

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
January 26, 1983

The meeting of the Human Services Committee was called to order by Chairman Marjorie Hart, January 26, 12:30 p.m. in Room 224A. All members were present except Rep. Seifert who was absent.

HOUSE BILL 223. REP. HAMMOND, sponsor, stated that this bill would extend the commitment period of a person committed for alcohol treatment from 30 days to 40 days. The state's in-patient treatment center has a 28-day program and it may take 10 days to detox an individual. The patient does not get the full benefit of the program. The change to 40 days would allow the patient to finish the program.

PROPOSERS:

CURT CHISHOLM, Deputy Director of the Department of Institutions, said his department requested this bill be introduced. He restated that whatever time is spent in detoxification counts against the full period. He recommended do pass on HOUSE BILL 223.

REP. HAMMOND closed.

QUESTIONS:

REP. JONES asked REP. HAMMOND what the actual cost would be. CURT CHISHOLM said he did not think there would be any fiscal impact. REP. JONES asked what is the cost per day per inpatient. The answer was \$54.

REP. SWIFT asked when you extend this for forty days, there is nothing stated regarding the sentencing and the judge's concurrence with this. Would this present a problem. CURT CHISHOLM clarified that this is not a criminal court sentence. It is an involuntary commitment process. The intent of the court is to get that patient to receive the whole benefit of the 28-day stay.

REP. SWIFT stated other parts of the bill provide for recommitment which is not a voluntary thing. The question there would be whether you want to take a half segment of the program.

REP. DRISCOLL asked what is the success rate of the involuntary program. LYLE ANDERSON answered 30% and the detox center is higher. REP. DRISCOLL asked if they have a voluntary commitment program. LYLE ANDERSON stated that all programs are voluntary and the total amount is 30%.

REP. FARRIS asked if a time frame could be put on that 30%.
CURT CHISHOLM'S reply was annually.

CHAIRMAN HART closed the hearing on HOUSE BILL 223.

HOUSE BILL 279. REP. HAMMOND, sponsor, said that the Department of Institutions is requesting legislation that would allow all public and private alcohol programs to be state approved but would prevent private-for-profit programs from receiving public funds. The first change is on section 1, part 2 and it reads "approved private treatment facility means a private agency". The national legislation reads "approved private treatment facility means a private agency". What was happening here--this bill was originally submitted to the Legislature with that in mind. Some time later, non-profit receiving public funds was inserted. That was not in the original legislation. What this causes is a catch-22. What this indicates is that an approved program is one that is receiving public funds but later on down in the same statute it states that a program must be approved to receive public funds. So in order to get public funds, you have to be approved. On the other hand, in order to be approved, you have to be receiving public funds. So the two programs are in opposition to each other. This bill cleans up that statute. An approved private treatment facility means a private agency. This allows for state approval of private agencies. If those agencies do not want state approval, they don't have to get it. An example would be Comp Care in Butte--an alcohol treatment center. John Doe goes to the treatment center and wants to put it on his insurance. The insurance company says, "I am sorry, John. That is not a state approved agency." So, obviously, Comp Care would want to be approved so they could receive that third party payment. Again, it is not mandatory that they get approval, but it is there if they want it. REP. HAMMOND continued discussion of the changes.

PROPONENTS:

CURT CHISHOLM, Deputy Director of the Department of Institutions, stated that this piece of legislation is trying to do three things: (1) make a distinction between licensing authority we have which can extend beyond those programs that are receiving public funds in order to ensure quality of care in all programs, (2) we are trying to get out of a catch-22 situation; (3) to try and differentiate who can and who cannot receive public funding assistance; and (4) try to clean up the basic language.

KEN RUTLEDGE, Montana Hospital Association, has been informed by the Department of Institutions that unless an alcohol program was receiving public funds, it was not eligible to be approved. The term "public funds" is not defined anywhere in the Act. It could be any of the funds that our program is receiving. Insurance companies look at two criteria in determining whether an alcoholic program is eligible for reimbursement: (1) is it an inpatient hospital-based program and (2) whether or not it has state approval. He supports the changes in HOUSE BILL 279.

STEVE KING, representing Shodair Hospital, appeared in support of HOUSE BILL 279. They have sought state approval and been rejected on the basis of not being able to receive the funds until they were approved.

OPPONENTS:

STEVE SHUMATE, representing the Alcohol Programs of Montana, appeared in opposition of HOUSE BILL 279. We have no quarrel that certain providers in the state should be eligible for approval as alcoholism treatment centers. However, we believe that this may open the door to the approval of programs which may be competing with us for liquor tax funds.

REP. HAMMOND reminded the Committee that the legislation that was being proposed is modeled after national legislation and is being used by most other states.

QUESTIONS:

REP. KEYSER asked CURT CHISHOLM to give him the names of the state-approved private chemical programs organized for profit which are receiving revenues which are generated by 16-1-404 and 16-1-406. CURT CHISHOLM replied that there is no such thing as a state-approved-for-profit organization receiving public funds. REP. KEYSER asked how many private organizations under the chemical programs are receiving money from 16-1-404. CURT CHISHOLM explained that currently there are no private for-profit approved by the state receiving public funds. There is one organization that is private for profit and that is Comp Care in Butte but it is not state approved and it is not receiving public funds. REP. WINSLOW stated they are private for profit but they are receiving Medicaid-Medicare. CURT CHISHOLM replied that is correct. Public funds is revenue that is generated from the sale of wine, beer and liquor.

REP. BROWN asked CURT CHISHOLM if there are any agencies now receiving public funds that deal with related social problems that would be cut out if this is passed. CURT CHISHOLM replied not that he could think of.

REP. WINSLOW asked would it be easier for a profit organization to get reimbursement from third party payers with state approval. KEN RUTLEDGE replied that it is probably going to affect those who are not in an inpatient hospital setting. Yes, it would help if they met the standards.

REP. BRAND asked if there are no social related programs in this state that are going to be deleted under this program. CURT CHISHOLM replied he didn't think so. We don't want a program to be able to run a multi-faceted operation and divert some of that revenue into a half-way house. REP. BRAND asked if you are regulating the money, how are they going to get it without your approval to be dispersed to them. CURT CHISHOLM replied it would have to be an after-the-fact audit.

REP. BRAND asked how a profit or non-profit organization that is related to alcoholism start a program that is alcohol related if they don't go to your people in order to secure the funds for the program to run. CURT CHISHOLM replied that if you are talking about creating a program in the community, first of all, they should form themselves into a corporate non-profit agency and request our approval. Then they can go to their county commissioners and ask for money that comes down to the county on 85/15 distribution. Then they can apply for a grant from us for discretionary funds. But, under the current law, that can't be done. Unless they are already receiving public funds, we cannot approve them. REP. BRAND stated he did not understand the deletion of the words "or related social problems". MIKE MURRAY stated that a related social program would be a battered spouse housing project. Right now, the estimates on the liquor tax being generated are going to fall \$300,000 short. By removing this, it is protecting the alcohol earmarked tax dollar which will go for direct treatment services.

REP. BRAND asked for the definition of a private non-profit agency. LYLE ANDERSON stated that some agencies are organized for profit and some are organized for non-profit. They have to go through the IRS exemption and Secretary of State. We want to limit it to a private agency--either profit or non-profit.

REP. BRAND wanted to know if you are trying to delete the people that are non-profit. LYLE ANDERSON stated a private agency can be either non-profit or for profit.

REP. WINSLOW stated the non-profit organization is one where you don't have investors, e.g., hospitals run by a board of directors. Private organizations are in business to make money and investors come back with a profit. REP. BRAND asked why does SRS want money to go to most private non-profit organizations? Isn't there going to be problems. REP. WINSLOW stated most people feel more comfortable putting money back into private non-profit organizations because they feel that people are not going to walk away with some of the money.

Statement of Intent is attached.

CHAIRMAN HART closed the hearing on HOUSE BILL 279.

HOUSE BILL 266. REP. CONNELLY, sponsor, said this bill would change the criteria for admission to Montana Veterans' Home in Columbia Falls, Montana. The amendments were discussed (EXHIBIT 3).

PROPOSERS:

CURT CHISHOLM, Deputy Director of the Department of Institutions, also discussed the amendments. He spoke in support of HOUSE BILL 266.

TONY CUMMING, State Adjutant of the American Legion of Montana, supported HOUSE BILL 266 with amendments.

BILL WILSON, Veterans of Foreign Wars, also supported the passing of this bill.

OPPOSERS: None

QUESTIONS:

REP. BRAND asked if this legislation passes, would it increase the eligibility of more people. MR. CHISHOLM stated that they were in the process of adding 50 additional beds. REP. BRAND asked if the plans were to open Galen for more beds. CURT CHISHOLM said there is no money appropriated to do that. REP. BRAND asked how long has this law been on the books. CURT CHISHOLM stated that it has been on the books a number of years but the potential of being taken to court is increasing year by year.

REP. WINSLOW asked CURT CHISHOLM--rather than turning this open to rule-making authority for the department, would it be possible to put some of the criteria in the Statement of Intent as part of it. CURT CHISHOLM stated it could be done but the way we developed the criteria in the Statement of Intent is simply to tell you the areas in which we have to define how we are going to generate an admission policy. Every time we lock these things into law, it is almost like putting them in concrete.

It is very difficult to react to unusual circumstances. REP. WINSLOW stated that the opposite of that is every time we don't lock it into law, we get 40,000 different bills up.

REP. SWIFT asked CURT CHISHOLM if you are not putting it into the statute, then is this any priority indication of your listing in the Statement of Intent. If not, what priorities would be highest in consideration. CURT CHISHOLM stated that these were not listed in any sense of priority. He thinks it would be fair to give the preference along with an assessment of medical needs.

REP. JONES asked if it would be proper to amend the title adding a requirement of residency at the time of service. CURT CHISHOLM said they did talk about that as one of the conditions. When we start talking about residency requirements, we get involved with the equal protection business which we might get challenged on. But, secondly, if we say "must have been a resident at the time he entered service", that eliminates the possibility of out-of-state enlistee, honorably discharged, who moved to Montana and has been here a long number of years, from participating in the service. Each case must be dealt with individually. That is why we felt if we left a lot of this out of the law, it could be dealt with more fairly. REP. JONES asked if it would be just as easy to remove it from the title of the bill. DAVE BOHYER replied--yes, it would have to be changed.

REP. BROWN asked CURT CHISHOLM what the current policy at the Home is for women veterans. He replied that a veteran is a veteran--either male or female. Spouses of veterans are also entitled to services; however, the preference goes to the veteran regardless of sex.

CHAIRMAN HART asked DAVE BOHYER to prepare an amendment regarding the title of the bill and action will be taken on it at the next meeting.

CHAIRMAN HART closed the hearing on HOUSE BILL 266.

EXECUTIVE SESSION:

HOUSE BILL 223. REP. DOZIER moved DO PASS. There was no discussion. HOUSE BILL 223 was carried DO PASS with REPS. DRISCOLL and FARRIS opposing.

HOUSE BILL 279. REP. WINSLOW moved HOUSE BILL 279 DO PASS.

REP. FARRIS asked if there is going to be any fiscal impact from this and what form the approval is going to take--a license or

a certificate. Do we have to set up time limits for approval. CURT CHISHOLM replied he did not think there was going to be a drain on existing staff time. At the request of the program, they have to respond within a certain time. Regarding approval, a certified letter from the Department of Institutions would be sent.

The motion that HOUSE BILL 279 DO PASS carried unanimously.

The meeting adjourned at 2 p.m.



CHAIRMAN MARJORIE HART



Secretary

WITNESS STATEMENT

Name Steve King Committee On _____
Address # 5422 Mojave Ct. Date 4/26/82
Representing Shodor Hospital Support X
Bill No. 279 Oppose _____
Amend _____

AFTER TESTIFYING, PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

1. our Alcohol Treatment program is currently caught in the catch 22 present in the current Bill.
2. We ^{have} requested the approval of the state although are unable to receive it because we do not receive public funds.
3. We need the approval for third party reimbursement.
4. We encourage passage of House Bill 279

Itemize the main argument or points of your testimony. This will assist the committee secretary with her minutes.

STATEMENT OF INTENT

LC Number 924:
HB 279

The Department of Institutions is requesting legislation that would allow all public and private alcohol programs to be state approved but would prevent private for profit programs from receiving public funds by amending Section 53-20-103 and 108. Under Section 53-24-208, the Department has rule making authority to establish standards for the approval of alcohol treatment programs. The Department is requesting statute authority that would allow them to approve private for profit alcohol facilities within the state under the same requirements that the Legislature has given the Department for rule making authority on private non-profit and public facilities. The Department does not intend to establish new rules, it just wants authority to approve private for profit facilities under its existing rules.

VISITOR'S REGISTER

HOUSE HUMAN SERVICES COMMITTEE

BILL HOUSE 279

DATE 1-26

SPONSOR HAMMOND

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STATEMENT OF INTENT

HB 266:

An Act to Amend Eligibility Criteria for Admission to the Montana Veterans' Home.

Under Section 2, a new subsection (2) is proposed that would allow the Department of Institutions to implement its rule making authority contained in MCA 10-2-403 and 53-1-203 concerning adoption of admission policies and procedures for the Montana Veterans' Home. It is the intent of the proposed amendment that the Department be given sufficient flexibility in admission criteria and procedures as are necessary to protect the rights of honorably discharged veterans to establish a fair and equitable procedure for admission to the Home and that would allow prioritization of admission based upon individual veteran need.

Criteria that would be considered under the proposed rules include:

- a) consideration of veteran's age.
- b) consideration of veteran's mental and physical status.
- c) consideration of veteran's ability or inability to locate suitable alternative accommodation.
- d) consideration of veteran's period of residence in Montana.
- e) consideration of ability of the Montana Veterans' Home to meet the veteran's needs.
- f) consideration of veteran's sex as relates to availability of appropriate living space.

VISITOR'S REGISTER

HOUSE HUMAN SERVICES

COMMITTEE

BILL HOUSE BILL 266

DATE 1-26

SPONSOR CONNELLY

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

January 26, 1983

MR. **SPEAKER**

We, your committee on **HUMAN SERVICES**

having had under consideration **HOUSE** Bill No. **223**

first reading copy (**white**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO INCREASE THE TIME PERIOD
FOR INVOLUNTARY COMMITMENT OF ALCOHOLICS TO 40 DAYS; AMENDING
SECTION 53-24-302, MCA."**

Respectfully report as follows: That **HOUSE** Bill No. **223**

DO-PASS-

STANDING COMMITTEE REPORT

January 27, 19 **93**

MR. **SPEAKER**

We, your committee on **HUMAN SERVICES**

having had under consideration **HOUSE** Bill No. **266**

first reading copy (**white**)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE ELIGIBILITY
CRITERIA FOR ADMISSION TO THE MONTANA VETERANS' HOME; ELIMINATING
CONVICTION OF A FELONY, CONVICTION OF A CRIME OF MORAL TURPITUDE,
OR ALCOHOLISM AS DISQUALIFICATIONS; ADDING A REQUIREMENT REGARDING
MONTANA RESIDENCY AT THE TIME OF SERVICE; AMENDING SECTION
19-2-403, MCA."**

Respectfully report as follows: That **HOUSE** Bill No. **266**

BE AMENDED AS FOLLOWS:

1. Title, line 3.

Following: "TURPITUDE,"

Strike: "Or"

2. Title, lines 8 and 9.

Following: "ALCOHOLISM"

**Strike: "AS DISQUALIFICATIONS; ADDING A REQUIREMENT REGARDING
MONTANA RESIDENCY AT THE TIME OF SERVICE"**

**Insert: ", RESIDENCY REQUIREMENTS, AND DISABILITY REQUIREMENTS;
AUTHORIZING THE DEPARTMENT OF INSTITUTIONS TO ESTABLISH ADMISSION
REQUIREMENTS"**

3. Page 1, line 21.

Following: "United States"

Strike: The remainder of line 21 through line 5 on page 2

**Insert: "; and (2) meets such other admission requirements as
may be established by the department"**

AND AS AMENDED

DO PASS

STANDING COMMITTEE REPORT

February 5

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SPEAKER:

MR.

HUMAN SERVICES

We, your committee on

HOUSE

266

having had under consideration Bill No.

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reading copy (~~white~~)
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO CHANGE THE ELIGIBILITY CRITERIA FOR ADMISSION TO THE MONTANA VETERANS' HOME; ELIMINATING CONVICTION OF A FELONY, CONVICTION OF A CRIME OF MORAL TURPITUDE, OR ALCOHOLISM AS DISQUALIFICATIONS, ADDING A REQUIREMENT REGARDING MONTANA RESIDENCY AT THE TIME OF SERVICE; AMENDING SECTION 10-2-403, MCA."

HOUSE

266

Respectfully report as follows: That Bill No.

BE AMENDED AS FOLLOWS:

1. Title; line 13
Following: "ESTABLISH"
Insert: "ADDITIONAL"
2. Page 1, line 21
Following: "person"
Strike: "shall: (1)"
Insert: "must"
3. Page 1, line 24
Following: "States"
Insert: ". Consideration must also be given to: (1) the person's age;
(2) the person's physical and mental status;
(3) the person's ability or inability to locate suitable alternative ~~arrangements~~;

XXXXX
DO PASS

February 5

19 83

- (4) the person's term of residence in Montana;
- (5) the person's gender as it relates to availability of appropriate living space;
- (6) the ability of the Montana Veteran's Home to meet the person's needs"

4. Page 2, line 9

Strike: "(2) MEETS"

Insert: "(7)"

AND AS AMENDED
DO PASS

STATEMENT OF INTENT ATTACHED

February 5 1983

MR. SPEAKER:

WE, YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 266, FIRST READING COPY (WHITE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL 266

House Bill 266 requires a statement of intent because it authorizes the Department of Institutions to establish admission requirements to the Montana Veterans' Home. The Legislature contemplates that the rules should address the following subjects as well as others:

1. Establishment of a minimum age for admission.
2. Written criteria for describing the severity of mental disturbance for which the Home is able to provide treatment.
3. Written criteria establishing the degree of physical disability or acute illness the Home can appropriately accommodate.
4. Procedures that will consider the Home's ability to meet the overall needs of the Veteran.
5. Procedures that will consider the Veteran's gender as it relates to availability of appropriate living space.
6. Procedures that will allow for consideration of the Veteran's ability or inability to locate suitable alternative living accommodations relative to his status on a prioritized waiting list.
7. Procedures that will allow for consideration of the applicant's residence in Montana relative to his status on a prioritized waiting list.

STANDING COMMITTEE REPORT

January 26, 1983

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 279

first reading copy (White)
Color

A BILL FOR AN ACT ENTITLED: "AN ACT ALLOWING ALL PUBLIC AND
PRIVATE ALCOHOL PROGRAMS TO BE STATE-APPROVED; DENYING ELIGIBILITY
FOR PUBLIC FUNDS TO PRIVATE ALCOHOLISM PROGRAMS ORGANIZED FOR PROFIT;
AND ELIMINATING THE REQUIREMENT FOR INTERMEDIATE (HALFWAY HOUSE)
CARE BEFORE THE PROVISION OF INPATIENT CARE; AMENDING SECTIONS
53-24-103, 53-24-108, 53-24-206, AND 53-24-209, MCA."

Respectfully report as follows: That HOUSE Bill No. 279

DO PASS