

MINUTES OF THE MEETING

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

March 12, 1979

The twenty-fourth meeting of the Senate Public Health, Welfare and Safety Committee met in Room 410 of the State Capitol Building on March 12, 1979, at 1:00 p.m.

ROLL CALL: All Committee members were present except Senator Ryan and Senator Palmer, who arrived later in the meeting.

CONSIDERATION OF HOUSE BILL 593: House Bill 593 is an act to require coroners to order autopsies when a death occurs in or as a direct result of a fire in a building or other structure.

Witnesses supporting House Bill 593:

Art Korm, Montana State Volunteer Firemen's Association
Bob Kelly, State Fire Marshall
Dave Fisher, Montana State Fire Chief's Association
Marvin Carter, Montana State Volunteer Firemen's Association
Ed Mitch, Montana Volunteer Firemen's Association
Keith Grice, Montana State Volunteer Firemen's Association
Lloyd Greenup, Montana State Volunteer Firemen's Association
Gary Gray, Montana State Volunteer Firemen's Association
Jim Balke, Montana State Volunteer Firemen's Association
Ray Balim, Montana State Firemen's Association
Chris Sauer, City of Libby and Lincoln County Rural District

Witnesses opposing House Bill 593:

Mickey Nelson, Montana Coroner's Association

Representative George Johnston, sponsor of House Bill 593, said this bill was introduced at the request of the firemen's association and the state fire marshall's office. It requires mandatory autopsies for all fire victims. In 1977 the state had 30 deaths in fires and in 1978 there were 23 deaths in fires. During that time, there were 7 autopsies conducted. The cost of an autopsy averages about \$300. This means that for a 2-year period the cost would run \$15,900. Representative Johnston said that if we can save one fire because it is known that there will be autopsies conducted, that will make up for the cost of the autopsy.

Art Korm, secretary/treasurer for the Montana State Volunteer Firemen's Association, said they feel that they are justified in asking that this bill be passed to have a better record of the fire victims. He said they do not know if some of these deaths are from heart attacks, overdose, foul play, etc. He has talked to Leo Jacobson of the Butte Coroner's Office, who has no objection to the bill. He said that the state fire marshall and officers from seven out of the eight districts in the state are here in support of House Bill 593.

Bob Kelly, State Fire Marshall, said his office could use this bill to assist them to a great extent by providing them with accurate information regarding fire deaths. State law requires a record of all deaths from fire in the state of Montana. There is reason to believe that some of these fires have occurred from foul play. If a fire seems suspicious, the local law enforcement office can require an autopsy. What this bill deals with is that if an autopsy is required, they would be able to follow up and determine if it is an arson fire and work on it from that aspect.

Dave Fisher, Montana State Fire Chief's Association, said that their association supports House Bill 593.

Marvin Carter, Montana State Volunteer Firemen's Association, said that he has one of the most populous counties (Yellowstone County) in the state in his district and urges support of House Bill 593.

Ed Mitch, assistant chief of the rural Cutbank volunteer firemen's association and vice-president of the Montana Volunteer Firemen's Association, spoke in support of House Bill 593.

Keith Grice, District I of the Montana State Firemen's Association, said they concur with House Bill 593.

Lloyd Greenup, District II Montana State Volunteer Firemen's Association, said that his district supports House Bill 593.

Gary Gray, District III Montana State Volunteer Firemen's Association, said that their membership concurs with House Bill 593.

Jim Balke, District IV Montana State Volunteer Firemen's Association, said that his area supports this bill.

Ray Balim, Montana State Firemen's Association, said he concurs with House Bill 593 for the reasons stated.

Chris Sauer, City of Libby and Lincoln County Rural District, said he supports House Bill 593.

Mickey Nelson, coroner for Lewis & Clark County and representing the Montana Coroner's Association, spoke in opposition to House Bill 593 for three reasons. The association feels that there is a definite relief already feasible in Montana law. This bill does not even indicate that the death has to be suspicious. This bill requires that everyone have an autopsy, even the firemen if he is the victim. He said that it is not pleasant to confront a family with strong religious beliefs against autopsies and insist on an autopsy. This bill would also apply to big catastrophies, such as a plane crash. He also wonders where the budget will come from. This is an additional expense. There is only one person in Montana who is qualified to perform these autopsies, and it is expensive to ship bodies.

Representative Johnston closed testimony on House Bill 593 by saying that support is here from those in charge of putting out fires. There is a wide-spread support of the bill. Also, there is support from the fire marshalls who are responsible for determining the cause of fires. He said that there are qualified coroners throughout the state to perform autopsies. He said that if we can save one place from burning because the people know there will be an autopsy, people will think twice before setting fire to cover up a crime.

Chairman Rasmussen asked the Committee members if they have any questions. Senator Himsl asked if the statement on page 1, lines 13 and 14, indicate that this is still an optional thing. Representative Johnston said that in cases other than as a direct result of a fire in a building or other structure it is still optional with the coroner. Senator Himsl said a great number of fires in the flathead area occur in trailers, and a great number of victims are children. He asked if the children would have to have an autopsy. Representative Johnston said they would. They could have been a victim of child abuse; and, if the deaths were accurately determined, maybe the trailers would be made safer. Senator Lensink asked Mr. Nelson who has the power to order an autopsy. Mr. Nelson said he has authority and so does the county attorney and the Attorney General's office. Chairman Rasmussen asked Mr. Kelly if he feels that his office is not getting the information quite often. Mr. Kelly said that they feel that fire quite often is to cover up a crime. Mr. Kelly said they can order an autopsy if the fire seems suspicious.

The hearing on House Bill 593 was closed at 1:20 p.m.

CONSIDERATION OF HOUSE BILL 645: House Bill 645 is an act to clarify the role of the county coroner in the care and disposition of dead bodies.

Witnesses supporting House Bill 645:

Henry Bernard

Mickey Nelson, Montana Coroners' Association

Representative Jay Fabrega, House District 44 and sponsor of House Bill 645, said that line 3 on page 2 is the essential part of the bill. In some cases the funeral director is also the coroner, and he should obtain the permission of next-of-kin before releasing the body to his own funeral home. Autopsies can be carried out either in the morgue or in the hospital. In the absence of either of these, an autopsy can be conducted in the funeral home. The essence of the bill is that the permission of the next-of-kin has to be given before the body can be released to the funeral home.

Henry Bernard spoke in support of House Bill 645. He said that the reason for this law is to cut down the unnecessary expenses for the family. Expenses can be cut down by \$200 to \$300. The coroners are instructed to get permission of the funeral home through which the services are to be conducted before embalming or ordering a casket or doing anything with the body. There are a lot of unnecessary transportation costs and unnecessary containers used.

Mickey Nelson, coroner for Lewis and Clark County and the Montana Coroners' Association, spoke in support of House Bill 645. He said that most of the coroners are not having a problem, but they support this bill for those cases where it does happen. They think that there should be a law to cover this for the dollars and the inconvenience caused to the families.

Chairman Rasmussen asked the Committee members if they have any questions. Senator Olson asked for clarification on the advantages. Mr. Nelson said that if you are a coroner you can embalm the body, buy a casket, and almost force the family into burying the body where you want before the family knows what has happened. In the area where you have some conflict of interest

there is and can be a problem where the coroner owns the funeral home. This bill will make the coroner speed up his notification. It makes immediate notification mandatory and gives the family the decision of where to take the body. Representative Fabrega said that in some cases the family lives outside of the state, and they are notified. The logical thing would be for them to contact a funeral director in their own area and tell the coroner who will handle the body. It appears that in the abuse areas the next-of-kin is being told that they have to come over here to have the body embalmed and to buy a casket, and this is not true. This only becomes a problem when the coroner is also the funeral director.

The hearing on House Bill 645 was closed at 1:30 p.m.

CONSIDERATION OF HOUSE BILL 655: House Bill 655 is an act to establish personal care facilities.

Representative Jack Moore, House District 41 in Great Falls and sponsor of House Bill 655, said that the state is lacking a personal care facility program. This bill allows a personal care facility program to be reestablished in the state. He went through the purpose of this bill. He said he worked closely with the Department of SRS on the bill. He introduced an amendment (see Attachment "A") to rewrite sections 4 and 5 of the bill. This was done by the Department of SRS after the bill was heard in the House. It says the department will promulgate the rules and regulations and study the availability of applicants who can be taken care of in a personal care facility. This is a cheaper care than in a nursing home. Many people convalescing in the hospital have no place to go, so they are retained in the hospital. Sometimes nursing home beds are not available to these people. This would establish the requirements which are already laid out in the Montana laws and regulations. They specify the type of facilities, fire escapes, diets, etc. Some people are not able to fully take care of themselves. A personal care facility would provide this. The cost would be cheaper than the hospital or a nursing home.

John St. Jeumain, president of Cascade County Senior Citizens, spoke in support of House Bill 655. On their research on this matter they found that they need 100 personal care beds right now in Great Falls. One-third of these are inappropriately placed in nursing homes. Missoula is the only place that has this type of home. See Attachment "B."

Don Sequoria, consultant for the Department of SRS, supports the development of personal care homes as an alternate to other expensive higher levels of care. The department needs a mandate to establish this type of care. They had this in 1974, but the funding ran out.

Genevieve Adair, American Association of Retired Persons and National Retired Teachers Association, said her organizations feel that there is a great need for this type of facility for elderly persons in particular. Therefore, they urge the Committee's support of House Bill 655.

Glen Drake, Montana Nursing Home Association, spoke in opposition to House Bill 655. He said they have no argument with the theory; but they have a problem with the funding. He wonders where the department will get the funds. As Mr. Sequoria indicated, SRS wants a mandate from the people mandating this facility be established. There are already laws on the books to establish the personal care facility. They want the Legislature to tell the department to start funding personal care facilities. The money will have to come from general funds. The SRS budget has been under attack, and particularly that portion funded to nursing homes. There is only a limited amount of money available. Montana had this program before, and then medicaid refused to pay for the services. He doesn't object to the state getting into the business, but not at the expense of other programs.

Mrs. Bompert, Parkside Manor, said she has had a little experience with the state in the personal care facility. She related an incident where the state came and checked her records and her staff and shut the doors. They were inspecting because they had heard she had people who were taking medication. People in personal care are suppose to be handling their own medicine. This can compound itself to get strictly out of line. She said that she hasn't seen any criteria to know whether they should oppose or support this bill. The operator of a personal care home must know what staffing they must have and what criteria they must get. If the SRS can get their house in order and get their rules in straight layman's language, then she is all in favor of personal care.

Representative Moore closed testimony by calling the Committee's attention to two portions of the bill. One is that a personal care facility would be licensed by the Department of Health and Environmental Sciences using the criteria of the laws of 1967 as amended. He has checked out these laws with other states, and found Montana's laws very favorable. These other states do operate successful personal care facilities for certain people at a much cheaper rate than a nursing home. He called attention

to the amendments. He thinks that it is time that we get off dead center, and he thinks that in the long run we are going to save the state some money because today the state is taking care of these people with medicaid monies in either a hospital or nursing home. It does not provide any medicaid money; but, if we can move people from the nursing homes into the personal care facility, he thinks the state is much better off in the long run.

Chairman Rasmussen asked the Committee members if they have any questions. Senator Hims1 said that on the question of funding it is aimed that the department shall provide financial assistance, and he asked if that program would be totally federally funded and, if so, are those federal funds available. Ms. Carlson said there would be a split. It is on the amount of dollars. The department did not request this in their budget, and the only way it could do this is if medicaid money is switched over. The SSI payments do go directly to this type of funding. The department would have to get the extra state money to supplement that. Mr. Sequoria said it was mentioned that \$189.40 is less what the SSI pays less the \$91 that is supplemental payment. The supplemental payment has been authorized to supplement SSI in certain cases. Senator Olson asked why the license requirement under Section 4 is stricken from the bill. Ms. Carlson said the bill was amended in the House from the Department of SRS to the Department of Health because they have their laws already in order. Senator Lensink asked if there is presently a definition of nursing home care in Montana. Ms. Carlson said there are two definitions. Senator Lensink asked if they conflict with this bill. He was given a copy of the definitions. Senator Lensink asked if the motivation behind this bill is to save money. Ms. Carlson said the motivation is that there are people in this state in nursing homes who need a lesser type of care, so their motivation is to get people in the right spot. Rep. Moore said his motivation is that there are people in this state who do not require 24-hour nursing home care. The motivation is that the state will provide a care facility for those type of people and even those in the private home who have no one to take care of them. He thinks that the state could free up a lot of medicaid monies now going into nursing homes. The cost of nursing homes in Great Falls is between \$30 and \$33 a day. There are people in there that have no other place to go but have to stay there at that rate. This would provide that level of care necessary to look after people who cannot look after themselves. Senator Olson asked Mr. Drake

if he had a comment. Mr. Drake said that medicaid monies cannot be used for personal care facilities. That is where the problem comes in. Representative Moore said that by freeing up money he is talking about the fact that if the state has personal care facilities it won't have to put its money into medicaid match. Senator Olson asked where he is going to get the money. Rep. Moore said this will not go into effect tomorrow. Rules would have to be established and facilities would have to be set up. If this thing were to be done in the next two or three years, the department might divert some medicaid money over to SSI. Chairman Rasmussen asked Mr. Sequoria if there is legislation on the books right now. Mr. Sequoria said there are regulations right now to license these types of health facilities. The department is supporting this legislation to reinforce the idea of the need for personal care at this time. There are standards that are comparable to other states, but they haven't been enforced because the funding dwindled down, and the department wants to get started on this. Two departments are named in this bill to start doing this. This bill has called the agencies to fill in the gap. They recommend the standards that the Department of Health will establish in this area. They would like this enforcement and to get started with this level of care. Senator Himsl said this bill has no fiscal note with it, so the Committee has to make the assumption from this that the only money available is from SSI income. He asked Rep. Moore if he has a proposal to fund some of this. If this bill were to pass, the most that could go into this portion would be \$164. Rep. Moore said it is his intention to transfer some medicaid money for this. Senator Himsl said the state has a home nursing service sort of program now, and part of it is under medicare. Ms. Carlson said that is home health service where people are in their homes and nurses come to call. Personal care is for people who cannot under any circumstances stay in their own home. Senator Ryan asked if the state has a program where invalids have a person come in once or twice a week. Ms. Carlson said this is homemakers for people who can stay at home. Senator Lensink asked who decides whether someone is going to go into personal care facilities. Rep. Moore said SRS will decide the eligibility. Mr. Sequoria said it would be based on the opinion of the attending physician. Senator Lensink confirmed that this is only in the case of someone who is eligible for public assistance. Rep. Moore said this bill would not preclude people from going out of their personal home. Senator Himsl asked about the rule-making authority in the proposed amendment for Section 5. Rep. Moore said the Committee would need a statement of intent.

The hearing on House Bill 655 was closed at 2:10 p.m.

ACTION ON STATEMENT OF INTENT FOR HOUSE BILL 342: The Committee was presented with a proposed amendment to the statement of intent to clarify that their intent of the bill is to have active participation by the blind people in running their concessions. See Attachment "C." Senator Himsl moved that the proposed amendment be amended to make it active and productive employment. The motion carried. Senator Norman moved the amendment in Attachment "C" as amended. The motion passed. Senator Norman moved that the statement of intent for House Bill 342 be adopted as amended. The motion carried. Senator Ryan will carry House Bill 342 on the Senate floor.

ACTION ON HOUSE BILL 196: Chairman Rasmussen presented some amendments (see Attachment "D") to the Committee and asked Mrs. Zion to speak to the amendments. It was explained that these are technical errors that did not get amended in the House. There is a phrase that was added in after line 12 on page 3 that should have been added in after line 14 on page 3. On page 11, line 23, strike out annually before update and after update put in "where necessary." This is requested because federal requirements no longer require annual updates. Senator Himsl moved that the amendments in Attachment "D" be adopted. The motion carried.

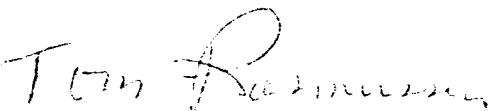
Senator Norman said the line item was going to be \$540,000. If they don't line item it, it will still be \$540,000. Senator Himsl said the fiscal note reads that this will cost an additional \$4,000. The Advisory Council would increase from 7 to 9 members, and the fiscal note suggests that the meetings be quarterly instead of twice a year. Mr. Baumgardner said it was assumed that the future advisory councils would be unknown. Whereas, the current law permitting advisory councils allows for expenses and travel for non-state people. Chairman Rasmussen said he doesn't see why there would be a change. Testimony indicated that this wouldn't change anything. Mr. Baumgardner said it doesn't have to change. He just assumed that it would take 4 meetings a year to become effective. Senator Lensink asked about the number on the board. Mr. Baumgardner said he is not concerned about the number; it can be changed to any number the Committee wants. Senator Lensink asked if Ms. Carlson thought it possible that Visual Services will get put into Vocational Rehabilitation. Mr. Carlson said there is always a possibility that this could be done. Each new manager will take a look at that. Senator Olson asked how the blind is benefited by this bill. Mrs. Zion said this assures them that their services will carry on. They know they get better services from a separate division but do realize the economic advantages of being put into Vocational Rehabilitation. See Attachment "E."

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Senator Ryan moved that House Bill 196, as amended, BE CONCURRED IN. The motion carried by a vote of five to two. Senator Ryan will carry the bill on the Senate floor.

ACTION ON HOUSE BILL 645: Senator Hims1 moved that House Bill 645 BE CONCURRED IN. He said that the reason he does this is that he knows of cases where coroners have "kidnapped" bodies when they own a funeral home. The motion carried by a vote of six to one. Senator Hims1 will carry the bill on the Senate floor.

ADJOURNMENT: There being no further business discussed, the meeting was adjourned at 2:40 p.m.



SENATOR A. T. RASMUSSEN,
CHAIRMAN

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-12-79 H.R. 196 Bill No. 76 Time 5:30 p.m.

NAME	YES	NO
Senator Matt V. Himsl		✓
Senator Everett R. Lensink	✓	
Senator Bill Norman	✓	
Senator Bob Palmer	✓	
Senator Patrick Ryan	✓	
Senator S. A. Olson, Vice-Chairman		✓
Senator A. T. Rasmussen, Chairman	✓	

W. J. Olson
Secretary

Tom Rasmussen
Chairman

Motion: HR 196, as amended, be committed to

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

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date 3-12-79 4:00 Bill No. 645 Time 2:35 p.m.

NAME	YES	NO
Senator Matt V. Himsl	<input checked="" type="checkbox"/>	
Senator Everett R. Lensink	<input checked="" type="checkbox"/>	
Senator Bill Norman	<input checked="" type="checkbox"/>	
Senator Bob Palmer	<input checked="" type="checkbox"/>	
Senator Patrick Ryan	<input checked="" type="checkbox"/>	
Senator S. A. Olson, Vice-Chairman		<input checked="" type="checkbox"/>
Senator A. T. Rasmussen, Chairman	<input checked="" type="checkbox"/>	

Judy L. Allen
Secretary

Tom Rasmussen
Chairman

Motion: HB 645 Be Comm. on Health

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

DATE 7-1-77

COMMITTEE ON

Public Health

BILL NO.

592-1
655

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppos
JOE KORN	Mont State Vol Firemen's Assoc	HB 593 ✓	
Chris C. Sauer	Libby Food & Libby City	HB 593	
JARY E. GRAY	Dist #3 Mont State Vol Firemen's Assoc	HB 593 ✓	
LOYD L. GREENUP	Mont State Vol Firemen's Assoc	HB 593 ✓	
ED L. MITCH	V.P. AT LARGE FIREMEN'S ASSOC	HB 593 ✓	
Ray Balkie	VP Dist 11 Mt Vol Firemen's Assoc	HB 593 ✓	
Lawrence	Mont State Vol Firemen's Assoc	HB 593 ✓	
Bob Keller	State Fire Marshal	HB 593 ✓	
Bob Manning	Sen. Fire Dept	HB 593 ✓	
Charlie Cole	Mont State Vol Firemen's Assoc	HB 593 ✓	
Kath Wilson	Mont State Vol Firemen's Assoc	HB 593 ✓	
Arvin Carter	Mont State Vol Firemen's Assoc	HB 593 ✓	
Ray E. DeLong	Mont State Firemen's Assoc	HB 593 ✓	
Bob Rogers	Sen. Fire Dept	HB 593 ✓	
Lawrence L. Adair	CA RP & NRTU	HB 655	
Theresa Nelson	Montana Coroners Assoc	HB 476	HB 655

NAME: ART KORN DATE: 3/12/79

ADDRESS: 1916 So WASHINGTON ST BUTTE MONT 59701

PHONE: 723 4691

REPRESENTING WHOM? MONT STATE VOL FIREMEN'S ASSOC

APPEARING ON WHICH PROPOSAL: H. B 593

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Robert E. Kelly DATE: 3/13/59

ADDRESS: 1407 Main Ave. Helena, Montana

PHONE: 445-2000

REPRESENTING WHOM? State Fire Marshal

APPEARING ON WHICH PROPOSAL: HR 593

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: HR 593 would assist the fire
marshal's office by requiring accurate
information regarding fire deaths for the
recording of all fire deaths in Montana.
It would also determine if the death
might be the result of foul means and the
fire was used to come up a crime. This
would be in the case where a crime
may not have been suspected.

NAME: Earl F. Smith DATE: 3/10/79

ADDRESS: 1905 S. W. Highway St. Little Montana

PHONE: 792-5555

REPRESENTING WHOM? Montana State Fish & Game Comm.
Montana Vol. Ranger Assoc.

APPEARING ON WHICH PROPOSAL: H.R.

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

NAME: Ed L. MITCH DATE: 3-12-79

ADDRESS: Box 207 CUT BANK

PHONE: 873-4419 HOME 873-2235 STORE.

REPRESENTING WHOM? MONT. VOL FIREMANS. V.P. AT LARGE

APPEARING ON WHICH PROPOSAL: HB # 593

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: LEON L GREENUP DATE: 3/12/77

ADDRESS: 405 GOLF COURSE ROAD WASHINGTON DC 20540

PHONE: 363-1828

REPRESENTING WHOM? DISTRICT II MONTANA STATE F.I. FIREMANS ASSC

APPEARING ON WHICH PROPOSAL: H.B. 593

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Jim Balk DATE: 3/12/79

ADDRESS: Belgrade, MT 59711

PHONE: 388-6863

REPRESENTING WHOM? MT State Vol. Finance Ass'n

APPEARING ON WHICH PROPOSAL: HB 593

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Chris C. Sauer DATE: 3/12/77

ADDRESS: P.O. Box 52

PHONE: 293-4437

REPRESENTING WHOM? City of Liberty and Lincoln County Rural Dist.

APPEARING ON WHICH PROPOSAL: N.B. 593

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: M. E. "Mickey" Nelson, County DATE: 12 March 1979

ADDRESS: Louis & Clark County Courthouse

PHONE: 442-7392

REPRESENTING WHOM? MT Carmel Area

APPEARING ON WHICH PROPOSAL: HB. 593

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: Letter was sent to each member showing views. Any thing
that is mandatory causes problems, cost & religious rights.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: H. EMMETT DEAN DATE: 9-17-68

ADDRESS: 1006 12th St. N.W., Wash. D.C.

PHONE: 232-4740

REPRESENTING WHOM? *S. H.*

APPEARING ON WHICH PROPOSAL: 645

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS:

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: M.E. "Mickey" Nelson, Counsel DATE: 12 March 1979

ADDRESS: Lewis & Clark County Courthouse

PHONE: 442-7398

REPRESENTING WHOM? MT Congress Assoc

APPEARING ON WHICH PROPOSAL: HB-476

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: Not really needed but ok. For areas of state that
have problems.

NAME: Rep. J. Adair DATE: 3/12/79

ADDRESS: 1014 Bedford St. Helena

PHONE: 442-6773

REPRESENTING WHOM? National United Teachers ^{American} Association of Retired ^{Person}

APPEARING ON WHICH PROPOSAL: HB 655

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: These organizations feel there
is a great need for this type
of facility for elderly persons
in particular and support
H.B. 655.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

AMENDMENTS TO HCJSE BILL #655
BY REQUEST OF STATE OF MONTANA
SOCIAL AND REHABILITATION SERVICES

Delete (1) in Section 2

Proposed Section 4 should be amended to read:

Section 4. To the extent that state supplementation funds are available, the Department of Social and Rehabilitation Services shall provide financial assistance to Supplemental Security Income (SSI) eligible persons in personal care facilities.

Proposed Section 5 should be amended to read:

Section 5. The Department of Social and Rehabilitation Services is authorized to promogate rules regarding eligibility, payments and appropriateness of care for individual applicants or recipients.

ATTACHMENT "A"

AMENDMENTS TO HOUSE BILL #655

BY REQUEST OF STATE OF MONTANA

SOCIAL AND REHABILITATION SERVICES

Delete (1) in Section 2

Proposed Section 4 should be amended to read:

Section 4. To the extent that state supplementation funds are available, the Department of Social and Rehabilitation Services shall provide financial assistance to Supplemental Security Income (SSI) eligible persons in personal care facilities.

Proposed Section 5 should be amended to read:

Section 5. The Department of Social and Rehabilitation Services is authorized to promogate^u rules regarding eligibility, payments and appropriateness of care for individual applicants or recipients.

INFORMATION IN SUPPORT OF LEGISLATION INTRODUCED TO CREATE AND FUND A PERSONAL CARE PROGRAM IN THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

Personal care presently exists throughout the state but except for Missoula County, is priced out of reach for the poor.

The County of Missoula, through its Welfare department supplements personal income to allow a payment of \$370 per month for 38 persons who receive personal care. The average monthly supplement by the county under that program is \$164. Missoula County has some concern about the standards in effect for the quality of care being provided; the providers at Missoula have given notice that rates will have to increase if standards are raised.

To the best of our knowledge, Missoula is the only locality where personal care is available to needy persons. In all other areas of the state, the cost of the care ranges from \$400 to \$600 per month and is used only by private patients who have the income it takes to pay those rates.

Cascade County presently has a need for 100 personal care spaces for low income elderly residents. About 1/3rd of that number are now inappropriately placed in nursing homes and the remainder are trying to maintain themselves in circumstances that are not adequate. The community has mobilized resources to help those people survive but those resources are limited and not as desirable as a personal care home would be. The resources being used include homemaker services, home delivered meals, congregate feeding, transportation services and home health services. As well as being less desirable, those resources are being strained to the maximum.

The Cascade County Commissioners did some preliminary study and planning for a personal care facility to be operated by the County. It was that study that identified 100 people in need of the care. The study also concluded that \$450 would be a break-even point for Cascade County to provide the services. Neither the state nor county has the financial ability to absorb that cost at this time.

If the need in Cascade County is projected to a statewide level, we estimate there are 1,000 people who have a need for personal care. Public and/or private facilities could provide that care at an average rate of \$500 per month. If the Missoula County experience is representative of the state as a whole, the residents in a personal care program would have an average private income of \$206 to apply toward the ~~cost~~, leaving about \$300 to be supplemented. We feel some of the cost could be charged to Medicaid and there might also be help available through aging services or other federal programs to help offset the supplements so that the entire burden would not have to be sought through state general fund appropriation.

Our concept of personal care would be a range of services provided to residents including such things as room, board, special diets, laundry service, supervision of oral medication, assistance in toileting (shaving, bathing, shampooing, etc.), arranging medical appointments, cleaning rooms, furnishings, periodic checks on the resident.

In summary, there is a need for a personal care program for low income elderly people in Montana; those who can no longer live independently but who do not require the level of care and service provided by a nursing home. That service costs an average of \$500 per month. The cost could be shared by the resident and existing federal and state programs with some limited additional appropriation from the general fund. Any program should be flexible enough to provide for a range of services related to each persons needs and a companion range of charges.

A Due pass please

John St Germain

PTSS Cascade Co Senior Ctr
13rd

ATTACHMENT "C"

Proposed amendment to statement of legislative intent for R.B. 342:

Page 1, line 21, add following language:

"The regulations should be designed to foster the active employment of blind and disabled persons in the management, servicing and maintenance of vending concessions and in the sale of products through the concessions. The regulations should not permit a system of authorization which encourages passive earning, delegation of vending rights, or any other system of management inconsistent with the provision of active employment to blind and disabled persons.

ATTACHMENT "C"

Proposed amendment to statement of legislative intent for H.B. 342:

Page 1, line 21, add following language:

"The regulations should be designed to foster the active employment of blind and disabled persons in the management, servicing and maintenance of vending concessions and in the sale of products through the concessions. The regulations should not permit a system of authorization which encourages passive earning, delegation of vending rights, or any other system of management inconsistent with the provision of active employment to blind and disabled persons."

ATTACHMENT "D"

Amendments to H.R. 196.

These amendments are purely technical, and were overlooked in the House.

1. Page 3, lines 11 and 12. Strike the underlined language.
Page 3, line 14: after the word "services" insert the words "IN ACCORDANCE WITH MERIT SYSTEM AND CLASSIFICATION REQUIREMENTS".

Purpose of amendment: This amendment somehow ended up attached to the wrong sentence. This change puts it in the right sentence.

2. Page 11, line 23.: strike the word "annually"
Page 11; line 23, after word "update" add words "AS NECESSARY".

Purpose of amendment: Made at request of visual services division. Federal law no longer requires annual updates of state plans for vocational rehabilitation services. Words "as necessary" will give the division sufficient flexibility to conform to federal state plan requirements.

ATTACHMENTS "D"

Amendments to H.R. 196.

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REASONS WHY THE PROVISION BY STATUTE FOR THE VISUAL SERVICES DIVISION
WILL NOT LEAD TO A PROLIFERATION OF SEPARATE STATE AGENCIES

A position paper of the Montana Association for the Blind, Tony Persha,
President.

There has been some concern expressed that the provision by statute for the Visual services Division will lead to a proliferation of separate agencies for various interest groups. The Montana Association for the Blind feels that this concern is groundless.

1. H.B. 196 does not alter any existing relationship within SRS. H.B. 196 was drafted in such a way as to maintain the existing relationship between the visual service division and the department of social and rehabilitation services. The bill does not create any entity which does not already exist. It does not impair the ability of the director of the department to oversee and control the activities of the division or the selection of personnel. The bill does not contain a fiscal note because it does not alter the financial relationship between the visual services division and the department. Therefore, H.B. 196 does not set a precedent for proliferation of agencies or impairment of lines of authority within the department. It merely assures that the visual services division cannot be terminated and its services merged into another program.

2. Federal law permits and encourages separate services for the blind and visually impaired. The vocational rehabilitation act of 1973, as amended in 1978, provides for and even encourages the maintenance of separate services for the blind and visually impaired. 29 U.S.C. 721(a)(1) of that Act provides that where a state has a separate agency providing vocational rehabilitation services for the blind and another for its general rehabilitation program, the state may submit a separate state plan for its vocational rehabilitation services for the blind and for its general vocational rehabilitation program. No such provision is made in the federal vocational rehabilitation laws for any other physical handicap group (there are a number of provision relating to the developmentally disabled which are not relevant here). In addition, the amendments to the vocational rehabilitation act, which were passed in 1978, make a number of provisions for special programs for the blind which encourage the development and maintenance of separate services. Legislative history relating to these sections indicates that these provisions were enacted in recognition of the unique problems involved in providing rehabilitation services to the blind. Thus, at the Federal level, there is no incentive to fragment vocational rehabilitation services by handicap type, but there are a number of incentives to provide separate services for the blind.

3. Separate services for the blind have not caused agency proliferation in other states. At this point about 25 states provide some form of separate rehabilitation services for the blind. Data on these separate programs is provided in the annual data books compiled by the Department of Health, Education and Welfare. Separate data is not provided for any other handicap group in the vocational rehabilitation yearbooks and data books of the department. Many states have a long history of separate services for the blind (e.g. Texas, Iowa). These states tend to have outstanding records in regard to provision of rehabilitation services for the blind. Yet they have not encountered a problem with proliferation of vocational rehabilitation agencies.

4. The Legislature can control the situation. Finally, it is clear that no proliferation of executive agencies can occur without specific authorization from this legislature. There is no indication that the legislature intends to permit such proliferation. H.B. 196 does not encourage any alteration in this basic situation. In conclusion, both the incentives provided by Federal law, and the experience of other states and the experience in Montana suggest that separate services for the blind and visually impaired will not result in a proliferation of agencies for other purposes. What separate rehabilitation services for the blind to promote is a more effective, cost efficient rehabilitation program than could be accomplished otherwise.