

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
FEBRUARY 5, 1983

Chairman, Marjorie Hart, called the hearing to order on February 5, 1983, in Room 224A of the Capitol Building at 7:30 a.m. All members were present except Rep. Seifert who was excused.

EXECUTIVE SESSION

HOUSE BILL 90

REP. FABREGA moved the amendments presented. Question: Motion carried unanimously.

REP. KEYSER: I would be against including "animal shelter" in the bill. If it was kept under the control of the vet, I would be in favor of it. It is not spelled out on how to do it.

REP. FARRIS: The animal shelter is where the animals are kept; the Humane Society is the group of people interested in protecting animals.

David Boyer: When I drafted this bill, Rep. Harper used the term Humane Society. Animal control center is a very broad term. The statement of intent for HB 90 includes the definition of Humane Society.

REP. FARRIS: Animals are sheltered in a certain place but we don't want to give authority to people who are not sheltering animals. In Great Falls the Humane Society is not responsible for the animals.

REP. HART: Shall we check the wording in the title to read like the testimony of the Lewis & Clark Humane Society?

REP. FABREGA: Yes. We should also add the definition of the animal shelter.

REP. HART: We will delay action on House Bill 90 to allow our legal council to prepare the amendments.

HOUSE BILL 114

REP. FABREGA: I move a DO PASS on HOUSE BILL 114

REP. FARRIS: This is a lot of money to spend for no return.

REP. SOLBERG: Doctors have so many offers...this one is more than a small community could afford.

REP. SWIFT: I have the same disagreement with this bill. We are talking about a lot of money and there is no requirement except that they must stay two months and then be on their way.

REP. FABREGA: We are talking about residency training in Family Practice. This money is to encourage people to come and do their Family Practice residency. The chances of them coming to Montana otherwise are non-existent.

REP. MENAHAN: We should be concerned for rural Montanans. We have to bring these doctors into the area to see if they can adjust to rural life.

REP. BROWN: The intent is very good but it seems like a high amount of money and I wonder whether it couldn't be financed privately somehow.

REP. DOZIER: If this will help the rural areas get doctors, I am for it.

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Human Services Committee

REP. JONES: The hospital receives the income of the doctor. They furnish him with a house and spending money but the hospital gets all the fees. It should be self supporting to the hospital.

REP. HANSEN: This is a nation-wide program and it has worked well in other states.

Question: The motion that HOUSE BILL 114 DO PASS carried with 15 voting yes and 2 voting no, they being Rep. Farris and Rep. Brown.

REP. HART: This will now go to appropriations.

HOUSE BILL 182

REP. WINSLOW made the motion that HOUSE BILL 182 DO PASS.

REP. WINSLOW made the motion that the Statement of Intent to HB 182 Do Pass. Motion carried unanimously. Rep. Winslow also moved the amendments that were passed out. (Exhibit #1) He also included an amendment meaning "reciprocity". The motion carried unanimously.

REP. WINSLOW made the motion that HOUSE BILL 182 DO PASS AS AMENDED. The motion carried unanimously.

HOUSE BILL 404

REP. FABREGA: I move DO NOT PASS ON HOUSE BILL 404. You heard in testimony that it would take an additional 60 hours of training. That's why the Board of Nursing determines the educational requirements to perform another function. When LPN's get the necessary additional education to perform that function, they can work with the Board.

REP. SOLBERG: The bill got a little carried away. Something like this is required to legalize what they already do.

REP. BRAND: I am disappointed with hospital administrators who bring a bill like this to the legislature. The administrators should get together with the nurses and LPN's and come to an agreement before they are pitted against each other in the legislature.

REP. MENAHAN: The hospitals should quit chiseling on the nurses and they'd be better off.

REP. KEYSER: My area has an administrator and nurses that get along well. To classify all hospitals as bad is out of line. I do agree with Rep. Brand that the hospitals should not bring this to us. They should be able to handle it themselves.

I think with the amendments the bill is alright.

REP. JONES: If the registered nurse has to be there to supervise, why don't they just do it.

REP. SOLBERG: We are paying nurses a reasonable figure but there are not enough of them to go around.

REP. DOZIER: The word supervise came up in another bill and it didn't necessarily mean they had to be there. They could be supervising over the telephone.

REP. WINSLOW: I have to come to the defense of the hospital. When salaries go up the hospital gets caught in the middle. In some parts of rural Montana it's impossible to get RN's. This bill probably came in with this intention because RN's are so hard to find.

REP. FABREGA: We cannot put into law something they are not trained to do.
Question: The Motion that HOUSE BILL 404 DO NOT PASS carried with Rep. Keyser and Rep. Solberg voting no and Rep. Hansen abstaining.

HOUSE BILL 209

REP. KEYSER: I move DO PASS HOUSE BILL 209.
REP. DOZIER: I move a substitute motion DO NOT PASS HOUSE BILL 209.
REP. KEYSER: The reason this bill was brought here is there has been harrassment. The Board of Morticians wants licensed people up front as well as in the back. It's not too much for the board to give a copy of the complaint against a person. As far as continuing education, you cannot require it if he has been in the business 20 years or more or is 65 years and not practicing full time. Mortician science has not changed that much in the last 20 years. It seems logical to me that any new process coming along would be known about by them. We need to protect the boards.
REP. FABREGA: By bringing these bills to the committee, we have given a warning to the Board of Morticians that they should change their ways. I hope the board takes into account that if in two years this isn't cleared up, then I will vote with Mr. Keyser to do what he is doing today.
REP. BRAND: I feel strongly about continuing education. There have been breakthroughs in that field as well. I think if you are in business you have to stay current.
REP. FARRIS: These boards do have the authority to regulate personal livelihood. If we don't address the question of their power, maybe they will be out of business. We, the legislature, should put all the people who are on boards on notice that we are questioning them.
David Boyer: Those boards are all sunsetted every six years.
Question:
The motion that HOUSE BILL 209 DO NOT PASS carried 16 to 1, with Rep. Keyser voting no.

HOUSE BILL 252

REP. FABREGA: I don't believe boards should to what they please. Even if we pass this bill and they adopt rules, they cannot put it back in. By repealing the rules, they would have to start at the beginning.
REP. DOZIER: We cannot leave a gap in the rules and regulations. If we want to get rid of one rule, we would have to do away with all of the rules. There is no repealer.
REP. FABREGA moved DO NOT PASS HOUSE BILL 252.
Question: The motion carried 15 to 2, with Rep. Brand and Rep. Keyser voting no.

HOUSE BILL 299

REP. BROWN moved DO PASS AS AMENDED HOUSE BILL 299.

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Human Services Committee

REP. BROWN moved DO PASS the Statement of Intent.
Question: Motion carried unanimously.

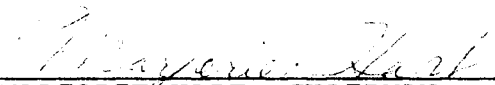
HOUSE BILL 313


REP. FABREGA moved DO PASS AS AMENDED HOUSE BILL 313.
REP. FABREGA moved the amendment. (Exhibit #2)
Question: The amendment carried unanimously.
Question: The motion that HOUSE BILL 313 DO PASS AS AMENDED
carried unanimously.

HOUSE BILL 266

REP. CONNELLY said she included amendments in the bill and
has written a statement of intent for the bill.
REP. CONNELLY moved the amendments.
Question: Motion carried unanimously.
REP. CONNELLY moved the statement of intent.
Question: Motion carried unanimously.
REP. CONNELLY moved HOUSE BILL 266 DO PASS AS AMENDED.
Question: Motion carried unanimously.

The meeting adjourned at 9:00 a.m.


MARJORIE HART, CHAIRMAN


Linda Palmer, Secretary

Amendments to House Bill 182 (Introduced copy)

1. Page 3, line 25.

Following: "examination"

Strike: "or"

Insert: "and, after June 30, 1985,"

2. Page 4, line 5.

Following: "by"

Strike: "an"

Insert: "a board approved"

3. Page 4, line 6.

Strike: "approved by the board"

4. Page 4, line 11.

Strike: "baccalaureate"

Following: "degree"

Insert: "or certificate"

5. Page 4, line 12.

Following: "by"

Strike: "the school"

Insert: "an American Physical Therapist Association accredited school"

6. Page 4, line 12.

Following: "therapy"

Strike: "of the university of Montana"

7. Page 4, line 19.

Following: "education."

Strike: "The"

Insert: "After June 30, 1985, the"

STATEMENT OF INTENT
HB Bill No. 182 [LC 626]

Section 6 gives the Board of Physical Therapy Examiners authority to adopt rules imposing continuing education requirements. The Board is not required to adopt such rules. It is contemplated that such rules, if adopted, should address the following:

(1) types of programs required such as classroom instruction, seminars, examinations, or a combination thereof;

(2) standards for determining programs to be approved for fulfillment of the requirements such as adequacy of facilities, qualifications of instructors, and course content;

(3) the number of hours of instruction, if any, required;

(4) the basic content and the procedures and passing grade for any examinations required;

(5) alternative methods of fulfilling the requirements, if any;

(6) standards for waiver of the requirements for hardship reasons; and

(7) methods of monitoring compliance.

STATEMENT OF INTENT
HOUSE BILL 299
48th LEGISLATURE

A statement of intent is necessary for House Bill 299 because it grants the Department of Health and Environmental Sciences the authority to adopt, by rule, specific licensing standards for facilities providing nursing care, as well as other services, to the developmentally disabled.

It is the intent of the Legislature that the standards adopted for such facilities be substantially the same as those federal standards contained in 42 Code of Federal Regulations Part 442, Subpart G, "Standards for Intermediate Care Facilities for the Mentally Retarded". Those standards include necessary administrative policies and procedures; admission and release criteria; personnel policies; resident living standards; requirements for professional and special programs and services; dental service requirements; necessary administrative services; safety and sanitation requirements; required record-keeping; and requirements for services in the following areas: training and habilitation, food and nutrition, medical services, nursing, pharmacy, physical and occupational therapy, psychological services, recreation, social services, speech pathology, and audiology.

Amendments to House Bill 313 (Introduced copy)

1. Page 1, line 19.

Following: "by"

Strike: "after consultation with"

Insert: "from a list of five qualified Indian applicants
agreed upon by"

STATEMENT OF INTENT

HB 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} ~~sex~~ 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 applicants residence in Montana relative to his status on a prioritized waiting list.

Amendments to House Bill 266 (Second reading copy)

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 accommodations;

(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)"