very little knowledge. She presented material showing that the Women's Place in Missoula receives an average of 10 calls per month seeking midwives. Ms. Jenny Walker, stated that with the new child birth patterns, they don't fit into the institutional situation. Hospital costs are so high that anyone planning on having children are faced with bills of between \$800 and \$1,200. It is also the time of specialists who use certain tools, and right now we don't know the long term affects. Ms. Kathleen Healy, who set up maternity wards in Africa, and is also an R.N., and a home birth mother, claims that medicine is taking several steps in different directions and that midwifery is definitely one in which Montana should take. Ms. Marlene Sampson, a home birth mother and teacher of maternal preparedness classes, stated that she believes that there needs to be more qualified midwifery care, and Montana should decriminalize the acts of practicing midwifery. Dr. J. Reynolds, Jocko Valley Clinic, felt there is a great need for more midwives to take the burden off of rural doctors like himself. Because of insufficient time for further testimony, the following proponents stood in favor of the bill: Ms. Pamela Shore, Ms. Nancy Collins, Ms. Lisa Brocke, and her home birth son, Uriah. OPPONENTS: Ms. Cynthia Kaiser, Certified Nurse Midwife who attended the American College of Nurse Midwives, stated that the curriculum of Nurse Midwifery is quite rigorous and highly sophisticated. This bill would downgrade the quality of maternal child health care. The Board of Midwifery, which this bill proposes is simply an advisory board and would not have regulatory power. She feels that several lay midwives are currently recognizing the value of a nursing science background to the practice of midwifery and extending their existing skills. Consumers need to be encouraged to seek out the highly qualified health care professional than the midwife this bill proposes to educate and license. Dr. Cooper, obstetrician

in Helena stated that his problem with the bill was contained in Section 4, page 3, where there was no reference to the training prior to licensing. He feels that lay nurse midwives border on absurdity, since you are dealing with two human lives. In states where home births have been studied, there are two to four times as many still births occurring as opposed to hospital births. He feels that two lives are too important to be left in the hands of someone who merely needs a high school diploma. Ms. Jan Leishman, Montana Nursing Association's Legislative Committee, opposes this bill because it would be a major setback to maternal child health care in Montana. Montana's health care is geographically not able to deal with the complications of a home delivery since many of the rural areas are so far from the nearest hospital to obtain professional care. Liability is also another problem; if complications arise and the mother is taken to a professional and something happens, that leaves the physician as well as the midwife in a malpractice suit. Another nine member board will have an additional financial impact on state government expenditure. Prenatal care from a midwife would not be of the caliber it should be because of the lack of expertise. The Montana Nursing Association requests that you give this bill a do not pass. Rep. Waldron in his closing remarks stated that this is a professional fight dealing with economics rather than health care. He feels that there is a definite need for lay midwives and that women have gotten along without hospitals for centuries. Home births can't be stopped, so why not regulate them and make them safe? He also stated that he was shocked that the medical professionals would oppose regulation by the Department of Health and Environmental Sciences since they so strongly felt that a professional was needed as an Administrative Head.

HOUSE BILL #655 -- SPONSOR: Rep. Jack Moore, District #41, introduced his bill to ensure the proper care of a person be given who has recently been released from a hospital, but is unable to care for himself. The Department of Health and Environmental Sciences will license, regulate, and supervise personal care facilities. PROPONENTS: Mr. John St. Jemaine, Chairman of the study group on Human Services, stated that patients need a service like this bill will provide. Mr. Don Sequora, Department of Social and Rehabilitation Services, supported this bill because there needs to be a post-release center for out patients so they don't have to pay the astronomical hospital costs. If they are on medical assistance, this would save many needed dollars and free beds in overfilled hospitals. OPPONENTS: Mr. Glenn Drake, Montana Nursing Home Association, felt there was a funding source problem. If there was any way they could come up with federal grants he would support this bill. Moore in closing stated that personal care facilities would give adequate care and save a great deal of medical dollars. He stated that he also felt that section 4 should be stricken.

HOUSE BILL #696 and #722 -- SPONSOR: Rep Robert Dozier, District

#61, introduced his two bills together; House Bill #696 reduces the amount of money counties have to pay for AFDC, and House Bill #722 would drop the one year county residency requirement to receive such aid. Some people move from county to county, which results in a 2% administrative loss on the average. This would also drop the counties contribution from 12%-8% on an even distribution basis. PROPONENTS: Mrs. Judith Carlson, Deputy Director of the Department of Social and Rehabilitation Services, stated that these bills would reduce paper work, cut through red tape, decrease administrative costs, and provide better service to applicants. Ms. Gail Stoltz, Human Resources Council, stated that by dropping the requirement of residency, it would make it alot easier for low income persons to receive such aid. When an applicant comes in and needs these services, he should receive them.

HOUSE BILL #725 -- SPONSOR: Rep. Budd Gould, District #98, claimed that he started working with alcoholics last year and that laws do need revision to deal with this disease. PROPONENTS: Mr. Ron Spurlin, Montana Council on Alcoholism, stated that the bill addresses the problems of definitions and responsibilities of the existing laws. OPPONENTS: Mr. Dick Baumberger, Cascade Council on Alcoholism, feels that the bill doesn't cover enough of the issues connected with alcohol problems. Mr. Curt Chisolm, Deputy Director of the Department of Institutions, stated that the Division of Alcohol and Drug Abuse is opposed to the bill.

HOUSE BILL #714 -- SPONSOR: Rep. Kerry Keyser, District #81, stated that his bill was very simple. Because the Board now sends to every superintendant of the hospitals a list of physical therapists, the mandatory requirements of a list of physical therapists mailing should be moved to voluntary. He felt that this was an unnecessary expense.

HOUSE BILL #825 -- SPONSOR: Rep. Art Lund, District #2, stated that his bill is to provide for the treatment of incarcerated alcoholics and drug users which in some instances are not receiving the proper attention they should.

HOUSE JOINT RESOLUTION #11 -- SPONSOR: Rep. Pat Gesek, District #19, stated that her bill is to direct the governor's office to conduct a study of the method of establishing per diem rates and the methods of assessing patient charges for Warm Springs State Hospital. She and co-sponsors also requested that Boulder River School and Hospital be included in this, too. PROPONENTS: Dr. Eugene Huntington, Obstetrician and P.P. feels that bill would be very valuable. Mr. Chisolm, Department of Institutions, stated that he, too was in favor.

The following action was taken:

Rep. Wyrick moved that House Bill #487 as amended do pass. This motion carried unanimously.

Rep. Dozier moved that House Bill #725 be referred to Taxation. This motion carried unanimously.

Rep. Frates moved that House Joint Resolution #11 do pass. This motion carried unanimously.

Rep. Keyser moved that House Bill #655 do pass. This motion carried unanimously.

Rep. Fabrega moved that House Bill #714 do pass. This motion carried unanimously.

Rep. Fabrega moved that House Bill #697 do pass. This motion carried unanimously.


Rep. Fabrega moved that House Bill #722 do pass. This motion carried unanimously.

Rep. Stobie moved that House Bill #825 do not pass. This motion did not carry with a vote of 4 to 14.

Rep. O'Connell in a substitute motion moved that House Bill #825 do pass. This motion carried with a 14 to 4 vote.

Rep. Feda moved that House Bill #587 do not pass. This motion did not carry with a 4 to 14 vote.

Rep. Azzara in a substitute motion moved that House Bill #587 do pass. This motion carried with a vote of 14 to 4.

  
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CHAIRMAN

  
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SECRETARY