

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

February 16, 1979

The seventeenth meeting of the Senate Public Health, Welfare and Safety Committee was called to order in Room 410 of the State Capitol Building at 6:45 p.m. on February 16, 1979.

ROLL CALL: All members were present except Senator Norman.

ACTION ON SENATE BILLS 400 AND 419: Senator Lensink stated that Senator Towe would not do anything to the Board of Visitors if he didn't feel that it was necessary. The Governor wants to get rid of the Board completely. Senator Lensink moved that Senate Bill 400 DO PASS. Senator Himsl stated that this bill asks the Legislative Auditor to appoint a board, and he doesn't feel that is the auditor's function. He can understand the other bill and see where the auditor can go in and see that there is a patient plan and that it is being followed. Chairman Rasmussen asked Senator Towe how he envisioned the appointments would be made. Senator Towe replied that it would be by the Legislative Audit Committee, and he sees the Board operating pretty much as it does now. The Legislative Auditor would appoint the staff, who is only one person. This would be an advisory board, but a board with some authority. Chairman Rasmussen stated that as far as appointment of three lay people, they would ask for input and then appoint them much as they do the Legislative Auditor. Senator Ryan stated that the most frightening thing here is that the Board of Visitors might go away; where they are or what they do administratively doesn't matter. Senator Palmer asked why we are worried about the Board of Visitors going anywhere. Senator Towe stated that the Legislature put the law into effect in 1975, and there was a question of funding it. It was killed in the House three times and revived and passed on to the Senate. The Governor has said he doesn't want to fund it. If the Legislature doesn't put it somewhere where it will be looked after, it will be abolished. The Governor has agreed to go along with putting it in the Legislative Auditor's office. Senate Bill 400 is the bill from the Governor's office. He would go with Senate Bill 419. Senator Towe feels if the Committee doesn't pass either one, there is an 80 percent chance the function will be abolished.

A roll call vote was taken. The motion carried by a vote of five to one.

Senator Palmer moved DO NOT PASS on Senate Bill 419. A roll call vote was taken. The motion passed unanimously.

ACTION ON SENATE BILL 97: Senator Himsl moved that Senate Bill 97 DO PASS. Senator Olson stated that he feels if this bill passes Dr. McMahon will be in the House trying to get his amendments in, and that would practically destroy the bill. Senator Palmer said he is going to support the bill because he feels if you are terminally ill that you should be able to grab on to anything. Senator Lensink mentioned that the sale, manufacture, and distribution is still there although he feels this should be amended to provide in accordance with federal regulations. Dr. McMahon's amendments would just put it over the counter. Senator Himsl said he feels that he wants the people to go to their doctor and not be prescribing for themselves. They really don't know what this will do. He wants them to get a doctor's care. This way if the doctor wants to prescribe laetrile he can. Senator Olson asked if there are doctors in Montana prescribing it now. Senator Himsl said that doctors are giving it by injection. They are bootlegging it into the state. Senator Lensink said the problem is still with the FDA. Senator Himsl replied that their problem is with interstate commerce.

Senator Lensink moved that sections 3 and 4 be deleted in their entirety. He made the motion because Senator Himsl presented this as a freedom bill and because laetrile has absolutely no toxic effect whatever. Therefore, he believes the drug should be sold over the counter. He also thinks that sections 3 and 4 put hospitals and governing boards in a terrible position. Senator Lensink said that these people are to govern the practice of doctors, and now the Legislature comes along and says they can't do anything about it. Senator Lensink stated that he is still not going to vote for the bill because he feels it is a great potential for fraud. Senator Himsl said he opposes the amendment because it ruins the bill. He feels that people should consult a doctor first. Doctors don't have to be involved at all if they don't want to be. This is stated under Section 6. The evidence doesn't support the fraud. Chairman Rasmussen said it seems to him that the safety valve is that the physician can say he doesn't want to touch the stuff. Senator Lensink replied that the vast majority of the physicians will not touch the stuff. However, there will be a few who will put up the neon lights; and the association will not be able to do anything. A discussion followed regarding the radium mines. Roll call vote was taken on amending Senate Bill 97. The motion failed by a vote of five to one.

A roll call vote was taken on the motion to do pass Senate Bill 97. The motion carried by a vote of four to two.

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ACTION ON SENATE BILL 238: Chairman Rasmussen referred the Committee to the amendments. See Attachment "A." Amendment 1 changes the title to accurately reflect the purpose of the bill. Senator Himsel asked if that would not include taking out "charges" also. Chairman Rasmussen proposed striking "remove" and "competition" and adding "equalize charges." The motion carried unanimously.

Amendment 2 on page 2, line 7, is proposed to clean that section up so a figure can be obtained. This is a figure that is used on the people's tax returns. Chairman Rasmussen moved the amendment. The motion carried unanimously.

Amendment 3 on page 2, lines 7 and 8, is proposed to be sure the bill refers to family income. This is the intent of the bill. Senator Olson asked how this would be determined. Chairman Rasmussen said it would be determined the same way it is determined now. If you go to a mental health center, you have to state your family income; and they charge a fee on a ratio basis. Senator Himsel said that on line 7 it says adjustable taxable income as shown. Chairman Rasmussen said that could be taken out. Senator Olson moved to strike the language on line 7 after income, which would strike "as shown on his previous year's income tax form." Senator Himsel said that wouldn't work; you could strike that whole sentence. Senator Olson asked if Chairman Rasmussen would consider on line 7 scratching "gross" and inserting "declared family income." Then it is the responsibility of the person to state the income. He made that motion. Senator Ryan said the committee should also strike "adjusted." Chairman Rasmussen said the way it is worded on the centers' fee schedules is net family income. Chairman Rasmussen asked if the Committee would include "net." Senator Olson included that in his motion. "Previous year's income" is taken out. The motion carried unanimously.

Amendment 7 on Attachment "A" is proposed so that the average is determined by region instead of for the whole state. The intent of the bill is to pin it down to the local fee level. Senator Ryan asked if this amendment is definitive enough. Chairman Rasmussen said it refers to the five mental health regions. Senator Ryan moved the amendment. The motion carried. Senator Olson said he feels the Committee could be a little more specific about region and would like something where it designates as to the practitioners in that mental health region. Senator Himsel moved that line 13 be amended to include practitioners in that mental health region and delete "Montana." The motion carried unanimously.

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Chairman Rasmussen referred the Committee to amendment 8 on Attachment "A." Senator Himsl said this section bothers him that you must charge the patient a fee. Chairman Rasmussen said that is the point of the bill. He thinks this should be in there when the ability to pay exists. He sees no reason why the government should be competing with the private sector. Senator Lensink said he hates to vote against the bill because he is for the concept, but he doesn't feel that he knows enough to vote for the bill.

Senator Lensink moved that Senate Bill 238, as amended, DO PASS. Chairman Rasmussen stated that he feels that we have partially socialized medicine here. Senator Lensink stated that he is bothered by the comment that a person must be charged a fee that is equal to the private sector. Chairman Rasmussen said he feels the market place will take care of any potential price gouging in this area, as it does for medical doctors. Senator Himsl thinks there is some protection on page 2, where the annual fee is determined by the director of the Department of Institutions. Senator Ryan stated that he feels he will have to vote against the bill, and he knows that mental health is in a mess.

Roll call vote was taken. The vote was tied at three to three. A discussion followed about how Chairman Rasmussen could get the bill out of Committee. Senator Ryan changed his vote to "yes" to get the bill on the floor.

ACTION ON SENATE BILL 373: Senator Lensink made a motion of DO NOT PASS on Senate Bill 373. Mr. Taylor pointed out that there were proposed amendments. The Committee requested that the amendments be read to them. A roll call vote was taken. The motion passed unanimously.

ACTION ON SENATE JOINT RESOLUTION 16: Senator Ryan stated that he never received the information he requested. Senator Palmer stated that he is not sure that he wants the bill to pass as much as he wants the subcommittee to deal with the issue. The only argument that the Department of Social and Rehabilitative Services had is that this is an appropriations matter. Senator Palmer said he agrees with that, but the group could not get interest from that committee. Senator Palmer wanted to know if the Committee members felt this Committee should pass the bill or let the Appropriations Committee take care of the matter. Senator Himsl said this is a very mild resolution. It is formed in the words of a request. The problem with this is that when and if SRS can get their house in order and when and if they can let the Appropriations Committee know how they are going to structure their house, then he doesn't think it will make any difference.

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to the Appropriations Committee. Senator Palmer stated that he doesn't want to take up the Committee's or the Legislature's time with this bill, but these people were not getting any help anywhere else. The Appropriations Committee must make the final decision. Senator Palmer made a motion to table SJR 16. Senator Olson asked him if he feels that he has accomplished what he wants. Senator Palmer said he hopes he has, and he hopes that the members on this Committee will talk to Appropriations about the consequences of this. He has no problem with the funding going to Title IVA if it will save money and if it will provide good service.

A roll call vote was taken. SJR 16 is tabled in Committee.

ADJOURNMENT: There being no further business discussed, the meeting was adjourned at 7:50 p.m.


A. T. RASMUSSEN, CHAIRMAN

SENATE COMMITTEE

PUBLIC HEALTH

Date 2-16-79

Bill No. SB400 Time 7:00 p.m.

Judy T. Olson
Secretary

Secretary

Tom Rasmussen
Chairman

Motion: Do Pass on SB400

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

SENATE COMMITTEE

PUBLIC HEALTH

Date 2-16-79 Bill No. 5B412 Time 7:05 p.m.

Judyl Olson
Secretary

Secretary

Tom Fossumson
Chairman

Motion: SB 419 Do Not Pass

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

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2-16-79 Bill No. 5B97 Time 7 20 p

Judy F. Olson
Secretary

Secretary

Tom Dammesen
Chairman

Motion: Amendment to SB 97

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

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2-16-79 Bill No. 5897 Time 7:25p

Judy F. Olson
Secretary

Secretary

Tom Rasmussen
Chairman

Motion: Do Pass SB97

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

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2-16-79 Bill No. 3B238 Time 7:30 p.m.

Chely J. Glens
Secretary

Secretary

Tom Rasmussen
Chairman

Motion: SB 238 - Do Pass As Amended

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

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2-16-79 Bill No. SB373 Time 7:40 p.m.

Rudy J. Olsen
Secretary

Tom Fassmann
Chairman

Motion: SB 373 - Do Not Pass

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

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 2-16-79 Bill No. S-FR16 Time 7:45p

Ody J. Olson
Secretary

Secretary

Tom Rasmussen
Chairman

Chairman

Motion: SJR 16 - Table 8

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

ROLL CALL

PUBLIC HEALTH COMMITTEE

45th LEGISLATIVE SESSION - - 1979

Date 2-1-79
6:45 p.m.

ATTACHMENT "A"

AMENDMENTS TO SENATE BILL NO. 238

1. Title, line 4.

Following: "TO"

Strike: "REMOVE"

Insert: "EQUALIZE"

2. Page 2, line 7.

Following: "whose"

Insert: "adjusted"

Following: "gross"

Insert: "taxable"

3. Page 2, lines 7 and 8.

Following: "on"

Strike: "his previous year's income tax form"

Insert: "the joint or individual Montana income tax forms submitted by the client and his spouse."

4. Page 2, line 8.

Following: "than"

Strike: "remainder of line 8 in its entirety"

Insert: "1.75 times the average Montana adjusted gross taxable income as has been most recently determined by the department of revenue."

5. Page 2, lines 9 and 10.

Following: line 8

Strike: lines 9 and 10 in their entirety

Insert: "The average Montana adjusted gross taxable income shall be determined and provided by the department of revenue."

6. Page 2, line 12.

Following: "by"

Insert: "full time"

7. Page 2, line 13.

Following: "in"

Strike: "Montana"

Insert: "that region"

8. Page 5, line 16.

Following: line 15

Insert: "pursuant to section 1 subsection 6 of [this act]"