

THE MINUTES OF THE MEETING OF THE HUMAN SERVICES
COMMITTEE
November 17, 1981

The meeting was called to order by CHAIRMAN GOULD on Tuesday, November 17, 1981 at 10:00 a.m. in the auditorium of the SRS (Social and Rehabilitation Services) building.

Members of the Human Services Committee are:

REP. BUDD GOULD, CHAIRMAN	REP. MICHAEL DEVLIN
REP. CALVIN WINSLOW	REP. DEAN SWITZER
REP. TONI BERGENE	REP. FRANCIS BARDANOUE
REP. KERRY KEYSER	REP. RICHARD MANNING
REP. CARL SEIFERT	REP. JERRY METCALF
REP. GARY BENNETT	REP. ROBERT PAVLOVICH
REP. ALISON CONN	REP. L. H. NILSON
REP. ROBERT SIVERTSEN	REP. JOE BRAND
	REP. WILLIAM (RED) MENAHAN

Roll call was taken. All members but REPRESENTATIVES SIVERTSEN, BARDANOUE and BRAND were present.

The Chairman opened the meeting by introducing GARY BLEWETT, of the Economic Assistance Division of the Social and Rehabilitation Services Department, and ask that he give a little background on the AFDC (Aid to Families of Dependent Children).

MR. BLEWETT stated that the three bills before the committee are for aid for families of dependent children program and so a perspective on the entire program would be beneficial to the committee indentifying the overall caseloads that they have and the characteristics of the population they have so the committee can pinpoint the population that would be affected by the bills. Mr. Blewett presented two charts to demonstrate the program. He stated that this program is not a block grant program. It is called a categorical program. It states eligibility. It is called an entitlement program because there is no capped limit on the amount of money the federal government will deliver to the state, it is only conditioned by the amount of funds the state is willing to match and gives the state the ability to set the size of a AFDC grant to a needy individual or family in order to set the budget perimeters by each state.

The presentation shows two features of cutbacks.

1. Those changes mandated by federal government as far as being able to receive federal funds for matching purposes in the program.

2. This issue is a state, SRS, initiative, to eliminate one portion of the program that is optional, which is the unemployed parent program. The federal government does not mandate coverage for unemployed parents, but leaves it to the state option whether to include that group or not.

He said that they have recommended to this committee and the legislature that this group be excluded. There are certain sets that will affect their ability to get federal matching funds, that they are trying to match up the state law with the federal law. They are recommending the unemployed parent program not be covered at all.

CHART I: AFDC CASELOADS

- a. "CLOSURES" describing the population that would be closed out for coverage under the AFDC Program.
- b. "LENGTH OF TIME PEOPLE STAY ON AFDC PROGRAMS"
- c. "MAJOR AREAS OF CUTBACK"

A. "CLOSURES" show that the major group they have in the population is single parent families, usually women with one or two children. About 60% of their population.

There are two major sets affected by the cutbacks. First, concerns the pregnant woman with no other children. They are proposing to reduce the length of time that the pregnant woman can be covered under the AFDC program to the last trimester of her pregnancy. Two percent will be closed as a result of that.

b. "LENGTH OF TIME," concerns single parents who are working, represent 11% of total population. As a result, in changes in the way in which eligibility about the income which a person has, has changed under federal rule which they are implementing, there will be a 3% population closed out.

The other area of population is the unemployed parent which is about 7% of the population. They are asking this to be completely eliminated in its entirety.

Another segment is the stepparent, which represents 11% of the population.

There is also a series that does not involve single parents, in which there is a child only protected by a grandparent or disabled parent. These are not affected by any cutbacks. This

represents 7% of the population.

For all the cases in the program; 70% are on for 9 months or less; 16% leaves in 9 - 18 months; 7% leave between 18 - 36 months; and 7% over 36 months.

c. "MAJOR AREAS OF CUTBACKS" is an examination of cases per month. FY'82 - FY'83: Reduction of caseload...

AFDC Working	240
Pregnant woman	140
Unemployed parent	490
Stepparent	780
	<hr/>
	1650 TOTAL

CHART II: Shows the AFDC Caseload since 1977.

QUESTIONS were asked by the committee.

REPRESENTATIVE MENAHAN asked about the 1500 people being cutoff and where they will go. MR. BLEWETT said that they would not be covered by the AFDC at all and the next step would be at the county welfare office and the county general assistance program. Those counties with 13.5 mills would still go through the process of eligibility then there would be a share of that state general fund in support of that program. Those that are not up to the 13.5 mills may have to increase it.

The format of the meeting was presented.

HOUSE BILL NO. 4 was presented by REPRESENTATIVE JOHN SHONTZ, District 53. This bill does two things. It changes the age of eligibility of students from 21 to 19 years of age. The other portion of this legislation is to abolish AFDC payments to the unemployed parent. This speaks to where there are two potential wage earners in the family now and it is an optional program. This legislation will no longer let this occur. The total cost savings to the state would be \$6.5 million for the balance of this biennium. There are about 480 families participating in this program. (H.B.4, EXHIBIT 1)

GARY BLEWETT, Administrator of the Economic Assistance Division of S.R.S., presented testimony in support of HB 4 (EXHIBIT 2).

There being no other proponents or no opponents, QUESTIONS were asked by the committee.

REPRESENTATIVE METCALF asked about the savings mentioned by Representative Shontz of \$6.5 million and Mr. Blewett's mention of \$2.1 million. MR. BLEWETT stated that his \$2.1 million was general fund savings the \$6.5 million is the total of federal, state and county.

REPRESENTATIVE MENAHAN asked if it was possible to separate the Medicaid and child age legislation. REPRESENTATIVE SHONTZ stated that the only opportunity for this age to receive medicaid coverage is if they were also covered under the ADC program.

REPRESENTATIVE SHONTZ closed by urging passage of this bill.

HOUSE BILL NO. 5 was introduced by REPRESENTATIVE KEYSER. This bill is by request of the department and is an act allowing aid to dependent children assistant payment to the pregnant woman in accordance to the rule of the department. At the time the department wished to adopt language stating payment in the third trimester and since this is not what the bill says, Representative Keyser stated he has added an amendment to the bill. (H.B. 5, EXHIBIT 3 and Amendment to H.B. 5, EXHIBIT 4) A draft of H.B.5 in reference to the pregnant woman was presented to the committee as a handout (EXHIBIT 5) which the department adopted.

GARY BLEWETT testified as a proponent to House Bill 5, (EXHIBIT 6).

DR. SIDNEY C. PRATT, Chief of the Maternal and Child Health Bureau of the Department of Health and Environmental Sciences, spoke as a proponent. (Written testimony, EXHIBIT 7)

There being no other proponents and no opponents, REPRESENTATIVE KEYSER closed by saying in accordance with the federal law that was passed they have brought this down to the third trimester and have not cut out the medicaid which will be a departmental decision. The passage of the bill was urged with the passage of the amendment although the department asks for the draft rule.

QUESTIONS by the committee included the question of the importance of prenatal care. REPRESENTATIVE BERGENE stated that prenatal care often contains problems that may be extensive and expensive in later months.

REPRESENTATIVE DEVLIN asked the general fund difference. MR. BLEWETT stated that it was \$240,000 over the biennium.

HOUSE BILL NO. 6 was taken up and presented by REPRESENTATIVE KEYSER. This bill speaks to the income and resource of the stepparents (EXHIBIT 8) and other individuals living in the home.

GARY BLEWETT, Administrator of the Economic Assistance Division of S.R.S. spoke as a proponent. The present law exempts income of stepparents or other persons living in the household (EXHIBIT 9) from an ADC applicant from being considered. This means there are some children living in a household with sufficient money to support them. The new federal law requires that this income be considered in deciding whether the child is eligible for ADC. Montana's law in Section 40-6-217 (Exhibit 9) that a stepparent is not bound to support the spouse's children. By including this income they estimate they will be affecting 780 households per month and the savings will be as follows:

FY'82	ADC Program	\$523,000
	Medicaid	444,000
FY'83	ADC Program	875,000
	Medicaid	<u>728,000</u>

TOTAL GENERAL FUND SAVINGS\$808,000 biennium

Most of the changes do not require changes in the state law. The revision in this bill might prevent litigation that might come otherwise. The law Section 40-6-217 does not mean that they must exclude the stepparent's income in determining ADC eligibility, however since the state law is not specific on that point they believe it is necessary to spell this out to prevent possible legal battle. Passage of the bill will insure the general fund savings projected and help preserve the balanced budget that they have proposed.

There were no other proponents and no opponents.

REPRESENTATIVE MANNING asked Mr. Blewett if they would go out and check to see what the income of the stepparent is and the situation before determining eligibility. MR. BLEWETT stated that they would.

REPRESENTATIVE PAVLOVICH asked about the natural parents' responsibility to support the child. MR. BLEWETT said for the extent that there is a financial responsibility regardless

of whether there is a stepparent or not, if there is a parent of that child that has financial resources, they work through the Department of Revenue who has an investigation department on recovery of financial support.

REPRESENTATIVE METCALF asked what the income level was for cutoff. MR. BLEWETT said that they went by the national poverty index which is:

Household of 2 = \$468 per month
Household of 3 = \$566 per month

REPRESENTATIVE BENNETT asked about line 16 of the bill referring to other individuals who reside in the home. Mr. BLEWETT said this could be a carekeeper relative or live-in partner.

REPRESENTATIVE KEYSER closed, asking the committee to support this bill.

HOUSE BILL 8 was presented by REPRESENTATIVE CAL WINSLOW. This bill has been proposed by the department of Health to change the licensing of health care facilities from a one year licensing process to a one, two, three year depending on how that facility meets the criteria that is established. (H.B. 8, EXHIBIT 10)

WARREN BRASS, ADMINISTRATIVE OFFICER FOR THE DIVISION OF HOSPITAL FACILITIES. Mr. Brass stated that this bill is due to the cutbacks in federal funding, but, that before these cutbacks occurred in FY81, the Bureau of Licensing and Certification had proposed an incentive survey approximately two years ago to try what is proposed in this bill. Some facilities do not need to be surveyed each year. It was approved by the federal government and would have been put into effect approximately three months after approved, about this time the severe reductions took place. The budget was reduced about \$125,000 in federal funds. As of April 1, 1981, out of a staff of twelve people, three people were laid off; on July 1st there was a further reduction and three more were laid off. The survey staff is now six people. They have three choices: (1) approval of H.B.8 (2) to ask for a general fund appropriation between \$130,000 and \$150,000, which they chose not to do. (3) this choice leaves them in noncompliance with the present law because they are physically incapable of doing annual surveys on all the long term and care facilities. They feel that the one, two, three year survey schedule will result in no loss of the quality of care, and believe that there are enough facilities that would qualify for the three year survey and we could give more attention to those facilities where complaints are addressed.

Mr. Brass stated that reports must be submitted in order to renew the license.

KEN RUTLEDGE, Vice President of the Montana Hospital Association, stated that they support H.B. 8. Mr. Rutledge submitted and read written testimony (EXHIBIT 11).

There being no other proponents, opponents were called for:

LINDA ANDERSON, Assistant Director for LISCA (The Low Income Senior Citizens Advocates) spoke in opposition of H.B. 8, and submitted written testimony (EXHIBIT 12).

DOULAS B. OLSON, State Legal Services Developer for Senior Citizens and work with Montana Seniors' Advocacy Assistance, and here at the request of Representative Hal Harper to express their organization's views. He said that they understand the department's reason for the cut back, but that the nursing home industry is not an industry that has not been without criticism and there has been a number of problems. Although there is no federal law that requires annual inspections, but the federal regulations, which implemented that law, are still in effect and do require an annual inspection. The Reagan administration is considering amending those regulations.

Mr. Olson presented suggested amendments to House Bill No. 8 (EXHIBIT 13), if the committee chooses to make the change. Mr. Olson submitted witness statement (EXHIBIT 14).

Mr. Brass indicated that their budget has limited them in their inspections but this bill does allow inspections as often as they wish, especially where there are complaints.

REPRESENTATIVE KEYSER questioned the facilities that constantly comply with regulations. His opinion was that they would not need inspected as often as those with complaints.

JACQUELINE MC KNIGHT, Chief of the Bureau of Licensing and Certification, stated that there is a licensing fee of \$20 with one additional dollar on each bed in bedded facilities. She stated that they follow up on complaints as soon as possible, depending on the situation. REPRESENTATIVE MANNING asked about the requirements for alarms at nursing homes and MS. MC KNIGHT stated there are requirements but the intention is not to make it a jail.

REPRESENTATIVE GOULD asked how many hospital and nursing beds are covered and MS. MC KNIGHT stated there are 7,000 long term care beds.

MR. OLSON stated that their concern is that with the limited staff of inspectors they will not be able to handle the complaints.

Some of the complaints indicated were misuse of patient's funds or abusing patients.

The department stated that there were 6 regular inspectors and 2 additional surveyors from Health. They inspect 61 hospitals, 101 long term care units, 17 home health agencies, 11 independent laboratories, 14 outpatient facilities. It was remarked that a nursing home inspection would take approximately a day and a half.

MS. MC KNIGHT stated that in case of complaints they do go in on an unannounced inspection and also at night.

REPRESENTATIVE DEVLIN stated that these figures do amount to approximately 25 facilities per inspector per year. MR. BRASS said these inspectors also must do their reports and other work following up on deficiencies. The forms they use are federal forms and if the standards are cut then the forms will be cut down.

REPRESENTATIVE WINSLOW closed urging passage of the bill summarizing some of the points in the bill: (a) inspection of a new facility (b) renewal of licenses by report (c) may inspect whenever the department deems it necessary (d) within the three years even the best facilities will be licensed on basis of the survey. The options are: (a) appropriate more money and hire more staff (b) operate outside of the law.

The meeting was closed on H.B. 8, and opened to EXECUTIVE SESSION.

HOUSE BILL 4 was taken up.

REPRESENTATIVE SEIFERT MOVED that House Bill 4 Do Pass.

REPRESENTATIVE MENAHAN made a SUBSTITUTE MOTION of DO NOT PASS on H.B. 4. Roll call vote was taken (EXHIBIT 16)

REP. GOULD	NO	REP. DEVLIN	NO
REP. WINSLOW	NO	REP. SWITZER	NO
REP. BERGENE	NO	REP. BARDANOUVE	-
REP. SEIFERT	NO	REP. MANNING	YES
REP. BENNETT	NO	REP. METCALF	YES
REP. CONN	NO	REP. PAVLOVICH	YES
REP. SIVERTSEN	-	REP. NILSON	NO
		REP. BRAND	-
		REP. MENAHAN	YES

MOTION FAILED.

REPRESENTATIVE SEIFERT's ORIGINAL MOTION that H.B. 4 DO PASS was voted on. MOTION PASSED with a reversal vote.

HOUSE BILL 5 was taken up. REPRESENTATIVE KEYSER made a MOTION that House Bill 5 Do Pass, and also MOVED the amendment to House Bill 5.

DISCUSSION was held and REPRESENTATIVE PAVLOVICH asked if there was language to show compromising in adding a few months to the bill for prenatal care. In answer to this it was stated that medicaid provides this.

QUESTION was called. Roll call vote was taken on the amendment.

REP. GOULD	YES	REP. DEVLIN	YES
REP. WINSLOW	YES	REP. SWITZER	YES
REP. BERGENE	NO	REP. BARDANOUE	-
REP. KEYSER	YES	REP. MANNING	NO
REP. SEIFERT	YES	REP. METCALF	NO
REP. BENNETT	YES	REP. PAVLOVICH	NO
REP. CONN	YES	REP. NILSON	NO
REP. SIVERTSEN	-	REP. BRAND	-
		REP. MENAHAN	NO

MOTION PASSED.

MOTION before the committee is REPRESENTATIVE KEYSER's motion that HOUSE BILL 5 DO PASS AS AMENDED.

ROLL CALL VOTE was taken.

REP. GOULD	YES	REP. DEVLIN	YES
REP. WINSLOW	YES	REP. SWITZER	YES
REP. BERGENE	NO	REP. BARDANOUE	-
REP. KEYSER	YES	REP. MANNING	YES
REP. SEIFERT	YES	REP. METCALF	YES
REP. BENNETT	YES	REP. PAVLOVICH	YES
REP. CONN	YES	REP. NILSON	YES
REP. SIVERTSEN	YES	REP. BRAND	-
		REP. MENAHAN	YES

MOTION PASSED.

HOUSE BILL 6. REPRESENTATIVE SEIFERT MOVED that HOUSE BILL 6 DO PASS. MOTION PASSED UNANIMOUSLY.

REPRESENTATIVE WINSLOW MOVED that HOUSE BILL 8 DO PASS.

Discussion was held. REPRESENTATIVE CONN spoke in favor of the Bill. REPRESENTATIVE METCALF spoke in opposition and saying that \$125,000 is very little and to cut the inspectors in two is a big cut and a three year wait on inspections is too long.

REPRESENTATIVE KEYSER stated that no opponent came in with concrete evidence of neglect.

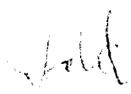
QUESTION was called.

ROLL CALL VOTE was taken on H.B. 8, DO PASS.

REP. GOULD	YES	REP. DEVLIN	YES
REP. WINSLOW	YES	REP. SWITZER	YES
REP. BERGENE	YES	REP. VARDANOUE	-
REP. KEYSER	YES	REP. MANNING	NO
REP. SEIFERT	YES	REP. METCALF	NO
REP. BENNETT	YES	REP. PAVLOVICH	NO
REP. CONN	YES	REP. NILSON	NO
REP. SIVERTSEN	-	REP. BRAND	-
		REP. MENAHAN	NO

MOTION PASSED.

A MOTION was made to adjourn the meeting at 12:20 p.m.



CHAIRMAN BUDD GOULD



Leona Williams, Secretary

47th Legislature

LC 0104/01

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House BILL NO. 7 (SSI)

INTRODUCED BY *Don Boylan*

BY REQUEST OF THE DEPARTMENT OF
SOCIAL AND REHABILITATION SERVICES

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE DEFINITION OF A DEPENDENT CHILD AND ELIMINATING THE UNEMPLOYMENT OF A PARENT AS AN ELIGIBILITY CRITERION FOR AID TO DEPENDENT CHILDREN; AMENDING SECTION 53-4-201, MCA; REPEALING SECTIONS 53-4-234, 53-4-235, AND 53-4-236, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 53-4-201, MCA, is amended to read:

"53-4-201. Definitions. (1) (a) The term "dependent child", for public assistance purposes, means:

(i) a child under the age of 18; or

(ii) a person under the age of ~~21~~ 19 who is a student under the regulations prescribed by the department.

(b) The child ((a)(i) or (a)(ii) above) must be deprived of parental support or care by reason of the death, continued absence from the home, ~~continued-unemployment~~ or physical or mental incapacity of a parent and be living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister,

1 uncle, aunt, nephew, niece, or first cousin in a place of
2 residence maintained by one or more of such relatives as his
3 or their own home.

4 (2) The term "aid to dependent children" means money
5 payments with respect to or payments made for medical care
6 in behalf of a dependent child or dependent children,
7 including money payments or payments made for medical care
8 for any month to meet the needs of a relative with whom a
9 dependent child is living if money payments have been made
10 with respect to such child for such month. The term shall
11 also include emergency assistance to families with children
12 as provided by the federal Social Security Act.

13 (3) "Department" means the department of social and
14 rehabilitation services provided for in Title 2, chapter 15,
15 part 22.

16 (4) "Public assistance" or "assistance" means any type
17 of monetary or other assistance furnished under this title
18 to a person by a state or county agency, regardless of the
19 original source of the assistance."

20 Section 2. Repealer. Sections 53-4-234, 53-4-235, and
21 53-4-236, MCA, are repealed.

22 Section 3. Effective date. This act is effective on
23 January 1, 1982.

-End-

I am Gary Blewett, Administrator of the Economic Assistance Division of S.R.S. I am presenting testimony in support of HB 4 which is an act that does two things; first, it amends the definition of a dependent child in the aid to families with dependent children program, and second, it eliminates the unemployment of a parent as an eligibility criteria for that program.

I will first speak to the change in definition of a dependent child. Our present law defines the age of a child for purpose of the ADC program to be a person under the age of 21. The new federal law (adopted by Congress under the Omnibus Reconciliation Act) limits federal financial participation for children in ADC to persons under the age of 19. If we do not change the state law to conform with federal law, we will be obliged to continue public assistance for 19 and 20 year olds without benefit of federal matching funds. Although we believe the number of 19 and 20 year olds currently covered by the program as children to be quite small, and therefore the risk of loss of general funds to be small, we urge passage of this bill to eliminate any expenditure of general funds in this program without benefit of federal matching funds.

The other change in this bill concerns the elimination of ADC coverage for children by reason of continued parental unemployment. Our present law covers families in which both parents are married and living together with their children, but are not employed and therefore do not have the income to support the needs of the family. Unlike the other

changes in the ADC program that are being presented at this special legislative session, this change in state law is not a result of new federal laws. The elimination of coverage for families with unemployed parents is an S.R.S. initiative. We propose this change to effect additional general fund savings and reduce the request for additional general funds to offset the federal cutbacks in block grants and other federal programs. Elimination of this aspect of ADC will affect 490 households per month and save \$1,061,000 total funds in FY 82 and \$2,311,000 in FY 83 for a total reduction of \$961,000 in state general funds over the biennium.

$$\begin{array}{r} 1,061,000 \\ 2,311,000 \\ \hline 3,372,000 \end{array}$$

$$\begin{array}{r} 2,311,000 \\ 981,000 \\ \hline 3,292,000 \end{array}$$

Most eligibility criteria in the ADC program are federally mandated with very little flexibility for states to modify those criteria. However, coverage of unemployed parents is optional under the federal program. Many states do not cover the unemployed parents group. Our western counties have identified many unemployed parents in their caseload who have come from the states of Washington and Idaho, which are two states that do not cover unemployed parents.

Our reason for eliminating this eligibility group from the program is that unlike other AFDC cases, these households have an intact family with two potential earners. In two-thirds of the households currently assisted per month, the primary earner who has lost his job has already had benefit of six months of unemployment compensation, providing considerable time for one of the parents to have obtained employment.

The availability of ADC after unemployment compensation runs out may be a disincentive for a person to actively pursue employment outside one's traditional field or present residential area during the unemployment compensation coverage. The one-third who have not had benefit of unemployment compensation may very well apply for county general assistance once AFDC is no longer available. Counties have the ability to establish work requirements which can better limit benefits to those willing to work. Although there may be increased county expenditures, the costs will be offset by our proposal to pick up certain administrative and program costs previously paid by counties.

Passage of this bill will insure general fund savings and help preserve the balanced budget we have proposed.

ORIGINAL

House BILL NO. 5 (SSJ)

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INTRODUCED BY KEYSER

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BY REQUEST OF THE DEPARTMENT OF

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SOCIAL AND REHABILITATION SERVICES

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A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING AID TO

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DEPENDENT CHILDREN ASSISTANCE PAYMENTS TO NEEDY PREGNANT

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WOMEN IN ACCORDANCE WITH RULES OF THE DEPARTMENT OF SOCIAL

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AND REHABILITATION SERVICES; AMENDING SECTION 53-4-231, MCA;

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AND PROVIDING AN EFFECTIVE DATE."

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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Section 1. Section 53-4-231, MCA, is amended to read:

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"53-4-231. Eligibility. (1) Assistance shall be granted under this part to any dependent child, as defined in 53-4-201, who is in need of such assistance.

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~~(2) According to rules established by the department, aid to dependent children assistance payments may be made to a needy pregnant woman."~~

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Section 2. Effective date. This act is effective on January 1, 1982.

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-End-

AMENDMENT TO HB 5

Substitute:

(2) Aid to dependent children assistance payments may be made to a needy pregnant woman with no other children receiving such payments. Payments may begin no earlier than the third month prior to the month in which the child is expected to be born.

DRAFT

EXHIBIT 5

AFDC 301-9

Department of Social and
Rehabilitation Services

SECTION:

GROUPS COVERED/NONFINANCIAL
ELIGIBILITY FACTORS

AID TO FAMILIES WITH
DEPENDENT CHILDREN

SUBJECT:

Pregnant Woman

PREGNANT WOMAN:

GENERAL RULE--Assistance is provided to a needy pregnant woman who has no other child, if:

1. other eligibility conditions are met,
2. recorded verification of pregnancy is obtained from a licensed medical doctor, and
3. the woman's child is expected to be born within the three-month period following the first month the woman receives an AFDC payment.

ARM 46-2.10(14)-S11150(8); 45 CFR 233.90
(c)(2)(ii).

Recorded Verification of Pregnancy--A statement in writing by the woman's physician verifying pregnancy and indicating the expected date of delivery. The physician's statement must be filed in the pregnant woman's case record.

ASSISTANCE--The pregnant woman receives an adult-only grant unless she is a child or caretaker relative in an AFDC household, in which case there will be no change in the grant payment to the AFDC household. A pregnant minor child living in the home of her non-AFDC parents is not eligible for a grant on her own behalf.

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MJ/LU

I am Gary Blewett, Administrator of the Economic Assistance Division of S.R.S. I am presenting testimony in support of HB 5 which is an act allowing ADC assistance payments to needy pregnant women in accordance with rules of the Department of Social and Rehabilitation Services.

Our present law allows ADC payments to be made only on behalf of minor children. We are now approving applications from needy pregnant women on the basis of their unborn children. The new federal law (the Omnibus Reconciliation Act) does not allow payments to be made to unborn children, nor to pregnant women before their third trimester (sixth month of pregnancy.) To conform to this, we need to change our law to allow pregnant women without other children to be eligible for ADC - if financial need exists. Since we now grant ADC from the time diagnosis of pregnancy is made, this is a more restrictive clause. We would intend, by rule, to limit payments to those in the third trimester. We expect this change to eliminate 140 ADC cases per month at a total savings of \$265,000 in FY 82 and ~~\$27,000~~ \$577,000 reduction in FY 83 for a total reduction of ~~\$24,000~~ \$602,000 in state general funds over the biennium.

We are presenting this change in state law at this special session because of the general fund savings which will result in reducing the request for additional general funds to offset the federal cutbacks in block grants and other federal programs.

This change in state law represents only one of several reductions in the ADC program that altogether will produce a savings of \$1,000,000 in state general funds during the biennium.

Although most of the changes in ADC do not require revisions in state law, the revision we are requesting through this bill will allow us to save the funds we have projected and prevent the department from paying recipients amounts that will not be matched with federal funds. Without this change in law, we would have to continue paying recipients the amounts we have in the past and make up the loss in federal funds with state general funds.

Passage of this bill will insure the general fund savings we have projected, prevent augmenting the loss of federal funds with additional general funds, and help preserve the balanced budget we have proposed.

Mr. Chairman, Members of the Human Services Committee, I am Dr. Sidney C. Pratt, Chief of the Maternal and Child Health Bureau of the State Department of Health and Environmental Sciences. I am here on behalf of the State Department of Health and Environmental Sciences.

The Department of Health and Environmental Sciences respectfully suggests that the Legislature draft a resolution to be sent to Montana's Congressional delegation which reflects Montana's concern over elimination of federal AFDC payments to pregnant women prior to the third trimester.

The Department of Health and Environmental Sciences is firmly committed to the concept of Preventive Health Care and feels that the federal requirement that federal funds be used for AFDC only during the third trimester is not in keeping with sound health practices. The cost saving of eliminating the AFDC payment during the early part of pregnancy is likely to be more than offset by the increased medical costs to Title XIX. Early comprehensive prenatal care, including adequate funds for nutrition, is an essential part of reducing the frequency of low birth weight infants. Smaller infants result in longer, more intensive and costly hospital stays and follow up care.

Recent federal regulations state that SRS cannot provide federal funds for those eligible to receive Aid to Families with Dependent Children until the third trimester of pregnancy. Federal regulations also permit the State Social agency to delay the provision of medical care to the pregnant woman by Medicaid (Title XIX) until the third trimester should they choose to do so.

DHES urges that SRS continue its position of providing medical care through Medicaid from the time of pregnancy confirmation rather than only during the third trimester.

Based on the above information, we again suggest that a resolution be drafted and sent to Congress reflecting Montana's concern over elimination of federal AFDC payments until a pregnant woman is in her third trimester of pregnancy.

WITNESS STATEMENT

Name John D. ... Date ...

Address ... Support ? A

Representing ... Oppose ? ...

Which Bill ? ... Amend ? ...

Comments:

See ...

Please leave prepared statement with the committee secretary.

47th Legislature

LC 0109/01

House BILL NO. *6* (*SST*) *Special*

1 INTRODUCED BY KEYSER

2
3 BY REQUEST OF THE DEPARTMENT OF
4 SOCIAL AND REHABILITATION SERVICES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW THE DEPARTMENT
7 OF SOCIAL AND REHABILITATION SERVICES TO CONSIDER THE INCOME
8 AND RESOURCES OF STEPPARENTS AND OTHER INDIVIDUALS LIVING IN
9 THE HOME FOR THE PURPOSE OF ADMINISTERING AID TO DEPENDENT
10 CHILDREN; AND PROVIDING AN EFFECTIVE DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Stepparent resources and income.
14 Notwithstanding the provisions of 40-6-217, in the
15 administration of this part the department may consider the
16 income and resources of stepparents and other individuals
17 who reside in the home as resources and income available to
18 the household.

19 Section 2. Codification instruction. Section 1 is
20 intended to be codified as an integral part of Title 53,
21 chapter 4, part 2, and the provisions of Title 53, chapter
22 4, part 2, apply to section 1.

23 Section 3. Effective date. This act is effective on
24 January 1, 1982.

-End-

charge, according to his circumstances, a third person may in good faith supply such necessities and recover the reasonable value thereof from the parent.

History: En. Sec. 294, Civ. C. 1895; re-en. Sec. 3752, Rev. C. 1907; re-en. Sec. 5844, R.C.M. 1921; Cal. Civ. C. Sec. 207; Field Civ. C. Sec. 98; re-en. Sec. 5844, R.C.M. 1935; R.C.M. 1947, 61-115.

40-6-216. When parent not liable for support furnished child. A parent is not bound to compensate the other parent or a relative for the voluntary support of his child, without an agreement for compensation, or to compensate a stranger for the support of a child who has abandoned the parent without just cause.

History: En. Sec. 295, Civ. C. 1895; re-en. Sec. 3753, Rev. C. 1907; re-en. Sec. 5845, R.C.M. 1921; Cal. Civ. C. Sec. 208; Field Civ. C. Sec. 99; re-en. Sec. 5845, R.C.M. 1935; R.C.M. 1947, 61-116.

40-6-217. Married person not bound for support of spouse's children by former marriage. A married person is not bound to support his spouse's children by a former marriage; but if he receives them into his family and supports them, it is presumed that he does so as a parent and, where such is the case, they are not liable to him for their support nor he to them for their services.

History: En. Sec. 296, Civ. C. 1895; re-en. Sec. 3754, Rev. C. 1907; re-en. Sec. 5846, R.C.M. 1921; Cal. Civ. C. Sec. 209; Field Civ. C. Sec. 100; re-en. Sec. 5846, R.C.M. 1935; amd. Sec. 22, Ch. 293, L. 1975; R.C.M. 1947, 61-117.

40-6-218. Compensation and support of person after attaining majority. Where a person, after attaining majority, continues to serve and to be supported by the parent, neither party is entitled to compensation, in the absence of an agreement therefor.

History: En. Sec. 297, Civ. C. 1895; re-en. Sec. 3755, Rev. C. 1907; re-en. Sec. 5847, R.C.M. 1921; Cal. Civ. C. Sec. 210; Field Civ. C. Sec. 101; re-en. Sec. 5847, R.C.M. 1935; amd. Sec. 16, Ch. 33, L. 1977; R.C.M. 1947, 61-118.

40-6-219 and 40-6-220 reserved.

40-6-221. Custody, services, and earnings of child. The father and mother of an unmarried minor child are equally entitled to the custody, services, and earnings of the child. If either parent be dead or unable or refuses to take the custody or has abandoned his or her family, the other is entitled to the custody, services, and earnings of the child, unless custody is determined otherwise pursuant to 40-4-221.

History: En. Sec. 284, Civ. C. 1895; re-en. Sec. 3742, Rev. C. 1907; amd. Sec. 1, Ch. 61, L. 1915; re-en. Sec. 5834, R.C.M. 1921; Cal. Civ. C. Sec. 197; Based on Field Civ. C. Sec. 90; re-en. Sec. 5834, R.C.M. 1935; amd. Sec. 26, Ch. 512, L. 1975; amd. Sec. 13, Ch. 33, L. 1977; R.C.M. 1947, 61-105; amd. Sec. 5, Ch. 127, L. 1979.

40-6-222. Custody of children where husband and wife living separate. The husband and father, as such, has no rights superior to those of the wife and mother in regard to the care, custody, education, and control of the children of the marriage while such husband and wife live separate and apart from each other.

History: En. Sec. 285, Civ. C. 1895; re-en. Sec. 3743, Rev. C. 1907; re-en. Sec. 5835, R.C.M. 1921; Cal. Civ. C. Sec. 198; re-en. Sec. 5835, R.C.M. 1935; R.C.M. 1947, 61-106.

House BILL NO. 8 (SST)

1 which home health agencies must meet in order to be licensed
2 shall be as outlined in 42 U.S.C. 1395 x(o), as amended, and
3 in rules implementing it which add minimum standards.

4 (2) ~~The department must inspect a new facility before~~
5 ~~an initial license is granted.~~

6 (3) ~~An application for renewal of a license must be~~
7 ~~accompanied by a report, on forms provided by the~~
8 ~~department, containing such information as the department~~
9 ~~considers necessary to determine whether minimum standards~~
10 ~~are being met.~~

11 (4) ~~The department may inspect a licensed health care~~
12 ~~facility whenever it considers it necessary and shall~~
13 ~~inspect each licensed facility at least once within the 3~~
14 ~~years following the date of its last inspection.~~

15 (5) ~~The entire premises of a licensed~~
16 ~~facility shall be open to inspection, and access to all~~
17 ~~records shall be granted at all reasonable times.~~

18 Section 2. Saving clause. This act does not affect
19 rights and duties that matured, penalties that were
20 incurred, or proceedings that were begun before the
21 effective date of this act.

22 Section 3. Severability. If a part of this act is
23 invalid, all valid parts that are severable from the invalid
24 part remain in effect. If a part of this act is invalid in
25 one or more of its applications, the part remains in effect

1 INTRODUCED BY _____
2
3 BY REQUEST OF THE DEPARTMENT OF
4 HEALTH AND ENVIRONMENTAL SERVICES
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE INTERVALS
7 BETWEEN INSPECTION OF LICENSED HEALTH CARE FACILITIES FROM 1
8 TO 3 YEARS; TO REQUIRE REPORTS FROM FACILITIES APPLYING FOR
9 LICENSE RENEWAL IN ORDER TO DOCUMENT THAT THEY MET MINIMUM
10 STANDARDS; AMENDING SECTION 50-5-204, MCA; AND PROVIDING AN
11 EFFECTIVE DATE."

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 Section 1. Section 50-5-204, MCA, is amended to read:
14 "50-5-204. Issuance and renewal of licenses ==
15 inspections. (1) ~~On~~ ~~After~~ receipt of a new or renewal
16 application and ~~a~~ ~~determination~~ ~~by~~ the department or ~~its~~
17 ~~authorized agent~~ ~~shall~~ ~~inspect~~ ~~the~~ ~~facility~~ ~~if~~ ~~that~~ ~~the~~
18 ~~facility~~ ~~meets~~ minimum standards ~~are~~ ~~met~~ and the proposed ~~or~~
19 ~~existing~~ staff is qualified, the department shall issue a
20 license for 1 year. If minimum standards are not met, the
21 department may issue a provisional license for less than 1
22 year if operation will not result in undue hazard to
23 patients or residents or if the demand for accommodations
24 offered is not met in the community. The minimum standards

LC 0106/01

1 in all valid applications that are severable from the
2 invalid applications.
3 Section 4. Effective date. This act is effective on
4 January 1, 1982.

-End-

WITNESS STATEMENT

Name WARREN E. BRASS Date 11/17/81
Address COGSWELL BLDG. Support ? X
Representing DEPT. OF HEALTH Oppose ?
Which Bill ? H.B. 8 Amend ?
Comments:

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Ken Rutledge Date 11/17/81
Address P.O. Box 5119, Helena Support ?
Representing Montana Hospital Association Oppose ?
Which Bill ? House Bill 8 Amend ?

Comments:

Please leave prepared statement with the committee secretary.



Montana Hospital Association

(406) 442-1911 · P. O. BOX 5119 · HELENA, MONTANA 59601

STATEMENT OF THE MONTANA HOSPITAL ASSOCIATION ON HOUSE BILL 8

The Montana Hospital Association supports House Bill 8 which would eliminate the requirement that hospitals and other health care facilities be inspected at least once a year and instead allow the State Department of Health and Environmental Sciences the flexibility of placing health care facilities on a one, two or three year inspection cycle.

While the necessity of altering Montana statutes to allow for up to a three year inspection cycle has been brought about by federal budget cuts and the resultant loss of inspection personnel, the concept of a flexible one, two or three year inspection cycle was developed by the Department well in advance of these cuts.

The variable cycle inspection system which the Department has developed is based on the concept of providing an incentive for health care facilities to keep in compliance with state licensure and Medicare/Medicaid certification requirements. Quite simply stated, health care facilities which are consistently in compliance with regulatory requirements will, as an incentive or reward, be inspected on a less frequent basis than facilities which have recurring deficiencies. This will allow the Department to focus its attention and also provide technical assistance to those health care facilities which are most in need of it.

Twenty of Montana's hospitals are currently surveyed on a one, two or three year cycle by virtue of their accreditation by the Joint Commission on Hospital Accreditation (JCAH). JCAH hospitals are exempted from state licensure and Medicare/Medicaid certification in Montana and the JCAH has recently moved to an accreditation program of one, two and three years.

We urge you to consider this bill favorably since it will not only solve the current funding situation the Department finds itself in, but will also put into place an improved system of health care facility inspections which will allow the Department to focus its attention on those areas where there is the most need.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

MY NAME IS LINDA ANDERSON, I AM ASSISTANT DIRECTOR FOR LISCA THE LOW INCOME SENIOR CITIZENS ADVOCATES.

LISCA STRONGLY OPPOSES HOUSE BILL #8: INDEED WE FAIL TO SEE THE RATIONALE BEHIND SUCH A MEASURE.

THIS PROPOSAL TO CHANGE INTERVALS BETWEEN INSPECTIONS OF HEALTH CARE FACILITIES FROM ONE TO THREE YEARS IS UNCONSCIONABLE.

WE SPECIFICALLY ADDRESS OUR COMMENTS TOWARDS NURSING HOMES, AN INDUSTRY THAT NEEDS, IF ANYTHING MORE REGULATION, NOT LESS.

TO ILLUSTRATE THIS POINT, LAST WEEK AN ELDERLY PATIENT WALKED AWAY FROM A FACILITY IN FORT BENTON. THE NEXT DAY SHE WAS FOUND DEAD FROM EXPOSURE ON THE BANKS OF THE MISSOURI RIVER.

WOULD ADEQUATE AND BETTER TRAINED STAFF HAVE PREVENTED THIS TRAGEDY FROM OCCURRING? ONLY FREQUENT AND REGULAR INSPECTIONS CAN HELP DETERMINE WHETHER OR NOT THE INSTITUTION IS PROVIDING A SAFE AND HEALTHY ENVIRONMENT FOR ITS RESIDENTS.

LAST YEAR THE NURSING HOME OMBUDSMAN, AN ADVOCACY PROGRAM FOR THE INSTITUTIONALIZED ELDERLY, RECEIVED NUMEROUS COMPLAINTS FROM RESIDENTS, FRIENDS AND FAMILY MEMBERS.

LADIES AND GENTLEMEN OF THIS COMMITTEE, PLEASE LET YOUR CONSCIENCE GUIDE YOU AND KILL THIS BILL IMMEDIATELY. THANK YOU FOR YOUR CONSIDERATION.

ADVOCACY ASSISTANCE FOR ELDERS

(Montana Seniors' Advocacy Assistance)

P.O. 232, Capitol Station - Telephone 449-4676

HELENA, MONTANA 59620

47th Legislature
Special Session
November, 1981

Suggested amendments to House Bill No. 8 (SSI)
Introduced by Rep. Winslow

Montana Seniors' Advocacy Assistance urges that HB 8 be amended
as follows:

1. Page 2, Line 10
Following: "met."
Insert: "A report submitted by a facility to the department
with an application for renewal of a license and
reports of all inspections of a facility conducted
by the department shall be available to the public
for it's review."

2. Page 2, line 16
Following: "inspection"
Insert: "by the department and other authorized state and
federal officials"

Respectfully,



Douglas B. Olson
Elderly Legal Services Developer
State of Montana



Lenore F. Taliaferro
State Nursing Home
Ombudsman

WITNESS STATEMENT

Name Douglas B. Olson Date 11-17-81
 Address P.O. Box 732 Helena 59620 Support ?
 Representing MT. Seniors Advocacy Asst. Oppose ? ✓
 Which Bill ? HB 8 Amend ? ✓

Comments:

recommend state general funding to make up for lost federal funding for health care facilities survey inspection.

Federal law, Sec. 1866 of Soc. Security Act no longer mandates 1 year inspections, but 42 CFR 405 Subpart S does require them still. Therefore HB8 is precipitous.

People of Montana must be sure that the health dept. has adequate staff to respond to complaints concerning long-term care facilities (nursing homes).

Please leave prepared statement with the committee secretary.

WITNESS STATEMENT

Name Jacqueline McKnight Date 11-17-81
Address Cogswell Building Support ?
Representing Dept. of Health & ES. Oppose ?
Which Bill ? H.B. 8 Amend ?

Comments:

Please leave prepared statement with the committee secretary.

November 17, 1981

SPECIAL SESSION

Motions by.....

	Menahan Date: No: HB 4 DO NOT PASS	Keyser Date: No: HB 4 DO PASS	Keyser Date: No: HB 5 AMENDMENT DO PASS	Keyser Date: No: HB 5 as AMENDED DO PASS	Siefert Date No: HB 6 DO PASS	Winslow Date No: HB 8 DO PASS	Date: No:
REP. GOULD	NO	REVERSE. YES	YES	YES	YES	YES	
REP. WINSLOW	NO	YES	YES	YES	YES	YES	
REP. BERGENE	NO	YES	NO	NO	YES	YES	
REP. KEYSER	NO	YES	YES	YES	DO PASS	YES	
REP. SEIFERT	NO	YES	YES	YES	UNANIMOUSLY	YES	
REP. BENNETT	NO	YES	YES	YES	YES	YES	
REP. CONN	NO	YES	YES	YES	YES	YES	
REP. SIVERTSEN	-	absent	-	-	-	-	
REP. DEVLIN	NO	YES	YES	YES	YES	YES	
REP. SWITZER	NO	YES	YES	YES	YES	YES	
REP. BARDANOUVE		absent					
REP. MANNING	YES	NO	NO	YES	NO	NO	
REP. METCALF	YES	NO	NO	YES	NO	NO	
REP. PAVLOVICH	YES	NO	NO	YES	NO	NO	
REP. NILSON	NO	YES	NO	YES	NO	NO	
REP. BRAND		absent					
REP. MENAHAN	YES	NO	NO	YES	NO	NO	