

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
February 16, 1983, 6:30 p.m.

The meeting of the Human Services Committee held on Wednesday, February 16, 1983, in Room 224A of the Capitol Building, was called to order to Chairman Marjorie Hart. All members were present except Reps. Brand and Jones who were absent.

EXECUTIVE SESSION

HOUSE JOINT RESOLUTION 13

REP. NORDETVEDT, sponsor. This resolution deals with expressing full support of Montana Legislature for ongoing arms reduction negotiations in Geneva between United States and Soviet Union.

REP. CONNELLY moved that the amendments be adopted.

REP. KEYSER made a substitute motion that the amendments not be accepted.

REP. WINSLOW: On the initiative of the United States, we are sending this to Washington as a statement requesting their action--and to strike that--that is what an initiative is. I would rather vote against the amendments.

REP. KEYSER: If a person has another joint resolution before us, we are going to consider his proposal, letting the thing stand or fall as it is. It attempts to gut the intent of the sponsor.

REP. FARRIS: I am speaking on the do not pass motion on the amendments. There were a lot of people who were very pro and I think we should make it good and acceptable so that everyone can vote for it. It seems to me that they are good and reasonable.

SWIFT: I want to speak in support of the do not pass motion. To take that first amendment into consideration, you might as well gut the whole thing and forget it. It talks to some discussion and national issues. There are some philosophical differences. Take them at face value and defeat them on the floor.

REP. KEYSER withdrew his motion that the amendments not be accepted.

A roll call vote was taken on the motion that the amendments be accepted. The motion passed with REPS. HART, FARRIS, BROWN, CONNELLY, DARKO, DOZIER, DRISCOLL, HANSEN, MENAHAN voting yes and REPS. FABREGA, KEYSER, SEIFERT, SOLBERG, SWIFT and WINSLOW voting no.

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REP. SEIFERT moved that HOUSE JOINT RESOLUTION 13 DO PASS AS AMENDED.

REP. FABREGA: As long as the amendments are such that they change the resolution, I am going to vote against it.

The motion failed with seven voting yes (REPS. BROWN, DOZIER, KEYSER, SEIFERT, SOLBERG, SWIFT, WINSLOW) and eight voting no (REPS. HART, FARRIS, CONNELLY, DARKO, DRISCOLL, HANSEN, MENAHAN, FABREGA).

REP. FABREGA changed his no to yes making the vote eight-yes and seven-no. HOUSE JOINT RESOLUTION 13 passed DO PASS AS AMENDED.

HOUSE JOINT RESOLUTION 10

REP. KADAS, sponsor. This resolution opposes further deployment of nuclear warheads in Montana offering the State of Montana as initial site for negotiated mutual arms reduction.

REP. CONNELLY moved that the amendments be accepted. She said these amendments take care of criticisms that were presented.

The motion passed with REP. DRISCOLL voting no.

REP. CONNELLY moved HOUSE JOINT RESOLUTION 10 DO PASS AS AMENDED.

REP. KEYSER moved a substitute motion that HOUSE JOINT RESOLUTION 10 be tabled. The motion did not pass.

A roll call vote was taken on the original motion. The motion passed with nine voting yes (REPS. HART, FARRIS, BROWN, CONNELLY, DARKO, DOZIER, DRISCOLL, HANSEN, MENAHAN) and six voting no (REPS. FABREGA, KEYSER, SEIFERT, SOLBERG, SWIFT and WINSLOW).

HOUSE BILL 479

REP. FARRIS, sponsor. This bill is an act giving the Department of Health and Environmental Sciences authority to license and regulate air ambulance services.

REP. MENAHAN moved HOUSE BILL 479 DO NOT PASS.

REP. DRISCOLL: If we could define "air taxi" so that these people that fly but do not have all the equipment and personnel could keep doing it.

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REP. DOZIER: I think the bill was pretty plain. They are just talking about people who hold themselves out to be an air ambulance service when they are not. They offer air taxi service.

REP. SOLBERG: I asked Mr. Morrison whether he thought they could continue to run an air taxi service. Mr. Dawson didn't think they would be able to run the air taxi service. It would depend on the seriousness of the affliction.

REP. WINSLOW: I don't think the definition is appropriate. I picked up a national Highway Traffic Safety Administration of Air Ambulances and I would like to make an amendment to place this language which is standard language. It more definitive and I think, then, they are going to be out there licensing their ambulances and they are not going to be coming in and licensing these people (air taxi service).

"An air ambulance service provides air transportation that is typically designed to accommodate the medical needs of a person who is ill, injured, wounded, or otherwise mentally or physically incapacitated or helpless, who requires medical supervision in flight and, who in a physician's opinion, cannot be safely transported on a standard commercial or charter flight."

REP. WINSLOW moved that the present language be stricken and the above language be inserted, page 1, lines 19 through 23.

REP. FABREGA moved the following amendment.

Page 1, line 20.
Strike: "on a regular basis"

REP. HANSEN: Does that mean that the community does not have air ambulance service but has a physically incapacitated patient that needs supervision and they have to call a charter flight, are they in violation.

REP. WINSLOW: The airplane that is going to carry them has to be licensed.

REP. HANSEN: If the community doesn't have one of those, isn't it better that they take the patient on a commercial flight?

REP. DOZIER: If you call a charter flight, you have not called air ambulance service. He is not expected to meet an ambulance's requirements. If you advertise as an ambulance, you had better have the services offered by an ambulance.

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REP. DRISCOLL: If these people advertise in the yellow pages as "Air Medical Service", would they be all right? Or is it just these exact words they cannot use.

REP. WINSLOW: The bill calls the licensing "air ambulances"

REP. SOLBERG: To Billings, we transport quite a few people. It is approximately \$1,500. To get the local airplane to fly you down, it is \$300-\$400. The doctor has to make the distinction of whether you are going to get to Billings

REP. FABREGA: If you advertise as an air ambulance, be an air ambulance. The amendment makes it good.

REP. FARRIS: What kind of air service you need depends on what your injuries are.

REP. BROWN: How many services will we be talking about; how many air ambulance services will be left under this definition.

REP. WINSLOW: Less than ten in the state.

REP. BROWN: If this bill is passed, some of these other companies rather than try to comply with these provisions, would advertise as not an air ambulance.

REP. DOZIER: What they are doing is what they will collect for-- not for what they are advertising.

REP. SWIFT: No where in this bill does it say that the physician designates one way or the other. There isn't any enforcing in this bill that says that.

REP. WINSLOW: I think that by having that in the definition--

REP. SWIFT: I don't disagree that it said that in the definition but it didn't make the physician responsible for making that decision and when you come to administering this, you are going to run into a problem with the person that owns that airplane in certain conditions. And I don't know how you are ever going to avoid that.

REP. WINSLOW: Anybody that is going to take a flight and expects reimbursement from the insurance company has to have the physician's prescription. This is going to give an opportunity for medicaid patients to be paid. If it isn't taking place, the state is probably picking it up 100%.

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The motion on the amendments passed unanimously.

REP. FARRIS made a substitute motion that HOUSE BILL 479 DO PASS AS AMENDED.

REP. SEIFERT: REP. FARRIS mentioned a difference in cost. Most of these people are not charging a higher rate than they were normally charging. What you are going to do, you are going to deprive most of these people in the state of Montana from any service whatsoever by passing this bill. In order to qualify under this rule, you have to have a \$500,000 piece of equipment sitting out there at the airport. Small airports will refuse to have anything to do with it.

REP. KEYSER: There were a couple things said about this air ambulance service that was incorrect. It was said that people were using air ambulances when they are not air ambulances. Ever since there has been this type of service, that was the name that somebody picked. There was never any difference as to what an air ambulance was. If they were used to transport patients, they were called air ambulances.

REP. FARRIS: My intern called everybody in the state of Montana who called themselves air ambulances and most of them had different rates.

The substitute motion of DO PASS AS AMENDED passed with 9 voting yes (REPS. HART, FARRIS, CONNELLY, DARKO, DOZIER, DRISCOLL, FABREGA, HANSEN, WINSLOW) and six voting no (REPS. BROWN, KEYSER, MENAHAN, SEIFERT, COLBERG, and SWIFT).

REP. HANSEN moved that the Statement of Intent be accepted. The motion passed unanimously.

HOUSE BILL 513

REP. PAVLOVICH, sponsor. This act provides for a fee for late renewal of a chiropractor license; clarifying that continuing education programs must be approved by the Board of Chiropractors.

REP. DRISCOLL moved HOUSE BILL 513 DO PASS. The motion passed with REPS. KEYSER, FARRIS, and CONNELLY voting no.

The meeting adjourned at 7:15 p.m.

Marjorie Hart

CHAIRMAN MARJORIE HART

Gei Bruseth

Secretary

ROLL CALL VOTE -----

HUMAN SERVICES

COMMITTEE

		Date: 2-16 No: HJR 13 ADOPT AMEND	Date: 2-16 No: HJR 13 DO PASS AS AMENDED	Date: 2-16 No: HJR 10 DO PASS AS AMENDED	Date: 2-16 No: 479 DO PASS AS AMENDED	Date No:	Date No:
HART, MARJORIE, Ch.	YES	NO	YES	YES	YES		
FARRIS, Carol, V-ch.	YES	NO	YES	YES	YES		
BRAND, Joe	A	A	A	A	A		
BROWN, Jan	YES	YES	YES	NO			
CONNELLY, Mary Ellen	YES	NO	YES	YES			
DARKO, Paula	YES	NO	YES	YES			
DOZIER, Bob	YES	YES	YES	YES	YES		
DRISCOLL, Jerry	YES	NO	YES	YES			
FABREGA	NO	YES	NO	YES			
HANSEN, Stella Jean	YES	NO	YES	YES			
KEYSER, Kerry	NO	YES	NO	NO	NO		
JONES, Tom	A	A	A	A	A		
MENAHAN, Red	YES	NO	YES		NO		
SEIFERT, Carl	NO	YES	NO		NO		
SOLBERG, Chester	NO	YES	NO		NO		
SWIFT, Bernie	NO	YES	NO		NO		
WINSLOW, Cal	NO	YES	NO	YES			

STANDING COMMITTEE REPORT

HOUSE BILL 479
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February 15,

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MR. SPEAKER

We, your committee on: ~~HOUSE SERVICES~~

HOUSE

479

having had under consideration..... Bill No.

first reading copy (white)

color

**A BILL FOR AN ACT ENTITLED: "AN ACT GIVING THE DEPARTMENT OF
HEALTH AND ENVIRONMENTAL SCIENCES THE AUTHORITY TO LICENSE AND
REGULATE AIR AMBULANCE SERVICES; AND PROVIDING EFFECTIVE DATES."**

HOUSE

479

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

BE AMENDED AS FOLLOWS:

1. Page 1, line 20.
Following: "provides"
Strike: ", on a regular basis."
Following: "transportation"
Strike: "and"
Insert: "that is specifically designed to accommodate the"
Following: "medical"
Insert: "needs of a person"

2. Page 1, line 21.
Strike: "care during transit to an individual"
Following: "injured."
Insert: "wounded,"

XXXXX
DO PASS

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1983

3. Page 1, line 22.

Following: "incapacitated"

Strike: ","

Insert: "or helpless, who"

4. Page 1, line 23.

Following: "and"

Insert: "who, in a physician's opinion,"

5. Page 2.

Strike: lines 5 and 6 in their entirety

Renumber: subsequent subsection

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED

February 17, 1983

MR. SPEAKER

WE, YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 479, FIRST READING COPY (WHITE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL NO. 479

A statement of intent is required for House Bill 479 because it gives the Department of Health and Environmental Sciences the authority to, by rule, set requirements for applying for an ambulance service license, as well as minimum standards for operation of the service.

Therefore, it is the intent of the Legislature that the department have the authority to adopt rules defining the following:

- (1) information which must be submitted to the department whenever a service applies for a license;
- (2) licensure procedure;
- (3) minimum operational requirements, including standards for:
 - (a) emergency medical and communications equipment;
 - (b) aircraft equipment, including size and pressurization;
 - (c) care of patients by service staff;
 - (d) staff training and competence;
 - (e) sanitation;
 - (f) record-keeping; and
 - (g) insurance.

It is also the intent of the Legislature that air ambulance service aircraft not be required to be used exclusively for that purpose, but that equipment requirements be flexible enough to allow such aircraft to be used for other purposes whenever they are not needed for emergency medical service.

.....MARJORIE HART.....

Chairman.

STANDING COMMITTEE REPORT

February 16,

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MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 513

first reading copy (white)
color

**A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A FEE FOR LATE
RENEWAL OF A CHIROPRACTOR LICENSE; CLARIFYING THAT CONTINUING
EDUCATION PROGRAMS MUST BE APPROVED BY THE BOARD OF CHIROPRACTORS;
AMENDING SECTION 37-12-307, NCA; AND PROVIDING AN IMMEDIATE EFFECTIVE
DATE."**

Respectfully report as follows: That HOUSE Bill No. 513

DO PASS.