

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMISSION
MONTANA STATE SENATE

February 13, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on February 13, 1981, at 1:00 p.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present except Senator Johnson. Kathleen Harrington, staff researcher, was also present.

Many visitors were in attendance. (See attachment)

CONSIDERATION OF SENATE BILL 394: Senator Matt Hims1 of Senate District 9, chief sponsor of S.B. 394, gave a brief resume. This bill is an act to re-establish the Board of Chiropractors under existing statutory authority and rules, and adding a public member to the board; and providing an immediate effective date.

Harold Gerke, representing the Montana Chiropractic Assoc., appeared in support of the bill and stated that he would like to see the bill amended to eliminate the mandatory education. Mr. Gerke then asked for adoption of the amendments with the bill.

Dr. James Massman, representing the Montana Chiropractic Assoc., stated that he supports the amendments to S.B. 394 and the bill itself. Dr. Massman then asked for a DO PASS recommendation from the committee.

Dr. Carsoc Albert of the Board of Chiropractors stood in support of the bill.

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

Senator Halligan asked why delete the education part of the bill.

Senator Hims1 explained that there is another bill coming which provides for the education.

Scott Secat from the Legislative Audit Committee stated that each individual board sets their own criteria.

DISPOSITION OF SENATE BILL 394: A motion was made by Senator Hims1 that SB 394 be amended as follows:

1. Title, line 7.
Following: "BOARD;"

Insert: "DELETING CONTINUING EDUCATION REQUIREMENT;"

2. Title, line 8.
Following: "2-8-103"
Strike: "AND"

3. Title, line 8.
Following: "2-15-1613"
Insert: "AND 37- 12-307"

4. Page 7.
Following: line 10.
Insert: "Section 4. Section 37-12-307, MCA, is amended to read:
"37-12-307. Annual renewal of license - fee - continuing
education required. A license expires on September 1 of each
year and shall be renewed by the department on payment of a
renewal fee of not more than \$50, as set by the board-and-the
~~presentation-of-evidence-satisfactory-to-the-board-that-the~~
~~licensee,-in-the-year-preceding-the-application-for-renewal~~
~~attended-and-successfully-completed-a-postgraduate-educational~~
~~program-for-chiropractors-consisting-of-monitored-classroom~~
~~time-conducted-by-instructors-from-accredited-colleges-of~~
~~chiropractic-in-subjects-designated-and-approved-by-the-board.~~
However,-the-board-may-authorize-the-department-to-issue-renewals,
but-not-consecutive-renewals,-on-a-showing-satisfactory-to-the
board-that-attendance-at-the-educational-programs-was-unavoidably
prevented,-and-new-licensees-during-the-6-months-preceding
September-1,-by-examination,-shall-be-granted-renewal-licenses
without-attending-the-educational-programs."

Renumber: subsequent section.

Motion carried.

A motion was made by Senator Hims1 Senate Bill 394 receive a
recommendation of DO PASS, as amended from the committee.
Motion carried.

CONSIDERATION OF SENATE BILL 389. Senator Matt Hims1 of Senate
District 9, chief sponsor of SB 389, gave a brief resume of the
bill SB 389 is an act to re-establish the Board of Nursing Home
Administrators under existing statutory authority and rules;
and providing an immediate effective date.

Katherine Tucker on behalf of the Montana Nursing Home Administrators
stated that the Board has performed its job well. Its members
have demonstrated a deep concern for the welfare of the nursing
home residents and an understanding of the problems of recruiting
and training nursing home administrators in a state as large and
varied as Montana. The board is presently involved in a coopera-
tive effort with members of the profession to develop a plan
for the gradual upgrading of licensure requirements. Develop-
ment of an administrator-in-training program is being considered.
Continuation of this independent consumer oriented board will
insure that the interests of the profession and the consumers

of nursing home care will continue to be met.

James Bompert stood in support of the bill.

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

Senator Olson asked what is the make up of the board. There are five voting members and three non-voting members.

Senator Hager asked if this board has a public member. There is a senior citizen on the board which is a public member.

Senator Himsl closed. Nursing home administrators must be licensed. However, hospital administrators do not have to be licensed.

DISPOSITION OF SENATE BILL 389: A motion was made by Senator Berg that SB 389 receive a recommendation of DO PASS from the committee. Motion carried unanimously.

CONSIDERATION OF SENATE BILL 390: Senator Matt Himsl of Senate District 9, chief sponsor of SB 390, gave a brief resume. This bill is an act to re-establish the Board of Pharmacists under existing statutory authority and rules; adding a public member to the board; deleting the store license requirement; deleting the mandatory continuing education requirement; deleting felony conviction as ground for denial or revocation of license and providing for an effective date.

According to Senator Himsl some of the changes are:

- a) Requires members of the Board to be licensed.
- b) Adds one public member.
- c) Deletes the licensing of stores that sell ordinary household or medicinal drugs.
- d) Repeals the mandatory continuing education requirements.

Warren Amole, executive secretary of the Board of Pharmacists stated that the Board of Pharmacists requests that the requirement for Continuing Education (C.E.) remain in 37-7-303 and that 37-7-304 and 305 not be repealed. These statutes were enacted at the request of Montana pharmacists. The requirement that C.E. be a condition for the renewal for a pharmacist's license has been in effect since July 1, 1979. The board adopted rules according to the guidelines listed in 3-7-305. This process took 1 1/2 years and included input from the board members, faculty members from the School of Pharmacy, U of M, the Montana Pharmaceutical Association, and pharmacists from hospital, community and chainstore settings.

The board feels that the C.E. requirement has met the need that pharmacists recognized. The board does not think it would serve any useful purpose if these sections were repealed and the board be required to go through the rule making process again to re-instate mandatory C.E. This is a costly and time consuming procedure.

Bob Waltmire, representing the Senior Citizens, stated that he felt there should be two public members on the board instead of one, as one cannot even get a motion through alone.

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

Senator Himsl asked Mr. Waltmire whose rules are being followed, Roberts or Masons.

Senator Halligan stated that everyone in the legislature uses Mason Rules.

Senator Himsl closed by asking for favorable consideration from the committee.

Senator Himsl made a motion that Senate Bill 390 be amended as follows:

1. Title, lines 8 and 9.

Following: "REQUIREMENT;"

Strike: "DELETING THE MANDATORY CONTINUING EDUCATION REQUIREMENTS;"

2. Title, lines 11 and 12.

Following: "MCA,"

Strike: "REPEALING SECTIONS 37-7-304 and 37-7305, MCA;"

3. Page 10, lines 23 and 24.

Strike: section 6 in its entirety.

Renumber: subsequent section.

Motion carried.

CONSIDERATION OF SENATE BILL 397: Senator Matt Hims1 of Senate District 9, co-sponsor of SB 397, gave a brief resume. This bill is: "AN ACT TO REESTABLISH THE BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

This Bill:

- (1) reestablishes the board under existing statutory authority and rules.
- (2) changes the board membership from five psychologists to:
 - (a) one licensed psychologist in private practice.
 - (b) one licensed psychologist in public health.
 - (c) one licensed psychologist engaged in teaching
 - (d) two public members
- (3) changes the three (3) years terms to staggered terms.
- (4) In section 4, by eliminating "clinical" it provides for all psychologists to be compensated under policies of disability insurance.
- (5) changes the definition of practice of psychology to include "while representing oneself to be a psychologist"
- (6) deletes code of ethic requirement for exempted professions when they are doing work of a psychological nature.
- (7) Deletes felony conviction as grounds for denial or revocation of a license.
- (8) Allows revocation or denial for unprofessional conduct as defined by code of ethics adopted by the board rather than those published by the American Psychological Association.

Bailey Molineux, representing the Montana Psychologists Association, stood in support of the bill as submitted as it protects the consumer.

Steve Szykula, representing himself, a licensed psychologist, stood in support of the bill.

Jan Brown, representing the Montana Mental Health Association, stood in support of the bill.

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

Senator Berg asked why one could not succeed himself on the board. Senator Hims1 explained that this was so proprietorship would not be established on the Board.

Senator Hims1 asked for support from the Committee as this Board works with a very sensitive and private area.

CONSIDERATION OF SENATE BILL 398: Senator Matt Himsl of Senate District 9, co-sponsor of SB 398, gave a brief resume. This bill is an act to reestablish the board of morticians, reducing the board membership to five; removing restrictions on public board member participation; requiring written disclosure of funeral costs and embalming requirements; deleting college study requirements for licensure; deleting felony conviction as grounds for denial or revocation of a license; and providing an effective date.

This Bill:

- (a) Reduces the membership from 6 to 5 - eliminates memberships of one mortician and deletes the restriction that the public member may not participate in administering license examinations and mortuary inspections.
- (b) Staggers the term of membership.
- (c) Deletes the requirement for two years of college education for a morticians license.
- (d) Deletes felony conviction as grounds for denial or revocation of a license.
- (e) Adds a section that requires the board to adopt rules to disclose funeral costs and embalming requirements.

Jack Severns, chairman of the Board of Morticians, read from written testimony. (See attachment)

Bill Riddle representing the National Funeral Directors Association, stood in support of the bill and read from the written testimony. (See attachment)

Don Pratt, representing the Montana Funeral Directors Association, stood in support of the bill. Mr. Pratt read written testimony from John Malletta, president of the Montana Funeral Directors Association. (See attachment)

Lloyd Linden of Helena stated that this is a very necessary bill. He concurred with the previous testimony.

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

Senator Olsen asked several questions about school for morticians.

Senator Himsl closed.

CONSIDERATION OF SENATE BILL 374: Senator Harry Berg of Senate District 21, sponsor of SB 374, gave a brief resume. This bill is an act to revise and clarify laws relating to morticians by clarifying the reciprocity provisions for morticians licensed in another state; by requiring continuing education for renewal of a mortician's license after July, 1983, and by establishing fees for original mortuary licenses and renewal thereof, and providing for an immediate effective date.

This bill

(a) Allows a reciprocal agreement with another state if it is required by the other state

(b) Requires the board to assure before it renews a license the morticians complete either

- (i) a number of hours of accredited education which will be determined by the board or
- (ii) an alternative program of compliance prescribed by the board which should be equal to the accredited continuing education programs and may include home study or examination.

(c) established fee to license a mortuary not to exceed \$25 and a fee for annual renewal not to exceed \$50.

Jack Severns, Chairman of the Board of Morticians, read from written testimony in support of the bill. (see attachment)

Don Pratt, representing the Montana Funeral Directors Association stood in support of the bill. He read a letter from John Malletto, president of the Montana Funeral Directors Association. (See attachment)


Lloyd Linden stated that as professionals he does not believe State mandated continued education is necessary as professional morticians should be able to do their own advancement in business and education, and should not be mandated. The cost will not be levied against taxpayers but the cost will be reflected in the users fees passed to the people which use funeral services.

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

Senator Berg closed by saying this is a good bill and, therefore, asked for favorable consideration from the Committee.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Monday, February 16 to consider SB 396, 366, 392, 425, 427, and 406. The meeting will be held in Room 108 of the State Capitol Building at 12:30.

ADJOURN: With no further business the meeting was adjourned.


Chairman Tom Hager

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981

Date Feb. 19

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	✓		
Matt Himsl	✓		
S. A. Olson	✓		
Jan Johnson			
Dr. Bill Norman	✓		
Harry K. Berg	✓		
Michael Halligan	✓		

Each day attach to minutes.

DATE _____

COMMITTEE ON Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Harold E. Beck	Mont. Chiropractic Assn	396	X	
James B. Mossman D.C.	Montana Chiropractic Assn	394	X	
Scott A. Seibert	OLA	SUNSET		
Richard Varner	Self	390		
Jim Pellegrini	OLA	Sunset		
Bailey Moloney	MPA	397	X	
Carol E. Rebert	Board of Chiropractors	394	X	
Richard D. Pratt	MT Funeral Directors Assn	374	X	
DEBRA F. B. 102	STATE BOARD OF NUTRITION	374/395	X	
Jack H. L. 102	Chiropractic Assn of Montana	374/398	X	
W. E. B. 102	National Chiropractic Association	374/398	X	
James L. 102	Chiropractic Assn of Montana	374/398	X	
Carol E. Rebert	MT Board of Chiropractors	374/398	X	
Shayla Linder	Government of Montana	374/398	X	374
James L. 102	State Board of Chiropractors	374/398	X	X
James L. 102	Self	SB 389	✓	
Warren Amode	Mont. Board of Pharmacists	SB 390	✓	
Robert W. 102	Self	SB 390	✓	
John Mr. Brathney	OLA	Sunset		
Steven Szukala	Self	PSYCHOLOGY Licensing	X	
Jan Brown	Mental Health Assn	397	X	

STANDING COMMITTEE REPORT

FEBRUARY 13, 19 31

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration Senate Bill No. 394

Respectfully report as follows: That SENATE Bill No. 394

introduced bill be amended as follows:

1. Title, line 7.

Following: "BOARD;"

Insert: "DELETING CONTINUING EDUCATION REQUIREMENT;"

2. Title, line 8.

Following: "2-8-103"

Strike: "AND"

3. Title, line 8.

Following: "2-15-1613"

Insert: "AND 37-12-307"

4. Page 7.

Following: line 10.

Insert: "Section 4. Section 37-12-307, MCA, is amended to read:

"37-12-307. Annual renewal of license - fee - continuing education required. A license expires on September 1 of each year and shall be renewed by the department on payment of a renewal fee of not more than \$50, as set by the board:

(CONTINUED)

Chairman.

FEBRUARY 13,

19 81

PUBLIC HEALTH

PAGE TWO

SB 394

~~and the presentation of evidence satisfactory to the board that the licensee, in the year preceding the application for renewal attended and successfully completed a postgraduate educational program for chiropractors consisting of monitored classroom time conducted by instructors from accredited colleges of chiropractic in subjects designated and approved by the board. -- However, the board may authorize the department to issue renewals, but not consecutive renewals, on a showing satisfactory to the board that attendance at the educational programs was unavoidably prevented, and new licensees during the 6 months preceding September 1, by examination, shall be granted renewal licenses without attending the educational programs."~~

Renumber: subsequent section.

And, as amended

DO PASS

P.A.

STANDING COMMITTEE REPORT

.....FEBRUARY 12,..... 19..61.....

MR.PRESIDENT:.....

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

having had under considerationSENATE..... Bill No.389.....

Respectfully report as follows: That.....SENATE..... Bill No. 389.....

DO PASS

30

STANDING COMMITTEE REPORT

FEERUARY 11, 1981

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 137

Respectfully report as follows: That SENATE Bill No. 137,

introduced bill be amended as follows:

1. Page 1.

Following: line 12.

Strike: Everything after the enacting clause

Insert: " Section 1. Section 53-20-305, MCA, is amended to read:

"53-20-305. local-control-of-homes-subject-to-department rules--Community-homes-for-the-developmentally-disabled-may be-under-local-control,--and-the-nonprofit-corporations-or associations-operating-said-community-homes-are-authorized to-establish-homes-and-programs-they-believe-in-the-best interest-of-their-homes--The-director-of-the-department of-social-and-rehabilitation-services-shall-adopt-reasonable rules-and-standards-to-carry-out-the-administration-and-purposes-of-this-part-

(1) A community home for the developmentally disabled shall be licensed annually by the department of social and rehabilitation services.

XXXXXX

PA.

(CONTINUED)

(2) One temporary license may be issued for no longer than sixty days if there are unavoidable delays in the certification process.

(3) (a) The department for the purpose of licensing shall adopt standards and rules concerning the administration, operation, health and safety of community homes for the developmentally disabled.

(b) The department of health and environmental sciences shall provide advice and recommendation to the department of social and rehabilitation services concerning the standards for health and safety."

Section 2. Section 53-20-307, MCA, is amended to read:
"53-20-307. Standards-and-rules Health and safety standards for licensing.

(1) (a) The-department-of-health-and-environmental-sciences shall-promulgate-and-adopt-standards-and-rules-for-the-licensing-of-community-homes-for-the-developmentally-disabled-to-insure-the-health-and-safety-of-the-residents-of-such-homes. After initial certification by the state fire marshal, community homes must be certified annually for fire and life safety by the state fire marshal.

(b) The state fire marshal shall notify the department of social and rehabilitation services when a community home has been certified.

(2) (a) Local health officers shall certify community homes for compliance with health and safety standards. If for any reason the local authority cannot complete the certification in a timely manner, the department of health and environmental sciences is authorized to make the determination on certification.

(b) A reasonable fee may be charged to authorized parties as defined in 53-20-303 for the health and safety certification."

And, as amended,

DO PASS

STATEMENT OF INTENT ATTACHED

STANDING COMMITTEE REPORT

February 11 1961

PRESIDENT

MR.

We, your committee on PUBLIC HEALTH, WELFARE AND SAFETY

having had under consideration SENATE 137
Bill No.

Respectfully report as follows: That STATEMENT OF INTENT, Senate 137
Bill No.
be adopted.

STATEMENT OF INTENT RE: SB 137

A statement of intent is required for this bill because it amends 53-20-305, MCA, and 53-20-307, MCA, to give the department of social and rehabilitation services the authority for the purposes of Title 53, Chapter 20, Part 3 to license community group homes and for rulemaking in relation to that licensing.

Title 53, Chapter 20, Part 3 provides for community homes for developmentally disabled persons. It was the intent of Part 3 to provide for the regulation of community homes by the department of social and rehabilitation services and the department of health and environmental sciences. The department of social and rehabilitation services was given authority to adopt reasonable rules and standards to carry out the administration and purposes of Part 3. The department of health and environmental sciences was given the authority to license community homes to insure the sanitation and safety of the residents. The authority was given the department of social and rehabilitation services to license community homes in order

DO PASS

(continued)

to insure the quality of services provided. The authority to adopt rules relating to that licensing was not explicitly provided. The Department of social and rehabilitation services has had to act under implied authority in licensing community group homes and adopting rules relating to licensing.

This bill provides the department of social and rehabilitation services with explicit authority for the licensing of community group homes and for adopting rules relating to that licensing.

Among the areas that the rules relating to licensing will address are the following: facility acquisition, facility design, group home staffing, staff training, service goals and design, quality of services, client placement procedure, client rights and privileges, client grievance procedure, provider grievance procedure and accounting procedures including accounting of client financial resources. Rules dealing with health and safety will be developed with the assistance of the department of health and environmental sciences, including water and waste disposal, food service, laundry, safety standards which are compatible with the residential character of the facility.

The physical well-being and safety of the clients is provided for in that the group homes are to be certified for fire and life safety by the state fire marshal who shall adopt standards and notify the department upon certification of a community home as complying with those standards.

First adopted by the Senate Public Health, Welfare and Safety Committee on February 11, 1981.

J.A.

NAME: Harold E. Gribb DATE: 2/13/81

ADDRESS: 1201 Clark Ave

PHONE: 205-5397

REPRESENTING WHOM? West. Character Center

APPEARING ON WHICH PROPOSAL: H.B. 394 & Amendment

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Appearing in support of

Amendment to be prepared
to the Committee as well
as H.B. 394 itself.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Amendment to Senate Bill 394

1. Title, line 7.

Following: "BOARD;"

Insert: "DELETING CONTINUING EDUCATION REQUIREMENT;"

2. Title, line 8.

Following: "2-8-103"

Strike: "AND"

3. Title, line 8.

Following: "2-15-1613"

Insert: "AND 37-12-307"

4. Page 7.

Following: line 10.

Insert: "Section 4. Section 37-12-307, MCA, is amended to read:

"37-12-307. Annual renewal of license - fee - continuing education required. A license expires on September 1 of each year and shall be renewed by the department on payment of a renewal fee of not more than \$50, as set by the board; and the presentation of evidence satisfactory to the board that the licensee; in the year preceding the application for renewal attended and successfully completed a postgraduate educational program for chiropractors consisting of monitored classroom time conducted by instructors from accredited colleges of chiropractic in subjects designated and approved by the board. However; the board may authorize the department to issue renewals; but not consecutive renewals; on a showing satisfactory to the board that attendance at the educational

programs was unavoidably prevented; and new licensees during the 6 months preceding September-1; by examination; shall be granted renewal licenses without attending the educational programs?"

Renumber: subsequent section.

NAME: Dr. James B. Mossman DATE: 2/13

ADDRESS: 302 Missouri Ave

PHONE: 846-2604

REPRESENTING WHOM? Montana Chiropractic Assn.

APPEARING ON WHICH PROPOSAL: SB 394

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

COMMENTS: _____

Support amendment to SB 394 and
~~proposed an~~ SB 394 itself.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



34 So. Last Chance Mall, No. 1
Helena, Montana 59601
Telephone: 406-443-2876

February 13, 1981

SENATE PUBLIC HEALTH COMMITTEE

SENATE BILL 389

The Board of Nursing Home Administrators, re-established under Senate Bill 389, has performed its job well. Its members have demonstrated a deep concern for the welfare of nursing home residents and an understanding of the problems of recruiting and training nursing home administrators in a state as large and varied as Montana. The Board is presently involved in a cooperative effort with members of the profession to develop a plan for the gradual upgrading of licensure requirements. Development of an administrator-in-training program is being considered--and if developed will go a long way toward balancing a situation where the desire to upgrade is undermined by the lack of formal nursing home administration training programs in the state.

Continuation of this independent consumer oriented board will insure that the interests of the profession and the consumers of nursing home care will continue to be met.

We urge that you vote DO PASS on Senate Bill 389.

ROSE M. SKOOG
Executive Director, Montana Nursing
Home Association

BOARD OF PHARMACISTS

DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING



THOMAS L. JUDGE, GOVERNOR

LALONDE BUILDING
HELENA, MONTANA 59601
(406) 449-3737

STATE OF MONTANA

WARREN AMOLE, EXECUTIVE SECRETARY

510 1ST AVE. NO. SUITE 100

GREAT FALLS MT 59401

(406) 761-5131

13 February 1981

To: Senate Public Health Committee
Senator Tom Hager, Chairman

From: Montana Board of Pharmacists
Warren Amole, Executive Secretary

Warren Amole RPh

Re: SB 390

The Board of Pharmacists requests that the requirement for Continuing Education (C.E.) remain in 37-7-303 and that 37-7-304 and 305 not be repealed. These statutes were enacted at the request of Montana pharmacists. The requirement that C.E. be a condition for the renewal for a pharmacist's license has been in effect since July 1, 1979. The board adopted rules according to the guidelines listed in 3-7-305. This process took 1½ years and included input from the board members, faculty members from the School of Pharmacy, U of M, the Montana Pharmaceutical Association, and pharmacists from hospital, community and chainstore settings.

The board feels that the C.E. requirement has met the need that pharmacists recognized. The board does not think it would serve any useful purpose if these sections were repealed and the board be required to go through the rule making process again to reinstate mandatory C.E. This is a costly and time consuming procedure.

STATE OF MONTANA

DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING

BOARD OF MORTICIANS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
PHONE (406) 449-3737

February 13, 1981

Public Health Committee
Tom Hager, Chairman
State Capitol
Helena, MT 59620

Dear Chairman Hager and Members of the Committee:

The Montana Board of Morticians is basically in support of Senate Bill 398. However, they do strongly object to the removal of the requirement of satisfactory completion of 2 academic years of college.

Currently 29 states require some college education. Twenty-one of these states require 2 years as does Montana. In researching this, it is noted that in 1978, only 26 states required college education, with an increase to 27 in 1979, and to 29 in 1980. It would appear that the trend nationally is to require college education in addition to the mortuary science schooling.

Neighboring states of Washington, Wyoming, Utah, South Dakota, North Dakota, Nevada, Minnesota, Idaho, and Colorado all require college education in addition to mortuary science school. To remove the college requirement would mean that individuals licensed in this state, could not receive a reciprocal license in any of the 10 neighboring states as he or she would not meet their requirements.

It seems to the Board that the removal of the 2 academic years of college is a step backward, rather than forward, in view of the fact that more and more states are requiring college education, in addition to mortuary science schooling.

The Board would be interested in statutory authority granted to the Board to set by rule a portion of the college requirement be realted to the field of mortuary science, such as courses in psychology, biological sciences, accounting, etc.

psychology, photography.

Page 2.

February 13, 1981

The Board is therefore proposing the following amendment to SB 398, on page 7, lines 20 and 21, reinsert "and have satisfactorily completed 2 academic years at an accredited college or university" and insert after "university" "with major are)of study relating to the mortuary science field;" The Board could then by rule establish specific courses and hours. By establishment by rule, additional courses which may be offered in the future, but are not now offered, could be added as the industry changes and progresses.

Sincerely,
BOARD OF MORTICIANS

*H. [unclear] [unclear]
the Board*

Jack Severns
Chairman

cc/ file

Proposed Amendment to SB 398

Page 7 - lines 20 and 21 reinsert "and have satisfactorily completed 2 academic years at an accredited college or university" and insert immediately following "university" the words "with major area of study relating to the mortuary science field";

NAME: William E. Riddle DATE: 2-13-81

ADDRESS: 109 1st Ave. N.W. Brownings Inc - 55417

PHONE: 338-2700 338-7362

REPRESENTING WHOM? National Funeral Directors Assoc -

APPEARING ON WHICH PROPOSAL: LR 398

DO YOU: SUPPORT? _____ AMEND? OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Testimony of SB 398

Mr. Chairman and Members of the Committee:

My name is William E. Riddle. I am a past president of the Montana Funeral Directors Association. I am presently a member of the Board of Governors of the National Funeral Directors Association, holding office in this organization as a District Governor of District IX. My district is made up of the State of Oregon, Washington, Idaho, Wyoming, Alaska, and Montana. However most important, I am a practicing mortician in this state of Montana.

I am pleased that the committee has demonstrated the need for the State Board of Morticians to be reestablished. We certainly concur with this need. However, we do not agree with some of the delations or changes proposed in Senate Bill 398.

Our greatest concern would be in the removal of the educational requirement regarding two academic years at a accredited college or university.

Gentlemen there is much more involved in being a mortician than embalming a dead human body and placing it in a grave. There are in my opinion many reasons why our educational requirements should not be changed, perhaps it should even be raised, not lowered.

How many students at the time of their graduation from High School, have a firm grasp on "what they want to be and want to do vocationally with their lives." It is shown in our educational system that many of our college freshman have not made up their mind what their major will be at the time they enroll in college. If they have a certain objective in mind, for many this will change after their first or second year of college. Basically what I am trying to say is that often a young student has spent some time in a institute of

higher learning, it is very probable that their future is much more in focus and consequently do much better in chosen profession, both in school and after graduation.

Another consideration regarding these two (2) years of schooling is very simple, the more schooling one has on a higher level, to me means this individual will be better equiped to help people in ones grieving process, in their role as a mortician. It has been demonstrated by many that improper care and counseling at the time of grief, can and has caused irrevocable damage to some individual who has suffered such a loss.

Another reason that this schooling is so important is to provide our licensees, especially the young people, the pleasure and privilege of reciprocation between states. Many states reciprocate only with those states which have a educational standard comparable to their own.

If Montana's lowered their standards, a licensee of the state would be unable to be licensed in any of our neighboring states by reciprocation. All of our neighboring states would have a higher standard of education than the state of Montana.

It has been stated by many of our educators such as Dr. Robert Slater of the University of Minnesota that many of the subjects required for graduation in Funeral Service is geared for the student who has had a background of college study established.

Should not our Montana students have the same chance for scholastic honors and have the same chance for matriculation as the students from our neighboring states? I would hope so.

There are many other facets that touch upon our profession and the educational requirements that I won't touch upon because of time.

But I would like to make a remark regarding our public member of the board and his participation in Montana examinations. I feel

that no public member should be required to preform examinations if he felt otherwise. What I'm thinking is that perhaps a prospective appointee would refuse such a appointment if he or she did not feel htat they were equiped to view a dead human body in a mortuary preperation room. I see no problem with a public member making this inspection if they would like to participate in this manner. However it should be by choice.

Thank you very much for allowing me to participate in this hearing.

A handwritten signature in dark ink, appearing to read 'W.E. Riddle', with a stylized, cursive script.

W.E.Riddle
Drawer 848
Browning, Montana 59417

NAME: Roland D Pratt DATE: 2/13/84

ADDRESS: Box 908 Helena

PHONE: 442-1432

REPRESENTING WHOM? mt Funeral Directors Assoc

APPEARING ON WHICH PROPOSAL: SA 398

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

John Malletta

Testimony on SB 398

Mr. Chairman and Members of the Committee:

For the record my name is John Malletta. I am presently president of the Montana Funeral Directors Association and a practicing funeral director in Missoula, Montana. I am here to testify in favor of SB 398. Our association does have some reservations about this bill. Our major concern is the committee's recommendation to eliminate the educational requirements for a funeral director. Apparently the committee was looking at only one aspect of a funeral director. That aspect is embalming. Ladies & Gentlemen, embalming is not the only thing that a funeral director does. The major portion of our time is spent in working with families who have just suffered one of the most emotional experiences of their life. That of losing a loved one. To handle this situation in a manner in which you do the most good instead of the most harm, is one of the most delicate situations an individual can find himself in. Therefore this individual must have the best knowledge available to function properly. Where does an individual get this knowledge? Through the educational system that is provided in our university systems.

The feeling of our membership is that the educational requirements should be increased not eliminated.

Our involvement in grief counseling, death, dying and bereavement education, and Hospices, just to name a few; requires that members of our profession not only have a good basic education, but must supplement this through continuing education. Therefore I would urge the committee to amend Senate Bill 398 on page 7, lines 20 & 21 by reinserting those words which have been struck. I thank the committee for its consideration and ask for your support of SB 398 as amended.

Senate Bill 398

Amendment

Page 7, line 20 insert after science, "and have satisfactorily
completed 2 academic years at an accredited college or university.

DATE: 2/13/51

ADDRESS: 3105 N.A.C.

PHONE: 722 3608 - 723-3259

REPRESENTING WHOM? Western Board of Missions

APPEARING ON WHICH PROPOSAL: 500000

DO YOU: SUPPORT?) AMEND? X OPPOSE?

COMMENTS: _____

To be given by car plate number
J 52-14210

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lorene Johnson DATE: 2-13-81

ADDRESS: Box 966- Kalispell- Mt.

PHONE: 755-1144 755-3036

REPRESENTING WHOM? St. Bd. of Martinians

APPEARING ON WHICH PROPOSAL: SB 398

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

COMMENTS: _____

to be given by Board Chairman

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Charles H. Lial DATE: 2-13-61

ADDRESS: 2408 16th Ave. N.W.

PHONE: 452 3483

REPRESENTING WHOM? 14 Board of Medicine

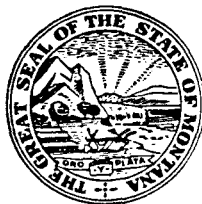
APPEARING ON WHICH PROPOSAL: Senate Bill # 398

DO YOU: SUPPORT? ³⁹⁸ X AMEND? ³⁹⁸ X OPPOSE?

COMMENTS: will be voted by the
board chairman, also by
the board of medicine

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

STATE OF MONTANA
DEPARTMENT OF PROFESSIONAL & OCCUPATIONAL LICENSING
BOARD OF MORTICIANS



ED CARNEY, DIRECTOR

LALONDE BUILDING
HELENA, MONTANA 59601
PHONE (406) 449-3737

February 13, 1981

Public Health Committee
Tom Hager, Chairman
State Capitol
Helena, MT 59620

Dear Chairman Hager and Members of the Committee:

The Board of Morticians has submitted Senate Bill 374 to make what the Board feels are necessary changes in the licensing statutes.

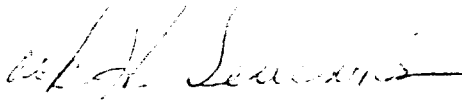
Current reciprocity requires an agreement to be signed by the reciprocating state. The Board revised their agreements last year and mailed the new agreement to all states with whom we had agreements in the past (16), in addition to several states with equal requirements. Many of the states responded that reciprocal agreements were no longer required by their statutes and in some instances could not be legally entered into. One state, Kansas, requires 3 years of college in addition to the mortuary science school and therefore could not enter into an agreement as our requirements were not equal to theirs. The current statute would not allow a license to be issued to an individual from Kansas because we did not have an agreement, even though the individual actually exceeded our requirements for licensure. He would have to serve a one year internship before receiving his license in Montana. With the proposed change because he exceeded our requirements a license could be granted on a reciprocal basis. The change would allow for reciprocity by agreement for those states requiring an agreement or reciprocity based on individual qualifications for those individuals coming from states which cannot enter into agreements, but whose licensing requirements are equal to or more stringent than ours.

The Board is also requesting the addition of continuing education to help keep the mortician up-to-date on current practices, national trends and improvements in the field.

Page 2.
February 13, 1981

The Board is proposing an amendment to section 3 and section 4 of SB 374 which would delete the amount of the fees and would also delete section 4 in its entirety. Section 4 is on coordination and states an amendment to section 37-19-401 MCA (proposed in section 3 of SB 374) may not be made is B [LC 1288] (now submitted as SB 412) passes. SB 412 calls for setting of fees comensurate with costs. However, the two fees which are added to section 37-19-401 MCA, under section 3 of this bill, an original license fee for a mortuary and a renewal license fee for mortuaries, are not currently included in SB 412, nor does the board currently have statutory authority to charge an original fee or set an annual renewal fee for mortuaries. The statute currently only states a mortuary must be licensed. It does not provide for an application for a mortuary license or a renewal for a mortuary license.

Sincerely,
BOARD OF MORTICIANS


Jack Severns
Chairman

cc/ file

PROPOSED AMENDMENT TO SB 374

Page 3 - line 14 delete - "not to exceed \$25"

Page 3 - line 18 delete - "not to exceed \$50"

Page 3 - delete all of section 4. lines 20 through 23.

NAME: Roland D Pratt

DATE: 2/13/81

ADDRESS: Box 908 Helena

PHONE: 442-1472

REPRESENTING WHOM? MT Funeral Directors Assoc

APPEARING ON WHICH PROPOSAL: SB 374

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

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

J. R. Beattie -
read

Testimony to SB 374

Mr. Chairman and Members of the Committee:

For the record my name is John Malletta. I am presently president of the Montana Funeral Directors Association and a practicing funeral director in Missoula, Montana. Our association is in complete support of Senate Bill 374. Especially that portion which covers continuing education.

For the past several years our association has been working with the State Board of Morticians on developing a continuing education program for funeral directors in Montana. Our concern for continuing education arises from the fact that funeral directors have been called upon to provide more and more services to the people that they serve. These services take the form of grief counseling, involvement in the Hospices programs, educational programs on death, dying and bereavement, and many other activities which in the past were not in the realm of funeral directing.

In the past decade there has been much research done into death, dying, and bereavement. This knowledge is now being disseminated to our members and the public. To serve our members must be aware of this information and be knowledgeable in its application.

Therefore we strongly support Senate Bill 374 and ask the committees consideration of due pass.

/

Comments:

Comments:
As Professionals I do not
Believe State Mandated Continued
Education is necessary As professionals
we should be able to do our advancement
in business & Education on our own. We need
not be mandated to.

not be mandated so.
This mandated Education will not
Cost the taxpayers extra but you
can not insure the Cost will
be reflected in the ~~cost~~^{users} fees
passed to the people whom use funeral
services -

1000 -
 Lloyd Linden
 license #144

NAME: Dennis F. Holsen DATE: 2/13/81

ADDRESS: 3105 Yale - Butte Mont

PHONE: 792 3608 or 723-3234

REPRESENTING WHOM? STATE BOARD OF ELECTIONS

APPEARING ON WHICH PROPOSAL: ^{SB} 374

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS: To be seen by our Public
Works Commission

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Lorne Johnson DATE: 2-13-81

ADDRESS: Box 966 - Kalispell, Mt.

PHONE: 755-3036 - 755-1144

REPRESENTING WHOM? St. Board of Morticians

APPEARING ON WHICH PROPOSAL: SB 374

DO YOU: SUPPORT? X AMEND? X OPPOSE?

COMMENTS:

to be given by chairman of Bd

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Constance L. Hall DATE: 2-13-61

ADDRESS: 2908 16th Ave. No.

PHONE: 451-3483

REPRESENTING WHOM? St. Board of Morticians

APPEARING ON WHICH PROPOSAL: Senate Bill # 277

DO YOU: SUPPORT? X 314 AMEND? _____ OPPOSE? _____

COMMENTS: will be stated by the

board chairman, who is

also a public member

of said board.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.