

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
January 12, 1981

The Human Services Committee convened in Room #103 of the Capitol Building on Monday, January 12, 1981 at 12:30 P.M. with Chairman Budd Gould presiding. All members were present with the exception of Representative Bardanouve who was absent.

HOUSE BILL #50

House Bill #50, sponsored by REP. GOULD was brought up for discussion. It was stated that some handicapped people of substantial means were being given financial aid for things they themselves could afford. A large drop in federal funds is expected, and a better means of determining the financial needs was proposed.

PROPOSERS:

JUDITH CARLSON stated that wording in Sections 53-7-105 and 53-7-306, MCA, is unclear in its meaning and that passage of this bill would provide better means of determining the financial needs was proposed.

OPPOSERS:

There being no opponents of the bill, the meeting was opened to questions. After questions were suitably answered, the hearing on House Bill #50 was closed.

HOUSE BILL #70

House Bill #70, sponsored by REP. Pavlovich, provides for amending Section 27-6-206, MCA, to exempt health care providers not in private practice from payment of the medical malpractice panel assessment.

PROPOSERS:

The following proponents gave testimony in favor of the bill and supported same, as is: (See visitor's register attached)

1. Jerry Loendorf, Attorney for MMA
2. Brian Zinns, Director of MMA
3. Bob Donaldson

There being no opponents and with questions being answered suitably, the hearing on HB #50 was closed by REP. GOULD.

EXECUTIVE SESSION

HOUSE BILL #50

RUSS JOSEPHSON, Legislative Researcher stated that the title of this bill should be changed. REP. KEYSER moved that the title of the bill read as follows: "AN ACT TO PROVIDE VOCATIONAL TRAINING TO THE DISABLED AND THE BLIND AFTER A FINANCIAL NEEDS DETERMINATION HAS BEEN MADE; AMENDING SECTIONS 53-7-105 AND 53-7-306, MCA."

REP. KEYSER moved that a DO PASS AS AMENDED notation be made on HB #50. It was seconded by REP. WINSLOW. Let the record show that it passed unanimously.

HOUSE BILL #70

A motion was made by REP. MENAHAN to amend House Bill #70 by adding "in Montana" on page 1, line 25 after "profession". It was seconded and passed as a DO PASS, AS AMENDED unanimously.

HOUSE BILL #7

House Bill #7, an act regulating the utilization of physicians' assistants, amending Section 37-3-103, MCA was brought up for action by the committee. A Do Pass motion was made by REP. KEYSER and seconded by REP. SWITZER.

RUSS JOSEPHSON, Legislative Researcher, responded to questions and explained several possible amendments to HB #7:

1. Clarifying types and amount of supervision
2. Exemption by optometric aides to supervision
3. Satellite practice
4. Eliminating "or a student in good standing in"
5. On page 3, line 24 - Nurses concern about students working as PAs.
6. Delete language on page 4, lines 4 and 5 regarding eligibility
7. Line 19: Proposed amendment for a PA to practice for one year from the time of the temporary to full approval.

REP. KEYSER moved that on page 4, line 4 "or be eligible to take the examination;" be deleted.

REP. WINSLOW moved that an amendment be made to that amendment including the deletion on page 4, lines 7 and 8 "or be eligible for certification;". This completed amendment was seconded and passed unanimously as amended.

REP. SWITZER moved to amend the bill as follows:

"NEW SECTION. Section 7. Exemption from liability.
No hospital or health care facility shall be liable
for the errors, omissions or actions of a physician's
assistant."

The motion was seconded by REP. WINSLOW; it passed as amended
with REPRESENTATIVES BRAND and MANNING dissenting.

REP. CONN stated that the Nursing Association has asked for
clarification in this bill on the question of supervision.
She moved that the following amendment be made:

"That both a primary and secondary medical doctor be
listed with the Board of Medical Examiners to allow
for back-up supervision, in case of absence of the
primary medical doctor."

There was unanimous approval of the amendment.

REP. KEYSER moved for a DO PASS AS AMENDED on HB #7. The bill
passed with REP. BRAND dissenting.

RUSS JOSEPHSON asked that an amendment of language on page 8,
line 7 through 11 be considered and explained the legal issues
involved. He suggested the amendment be as follows: On page
8, line 7 comes back in; line 8 is deleted and replaced with
"appropriate amount and type of supervision of a" and lines
9, 10 and 11 come back in with the exception of the final "and"
which is deleted.

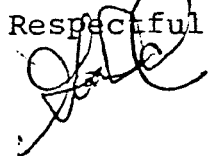
A motion to reconsider the amendment of the Statute on those
lines passed.

REP. WINSLOW made a motion that the amendment proposed by Russ
be adopted. It was seconded and passed.

REP. CONN made a motion for a DO PASS AS AMENDED. It was
seconded and passed with REP. BRAND dissenting.

The meeting was adjourned at 2:20 p.m.

Respectfully submitted,



Budd Gould, Chairman

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Testimony on H. B. 50
An Act to Authorize a Financial Needs Determination Before Providing
Vocational Training to the Disabled and Blind

At the present time, SRS makes a determination of financial need for most services provided to the disabled and to the blind under Sections 53-7-105 and 53-7-306, MCA. There is, however, a quirk in the wording of these sections regarding "training" - that is, vo-tech, skill, or academic training. The wording now reads: "training books and materials." So, we make a financial determination for the provision of books and materials but not for the training itself. This bill would correct that section so that training itself is clearly included.

The Legislative Auditor has correctly pointed out the inequity in this section and has recommended the change incorporated in this bill. There have been several instances in which the state has paid for training for persons able to pay for it themselves.

Although it is difficult to say from year to year, we estimate that approximately \$25,000 per year has been going to pay training costs for those able to pay. Because our funds for vocational rehabilitation are limited, we always have a waiting list for services. Deleting eligibility for those who can afford to pay will mean that there is more money for those who cannot afford to pay.

The Department of Social and Rehabilitation Services fully supports passage of this bill and urges your favorable consideration.

Judith H. Carlson
Deputy Director
January 12, 1980