

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE
MONTANA STATE SENATE

February 4, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order to Vice-Chairman, Matt Himsl on Wednesday, February 4, 1981 at 1:00 p. m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present with the exception of Senator Hager, who was excused and Senator Norman who arrived late. Kathleen Harrington, Staff Researcher, was also present.

Many visitors were also in attendance. (See Attachment.)

CONSIDERATION OF HOUSE BILL 62: Representative Robert Dozier of District 61, sponsor of House Bill 62, gave a brief resume of the bill. This bill is an act to include the Vietnam conflict within the definition of the term "war or declared national emergency". Representative Dozier stated that the sole purpose of this bill is to include Vietnam Veterans as a group clearly covered for purposes of preference in public employment in Montana. Section 10-2-202 does not now specifically stipulate the period of Vietnam conflict. All other wars are clearly spelled out with the dates cited. Veterans of those wars who served anytime within those dates are eligible for preference. This bill would insure that Vietnam Veterans have the same right. At the present time there are about 28,000 Vietnam veterans in Montana. The Employment Service and public agencies are already giving Vietnam veterans a preference as a matter of procedure, this practice could be considered faulty if it were challenged. This bill will insure equal treatment for all veterans.

David Armstrong of the Veterans' Affairs Division of S.R.S. stated that this bill simply changes the dates of the Vietnam conflict to coincide with those dates established by Congress.

Tony Cumming of the American Legion of Montana and also representing the V.F.W. stood in support of the bill.

With no further opponents Vice-Chairman Himsl called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Norman asked if this bill created a conflict with the former Vietnam bonus bill which was passed previously. Representative Dozier replied that there is no conflict.

Representative Dozier closed by urging the committee to vote a favorable recommendation on the bill.

CONSIDERATION OF HOUSE BILL 70: Representative Robert Pavlovich of District 86, chief sponsor of HB 70 gave a brief resume of this bill. This is an act amending Section 27-6-206, M.C.A., to exempt health care providers not in private practice from payment of the medical malpractice panel assessment. Representative Pavlovich stated that all H.B. 70 does is to exempt health care providers, not in private practice from payment of the medical malpractice panel assessments. As of right now, retired doctors pay a \$50.00 license, if they wish to, in case they would decide to come out of retirement. The malpractice assessment is \$60.00. Doctors feel that they should not have to pay as long as they are not in practice. This bill has been endorsed by the director of the Malpractice Panel and also by the Montana Medical Association.

Jerome Loendorf of the Montana Medical Association, stated his support of the bill.

Brian Zins of the Montana Medical Association stated that this is a well conceived bill. Without this bill physicians who are retired and/or out of state are required to pay the assessment for panel operation. This is not equitable since they really do not contribute to possible suits or claims.

Dr. S. A. Olson stated that he concurs with the bill.

With no further proponents, Vice-Chairman Himsel called upon the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Norman asked how many physicians does this affect. Mr. Zins replied between 380-400.

Representative Pavlovich closed by asking for favorable and speedy consideration from the Committee.

DISPOSITION OF HOUSE BILL 62: A motion was made by Senator Berg that House Bill 62 receive a BE CONCURRED IN recommendation from the Committee. Motion carried with all Senators present voting "aye" and the Chairman absent.

Senator Halligan stated that he would be willing to carry this bill on the floor being as he himself is a Vietnam veteran.

DISPOSITION OF HOUSE BILL 70: A motion was made by Senator Johnson that House Bill 70 receive a BE CONCURRED IN recommendation from the Committee. Motion carried with all senators present voting "aye" and the Chairman absent.

Representative Pavlovich announced that he would have a senator from his district carry this bill on the floor. He will report back to the secretary with the name of the carrier as soon as possible.

Vice-Chairman Hims1 handed out testimony from David Lackman in regards to Senate Bill 137, as Mr. Lackman was not able to appear at the hearing on January 28.

DISPOSITION OF SENATE BILL 241: Senator Norman stated that certain standards must be met in national insurance programs which speak of minimum. However, there is minimum minimum and maximum minimum.

Senator Hims1 stated that the committee should protect the consumers. However, he can see both sides of the issue.

Senator Berg stated that he does not like the Cain Amendments because he does not feel they protect the people.

A motion was made by Senator Berg that Senate Bill 241 receive a DO PASS recommendation from the Committee. Motion carried unanimously.

CONSIDERATION OF SENATE BILL 310: Senator Steve Brown of Senate District 15, chief sponsor of S.B. 310, gave a brief resume. This bill is an act to re-establish the Board of Medical Examiners under existing statutory authority and rules; adding public members to the board; changing Board members terms from 7 to 4 years; modifying reporting requirements for medical malpractice claims by insurers; and providing an immediate effective date. Senator Brown stated that this is a sunset bill. He offered an amendment on page 8, line 7. Strike "valid". The bill adds two public members to the board and changes the board members terms to four years instead of seven years. Senator Brown stated that he felt these changes are very necessary for the improvement of the Board.

Jerry Loendorf, representing the Montana Medical Association, stood in support of the bill. However, he would like to see some amendments worked out with Sen. Steve Brown to improve the bill.

Senator Matt Hims1 of Senate District 9, who is Chairman of the audit committee, stated that the intention is to place lay people on all of the Boards for more public input. Senator Hims1 then asked the Committee to treat the bill kindly.

With no further proponents the Chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Olson stated that the Board should receive notice after a claim has been filed and also after it is settled. He then stated perhaps the original language should be reinserted.

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Minutes of Public Health, Welfare, & Safety Committee
February 4, 1981

Senator Hims1 suggested that the attorneys get together to come up with some workable amendments to the bill. Senator Brown and Mr. Loendorf were both agreeable to this.

Senator Brown asked for a favorable consideration from the committee in his closing remarks.

Senator Brown and Mr. Loendorf then offered the following amendments.

- 1) page 8, line 10.
Following: "person"
Insert: "receiving notice of the claim from the insured or any other person."
Strike: "a"
Insert: "A"
- 2) page 8, line 11.
Following: "claimant"
Insert: "shall also be reported to the board within 30 days of such settlement or decision".

Senator Olson moved that the above amendments be adopted.
Motion carried unanimously.

A motion was made by Senator Berg that page 8, line 7 be amended by striking the word "valid", following "any".
Motion carried unanimously.

A motion was made by Senator Hims1 that Senate Bill 310 DO PASS, as amended. Motion carried unanimously.

DISPOSITION OF SENATE BILL 212: S.B. 212 is an act providing a program of hazardous waste management separate from the non-hazardous solid waste management program. Sponsor of this bill is Senator Hager.

A motion was made by Senator Halligan that proposed amendments 1, 2, 3, 5, 6, and 7 which were discussed on February 2, 1981 and received a do not adopt at that time receive the same DO NOT adopt recommendation again. Motion carried.

Amendment #4 was moved by Senator Olson to be adopted. Motion carried.

Page 10

Following: line 21

Insert: "(c) Hazardous wastes do not include those substances governed by Title 82, Chapter 4.

Page 5
Minutes of Public Health, Welfare & Safety Committee
February 4, 1981

The question of manifest came up. All states will develop standard manifest. E.P.A. has the jurisdiction on this.

Senator Berg stated that coal and uranium are just as hazardous as some of the things included in the bill. However, both coal and uranium are covered already by federal law.

A motion was made by Senator Halligan that Senate Bill 212 receive a DO PASS, as amended recommendation from the Committee.

The federal government does not have enough money to enforce the laws. This bill would enable Montana people to be in charge who understand Montana problems.

Senator Halligan stated that he would like the state to adopt rules that are more strict. However, he will support the bill.

Senator Halligan's motion was then voted upon. Motion carried.

SENATE BILL 137: Senator Hager announced to the Committee that SB 137 is being rewritten by the Department of S.R.S.

DISPOSITION OF SENATE BILL 228: This bill is an act to amend laws relating to foster care by clarifying financial responsibility for payment, to require court review of children in foster placements through a foster care review committee. Senator Pat Regan is sponsor of this bill.

Senator Berg stated that he felt perhaps the bill should be amended on page 2, line 11. A motion was made by Senator Olson that the bill be amended as follows:

Page 2, lines 11 and 12.

Following: "every"

Strike: "geographic"

Insert: "judicial"

Following "district"

Strike: "established by the departments of social and rehabilitation services."

Motion carried.

A motion was made by Senator Berg to amend the title as follows:

Title, line 7.

Following: "CARE"

Strike: "BY CLARIFYING"

Insert: "FACILITIES: TO CLARIFY"

Page 6

Minutes of Public Health, Welfare & Safety Committee
February 4, 1981

Title, line 8

Following: "PAYMENT"

Insert: "FOR CHILDREN PLACED IN FOSTER CARE FACILITIES"

Motion carried.

A motion was made by Senator Olsen to adopt the following amendment:

Page 1, lines 16 and 17.

Following: "departments"

Strike: "of social and rehabilitation services"

Motion carried.

A motion was made by Senator Berg to amend the bill on page 1
as follows:

Page 1, line 25.

Following: "for"

Strike: "one-half the payments so made during the month"

Insert: "the county's portion of the payment as determined
by the department. The county's portion shall not exceed
one-half the non-federal share"

Motion carried.

Senator Berg stated that he would like to have a representative
of the public school on the review committee. After some discussion
he made the same in the form of a motion. Motion failed. (See
attachment)

A motion was made by Senator Himsl that SB 228 be recommended
a DO PASS, as amended.

Senator Berg stated that there are 900 kids in foster homes right
now and only 9 judicial districts. He feels there will be an
extreme burden on the social workers.

Senator Olson stated that he questioned whether or not it would
work, as there is no compensation for the people serving on the
committee.

Senator Johnson stated that she felt 12 months is too long to wait
for a review.


A vote was taken on Senator Himsl's motion to do pass as amended.
Motion carried.

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February 4, 1981

ANNOUNCEMENT: The next meeting will be held on Friday, February 6, 1981 to consider SB 129, 314, & 348.

ADJOURN: With no further business the meeting was adjourned.



CHAIRMAN TOM HAGER

eg

STANDING COMMITTEE REPORT

FEBRUARY 4

1981

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 310

Respectfully report as follows: That SENATE Bill No. 310

introduced bill be amended as follows:

1. Page 8, line 7.

Following: "any"

Strike: "valid"

2. Page 8, line 10

Following: "person"

Insert: "receiving notice of the claim from the insured or any other person."

Strike: "a"

Insert: "A"

3. Page 8, line 11.

Following: "claimant"

Insert: "shall also be reported to the board within 30 days of such settlement or decision"

~~XXXXXX~~ AND, AS AMENDED,
DO PASS

P.A.

STANDING COMMITTEE REPORT

.....FEBRUARY.....4.....1981.....

MR.PRESIDENT:.....

We, your committee onPUBLIC HEALTH, WELFARE & SAFETY.....

having had under considerationHOUSE..... Bill No. 62.....

DOZIER (HALLIGAN)

Respectfully report as follows: ThatHOUSE..... Bill No. 62.....

~~YTD PASS~~ BE CONCURRED IN

P. G.

STANDING COMMITTEE REPORT

.....FEBRUARY 4..... 1981.....

MR.PRESIDENT:.....

We, your committee on.....PUBLIC HEALTH, WELFARE & SAFETY.....

having had under considerationHOUSE..... Bill No. 70.....

PAVLOVICH (

Respectfully report as follows: That.....HOUSE..... Bill No. 70.....

XDOFASX HE CONCURRED IN

PA.

STANDING COMMITTEE REPORT

FEBRUARY 4

1931

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 228

Respectfully report as follows: That SENATE Bill No. 228

introduced bill be amended as follows:

1. Title, line 7.

Following: "CARE"

Strike: "BY CLARIFYING"

Insert: "FACILITIES: TO CLARIFY"

2. Title, line 8.

Following: "PAYMENT"

Insert: "FOR CHILDREN PLACED IN FOSTER CARE FACILITIES"

3. Page 1, lines 16 and 17.

Following: "department"

Strike: "of social and rehabilitation services"

4. Page 1, line 25.

Following: "for"

Strike: "one-half the payments so made during the month"

Insert: "the county's portion of the payment as determined by the

department. The county's portion shall not exceed one-half the non-federal share"

CONTINUED

FEBRUARY 4

1981

PUBLIC HEALTH, WELFARE & SAFETY

PAGE TWO

SENATE BILL 228

5. Page 2, lines 11 and 12

Following: "every"

Strike: "geographic"

Insert: "judicial"

Following: "district"

Strike: "established by the department of social and rehabilitation services"

And, as amended, DO PASS

P.A.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date Feb 4

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	<i>late, list excused</i>		
Matt Himsl	<i>✓</i>		
S. A. Olson	<i>✓</i>		
Jan Johnson	<i>✓</i>		
Dr. Bill Norman	<i>late</i>		
Harry K. Berg	<i>✓</i>		
Michael Halligan	<i>✓</i>		

Each day attach to minutes.

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date FEBRUARY 4, 1981 SENATE Bill No. 212 Time 2:40

NAME	YES	NO
TOM HAGER	✓	
MATT HIMSL	✓	
S. A. OLSON	✓	
JAN JOHNSON	✓	
BILL NORMAN		✓
HARRY K. BERG		✓
MICHAEL HALLIGAN	✓	

Elaine Graveley
Secretary
ELAINE GRAVELEY

Tom Hager
Chairman
SENATOR TOM HAGER


Motion: A motion was made by Senator Halligan that Senate Bill 212
receive a DO PASS, as amended recommendation from the
committee. Motion carried.

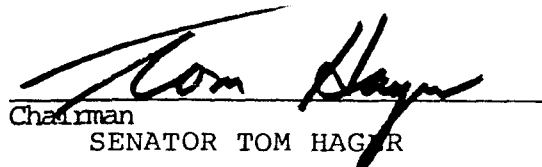
(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date FEBRUARY 4, 1981 SENATE Bill No. 228 Time 2:50

NAME	YES	NO
TOM HAGER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MATT HIMSL	<input type="checkbox"/>	<input checked="" type="checkbox"/>
S. A. OLSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JAN JOHNSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>
BILL NORMAN	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HARRY K. BERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MICHAEL HALLIGAN	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>


Secretary
ELAINE GRAVELEY


Chairman
SENATOR TOM HAGER

Motion: A motion was made by Senator Berg that a representative
of the public school system be a member of the review
committee. Motion Failed.

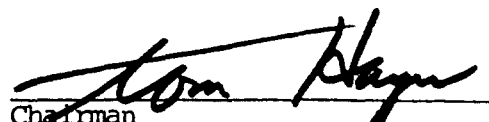
(include enough information on motion--put with yellow copy of committee report.)

SENATE COMMITTEE PUBLIC HEALTH, WELFARE & SAFETY

Date FEBRUARY 4 SENATE Bill No. 228 Time 3:05

NAME	YES	NO
TOM HAGER	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MATT HIMSL	<input checked="" type="checkbox"/>	<input type="checkbox"/>
S. A. OLSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
JAN JOHNSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BILL NORMAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HARRY K. BERG	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MICHAEL HALLIGAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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	<input type="checkbox"/>	<input type="checkbox"/>


Secretary
ELAINE GRAVELEY


Chairman
SENATOR TOM HAGER

Motion: A motion was made by Senator Himsl that Senate Bill 228
receive a recommendation of DO PASS, as amended. Motion
carried.

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

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

[illegible]

SENATE BILL 310

Introduced by Senator Steve Brown at the request of the Legislative Audit Committee.

An act to reestablish the Board of Medical Examiners under existing statutory authority and rules; adding public members to the board; changing Board members' terms from 7 to 4 years; modifying reporting requirements for medical malpractice claims by insurers; amending Sections 2-8-103; 2-15-1605, and 37-3-402, MCA; and providing an immediate effective date.

This bill reestablished the Board of Medical Examiners which without this bill would be terminated under the sunset provisions of 2-8-103 and 2-8-112, MCA. The bill adds two public members to the board. It changes the term of membership from 7 to 4 years.

The bill also changes the provisions of an insurer reporting to the board concerning a claim against a licensed physician. Instead of receiving notice of a claim against a physician, the board will receive notice of a final settlement claim in favor of the claimant.

AMENDMENT TO SENTATE BILL 310

Page 8, line 7

Following: "any"
Strike: "valid"

JWN/jaee

1-4-8j

Helena, Mt-

442-6390

pt. Medical Assoc

17 B 310

.....

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

HOUSE BILL 52

Introduced by Representative Dozier at the request of the Department of Social and Rehabilitation Services.

An act to include the Vietnam Conflict within the definition of the term "war or declared national emergency"; amending Section 10-2-202, MCA.

This bill would include the Vietnam Conflict within the definition of war or declared national emergency. The reference to the Vietnam conflict on page 2, lines 2 and 3 is eliminated since it would simply repeat the reference to the Vietnam conflict which would now be included in subsection (1) (a).

TESTIMONY ON H.B. 62 - An Act to Include
the Vietnam Conflict within the Definition
of the Term "War or Declared National
Emergency;" amending Sec. 10-2-202, MCA

The sole purpose of this bill is to include Vietnam Veterans as a group clearly covered for purposes of preference in public employment in Montana. Sec. 10-2-202 does not now specifically stipulate the period of the Vietnam conflict. All other wars are clearly spelled out with the dates cited. Veterans of those wars who served any time within those dates are eligible for preference. This bill would insure that Vietnam veterans have the same right. At the present time there are about

^{28,000}
~~12,000~~ Vietnam veterans in Montana.

~~Although~~ it is my understanding that the Employment Service and public agencies are already giving Vietnam veterans a preference as a matter of procedure, this practice could be considered faulty if it were challenged. This bill will insure equal treatment for all veterans. I urge you to vote a favorable recommendation on this bill.

NAME: David W. Armstrong Jr. DATE: 2/4/81

ADDRESS: P.O. Box 4210 Helena

PHONE: 449-3014

REPRESENTING WHOM? Veterans Affairs Division SRS

APPEARING ON WHICH PROPOSAL: HB 62

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

January 15, 1981

HOUSE BILL 70:

All that House Bill 70 does is to exempt health care providers, not in private practice, from payment of the Medical Malpractice Panel assessments.

As of right now retired M.D.'s pay a \$50.00 license, if they wish to, in case they decide to come out of retirement. The malpractice assessment is \$60.00. They feel that they should not have to pay as long as they are not in practice.

This bill was endorsed by the director of the Malpractice Panel and the Montana Medical Association. As was stated in the committee hearing, the money is not necessary.

Robert J. Pavlovich
Representative
District No. 86

NAME: C. B. Jones DATE: 2-4-81

ADDRESS: Hillside, NJ

PHONE: 443-4000

REPRESENTING WHOM? Winters Medical Assoc.

APPEARING ON WHICH PROPOSAL: HB 70

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: A well conceived bill.

Without this bill physicians who
are out of state
are required to pay the increased
for rural operation. This is not
equitable since they really don't
contribute to general state or national

NAME: Jerome T. Lindert DATE: 2-4-81

ADDRESS: Helene M.

PHONE: 442-6850

REPRESENTING WHOM? Int. Federal Assn

APPEARING ON WHICH PROPOSAL: HB 70

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

~~House Bill~~ ~~Senate Bill~~

SENATE BILL No. 137 (Jan Johnson) An Act to provide for the licensing of Community Group Homes for the Developmentally Disabled and to allow for the adoption of rules relating to that licensing ;

Senate Public Health Hearing 1/28

(Somehow I missed the hearing on this important bill. However , I note that the committee hasn't acted on it as of today (2/3) - so I will contribute this.)

I am David Lackman , Lobbyist for the Montana Public Health Association ; and we support SB 137 .

Community Group Homes presently are licensed as Nursing Homes in order for clients to receive Medicaide. From the standpoint of efficient operation , this is unnecessary. The licensing provided for in this bill is far more practical. To comply with Medicaide , they would come under the Intermediate Care Facility (ICF) requirements of the Department of Health & E.S. ; and would also be certified as an ICF-MR .

A model Community Group Home for Developmentally Disabled Children (through 13 years) has been established recently in Helena (West-Mont Home for Retarded Children) . It had to be licensed as a Nursing Home . Procedure under the provisions of SB 137 would have been more suited to this installation.

WE URGE YOUR FAVOURABLE CONSIDERATION OF SENATE BILL 137 .

David B. Lackman

David B. Lackman , Lobbyist & Chairman ,
Legislative Committee , Montana Public Health Association

STANDING COMMITTEE REPORT

FEBRUARY

1981

Journal

PRESIDENT:

MR.

We, your committee on PUBLIC HEALTH, WELFARE, & SAFETY

having had under consideration SENATE Bill No. 212

Respectfully report as follows: That SENATE Bill No. 212,

introduced bill, be amended as follows:

1. Page 4, line 4

Following: "the"

Strike: "department of"

2. Page 4 line 4

Following: "state"

Strike: "lands"

3. Page 4, lines 5 and 6

Following: "the"

Strike: "department of natural resources and conservation"

Insert: "state"

4. Page 10.

Following: Line 21

Insert: "(c) Hazardous wastes do not include those substances governed
by Title 82, part 4."

ENCLOSURE

part 2

FEBRUARY

19 81

PUBLIC HEALTH

PAGE TWO

SENATE BILL 212

5. Page 12, line 21.

Following: "the"

Strike: "department of"

6. Page 12, line 21.

Following: "state"

Strike: "lands"

7. Page 14, line 6.

Following: "program"

Insert: ", except that the department is not permitted to adopt rules
under this act that are more stringent than those promulgated by
the federal government."

8. Page 25, lines 22 and 23.

Following: "fine"

Strike: "of not less than"

Insert: "not to exceed"

9. Page 25, line 23 and 24.

Following: "imprisonment"

Strike: "for no less than"

Insert: "not to exceed"

10. Page 25, line 24.

Following: "both"

Insert: "A person convicted for a violation of this section after a first
conviction under this section is subject to a fine not to exceed \$20,000
for each violation or imprisonment not to exceed 1 year, or both."