

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
January 14, 1981

The Human Services Committee convened in Room #103 of the Capitol Building on Monday, January 14, 1981, at 12:30 p.m. with Chairman Budd Gould presiding. All members were present with the exception of REP BARDANOUE who was absent.

REP. GOULD announced that there would be no meeting on Friday, due to a bus trip to Boulder River School scheduled for legislators, leaving at 11:00 a.m. Following the tour, Senator Baucus will be speaking.

REP. GOULD also announced that HB 41 is being rescheduled for Monday, January 26, 1981.

HOUSE BILL #80

REP. PISTORIA, sponsor of the bill, opened the hearing asking for the committee's support of the bill, which is designed to remove the bond requirement for proponents who are protective payees for recipients of public assistance.

PROPONENTS:

Judy Carlson gave testimony. (EXHIBIT I) Jimmy McCabe of SRS also appeared.

OPPONENTS: None

QUESTIONS: REP. SEIFERT asked if the money was being used directly for the child. Mr. McCabe told the committee that the county welfare department supervises the use of the money received, partly to force the mother into compliance with the Work-Training Program; the supervision continues over a longer period of time in dealing with a retarded mother who needs more supervision. REP. KEYSER asked about a follow-up program. It would vary from case to case, probably on a weekly, monthly or bi-monthly basis, said McCabe. REP. MENAHAN asked where the bonds are to be obtained. He was told some are available through insurance companies, but they don't like to issue such small bonds and that is part of the problem.

REP. PISTORIA stated that the present law puts a burden on the mentally ill and on the SRS; he then closed the testimony.

HOUSE BILL # 91

REP. ASAY explained that HB 91 provides deaf persons with certain rights presently accorded to the blind, one of the main provisions being the use of a guide dog.

OPPONENTS: None

QUESTIONS: REP. WINSLOW asked if the main provision was accessibility and was told "yes", by REP. ASAY. REP. KEYSER asked if costs had been projected. He was told that the bill did not provide for purchase of the dogs. REP. BERGENE asked if participation in public life was one of the main parts of the bill. The answer was affirmative.

REP. ASAY commented how enthusiastic the administration of the School for the Deaf and Blind were about HB 91. He then closed the hearing.

EXECUTIVE SESSION:

HB#80

REP. MANNING moved that HB 80 DO PASS. The motion passed with REP. SEIFERT and REP. SWITZER opposing.

HB #91

REP. MENAHAN moved that the bill DO PASS. The motion passed unanimously. REP. SEIFERT moved that the bill be placed on the Consent Calendar.

HB #7

REP. BERGENE moved that HB 7 be reopened. It was seconded and passed unanimously. Russ Josephson, counsel to the committee, addressed the committee in regard to attaching a statement of intent, reading same. (EXHIBIT II)

REP. KEYSER moved that the bill DO PASS as previously moved on January 12.. No further action was taken on this motion. REP. KEYSER also asked about the possibility of language being added in regard to the optometrists. Russ Josephson referred to the possible limitation of the number of assistants and the amount of supervision and read proposed language. He said that this might be included in an adoption of rules section in the statement of intent, or both. He read proposed versions of both. (EXHIBIT III)

Russ Josephson read proposed language of a possible new section of a "grandfather clause" regarding physicians' assistants who have worked for a physician for 3 years. He read the proposed new section. (EXHIBIT IV)

REP. KEYSER moved that we accept the Statement of Intent with the inclusion of the language that was agreed to by the doctors and optometrists. It was seconded and passed unanimously.

REP KEYSER moved that the proposed new section dealing with the adoption of rules be adopted. It was seconded and passed unanimously.

REP. KEYSER moved for the adoption of an amendment regarding a second physician who could supervise a PA (EXHIBIT II, bottom of the page) as read by Russ Josephson. It was seconded and passed unanimously.

REP. KEYSER moved that the "grandfather clause," a NEW SECTION (EXHIBIT IV) be adopted as read. It was seconded and passed unanimously.

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REP. KEYSER moved that HB 7 DO PASS AS AMENDED. It was seconded and passed with REP. SIVERTSEN AND REP. BRAND dissenting.

The meeting was adjourned at 1:30 p.m.

Respectfully submitted.

A handwritten signature in cursive script, appearing to read "Budd Gould", written over a horizontal line.

BÜDD GOULD, Chairman

rj

Exhibit I 1/11/77

Testimony on H.B. 80 - An Act to Remove
the Bond Requirement for Persons who are Protective Payees for Recipients
of Public Assistance

The Department of SRS fully supports passage of this bill. The bill amends the section of law on the use of protective payees for recipients of public assistance. A protective payee is one who is designated to receive the monthly check on behalf of another person. What kinds of situations require a protective payee? First, an ADC mother (or father) who is unable to handle her own funds - she may be mentally retarded, mentally ill, or have some other problem which results in clear evidence that her children are not receiving the benefit of the ADC check. Second, any ADC recipient who is required to participate in the WIN program, a mandatory work-training program for most ADC recipients, but who chooses not to participate. In these instances the mother's needs are removed from the grant but payment for the needs of the children can be made to a protective payee. Third, an applicant who refuses to cooperate with the child support enforcement program must also have her needs removed from the grant and a protective payee named for the children.

In any of the above three instances, the county welfare department must find a protective payee. At the present time our law requires that a bond be posted in an amount six times the amount of the grant. This costs an average of \$25 for the friendly neighbor, relative or community volunteer who is willing to assume this major responsibility. As a result, county welfare departments have a difficult time finding people who are willing to assume the responsibility. It does not seem fair to require this additional burden for someone taking on such a major volunteer responsibility.

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

Judith H. Carlson
Deputy Director, SRS

Statement of intent.

A statement of intent is required for this bill because it delegates authority to the board of medical examiners to consider physicians' assistants utilization plans and to promulgate administrative rules in that regard.

HB 7 intends that the board of medical examiners carry out the provisions of this bill and act to provide better health care for the public. In this spirit, the bill intends for the board of medical examiners to adopt rules which will clarify the nature and limitations of the supervision of physician's assistants by physicians. The rules adopted should address issues of direction and supervision such as proximity of the supervising physician to his assistant; the nature of the communication between the physician and the assistant, whether it must be face-to-face or whether telephone communications suffice, and under what circumstances; the questions of protocols for interaction between different health care actors, including issues of liability and the possible direction of others by physicians' assistants; and the rules adopted should give additional guidance to prospective applicants with respect to the requirements for education and experience required of physicians' assistants, the nature of a training program approved by the American medical association, and general information indicating the scope of utilization plans likely to be approved.

*Add * to the end of this statement.*

*** Add to end of statement of intent:

"In addition, a rule shall be promulgated to specify that a physician may not utilize more than one (1) physician's assistant unless he can demonstrate to the board the ability to adequately supervise more than one assistant."

posed

amendment adopted 1/12/81 (in principle)

Page 2, line 14. Following "(d)" insert: "the name and qualifications of a second physician meeting the requirements of [section 3] to serve in the place of the supervising physician in the event that the supervising physician is unable to supervise the physician's assistant temporarily; and"

Page 2, line _____. Following above amendment insert: "(e) such other information as the board may consider necessary."

NEW SECTION Section . Adoption of rules. The board of medical examiners shall adopt administrative rules to implement the provisions of sections 1 through and shall:

- (1) address the issues of supervision and direction limitations and requirements;
- (2) address the issue of protocols for interaction of medical personnel with differing responsibilities;
- (3) specify that a physician may not utilize more than one physician's assistant unless he can demonstrate to the board the ability to adequately supervise more than one assistant adequately; and
- (4) adopt rules addressing other considerations pertinent to the approval of physicians' assistants utilization plans and the health care needs of the public.

III

Proposed amendments to HB 7, physicians' assistants. 1/12/81

NEW SECTION. Section . Exemption for prior practice.

A physician's assistant who meets the requirements of subsection (2) of [section 3] who has been employed by a physician licensed in Montana for a period of 3 years on [the effective date of this act] is not required to file a utilization plan required by [section 2] and may continue to practice with the physician who employs him, provided however, that a utilization plan must be approved if the physician's assistant wishes to work for another physician.

amendment adopted 1/12/81

NEW SECTION. Section . Severability.

Section 12. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.