

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE  
February 18, 1983

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HOUSE BILL 517

Rep. Keenan, sponsor, said that the subject matter of this bill is covered in administrative rules so there is no need for this legislation.

CHAIRMAN HART closed the hearing on HOUSE BILL 517.

HOUSE BILL 708

REP. QUILICI, sponsor, stated that this bill will provide that low-income energy assistance programs and cold weatherization programs be administered by community nonprofit entities. He said this bill has a lot of advantages and would stop duplication of administrative costs. He said one of the reasons he wanted to sponsor this legislation is that he is on the consumer council that regulates rates in Montana and also on the Pacific Northwest Power and Planning Council which is now addressing a draft plan on energy conservation. Another reason he particularly likes this bill is that under the HRDC's, there are a lot of low income and elderly people who will not go up to the welfare office to get energy assistance. This is not a welfare program. This is a program to help low income people with energy needs and weatherization.

PROPONENTS:

JIM SMITH, Region 8 Community Action Agencies Association, stated that Montana has an opportunity to integrate two low-income energy programs with one another. He hoped that Montana would take advantage of it.

DEAN LUPTAK, Energy Assistance Program Director for District 7 Human Resources Development Council, said that in HOUSE BILL 708 are two essential elements of responsible, cost-effective human service program delivery. These elements are the coordination of services and the accessibility of the program to participants. He passed out copies of his testimony (EXHIBIT 1) and a fact sheet (EXHIBIT 2).

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CARL DONOVAN, representing Montana's Power to the People and MCAT which serves the HRDC's. He read a letter from Martha M. Ensley, (EXHIBIT 3), who promoted getting the energy assistance program turned back to Opportunities, Inc.

SAM RYAN, member of Low Income Senior Citizen Advocates, appeared in support of HOUSE BILL 708 (EXHIBIT 4).

NANCY SCHEETS FREYMILLER, Community Relations, Montana Power Company, spoke in favor of the bill. She stated they want to provide a private program to help supplement the other programs. It was the consensus of the group representing churches and utilities to have the program run by the Human Resources Council with the intent of having a one-stop program where people could work to get the energy assistance and weatherization to people who need it.

HAROLD GUTHRIE, member of Low Income Senior Citizen Advocates, Livingston, Montana, said that also as a member of the public sector of HRDC Board. Our commissioners of Gallatin County do not want to have anything to do with programs. He pointed out a year ago that the smaller counties would be hurt under the proposal. And this has proved to be correct. The smaller county's cost per unit is much higher than where it is run through the HRDC. He stated it seems more simple to go from the state to the HRDC--then his commissioners could get out from under it.

HAP ENSIGN, St. Regis, Montana, appeared in support of HOUSE BILL 708 (EXHIBIT 5).

JIM CORRIGAN, Human Resources Council, Missoula, Montana, was asked by senior citizens in Ravalli County to testify in support of HOUSE BILL 708.

G. V. ERICKSON, President of the Senate of Legacy Legislature, stated that one of the top priority items was that low-income energy assistand and weatherization not be handled by the Welfare Department.

MARY K. NOONAN, Mineral County Commissioner and Board Chairperson of District XI Human Resources Council, appeared in support of HOUSE BILL 708 (EXHIBIT 6).

MILLIE TIEDEMANN, Great Falls, Montana, spoke and submitted written testimony (EXHIBIT 7) in favor of HOUSE BILL 708.

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HOWARD SCHWARTZ, Executive Officer of Missoula County, submitted written testimony (EXHIBIT 8) which stated "We believe that human resource councils are best equipped to administer these funds as demonstrated by what we believe is an excellent record."

LEE TICKELL, Department of Social and Rehabilitation Services, appeared in support of HOUSE BILL 708. He proposed some amendments (EXHIBIT 9). He stated John LaFavor had expressed his commitment to continue offering the program with the HRDCs' in the future. If we find during the course of a year or next several years a planning district that does not have HRDC in it, there would be some mechanism of contracting with another entity within that area.

OPPONENTS:

BEVERLY GOOKIN, Helena, Montana, she was against establishing these provisions. She stated that the business of government is to protect everyone's right to prosper. By allowing this assistance, you are discriminating (EXHIBIT 10).

REP. QUILICI closed stating that a lot of these funds are federal and very little state funding would be required. Concerning the bill, if you will take a look at page 3, section 4, it says each nonprofit community organization--that could be amended out. It says the Governor's substate planning district shall submit plans and proposed agreements to the units of local government in the district for review of planning before the agreements are approved by SRS. At least it gives an overview. It makes sure the programs are viable in the community. The Power Planning Council just met the other day and they are mandated by Congress to come up with a 20-year plan. Part of that plan is what they call a 20-year energy forecast. In that forecast, their definition of conservation is a resource. They determine energy needs of the Pacific Northwest. We are getting ahead of them; we are weatherizing these homes and we are already conforming with the federal act that has already been implemented.

QUESTIONS:

REP. SOLBERG: The last thing you said, the local government or district can review a comment but they can't approve or disapprove what the program might do.

REP. QUILICI: That is right. The commissioners don't really want to take over this program.

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REP. SOLBERG: Our commissioners are not going to do that.

REP. QUILICI: In the majority of the state, most of the commissioners would just as soon not handle this program. The HRDC's in the various areas can take over both programs and do it much cheaper.

REP. JONES: Do the HRDC's cover the whole state with the exception of the Indian reservation.

REP. QUILICI: The reservation has its own funding to take care of its needs.

REP. WINSLOW: One of the key points is the organizational structure. Who administers an HRDC?

REP. QUILICI: They have a board.

REP. WINSLOW: That board is made up of local people. Who controls the Welfare Department? Do they have a board that oversees them?

REP. QUILICI: Our Welfare Department has a director who is paid through the Department of Social and Rehabilitation Services.

REP. WINSLOW: If you are not getting services as a client, you have to go to the state to get the welfare director to react?

REP. QUILICI: Yes.

REP. SWIFT: Could you tell me what it costs administratively to administer the programs the HRDC are involved with.

JIM SMITH: Any program that the HRDC administers has an overall federal ceiling on program administration. For weatherization, it is 5% of the total. On fuel assistance, there is a 10% ceiling and that 10% is divided equally between the Department of SRS and the HRDC. Some of that administrative fund is retained for state administration and some for local.

REP. SWIFT: In the proposal it says the SRS is going to have the administrative responsibility but further down it says the organization is going to have the responsibility.

JIM SMITH: The fuel assistance program is a block grant that comes to the state of Montana. The overall responsibility rests with SRS. Local responsibility rests with local officials and HRDC directors.

REP. DOZIER: In our county, do you have any comparative figures as how state figures stack up to county figures.

DEAN LUFTAK: In the energy assistance program for fiscal year 1981-82, the administrative rate was around 5%. That was based on the year before. When the administrative money was put out this year, Yellowstone County got exactly the same amount of money available for the program as the HRDC would have.

REP. FABREGA: What the bill is attempting to do is let SRS give preference to nonprofit community organizations. Does it forbid it from going through the commissioners or through the Welfare Department?

REP. QUILICI: My understanding is that before this organization shall implement the plan, it shall submit the plans to the units of local government.

JIM NOLAN. What you have here is two different bills. Under the weatherization provision, it says the money will go to nonprofit organizations. Under the low-income energy assistance programs, it says priority is given.

REP. FABREGA: If we accept the amendments you propose, we take out the nonprofit organizations as a preferential.

LEE TICKELL: That is not the intent. The intent is to provide needs for counties.

REP. FABREGA: On page 3, line 8, it says each of the nonprofit community organizations representing one or more of the governor's substate planning districts. How many counties are in a planning district?

LEE TICKELL: There are thirteen districts and each of these districts is different.

REP. FABREGA: Could there be a remote likelihood there would not be a nonprofit organization to deal with?

TOM NOLAN: Yes.

REP. FABREGA: In accepting that amendment, it destroys the purpose of the bill, doesn't it.

TOM NOLAN: If it goes through the way it is, it takes away a lot of alternatives.

REP. QUILICI: I think the one amendment that we can see trouble with would be on page 2--the amendment striking section(3), lines 11 - 14. I think if you strike that section, you are just gutting the bill. With respect to SRS, I would hope that the Committee would take a good hard look at that before they strike that particular section.

REP. FABREGA: You said if the five counties involved in the district that encompasses Cascade County would not approve of the Opportunities, Inc. plan, you wouldn't have anyone to deal with. The plan is submitted to them for their review and comment but it doesn't block it. The review and comments take place on weaknesses and deficiencies of the plan. I suppose you could contact Opportunities, Inc. and ask them what they can do. If they don't want to do it through an HRDC--they want to do it themselves, that is the purpose of the bill.

TOM NOLAN: It is talking about a separate program.

REP. FABREGA: Subsection (4) addresses which problem?

TOM NOLAN: The weatherization program and the low-income assistance program as well.

REP. KEYSER: I want to make sure that our county isn't losing the possibility of the present people that are handling it which is the Welfare Department within our area. By going for this, we will lose flexibility, or will we?

REP. QUILICI: I am not really sure. I don't know how your program is run. I would think your commissioners could implement the kind of program they want.

REP. FABREGA: I would understand that--if one is in existence, it has to be given to HRDC. The people who are in need of weatherization are not welfare recipients and do not want to become involved in welfare.

CHAIRMAN HART closed the hearing on HOUSE BILL 708.

HOUSE BILL 663

REP. BENGTON, sponsor. This bill would grant the Department of Social and Rehabilitation Services authority to administer the state plan on aging, to coordinate services to the aged, and to establish or redesignate planning and service areas. She said in the last session we had Senate Bill Resolution 28 where the area agency network was going to be pulled into one and all the senior citizens from throughout the state came in. We had the study during the interim and out of that study came a consensus that the area aging network should remain in tact. The study pointed out that we needed to embrace that concept. We did not want to go to one planning and service agency coming out of Helena. They designated no less than seven and no more than ten area aging regions. Since last session, four of the counties broke out of the area aging regions so now we have eleven area aging regions. I am proposing an amendment that says 12 area aging regions. That means that those counties that broke out can remain area aging regions. My main concern is that the state embraces the area agency concept.

JANE ANDERSON, Area Director, Anaconda, stated that after the study of the interim committee, they realized that some action had to be taken. A meeting was held which included representatives from Havre, Great Falls and Kalispell--the people who had been granted planning and service area status but not area agency status. A compromise was worked out in order to unite the aging programs in Montana for the first time in many years. The compromise was that the areas that had received their planning and service area distinction would be grandfathered in as area agencies. The interim committee felt that the area agency concept in Montana must be maintained. She supported the bill and the amendments.

LAURIE BRENGLE, Director of Area 1 Area on Aging, wanted to go on record supporting this bill. She was interested in the grandfathering of the eleven existing planning and service areas. I am asking for the grandfathering for four years of the planning and service areas. By giving us four years to iron out our problems--if we can't get our problems ironed out in two years, it would give the counties that wanted out two years to gear up and go out on their own.

DOROTHY GARVIN, Flathead County Council of Aging, supports HOUSE BILL 663 with its added language of grandfathering in the existing eleven planning and service areas for a period of not less than four years effective immediately on passage and limiting the number of planning and service areas to twelve (EXHIBIT 12).

NORMA VESTRE, Department of Social and Rehabilitation Services, said they do support the concept of this bill and area agencies on aging and they also would like to stabilize the structure.

REP. BENGTON closed saying she thought in time the whole area aging network throughout the state will come together.

QUESTIONS:

REP. FABREGA: Your warning is that if this bill does not pass, one of two things will happen. The state has to become the area agency or there could be 56 agencies.

REP. BENGTON: There could.

REP. FABREGA: If we don't pass this legislation, would the block grants that are made place the SRS as the one agency.

NORMA VESTRE: No. If the bill is not passed, we could have 56 agencies on aging and increase the administrative costs.

REP. FABREGA: It was suggested that we declare the state one agency.

NORMA VESTRE: That is an option.

Additional written testimony was submitted (EXHIBIT 13).

CHAIRMAN HART closed the hearing on HOUSE BILL 663.

HOUSE BILL 604

REP. WALLIN, sponsor. This bill enumerates the rights and limitations on the rights of nursing home and long-term facility patients. It also outlines the responsibilities of such facilities. He said this bill does two things--it doesn't spend any money and it does do some things on behalf of the senior citizens.



PROPONENTS:

LENORE TALIOFERRO, Ombudsman, stated she wanted to go on record as supporting the residents' bill of rights. We are talking about people's human civil rights and there is no desire to violate those (EXHIBIT 14).

JUDY OLSON, Montana Association of Nurses, went on record as supporting the right of every patient in long-term care facilities to note that patient his rights. She hoped this bill would not encourage that this type of patient's rights be discontinued.

BOB VIRTIS, Montana Senior Citizens Association, Helena, stated this bill appears to cover the rights of our senior citizens in our nursing homes and hospitals. I would ask for your support on this bill.

OPPONENTS:

CHAD SMITH, Montana Hospital Association, stated that although this bill was presented with the best intentions, it was not presented with a full understanding of what this does to the hospital industry. We have done some research in this area and what we find is this opens the door to unlimited liability. You can bring a suit that can result in considerable punitive damages. He is concerned with what it would do to assessment of risks by insurance companies and the increase in premiums. He said this legislation is going to be a cost item in a cost-conscious industry and these costs are going to be passed on to the patients.

DONALD PETERSON, Vice President, Montana Association of Homes for the Aging, stated that attached is a copy of the patients' bill of rights and additional written testimony (EXHIBIT 15). He opposed the legislation because he believes nursing homes are adequately protected under the present bill of rights. We are also opposed to it because of retirement homes. There are many things in the bill retirement homes should not be subject to. Retirement homes should not be involved in treatment of residents. They do not provide acute patient care plans. They do not keep patient's records on a resident living in a retirement home. Additional written testimony is attached (EXHIBIT 16).

BILL LEARY, President, Montana Hospital Association, stated the problem he has--it may require both parties of legislators to petition changes in their rights. Some Montana hospitals have adopted the amended hospital bill of rights. Other hospitals, through internal policy, expressed many of the

rights of the patients. What is lacking in the bill is the expression of the patient's responsibility to other patients, to hospital staff, to medical staff and to the hospital. If you accept Mr. Smith's suggestion to only go with Sections 1 and 2, the industry will recommend to all hospitals in the state of Montana a list of patients' rights. He urged consideration relative to this bill.

REP. WALLIN closed saying it has been said on the federal level there are standards like this and this bring them into light.

QUESTIONS:

REP. WINSLOW: What is a rooming house?

LENORE TALIOFERRO: A place where people stay regardless of age.

REP. WINSLOW: The purpose of this is medically related. Nursing homes and hospitals are understandable; but when you start adding something like rooming house, it's going a little too far.

LENORE TALIOFERRO: The definition and separation has not been clearly established in the Senate bill that is being considered right now. There are many people who are elderly who are living under those kinds of environments right now who are vulnerable.

REP. WINSLOW: Do you know of any hospitals who do not have a patients' bill of rights.

LENORE TALIOFERRO: No.

REP. WINSLOW: Do you know about nursing homes who do not have patients' bill of rights.

LENORE TALIOFERRO: Yes.

REP. WINSLOW: Do you not think that consumer pressure in that area could get a statement of patients' rights in that facility.

LENORE TALIOFERRO: Maybe. That doesn't mean it couldn't shift back.

REP. WINSLOW: If there are already patients' rights in these areas, we may be trying to put something through that is not as inclusive and not as protective.

LENORE TALIOFERRO: If the people want to strengthen it, that is the right of the state. There are retaliations. Every concern that is called in--they don't want to make trouble. People who are frail and vulnerable should have their right. This is protection of a facility to show that we are complying and it acts as an additional piece of a testimony to the facility that they are looking after patients' rights.

REP. MENAHAN: I would like to see this applied to state institutions. What do you think of that.

CURT CHISHOLM: We have a statement of patients' rights that we have to hand the patients.

REP. FABREGA: What is the feeling of the proponents of requiring that a statement of patients' rights have to be rendered?

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REP. FABREGA: Any patient that is not being served under coverage is entitled to receive something.

LENORE TALIOFERRO: If the federal law mandates, that would be the final determination.

CHAIRMAN HART closed the hearing on HOUSE BILL 604.

#### HOUSE BILL 580

REP. DARKO, sponsor. This bill requires the Department of Health and Environmental Sciences to establish safety standards for swimming pools and public bathing places. REP. DARKO stated it makes some word changes in the existing statutes concerning swimming pools.

#### PROPOSERS:

VERN SLOAN, State Department of Health, stated that this is a housekeeping bill. The bill would add the word "safety" to three sections of the existing law (EXHIBIT 17).

OPPOSERS: None.

#### QUESTIONS:

REP. SWIFT: Does this mean you have to have a lifeguard for recreation areas if the state is running the facilities?

VERN SLOAN: It would include pools. I would have to refer the question to legal counsel.

LEGAL COUNSEL: Yes, it does.

REP. DOZIER moved that HOUSE BILL 580 DO PASS. The motion passed unanimously.

REP. DOZIER moved that the Statement of Intent be accepted (EXHIBIT 18). The motion passed with Rep. Driscoll voting no.

#### HOUSE BILL 687

REP. MENAHAN, sponsor. This bill includes residency as a requirement for licensure as a medical doctor; requires applicants for a license on the basis of an examination to submit the application at least 60 days prior to the examination and requires examinations to be identified by both name and number.

PROPONENTS:

JOHN A. LANE, physician, Great Falls, went through the bill discussing the proposals. Amendments are attached (EXHIBIT 19).

JERRY LOENDORF, representing the Montana Medical Association, spoke to the issue of having the name and number of the person taking the examination on the examination paper. He said that the examinations are mailed out of state for grading. Identification by name and number does not disclose who the person is. It was his understanding, at the time the bill was drafted, that the agency grading the examinations required both name and number. I am not certain of that now. Dr. Lane did not mention it in his testimony. He felt that it would be impractical for the examinee to be a resident of the state at the time the examination was taken.

CHAIRMAN HART closed the hearing on HOUSE BILL 687.

HOUSE BILL 671

REP. MENAHAN, sponsor, said this bill is to clarify which subjects may be included in chiropractic examinations and to make it discretionary for the Board of Chiropractors to license, without administering a clinical proficiency examination. He read testimony stating the Federation of Chiropractic Licensing Boards has emphasized that the state regulatory boards should update their laws and examinations due to the number of outdated sections that applications have been challenging on examinations, procedures and grading. As a result of federation information, we propose to upgrade our statutes to bring the subjects and examinations current, subjects being taught in chiropractic colleges and to provide for applicants to also be examined on x-ray procedures including the use of radiographs. An amendment was submitted to that effect.

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Page 2, line 4.  
Following: "and"  
Strike: "x-ray photographs"  
Insert: "radiographs"

EXECUTIVE SESSION

REP. FARRIS moved that the amendment be adopted. It PASSED UNANIMOUSLY.

REP. DRISCOLL moved that HOUSE BILL 671 DO PASS AS AMENDED. It PASSED UNANIMOUSLY.

HOUSE BILL 687

REP. MENAHAN, sponsor. This bill would amend the laws relating to qualifications, application, and examination for a license to practice medicine.

REP. FABREGA moved that the amendments be accepted. They are as follows:

1. Title, line 5.  
Strike: "QUALIFICATIONS,"  
Following: "APPLICATION"  
Strike: ", "

2. Title, line 7.  
Strike: "37-3-305,"  
Following: "37-3-309"  
Strike: ", "

3. Pages 1 and 2.

Following: the enacting clause

Strike: Section 1 in its entirety

Renumber: subsequent sections

4. Page 4.

Following: line 23.

Insert: "(3) An applicant who is a graduate of a foreign  
medical school shall have passed an examination given  
by the education council for foreign medical gradu-  
ates or successors."

Renumber: subsequent subsections.

The motion PASSED UNANIMOUSLY.

REP. FABREGA moved that HOUSE BILL 687 DO PASS AS AMENDED. The  
motion passed with REP. CONNELLY voting no.

#### HOUSE BILL 708

REP. QUILICI, sponsor. This bill would establish statutory  
provisions relating to the low-income energy assistance program  
and the home weatherization program to be administered by com-  
munity nonprofit entities.

REP. FABREGA moved that the following amendment be accepted:

Page 1, line 23.

Following: "recipient, the"

Insert: "size and"

The motion to accept the amendment passed.

REP. FABREGA moved HOUSE BILL 708 DO PASS AS AMENDED. The  
motion carried with REPS. SWIFT, SOLBERG and FARRIS voting no.

REP. FABREGA moved that the Statement of Intent be accepted.  
The motion carried unanimously.

#### HOUSE BILL 517

REP. KEENAN, sponsor. This bill would prohibit a person from  
holding a patient while the patient is being exposed to x-rays  
except in a life-threatening situation.

REP. DRISCOLL moved that HOUSE BILL 517 be TABLED. The motion  
passed unanimously.

HOUSE BILL 604

REP. WALLIN, sponsor. This bill would provide a list of rights for patients and residents of hospitals and certain enumerated facilities; providing that a patient must be informed of these rights; allowing the rights to be disallowed for medically related reasons.

REP. DOZIER moved that HOUSE BILL 604 DO PASS.

REP. WINSLOW moved that an amendment be adopted to delete retirement home and rooming house. He also moved that we delete the laundry list because of the liability factors. One of the areas we are talking about is hospitals and we were told they have a list already. The other area is nursing homes and if we pass it with Sections 1 and 2, they will have to have some kind of a list of patient's rights. It was suggested that on line 14, strike "rooming house and retirement home". Strike language of page 2, line 2, through line 25 of page 3, and all of page 4.

REP. SOLBERG: If we are going to strike that much out, just kill the bill.

REP. FABREGA: At the present time there is no requirement that you be given a statement of your rights as a patient. This could mandate that a patient's rights statement has to be given.

REP. SOLBERG: I am sure that any patient in any nursing home in the state has all the rights they they will want. I don't see any problem.

REP. WINSLOW: I think it is important that we keep the bill alive. There are some nursing homes that don't have a statement of patient's rights. If this helps to get things done, I think we should have it.

It was clarified that with the amendments as suggested, everything is stricken except the first page.

DAVE BOHYER: We will have to make some changes in the title.

The motion regarding the amendments CARRIED with REPS. FARRIS, MENAHAN and DRISCOLL voting no.

REP. SOLBERG made a motion that HOUSE BILL 604 DO NOT PASS AS AMENDED. The motion FAILED.

REP. FABREGA moved HOUSE BILL 604 DO PASS AS AMENDED. The motion CARRIED with REPS. SOLBERG and SWIFT voting no.

HOUSE BILL 763

REP. FABREGA, sponsor. This bill would take live-in house-parents under contract with the state School for the Deaf and Blind off the state employee classification system.

REP. FABREGA moved HOUSE BILL 763 DO PASS. The motion carried unanimously.

HOUSE BILL 773

REP. FARRIS, sponsor. This bill would establish a long-term care ombudsman program.

REP. FARRIS moved HOUSE BILL 773 DO PASS.

REP. MENAHAN: Where does this bill put the ombudsman? In the Governor's office.

REP. FABREGA: Yes.

REP. FARRIS: For administrative purposes only. This is a free-standing program, not under any department.

REP. WINSLOW: I have done some research and found that there is money planned for the budget in SRS. Why is this office, when it is off by itself, going to have more clout than when it is in SRS. It seems to me the office would have more power in SRS.

REP. FARRIS: The purpose in moving it is because SRS does have licensing authority and the ombudsman might have a problem licensing a facility and has to be free of the taint of collusion. There are problems having it with SRS. For one thing, they are supposed to have privacy.

REP. WINSLOW: Couldn't it be attached to SRS for administrative purposes only. I see them giving away all their power. If you don't apply for the certificate, you don't get your medicaid or your medicare and there is some power with that. I am wondering if they move it off by themselves, if they will have that relationship.

REP. CONNELLY: I question whether we need the retirement home.

REP. FARRIS: Long-term nursing home facilities are covered by licensing. But just because they are licensed, doesn't mean that problems don't come up--and who are they going to ask.

REP. CONNELLY: They have a local board to regulate them and that is where they go with their complaints and questions.

REP. FARRIS: If the complaint is against the local board, what do they do?

REP. BROWN: Is this what Lenore Talioferro is doing now. Is this her position?

CHAIRMAN HART: Yes.



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REP. FABREGA: The philosophy of an ombudsman is someone who looks after the rights of patients. They are attached to SRS for administrative purposes. Maybe it would give them more independence to be attached to the Governor's Office for administrative purposes.

REP. SWIFT: The matter that we are addressing is concern under the department and requirements federally. The certification of the program is where you run a chance of endangering the program.

REP. DOZIER: It is my understanding that we do not have a program as it is now. It has never been established by statute?

REP. FARRIS: The state gets money from the Older Americans Act. The money goes to SRS. They have contracted five people in five years. The program does exist. There have been senior citizens who have been receiving the training and doing the visiting. There is a program in place which will not change; but as for actually saying in the statutes of the State of Montana we have an ombudsman program--and we like it, want it and are going to support it--we have not done that. One of the reasons for bringing in this legislation is that they want it to be established.

REP. CONNELLY: Who is "they"?

REP. FARRIS: The people who hold the contract.

CHAIRMAN HART: There was a question raised on the confidentiality of records. This legislation would allow the individuals involved in the program to go in and get information.

REP. FARRIS: The ombudsman would be allowed to go in and get information.

CHAIRMAN HART: Any of those other persons out in the field who are not actually ombudsmen are allowed to get the information?

REP. FARRIS: They are the agents of the ombudsman.

REP. CONNELLY: The Governor just appointed someone to handle all these senior citizens programs. Is this going to be in conflict?

REP. FARRIS: No. You have to remember that not everyone in the nursing home is a senior citizen.

REP. CONNELLY: They can't come under the Older Americans Act if they are not, can they?

REP. FARRIS: Yes, because the ombudsman takes complaints from everybody in the facility.

REP. CONNELLY: It sounds like there may be duplication.

REP. WINSLOW: These ombudsmen on the local level can go into a facility and try and investigate the complaint. How does this tie in with the other two people who are going into the field.

REP. FARRIS: They are two different programs and do not tie in at all. The way things are now, we have regular established

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inspections in the nursing homes once every three years. The annual unannounced inspections--they would go in on a general basis. The ombudsman responds to complaints.

REP. SOLBERG: Are we setting up a whole new board?

REP. FARRIS: The board is new; the program is not new.

REP. FABREGA: The program is in place. If this bill does not pass, it remains with SRS.

REP. HANSEN: I thought this program was set up so someone who is hired by the federal government goes in and talks to the patients in these nursing homes regarding medicare, if they are satisfied with their facility, and if there are complaints, she turns in the complaint. Primarily, it is a federal thing, isn't it?

REP. FARRIS: The funding comes from the federal government but they don't talk only to medicaid patients.

REP. HANSEN: If this is a federal program, perhaps they should have their own office.

The motion of DO PASS for HOUSE BILL 773 carried with four voting no. A roll call vote was taken with REP. FARRIS, BROWN, DARKO, DOZIER, DRISCOLL, FABREGA, HANSEN, JONES, MENAHAN and WINSLOW voting yes and REPS. CONNELLY, SWIFT, SOLBERG and CHAIRMAN HART voting no.

HOUSE BILL 775

REP. VELEBER, sponsor. This bill provides for the regulation of naturopathic health care; establishing a Board of Naturopathic Physicians for the licensure and regulation of naturopathic physicians.

REP. DOZIER moved that HOUSE BILL 775 be tabled.

REP. WINSLOW: When I saw this bill, I thought it may be a means of regulating such things as what happened down in Bozeman when the individual told the girl that she did not need her insulin; she went off of it; and a short time later, she died. If I had a belief that regulating would control that, I would feel real good about it but will it control it at all? And is that the purpose behind it?

REP. DOZIER: That is what they stated, but I am afraid they opened up a whole smear of things that I just--you license them, and you are going to allow them to give out death certificates, birth certificates.

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REP. BROWN: Is there any control over them now.

CHAIRMAN HART: They can do whatever they want to. The only persons on their board are going to be themselves.

The motion to table HOUSE BILL 775 carried unanimously.

#### HOUSE BILL 782

REP. WINSLOW, sponsor. This bill would create the Board of Behavioral Science, consisting of two members of the board of professional counselors and two members of the Board of Masters of Social Work.

REP. WINSLOW moved HOUSE BILL 782 DO PASS. He also moved that the amendments be adopted.

CHAIRMAN HART stated that since HOUSE BILL 284 passed, and that was concerning the Board of Masters of Social Work.

DAVE BOHYER said that regarding the Board of Social work Examiners, we have to make consistent in the title, and again on page 3, line 5 and again on page 7, line 2.

REP. WINSLOW: The counselors bill, that is coming in, the psychologists, the social workers--a lot of states are moving to a umbrella board--a behavioral science board--to work out some of the problems before they end up in the Legislature. It is not another board. It is made up of people from those various boards that are under it. If the two boards don't come out of this legislative action, it doesn't become active. It only becomes active when there are two within that area. Psychologists will sunset in a couple of years and I think that would be a proper place for them to fit into it.

The motion to accept the amendments passed with REP. HANSEN voting no.

REP. WINSLOW moved that the Statement of Intent be accepted. The motion carried unanimously.

REP. WINSLOW moved that HOUSE BILL 782 DO PASS AS AMENDED. The motion carried with REPS. BROWN, SOLBERG and SWIFT voting no.

HOUSE BILL 784

REP. VINGER, sponsor. This bill would provide for 3 consecutive days of nursing home payments for nursing home patients who are hospitalized.

REP. DOZIER: In taking a patient under medicare to the hospital, if there is a waiting list for that nursing home, then SRS will pay three days rent on that bed for that patient to keep it open for that patient. If there is no waiting list, SRS does not pay anything. This bill is saying even if there is no waiting list we still want you to pay for three days.

REP. FABREGA moved to table HOUSE BILL 784.

The motion passed with REP. SOLBERG voting no.

HOUSE BILL 792

REP. WINSLOW, sponsor. This bill would allow emergency admissions to state hospital from a local facility that does not have available space to detain a person who appears to be seriously mentally ill.

REP. WINSLOW moved that HOUSE BILL 792 DO PASS but with some qualifications.

REP. WINSLOW said this was opposed by the Department of Institutions and Curt Chisholm has some amendments to make this a better bill. One of the things he definitely likes is this is going to require in the case of sending somebody to Warm Springs a signature from the physician to the attorney. People in the area are already sending their people there.

CHAIRMAN HART stated the amendment was to check out the nearest facility.

REP. MENAHAN: I don't think the county can do anything to put them in there unless the judge o.k's it.

REP. WINSLOW: I will amend this bill on the floor.

The motion for HOUSE BILL 792 DO PASS carried unanimously.

HOUSE BILL 663

REP. BENGTON, sponsor. This bill would grant the Department of Social and Rehabilitation Services authority to administer the State Plan on Aging, to coordinate services to aged, and to establish planning and service areas.

REP. FABREGA moved that the amendments be accepted. The motion carried unanimously.

REP. FABREGA moved that the Statement of Intent be accepted. The motion passed with REP. FARRIS voting no.

REP. FABREGA moved that HOUSE BILL 663 DO PASS AS AMENDED. The motion passed with REP. FARRIS voting no.

The meeting adjourned at 3:00 p.m.

  
\_\_\_\_\_  
CHAIRMAN MARJORIE HART

  
\_\_\_\_\_  
Secretary

# VISITOR'S REGISTER

HOUSE HUMAN SERVICES

COMMITTEE

BILL HOUSE BILL 517

DATE 2-18-83

SPONSOR REP. KEENAN

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

TESTIMONY ON HB708  
BEFORE THE  
HOUSE HUMAN SERVICES COMMITTEE  
FEBRUARY 18, 1983

MADAM CHAIRMAN AND DISTINGUISHED COMMITTEE MEMBERS:

MY NAME IS DEAN LUPTAK OF 22 GATEWOOD DRIVE, BILLINGS. I AM THE ENERGY ASSISTANCE PROGRAM DIRECTOR FOR DISTRICT 7 HUMAN RESOURCES DEVELOPMENT COUNCIL WHICH SERVES BIG HORN, CARBON, STILLWATER, SWEET GRASS AND YELLOWSTONE COUNTIES. I AM HERE TODAY TO TESTIFY IN SUPPORT OF HB708 SPONSORED BY REPRESENTATIVE JOE QUILICI, SENATOR RICHARD MANNING AND MANY OTHER HONORABLE LEGISLATORS.

AT ISSUE IN HB708 IS TWO ESSENTIAL ELEMENTS OF RESPONSIBLE, COST-EFFECTIVE HUMAN SERVICE PROGRAM DELIVERY. THESE ELEMENTS ARE THE COORDINATION OF SERVICES AND THE ACCESSIBILITY OF THE PROGRAM TO PARTICIPANTS.

THE IMPORTANCE OF ENERGY PROGRAM COORDINATION IS BEST EXPRESSED IN THIS QUOTATION FROM THE NATIONAL CONSUMER LAW CENTER (MODEL PLAN FOR FUEL ASSISTANCE PROGRAMS, AUGUST 20, 1982):

"IT IS IMPORTANT TO TAKE FULL ADVANTAGE OF THE FRUITS OF EFFECTIVE OUTREACH EFFORTS AT THE FIRST OPPORTUNITY, E.G., WHEN AN APPLICANT MAKES INITIAL CONTACT. THIS MEANS THAT ONCE A PERSON IS IN THE OFFICE TO APPLY FOR ENERGY ASSISTANCE THE PROGRAM SHOULD MAKE AVAILABLE ANY OTHER PROGRAM INFORMATION RELATING TO OTHER FORMS OF ENERGY ASSISTANCE, E.G., WEATHERIZATION OR HOME ENERGY AUDITS. A ONE-STOP INFORMATION AND/OR APPLICATION CENTER FOR ALL RELEVANT ENERGY PROGRAMS WILL INCREASE THE POTENTIAL FOR SUCCESS IN ANY ENERGY PROGRAM SIMPLY BECAUSE IT DOESN'T REQUIRE DUPLICATIVE OUTREACH EFFORTS. ADDITIONALLY, THIS SHOULD CUT DOWN THE STATE'S OVERALL ADMINISTRATIVE COSTS FOR ITS ENERGY PROGRAM."

THE HUMAN RESOURCES DEVELOPMENT COUNCILS MULTI-COUNTY DELIVERY SYSTEM FOR ENERGY PROGRAMS HAS AND DOES INCLUDE THE FOLLOWING PROGRAMS:

- 1) ENERGY ASSISTANCE,
- 2) ENERGY CRISIS FUNDS,
- 3) WEATHERIZATION,
- 4) ENERGY CONSERVATION WORKSHOPS,
- 5) ENERGY CONSERVATION EDUCATIONAL MATERIALS,
- 6) HOUSING/ENERGY COUNSELING,
- 7) INVOLVEMENT IN LOCAL ENERGY CONSCIOUS GROUPS, SUCH AS BICEP (BILLINGS COMMUNITY ENERGY PROGRAM), MONTANA POWER TO THE PEOPLE AND LOCAL ENERGY SHARE OF MONTANA POLICY COMMITTEES,
- 8) WOOD AND FUEL COOPERATIVES, AND
- 9) ALTERNATIVE ENERGY GRANTS AND PROJECTS TO DEMONSTRATE AND/OR INSTALL:
  - a.) WOOD STOVES
  - b.) SOLAR PANELS,
  - c.) SOLAR HOT WATER HEATERS, AND
  - d). WEATHERIZING MATERIALS.

THE POLICY COMMITTEES RESPONSIBLE FOR THE NEW PRIVATE FUND, ENERGY SHARE OF MONTANA, ALSO VIEWED THE MULTI-COUNTY APPROACH AS THE MOST EFFECTIVE WAY TO SERVE THE STATE AND THIS PROGRAM IS NOW ADDED TO THE PRECEEDING LIST OF ENERGY RELATED PROGRAMS OPERATED BY THE HUMAN RESOURCES DEVELOPMENT COUNCILS. HB708 WILL ENSURE THAT EVERY EFFORT IS MADE TO KEEP THESE INTER-RELATED ENERGY PROGRAMS AVAILABLE AS A PACKAGE TO THE LOCAL PARTICIPANT. IN COMBINATION, THESE EFFORTS RESULT IN INCREASED ENERGY CONSERVATION AND SELF-SUFFICIENCY OF LOW-INCOME HOUSEHOLDS WHILE CONCURRENTLY REDUCING THE DEPENDENCY ON THE FUEL ASSISTANCE PROGRAM.

AN IMPORTANT STEP HAS BEEN TAKEN TO COORDINATE THE FUEL ASSISTANCE PROGRAM WITH THE WEATHERIZATION PROGRAM. THE SAME APPLICATION FORM IS USED TO APPLY FOR BOTH PROGRAMS AT THE SAME TIME. THIS PROCESS RESULTS IN ACCESSIBILITY TO THE WEATHERIZATION PROGRAM AS A DIRECT RESULT OF A CONTACT FOR FUEL ASSISTANCE. THIS WEATHERIZATION PROGRAM ACCESSIBILITY HAS BEEN REDUCED IN AREAS WHERE THESE TWO PROGRAMS HAVE BEEN SEPARATED



AN AGENCY THAT DISTRIBUTES FUEL ASSISTANCE DOLLARS AND NEVER WEATHERIZES A HOUSE CANNOT BE EXPECTED TO DO EFFECTIVE OUTREACH FOR THE WEATHERIZATION PROGRAM OR ANY OF THE OTHER ENERGY RELATED PROGRAMS ALREADY DISCUSSED. THESE PROGRAMS BELONG TOGETHER.

ACCESSIBILITY TO THESE PROGRAMS MUST ALSO BE CONSIDERED FROM TWO OTHER VIEWPOINTS. FIRST OF ALL, THE SENIOR CITIZENS IN MANY AREAS RESENT APPLYING FOR ENERGY PROGRAMS THROUGH A COUNTY WELFARE OFFICE. THE REDUCTION OF ENERGY BILLS, (THROUGH SUBSIDIZING FOLLOWED BY CONSERVATION EFFORTS) IS NOT AN INCOME ASSISTANCE PROGRAM LIKE WELFARE PAYMENTS, NOR DO MOST ENERGY ASSISTANCE APPLICANTS PARTICIPATE IN WELFARE PROGRAMS. A SURVEY (27% OF YELLOWSTONE COUNTY PARTICIPANTS RESPONDED) AT THE CLOSE OF THE 1981-82 FUEL ASSISTANCE PROGRAM SHOWED:

- a.) 50% OF ALL LIEAP HOUSEHOLDS IN YELLOWSTONE COUNTY HAD NEVER BEEN IN A WELFARE OFFICE.
- b.) 60% OF ALL SENIOR HEADED HOUSEHOLDS HAD NEVER BEEN IN A WELFARE OFFICE.
- c.) OF ALL LIEAP HOUSEHOLDS:
  - 1. ONLY 17% ALSO RECEIVED AFDC,
  - 2. ONLY 27% HAD RECEIVED FOOD STAMPS AT SOME POINT DURING THE YEAR OF ELIGIBILITY (ONLY 11% OF SENIOR HEAD HOUSEHOLDS HAD RECEIVED FOOD STAMPS).
  - 3. IT IS INTERESTING TO NOTE THAT 65% OF NON-SENIOR HOUSEHOLDS HAD RECEIVED WAGES OR SELF-EMPLOYMENT INCOME DURING THAT YEAR. ALSO, 53% OF LIEAP HOUSEHOLDS OWN THEIR OWN HOME.

HB708 WOULD DIRECT SRS TO GIVE CONTRACTUAL PRIORITY TO NON-PROFIT AGENCIES IN THE LOCAL DELIVERY OF THE FUEL ASSISTANCE PROGRAM AND THUS AGAIN REMOVE THE "WELFARE STIGMA" FROM THE PROGRAM.

THE SECOND VIEW POINT OF ACCESSIBILITY IS FROM THAT OF LOCAL GOVERNMENT. HB708 CALLS FOR LOCAL GOVERNMENT REVIEW AND COMMENT OF ENERGY PROGRAM PLANS. THIS PROCESS ALLOWS FOR THE LOCAL INPUT OF OFFICIALS AND, THROUGH THEM, PROGRAM PARTICIPANTS AND

OTHER INTERESTED PARTIES.

IN CONCLUSION, I WOULD LIKE TO POINT OUT THAT THE FUEL ASSISTANCE PROGRAMS OF 1977 THROUGH 1981-82 WAS OPERATED BY 10 HUMAN RESOURCES DEVELOPMENT COUNCILS. IN 1982-83 THE FUEL ASSISTANCE PROGRAM IS BEING OPERATED IN 33 DIFFERENT LOCAL ENTITIES. INHERENT IN THIS PROCESS HAS BEEN MUCH HARDSHIP, CAUSED BY CONFUSION, ON THE PART OF PROGRAM PARTICIPANTS. I ASK YOU TO QUESTION THE OVERALL EFFECTIVENESS OF THE STATE ADMINISTRATION OF SUCH A MOTLEY DELIVERY SYSTEM.

I FEEL PASSAGE OF HB708 WILL CORRECT MANY PROBLEMS OF THE PRESENT ADMINISTRATIVE SYSTEM. HB708 WILL RESPOND TO THE MANDATES OF THE PROGRAM PARTICIPANTS AND WILL PROVIDE A VEHICLE FOR LOCAL COMMUNITY INPUT.

I HAVE BEEN INVOLVED IN ALL SIX PROGRAM YEARS OF FUEL ASSISTANCE IN MONTANA AND WILL GLADLY ANSWER ANY QUESTIONS TO THE BEST OF MY ABILITY.

THANK YOU.

THE LOW INCOME ENERGY PROGRAMS ACT 1983FACT SHEET

QUESTION: WHAT ARE THE LOW INCOME ENERGY PROGRAMS DESCRIBED IN THIS LEGISLATION?

ANSWER: The two programs covered by this legislation are the Low Income Energy Assistance Program (LIEAP) and the Low Income Home Weatherization Program (Weatherization).

QUESTION: ARE THESE TWO PROGRAMS FUNDED BY THE STATE OF MONTANA?

ANSWER: No. Both programs are funded entirely by the Federal Government. LIEAP is funded by the Department of Health and Human Services (HHS). Weatherization is funded by the Department of Energy (DOE).

QUESTION: DO EITHER OF THESE PROGRAMS REQUIRE A STATE OR LOCAL "MATCH?"

ANSWER: No.

QUESTION: WHAT STATE AGENCY ADMINISTERS THESE PROGRAMS?

ANSWER: Both programs are presently administered by Montana's Department of Social and Rehabilitative Services (SRS).

QUESTION: HOW ARE THESE PROGRAMS ADMINISTERED LOCALLY?

ANSWER: Historically, both programs have been administered by the ten Human Resource Development Councils (HRDCs). Beginning in October of 1982, LIEAP is administered locally by nine HRDCs, twenty-one counties and three Area Aging Councils, for a total of thirty-three local administrative agencies. Weatherization is administered locally by the ten HRDCs in all fifty-six of Montana's counties.

QUESTION: ARE ANY OTHER FORMS OF ASSISTANCE AVAILABLE FOR LOW INCOME PEOPLE WITH ENERGY RELATED PROBLEMS?

ANSWER: Yes. On November 15, 1982, a coalition of the State's major utility companies, social service agencies and churches announced Energy Share of Montana, a public/private partnership with \$30,000 in "seed money" provided by the utilities to assist poor people with energy related emergencies. Donations to Energy Share are being solicited with the goal of adding \$45,000 in private contributions to the initial \$30,000.

QUESTION: HOW IS ENERGY SHARE OF MONTANA ADMINISTERED LOCALLY?

ANSWER: By the HRDCs.

QUESTION: WHO IS ELIGIBLE FOR THESE PROGRAMS (LIEAP, WEATHERIZATION)?

ANSWER: Generally, persons whose gross income is less than 125% of the official poverty level, determined annually by the Federal Government.

QUESTION: WHAT DOES "125% OF THE POVERTY LEVEL" MEAN IN ACTUAL DOLLAR AMOUNTS?

ANSWER: This depends on the actual number of persons in the family or household. Those figures are as follows:

EX. 2  
HB 708

Family Size	100% of Poverty	125% of Poverty
1	\$ 4,680	\$ 5,850
2	6,220	7,775
3	7,760	9,700
4	9,300	11,625
5	10,840	13,550
6	12,380	15,475

QUESTION: IS ELIGIBILITY THE SAME FOR ENERGY SHARE OF MONTANA?

ANSWER: Generally yes. However, in certain extreme cases families with incomes up to 150% of Poverty may be assisted.

QUESTION: WHAT DOES "150% OF POVERTY LEVEL" MEAN IN ACTUAL DOLLAR AMOUNTS?

ANSWER: Again, this depends upon family or household size. Those figures are as follows:

Family Size	150% of Poverty
1	\$ 7,020
2	9,330
3	11,640
4	13,950
5	16,260
6	18,570

QUESTION: ARE ANY OTHER FEDERAL FUNDS AVAILABLE FOR LOW INCOME ENERGY ASSISTANCE OR WEATHERIZATION?

ANSWER: Yes. The State of Montana recently (very recently) received nearly \$900,000 of Federal funds through the DOE in a settlement of violations of price controls by major oil companies prior to 1979. This is generally referred to as DOE Oil Overcharge Settlement funds. (Additional information is available.) Of the total, SRS is to receive \$500,000.

QUESTION: WHAT WILL SRS DO WITH THESE FUNDS?

ANSWER: SRS has proposed to add \$500,000 to LIEAP and "carry-over" that amount along with SRS's "regular" LIEAP "carry-over" (see below for details).

QUESTION: IS ANY OTHER DOE OIL OVERCHARGE SETTLEMENT MONEY LIKELY TO COME TO MONTANA?

ANSWER: Quite possibly. Over \$500,000,000 (one-half billion dollars) of settlement funds are currently in escrow awaiting disposition. Direct grants to states are one way of handling these funds. Future grants will depend, at least in part, on what use states make of these current funds. Thus, although perceived as a one time "windfall" for Montana, additional funds from the same source may well be forthcoming.

QUESTION: ARE LIEAP AND WEATHERIZATION "BLOCK GRANTS?"

ANSWER: LIEAP is a "Block Grant," one of nine Block Grants to states created in November of 1981. Weatherization remains as a "categorical" program.

QUESTION: WHAT IS THE DIFFERENCE BETWEEN A PROGRAM THAT HAS BEEN "BLOCK GRANTED" AND A "CATEGORICAL" PROGRAM?

ANSWER: A state has much more flexibility with a Block Grant than with a categorical program. Interestingly, LIEAP contained more flexibility than any of the other Block Grants.

QUESTION: WHAT EXACTLY IS THE "FLEXIBILITY" CONTAINED IN LIEAP?

ANSWER:

1. Up to 10% of the total LIEAP grant to Montana may be used for the administration of the program.
2. Up to 10% of the total LIEAP grant may be transferred into any other Block Grant.
3. Up to 15% of the total LIEAP grant may be transferred into the Weatherization Program.
4. Up to 25% of the total LIEAP grant may be "carried over" into the next program year.
5. Generally, states are allowed greater latitude with regard to eligibility, benefit level, time of application and determination of local administering agencies.

QUESTION: HAS MONTANA TAKEN ADVANTAGE OF THIS FLEXIBILITY?

ANSWER:

Definitely, to the maximum extent allowable by the law. Every possible transfer to other programs has been made. In addition, SRS last year imposed a liquid assets upon potential program clients, shortened the length of time of program operation from twelve to seven months, and encouraged county welfare departments to assume administration of LIEAP.

QUESTION: WHAT HAS BEEN THE NET EFFECT OF THESE TRANSFERS?

ANSWER:

To divert over 50% of LIEAP funds to other programs or other program years, while serving fewer people and to begin the dismantling of a local delivery network (HRDCs) that has administered the program since its inception in 1977.

QUESTION: HAVE THE FEDERAL FUNDS FOR LIEAP BEEN SUBSTANTIALLY REDUCED SINCE 1980?

ANSWER:

No, they have actually increased. In his first budget message (January 1981), President Reagan proposed zero funding for LIEAP. That year Congress appropriated \$1.8 billion for the program (Montana's allocation was \$10.8 million). The following year the Administration proposed \$1.3 billion for the program. Congress actually appropriated \$1.875 billion (Montana's allocation was \$11.1 million). This year the Administration again requested \$1.3 billion for LIEAP. At this time Congress has passed a LIEAP appropriation of \$1.975 billion (Montana's allocation is \$11.7 million). Thus, funding for LIEAP has actually increased since 1980.

QUESTION: HOW ABOUT WEATHERIZATION?

ANSWER:

Weatherization funds have been substantially reduced: from \$241 million in 1979, to \$144 million in 1980, and \$144 million in 1981. Throughout this period the Administration has requested zero funding for Weatherization. Thus, continued funding for this program has been a Congressional initiative. This year again, the Administration has proposed to eliminate the program; but once again the Congress has indicated its support for Weatherization and has funded Weatherization at the level of \$145 million.

QUESTION: HAVE FUEL PRICES CONTINUED TO RISE SINCE 1980.

ANSWER:

Yes, especially for natural gas and electricity. The price of gas has increased, on a monthly basis, over 75% since 1980, and over 175% since 1978. Basically, the price of natural gas has been doubling every four years since the passage of the Natural Gas Policy Act, 1978 (NGPA). Under the terms of the NGPA, natural gas will be "decontrolled" in 1985. At that time consumers can expect an immediate

doubling of the price of gas. The cost of electricity increases by 20 to 30% per year. In addition, before the Public Service Commission at this time is a rate increase proposal requesting a 60% increase in residential electric rates. Prices for unregulated fuels (oil, propane, coal, wood) have leveled off since 1980, after quadrupling between 1973 and 1979.

QUESTION: SO THERE STILL EXISTS A NEED FOR BOTH LIEAP AND WEATHERIZATION?

ANSWER: Most certainly.

QUESTION: ARE FURTHER TRANSFERS ANTICIPATED IN LIEAP FOR THIS YEAR?

ANSWER: HB 217, introduced by Representative Waldron and others, would restore full funding to LIEAP by restoring the 10% (or \$1.7 million) transferred last year into the General Fund (for Title XX programs). In addition, SRS has indicated uncertainty regarding a transfer of up to 15% into the Weatherization Program. SRS is firm in its intention to "carry-over" fully 25% of LIEAP into next year's program; and in retaining 10% for program administration.

QUESTION: HOW HAS THE LIEAP PROGRAM OPERATED IN THE PAST?

ANSWER: The program has been faced with numerous changes and revisions during the last several years. A brief summary follows:

Program Year and Name	Montana Allocation	Number of Households Served	Average LIEAP Benefit
77-78 EAP	\$ 400,000	?	\$250
78-79 SCIP	1,125,000	?	\$250
79-80 EAP	4,405,499	16,200	\$365
80-81 LIEAP	10,838,285	16,887	\$593
81-82 LIEAP	11,107,295	14,896	\$317
82-83 LIEAP	11,704,418	11,791 *	\$426

\* as of January 27, 1983

QUESTION: HOW MANY PEOPLE WILL HAVE BEEN SERVED BY LIEAP BY THE TIME THE PROGRAM ENDS ON APRIL 30TH?

ANSWER: SRS has stated that they expect to serve 20,000 people by April 30th. This is based on serving 200 people (or processing 200 applications) every day between February 1st and April 30th. It is interesting to note that an application "denied" is counted as a "client served." HRDCs in Montana estimate that no more than 14,500 persons will actually receive LIEAP benefits this year.

QUESTION: WHAT OVERALL PATTERN HAS DEVELOPED WITH REGARD TO LIEAP SINCE 1980?

ANSWER: Ironically, it appears that as more funds are made available for LIEAP in Montana, fewer people are being served by the program.

QUESTION: WILL THE PASSAGE OF HB 708 CHANGE THIS PATTERN?

ANSWER: Not entirely. Certain legislative and administrative decisions will have great influence on the program in this and succeeding years.

QUESTION: WHAT, THEN, IS THE PURPOSE OF HB 708?

ANSWER: To combine the two existing Low Income Energy Programs (LIEAP and Weatherization) into one, comprehensive energy program, administered by those local, community based, non-profit agencies that have historically administered both programs.

QUESTION: WHAT ARE THE ADVANTAGES OF HB 708 OVER THE CURRENT SYSTEM?

ANSWER: Avoidance of administrative duplication; consolidation of the two Federal programs with Energy Share of Montana; ease of application process for all three programs; using a cost effective, proven delivery system for all three programs; better service for elderly low income people who are not willing to go to welfare offices for utility bill assistance; a greater amount of local control in program operation; the ability to maximize the benefits of LIEAP, Weatherization and Energy Share by co-locating all three programs; one stop service for energy assistance and emergencies.

QUESTION: ARE THESE "WELFARE" PROGRAMS?

ANSWER: No. Income eligibility is established above poverty guidelines for LIEAP and Weatherization (and for Energy Share of Montana). Income guidelines for AFDC, Medicaid, food stamps, etc. are more restrictive than for LIEAP and Weatherization. In addition, states must "assure" HUD, in writing, that outreach activities will be conducted and that "priority" will be given to elderly and handicapped people. States were allowed to establish income eligibility up to 150% of poverty. These are features of LIEAP unique to this program and not required for AFDC, Medicaid and food stamps.

In fact, data from the District VII HRDC in Billings (serving five counties in 1981-82) showed the following:

\* 50% of all LIEAP households had never been in a welfare office.

\* 60% of all senior citizen headed households had never been in a welfare office.

\* Of all LIEAP households:

- a. 17% received AFDC
- b. 27% had received food stamps at some point during the year
- c. 11% of senior citizen headed households had received food stamps during the year
- d. 65% of non-senior headed households had received wages or self-employment income during the year
- e. 53% of LIEAP households owned their own home (overwhelmingly, senior citizens)
- f. 46% of all LIEAP households were headed by senior citizens

Other HRDCs report similar data.

Finally, the original funding for LIEAP was to come from the Windfall Profits tax on decontrolled oil after decontrol took effect in 1979. Senior citizens, particularly, have been persuaded to apply for LIEAP on that basis (the subject is described in detail in a report entitled "The Broken Promise" by the National Consumer Law Center - copies available).

QUESTION: ARE SENIOR CITIZENS PARTICIPATING IN LIEAP TO THE EXTENT THEY DID IN PREVIOUS YEARS?

ANSWER: This is doubtful.

February 19, 1983

To: Human Services Committee

Attention: Marjorie Hart  
Karol Farris

My purpose in addressing this testimony to you is to ask your cooperation in attempting to get the Energy Assistance Program turned back to Opportunities, Inc.

In the fall of 1981 when I applied for this assistance, I called an employee at Opportunities, Inc. who identified herself as "Ramona". She very kindly told me what was required in the way of information on said application. When I told her that I had no means of transportation, she very graciously volunteered to come to my home and assist me in filling out the form. This she did--on her lunch hour. My application was submitted and very promptly I was notified and the Great Falls Gas Co. was paid the money which was allotted.

On October 1 of 1982, I called the Cascade County Welfare Department and was told that the applications weren't in from Helena and as soon as they were received, I would be mailed the forms. When I received the forms I promptly filled them in and returned them to the Welfare Dept. In about two weeks, I called and asked what disposition had been made of my application and a man named "Bill" very laughingly told me that they hadn't been able to get at these applications as there were so many Welfare recipients coming in the front door so they weren't in a position to process the Emergency applications. I let about three weeks go by and called again. This time Ms. Snell told me that my application was the next one up on her desk. Finally on Dec. 7, I called County Commissioner Dick Gasvoda and explained my situation. On Monday, Dec. 10, a gentleman from the Welfare Office called, told me they had heard from Mr. Gasvoda and that my notification would be in the mail the following day. I promptly received the application--dated 12/13/82.

This experience should convince even the laymen that the program should be turned back to Opportunities, Inc. who have the interest of the low income people at heart and understand their problems.

Please use your influence in the interest of the less fortunate and the aged to place this program where it belongs.

Thank you.

*Martha M. Ensley*  
Martha M. Ensley  
510 Third Ave. S. W.  
Great Falls, Mt. 59404  
Telephone--453-0046



Ex 3  
HR

February 19, 1983

To: Human Services Committee

Attention: Marjorie Hart  
Karol Farris

My purpose in addressing this testimony to you is to ask your cooperation in attempting to get the Energy Assistance Program turned back to Opportunities, Inc.

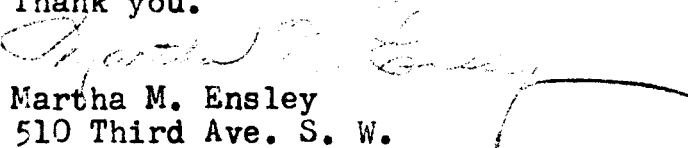
In the fall of 1981 when I applied for this assistance, I called an employee at Opportunities, Inc. who identified herself as "Ramona". She very kindly told me what was required in the way of information on said application. When I told her that I had no means of transportation, she very graciously volunteered to come to my home and assist me in filling out the form. This she did--on her lunch hour. My application was submitted and very promptly I was notified and the Great Falls Gas Co. was paid the money which was allotted.

On October 1 of 1982, I called the Cascade County Welfare Department and was told that the applications weren't in from Helena and as soon as they were received, I would be mailed the forms. When I received the forms I promptly filled them in and returned them to the Welfare Dept. In about two weeks, I called and asked what disposition had been made of my application and a man named "Bill" very laughingly told me that they hadn't been able to get at these applications as there were so many Welfare recipients coming in the front door so they weren't in a position to process the Emergency applications. I let about three weeks go by and called again. This time Ms. Snell told me that my application was the next one up on her desk. Finally on Dec. 7, I called County Commissioner Dick Gasvoda and explained my situation. On Monday, Dec. 10, a gentleman from the Welfare Office called, told me they had heard from Mr. Gasvoda and that my notification would be in the mail the following day. I promptly received the application--dated 12/13/82.

This experience should convince ever, the laymen that the program should be turned back to Opportunities, Inc. who have the interest of the low income people at heart and understand their problems.

Please use your influence in the interest of the less fortunate and the aged to place this program where it belongs.

Thank you.

  
Martha M. Ensley  
510 Third Ave. S. W.  
Great Falls, Mt. 59404  
Telephone--453-0046

HB 708 LISCA TESTIMONY

SAM RYAN

MADAME CHAIRMAN, MEMBERS OF THE COMMITTEE, I AM SAM RYAN, A *STILL IN CITY. ASK*  
MEMBER OF LISCA---LOW INCOME SENIOR CITIZEN ADVOCATES---AND I  
LIVE HERE IN HELENA. HB 708 WOULD BE GOOD FOR SENIOR CITIZENS AND  
WE SUPPORT THE PASSAGE OF THIS BILL.

FUNDING FOR THE LOW INCOME ENERGY ASSISTANCE PROGRAM (LIEAP)  
AND THE WEATHERIZATION PROGRAM COMES FROM THE WINDFALL PROFITS  
TAX, SO NEITHER OF THESE PROGRAMS ARE WELFARE PROGRAMS. THESE  
PROGRAMS ARE JUST INTENDED TO KEEP PEOPLE FROM SLIDING INTO  
POVERTY, AND HAVE DIFFERENT REGULATIONS FROM FOOD STAMP OR  
WELFARE PROGRAMS. IF YOU GO TO THE WELFARE OFFICE, THE WORKERS  
THERE DO NOT UNDERSTAND THAT THIS PROGRAM IS DIFFERENT, AND OFTEN  
ACT LIKE THEY ARE GIVING YOU THE MONEY AS A FAVOR OUT OF THEIR  
OWN POCKETS. WE SENIORS DO NOT LIKE THE WELFARE OFFICES AND THE  
ATTITUDES OF THE PEOPLE WHO WORK THERE. WE HAVE WORKED HARD ALL  
OF OUR LIVES, AND NOW THAT WE ARE RETIRED WE ARE REALLY HIT BY  
THE BIG INCREASES IN THE COSTS OF HEATING OUR HOMES. THE PEOPLE  
WHO WORK IN OUR CAP AGENCIES SEEM A LOT MORE HELPFUL AND  
SYMPATHETIC TO SENIORS, *^* SO I WOULD APPRECIATE YOUR SUPPORT FOR  
THIS BILL.

394

Sam Bryan of Lisco

In support of H.B. 708. Going into a Welfare office is an experience never to be forgotten. During the 1930s they did things to you - took away your dignity made you feel like scum - gave you a Can of liner pate, got on W.P.A. ~~It was a great relief to get a regular job again and your dignity back~~ - We do not ever ~~want to~~ suffer the humiliations again having to go into a welfare office. ~~Now that we are old we do not want to be~~ stripped of our dignity again. It is bad enough to be put in a position to seek ~~assistance~~ assistance.

Madame Chairperson,

My Name is Hap  
Ernsign, I am from St.  
Regis Montana. I am  
here to support H.<sup>House</sup>B. 708.

I have been asked to  
submit testimony on behalf  
of the President of the  
Superior Senior Citizens and  
on behalf of the Mineral  
County Senior Citizens Referral  
Technician. They could not  
be here today, but their  
written testimony is in

support of H.B. 708.

Thank Madame Chairperson.

I will answer any questions.

Hap Ensign

I

Mary  
Noonan

Ex 6  
HB 708

Madam Chairperson!

My name is Mary K  
Noonan. I am from St. Regis,  
Montana. I am a Mineral  
County Commissioner and am  
the Board Chairperson of  
District XI Human Resources  
Council. I am here in  
support of A.B. 708.

~~I am~~ As a member of three  
different Senior Citizen

having  
organized  
seniors in  
the 60's  
groups, I feel I can  
speak to the concerns  
of the problems of seniors.

II  
(over 330 - 70% Sen Cit.

In District XI 70%  
of the homes that have  
been weatherized have been  
homes of Senior Citizens.

Many Seniors require Low  
Income Energy Assistance to  
stay independent and maintain  
their homes. In talking  
to Seniors they definitely  
feel they can not go to the  
County Welfare. As a Mineral  
County Commissioner and as a  
County Treasurer for 15 years  
I have had the opportunity

### III

to observe and talk with  
Senior Citizens. I know  
therefor, they will go without  
these programs if they  
have to go to the County  
Welfare. Human Resources  
has been involved with Senior  
Citizens Center and Seniors  
feel more comfortable dealing  
with Human Resources.

I would like to add the  
Commissioners in Miner, Ravalli  
and Missoula are in support  
of H.B. 708.

Thank you. I will answer  
any questions

Three  
Centers were  
first opened



Madam Chairman and Members of this Committee:

My name is Millie Tiedeman and I reside in Great Falls. I am a member of MSCA and MPP. I would like to present these letters on behalf of Seniors and Handicapped that could not attend this meeting, in Support of House Bill 708 sponsored by Joe Quilici and others. Thank you for this opportunity.

Signed  
Mrs. Millie Tiedeman  
1115 8th Ave N.W.  
Gr. Falls, Mt. 59404

St. Falls -  
2-16-83

Rep. Marjorie Hart,

This is to urge you and your  
Colleagues to support H. B. 708.

Many of our senior citizens  
prefer Opportunities Inc. of  
Great Falls to handle this program.  
We feel there would be greater  
efficiency in this procedure.

Sincerely

Joe Runtan

St. Falls

1217 Park Garden Rd  
Great Falls, Mt. 5940  
February 16, 1983

To: Rep. Marjorie Hart, Chairman Human Services  
Rep. Carol Ferris, Vice Chairman Human Services

Re: House Bill #708

In my opinion, the Low Income Energy assistance Program should direct S.R.S. to allot energy assistance money to H.R.D.C.

It has been my experience, working with, socializing with, and being a Senior Citizen myself, that many seniors are too proud to apply for Welfare assistance.

Respectfully,

Merkle A. Price

726 1st A.V. N. gal 511

St. Pauls, MT, 59401

Feb 16, 1983

Mayorie Hart  
MT State Legislature  
Helena, MT, 59620

Mayorie Hart

Being in the energy cost program for these years, I'm glad to see House bill 708 ~~is~~ introduced. The energy cost program should go back to ~~HRDC~~ <sup>HRDC</sup>. Low income people especially senior citizens shouldn't be penalized by going through an overburden welfare office.

The emergency Energy cost has played a very important role in helping low income, senior citizens and handicapped people with their fuel bills. This program should go back to the <sup>HRDC</sup> ~~HRDC~~, an agency more equipped in handling this program.

Sincerely,

Steven Albright

I am ~~impaired~~ Handicapped and I  
like the services I get from Opportunity  
I support House Bill 708

Sincerely  
Chie Teachie

Feb.17,1983

Dear Sirs,

We are in support of House Bill 708.

We have gotten more help and understanding from Opertunities Inc. than any other sourse in Cascade Co.

We have never been put down or ignored by the staaff. The staff does more for the needy, just on their own than any other orginization that we know of in Great Falls.

The local Welfare Dept. is understaffed and and there is days waiting and then if you are lucky enough to get in to talk to some one we feel like beggers.

We have never felt like this with Opertunitys.

We are registered voters of Cascade Co. and we support House Bill 708.

Robert E. Bacon age 55  
Chris E. Bacon age 53

2910 1st. Ave. N.W.

Great Falls Mt.

Phone Bratz - 1523-2are NW

708 Parkdale  
Great Falls Montana 59402  
February 16, 1983.

Carol Ferris  
Montana Legislature  
Helena Montana 59620

Dear State Legislator

I am a low income person myself, not that me and my family are energy assistance, because we live in government subsidised housing and the utilities are included in the rent, we are allowed so much on both light and gas and we pay anything over the allotment, but anyone who is having problems with paying their utilities, don't like to go to the welfare department to seek help for energy assistance.

I recommend that the energy assistance program be turned back over to the H.R. & C and taken out of the hands of the Welfare Department, as they are overloaded now with cases, without handling energy assistance too.

Sincerely  
Claire Bishop

Rep. Margie Hart Chem.  
Rep. Carol Ferris V. Chron -

Dear lawmakers -

I am writing about H.B. 708.  
I hope you will direct SRS to  
give energy assistance money  
to H.R.D.C.'s to administer. As a  
senior advocate, I know seniors  
are more reluctant to go to the  
welfare department for anything.  
Besides the welfare department is  
over-loaded with their own  
caseload. Under the welfare some  
seniors have had long waiting periods.  
I hope you will consider  
the feelings and patience of the  
senior citizen.

Yours,  
Mrs. Melba Treiman  
Sec. Treas. of St. Falls Chapter  
of MSCA.  
1115-8th Ave N.W.  
St. Falls, MT 59404



My name is Earl Thorsen. I am a  
senior + live in Cascade County. I  
applied for Energy Assistance in Oct through  
the Welfare Dept and I have not rec'd any  
assistance yet. I believe the program should  
be in the existing HRDC's. I was aided  
promptly and with consideration for my age.  
at Opp Inc. I support HB 708.

Earl D Thorsen

2-17-83

As many other Senior Citizens I am asking you to consider our energy assistance application to be authorized again by "App-Inc."

It's very difficult to wait in line & then be told to come back tomorrow

Thank you  
Glennice Adkins

927- 7th Ave Mo.

St. Falls, mt.

Dear sir or madam,

I am going to let you know  
how ~~we~~ we feel furist I'll say  
Opportunite Inc. Helped with  
winter rising our home. By  
helping insulating our home  
putting Sailer Panells

Paying our Fuel Bill

We only lived on sociearly since  
my husband got heart trouble for  
a bought 15 years <sup>ago</sup> well fair  
never help at all. I ask for  
help. they would pay a little  
But not enough for use to get  
By on. With all medical Bills  
we have

Geo & Nancy Curtis

I hate to see opportunities  
come to a stop as it has helped  
us a lot. We tried to get help  
from the welfare and keep  
getting turned down. But  
Opportunities has helped us.

Yours truly  
The Kellehrs

My Name is Geo Letz. I am a Senior  
Citizen. I think the HRDC's should  
do the Energy Assistance - Welfare  
has to much to do now. I  
support H.B. 708.

George Letz

Box 464  
Superior, Mont.  
2/14/1983

To Whom it May Concern,

As Chairman of the  
Superior Senior Citizens  
and Treasurer of the County  
Pioneer Senior Citizens, I  
have been asked to protest  
having the Senior Programs  
deleced through the S.H.S.  
or Welfare offices.

We want H.B. 708 approved  
Energy and Weatherization money  
not be separated from the  
Welfare offices.

We have been happy  
with the H.R.D.C.s and the  
way the programs are handled.

Sincerely

Elena E. Fry

Feb. 16, 1983

Superior, Montana

To whom it may concern,

I am very much opposed to the Sr. Citizens going through the welfare office for weatherization, energy or any such senior programs. I strongly feel this should be handled <sup>through</sup> THRC as they have had good programs and are very understanding with Senior Citizens and their needs.

Sincerely

Jay J. Adams

P. O. Box 685  
Darby, Montana 59829

February 17, 1983

Marjorie Hart, Chair  
Human Services Committee  
Capitol Station  
Helena, Montana 59620

Ladies and Gentlemen:

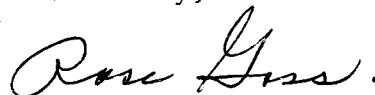
I work with senior citizens as a Darby Town Council member, Chairperson of the Darby Senior Citizens, and Vice Chairperson of the Ravalli County Council on Aging.

It is my experience with our elders that they resist or won't go to the County Welfare Department no matter how badly they need the help.

In these times of continuing rise in the cost of energy and cuts in income, I earnestly ask that House Bill 708 be passed in this committee and that you make every effort to see its passage through the House of Representatives and Senate.

Thank you for your help.

Yours truly,

A handwritten signature in cursive script that reads "Rose Goss".

Rose Goss



Barby Montana  
February, 16, 1983

Margorie Hart Chairperson,  
Human Services Room 224A  
State Capitol  
Helena Mt.

Dear Miss Hart:

In regard to Bill HB 708  
which gives HRDC priority for  
administering of Fuel Bill  
assistance Programs.

This Bill with the existing law  
continues to give weatherization and  
Fuel assistance Programs to HRDC.

I feel this bill is most  
important to low income people.  
and ask you to vote in favor  
of bill HB 708.

Yours Truly,  
Katherine Campbell  
Senior Citizen of Barby.  
PO Box 678  
Barby Mt. 59828

Marjorie Hart-- Human Services.

I am for HB708- I have been helping elderly people fix their income amounts ready to apply for low-income energy assistance. They are very grateful for this help. They are all very proud that they have never had to go for help before and would be very much hurt if they would ever have to go to the welfare for the energy help. This program has kept them from any other program and also kept them in their homes longer. Some have had the weatherization done to their homes.

Thank You

Georgia Grenfell

Barby, Mont.

12-16-53

Whom it may concern,

I am a Senior Citizen & would prefer  
Revering Opportunities Corp. to take care of my  
living help till #708, rather than going to  
Welfare

I thank you  
Catherine C. Burns  
605-5<sup>th</sup> - Ave S  
City

Beatrice E. Lee  
1019 - 2nd Ave. No  
Great Falls, Mt.

Dear Sirs:

The Senior Citizens would  
appreciate to see Opportunities  
Inc. resume their full  
standards again

Therefore I don't  
miss like Opportunities Inc  
many Senior Citizens need  
help in regards to Gardening  
insulation, <sup>and</sup> utility costs

Let's all get together <sup>and</sup>  
have Opportunities Inc. back  
Thank you kindly

Respectfully  
Beatrice E. Lee

My name is Carol R. Bybee

I am handicapped and receive S.S.I. I have been living in Great Falls, for about the last seven years.

In my opinion, I received better services from Opportunities and I wish to support housebill 708.

# MISSOULA COUNTY

BOARD OF COUNTY COMMISSIONERS

• Missoula County Courthouse • Missoula, Montana 59802  
(406) 721-5700

BCC-83-100  
February 17, 1983

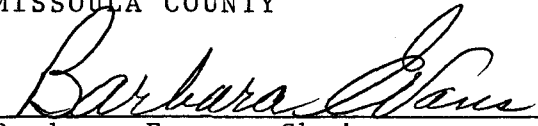
The Honorable Marjorie Hart, Chairman  
House Human Services Committee  
House of Representatives  
Capitol Station  
Helena, Montana 59620

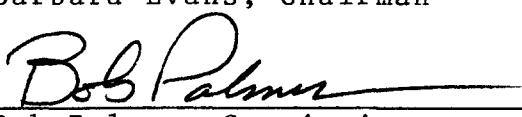
Dear Representative Hart and Other Members of the Committee:

We are writing in support of HB 708, which establishes priorities for distribution of Low Income Energy Assistance Program Funds. We believe this Bill is important because it ensures that human resource councils would have the highest priorities in receipt of administrative and program funds for LIEAP. We believe that human resource councils are best equipped to administer these funds as demonstrated by what we believe is an excellent record. We have complete faith in the board and the staff of District XI Human Resource Council to administer this program efficiently and with empathy towards the needs of low income Montanans.

Sincerely,

BOARD OF COUNTY COMMISSIONERS  
MISSOULA COUNTY

  
Barbara Evans, Chairman

  
Bob Palmer, Commissioner

  
Ann Mary Dussault, Commissioner

BCC/HS/1s

cc: All Missoula Legislators

Proposed Amendment to HB 708

Pg. 1, Section 1, Subsection 2B, line 23, after the second "the" add "size and".

Pg. 2, delete subsection (c), lines 1-3.

Pg. 2, delete Subsection 3, lines 11-14.

Pg. 2, Section 2, Subsection (2) lines 20-21, delete "nonprofit community organization representing one or more", re-insert "each".

Pg. 3, Section 2, Subsection 3, line 2 and 3, delete "nonprofit community organization representing one or more of the".

Pg. 3, Section 2, Subsection 4, lines 8 and 9, delete "nonprofit community organization representing one or more of the".

HB 708

EX 10

HB 70

Against establishing statutory provisions relating to the Low Income Energy Assistance Program.

The business of government is to protect everyone's right to prosper - liberty.

The business of government is not deciding who has rights in things, taking from the haves and giving to the have nots.

By allowing this assistance you are for discriminating.

Allow the poor to help themselves.

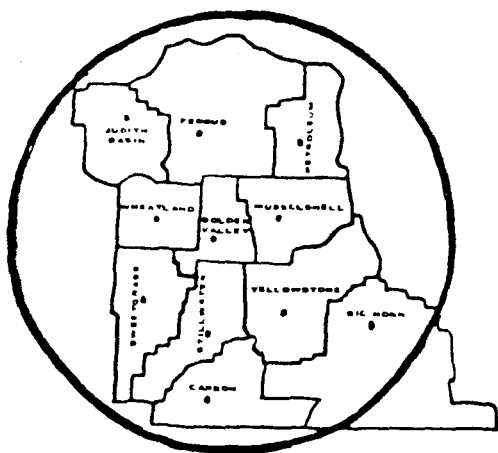
Allow the individual this responsibility.

Families, churches and communities should be allowed to shoulder this responsibility - not government except in some disaster.

Let individuals - private donations and others who are willing to give - help.

Beverly Buckner





## AREA AGENCY ON AGING MONTANA - AREA II

2031 Hewitt Drive  
Billings, Montana 59102

February 17, 1983

Representative Joe Brand  
House of Representatives  
Human Services Committee  
Capitol Station  
Helena, Montana 59620

Dear Representative Brand:

As the Area II Agency on Aging Advocate for Senior Citizens, I would appreciate very much your support of HB-708 introduced by Representative Joe Quilici of Butte. Area II comprises an eleven county area and my position as a volunteer is an appointed one. HB-708 provides for the administration of the Low-Income Energy Assistance Program and the Weatherization Program by community non-profit entities representing one or more of the Governor's substate planning district.

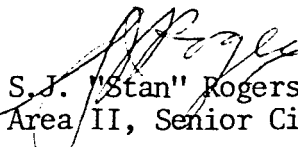
During the past four (4) years as an advocate for senior citizens, I have worked very closely with District 7 Human Resources Development Council in Billings doing outreach work such as visiting senior citizen centers, senior groups, organizations, etc. providing information of services available, who is eligible, how and where to apply, etc. In this capacity, I have had the opportunity to work very closely with various HRDC personnel and observed first hand that the elderly, as well as others, were treated by Human Resources with dignity and respect and served with privacy. In addition, I can honestly say without hesitation that once a person made application for either fuel or weatherization assistance, appropriate action was taken within a reasonable time. It is very important for seniors to know whether or not they are eligible.

As you know, the weatherization program has been administered by the Human Resources Development Councils throughout the state during the past 8 years. In addition, the fuel assistance program has also been carried out by Human Resources Development Councils since its inception six (6) years ago. During this program year, however, some of the County Welfare Departments chose to administer the fuel assistance program. The weatherization and fuel assistance programs fit like hand and glove, in other words, usually if you are eligible for one you are also eligible for the other. Therefore, it makes sense to administer both programs by one agency to simplify application, processing, follow-up contact, etc.

The Human Resources Development Councils, because of their experience administering both the fuel assistance and weatherization programs, were able to develop a rapport between vendor, staff and prospective clients. That kind of rapport isn't accomplished overnight. In addition, because of this rapport less and less educating, advertising, promoting, etc. has to be done since the majority of the clients are already knowledgeable of the availability of the programs and the procedures to follow. This provides for a much smoother operation and for efficient management.

On behalf of all the senior citizens who I represent that are potential recipients of these services, I strongly recommend that you approve HB-708. This is a good bill and is designed to serve the elderly, handicapped and low-income people in a more dignified and human manner but should also provide for an efficient operation.

Sincerely,

  
S.J. "Stan" Rogers  
Area II, Senior Citizens Advocate

SR/mac

## VISITOR'S REGISTER

HOUSE

HUMAN SERVICES

COMMITTEE

BILL HOUSE BILL 708

DATE 2-18-83

SPONSOR REP. QUILICI

NAME	RESIDENCE	REPRESENTING	SUP- PORT	OP- POSE
Carl Donovan	St. Falls	MCAP - MPP	✓	
Raymond Smith	St. Falls	MCAP	✓	
Sam Bryan	Helena	Mont. Senior Citizens League	✓	
Theresa Clopper	St. Falls	M.P.P.	✓	
Martha E. Smith	St. Falls	MOP	✓	
Miller Tiedeman	St. Falls	MPP, MSCA	✓	
Leslie Boren	Helena	MSCA	✓	
Barney Shetty Freeman	Butte	Montana Beer	✓	
Caroline Shea	Butte	HRC - Dist XII	✓	
Dorinda Sherry		HRC - Dist XII	✓	
Alan Hight	Bozeman	DIST 7 HRC	✓	
Magg. Dineen	Butte	HRC - District XII	✓	
G.V. Erickson	Bozeman	MRP-MRTA-Leg. Leg.	✓	
Jim Smith	Helena	Reg. 8 CAA Assoc.	✓	
LINDA H. CARSON	Helena	SRS	WORK ANDERS	
LEE TICKELL	HELENA	SRS	✓ W/AMM	
JIM NOCAN	HELENA	SRS	✓ W/AMM	
Nancy Grotz	Lewiston	HRC		
Howard Schwan	Missoula	Missoula County Comm.	✓	
Beverly Shuebert	Helena	Myself		X

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## STANDING COMMITTEE REPORT

..... 19 .....

SPEAKER

MR. ....

HUMAN SERVICES

We, your committee on .....

HOUSE

663

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

FIRST

WHITE

..... reading copy ( ..... )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO GRANT THE DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES AUTHORITY TO ADMINISTER THE STATE PLAN ON AGING,  
TO COORDINATE SERVICES TO THE AGED, AND TO ESTABLISH OR REDESIGNATE PLANNING  
SERVICE AREAS; AND PROVIDING AN EFFECTIVE DATE."

HOUSE

663

Respectfully report as follows: That ..... Bill No. ....  
BE AMENDED AS FOLLOWS:

1. Title, line 8.

Following: "EFFECTIVE"

Insert: "IMMEDIATE"

2. Page 2.

Following: line 9.

Insert: "Section 3. Existing planning and service areas grandfathered.  
The existing 11 planning and service areas shall be grandfathered  
in for a period of not less than 4 years effective immediately  
upon passage of this bill."

Renummer subsequent sections.

3. Page 2, line 17.

Following: "at"

Strike: "no less than 7 and no more than 10"

Insert: "12"

~~DIXFASX~~

## STANDING COMMITTEE REPORT

19

SPEAKER

MR. ....

HUMAN SERVICES

We, your committee on .....

HOUSE

663

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

FIRST

WHITE

..... reading copy ( ..... )  
color

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Renummer subsequent sections.

3. Page 2, line 17.

Following: "at"

Strike: "no less than 7 and no more than 10"

Insert: "12"

~~EXCESS~~

4. Page 3, line 10.

Strike: "5"

Insert: "6"

5. Page 3, line 12.

Following: "through"

Strike: "5"

Insert: "6"

6. Page 3, line 13 and 14.

Strike: "July 1, 1983"

Insert: "on passage and approval"

.....  
AND AS AMENDED

DO PASS

Elkhead County Council of Aging supports HB 63 with its added language of grand fathering in the existing elder Planing & Service Area for a period of not less than 4 years effective immediately on passage, and ~~on~~ limiting the number of planning & service areas to twelve.

Over a three year period of trying to acquire independent status for our county, we have expended a great deal of effort, time, and money.

We won independence based on valid facts and issues. We will resist any effort by anyone that will put us back to square one.

I have been asked to speak for these additions to H.B. 63 by the Area directors and the P.S.A.'s because we all desire the stabilization of the Aging network. We feel this legislation is the first step in this regard.

We are unified on this bill as amended & altho this may be the only common ground we have <sup>at this time</sup> we feel this to be a significant beginning.

As for Elkhead County we just want to go home and be able to give 100% of our efforts to provide the needed services <sup>to</sup> of our Seniors.

County Governor

# TESTIMONY ON H.B.663

The Area III Agency on Aging was composed of nine counties prior to July 1, 1982. After that date the Area Agency was reduced by two counties when Hill and Cascade Counties received their separate Planning and Service Area status.

Since that time Area III has strengthened itself and has become a very workable organization. The Senior Citizens within Area III have rallied in full support of the Area office whenever they were called upon. When the Legislative Finance Committee held a hearing in their investigation of the efficiency of Area Agencies one group of Seniors even chartered a plane at their own expense to fly to Helena to testify.

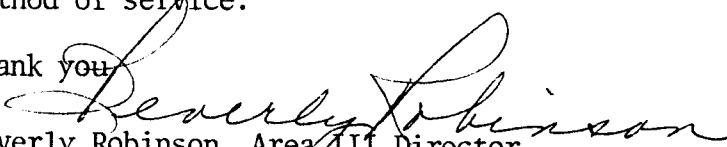
Area III, which takes in Blaine, Chouteau, Glacier, Liberty, Pondera, Teton and Toole Counties, has a total of 6,923 senior citizens. In the past four months, of that number, 3,375 seniors have used some service offered by their senior centers. The services made available through the senior centers include nutrition, home-delivered meals, transportation, health screening, home chore, outreach, information and referral and nursing home ombudsman, and legal aid. One county also has a home-health service in place.

Since ours is a rural Area, for many of the senior citizens the senior center is the only place they can relate to.

One personal note, if I may -- Senior Citizens are the greatest people in the world to deal with and work for and if we can improve the quality of life and keep them out of nursing homes as long as possible, I think that is the greatest Montana can give.

I would sincerely ask for a favorable vote on H.B.663, so that Area III can continue to serve our senior citizens and not disrupt or change the method of service.

Thank you

  
Beverly Robinson, Area III Director



## VISITOR'S REGISTER

HOUSE HUMAN SERVICES COMMITTEE

BILL HOUSE BILL 663

DATE 2-18-83

SPONSOR REP. BENGTON

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

LENORE F. TALIAFERRO, LONG TERM CARE OMBUDSMAN  
449-4676, or, Hotline 1-800-332-2272

MONTANA SENIORS ADVOCACY ASSISTANCE

P.O. BOX 232

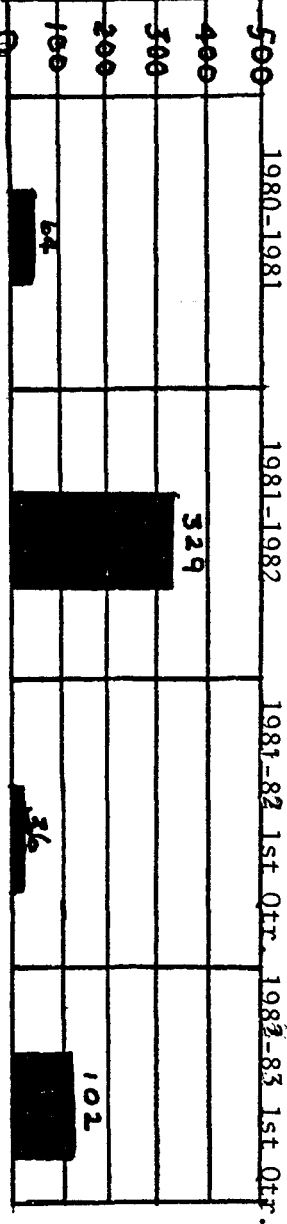
CAPITOL STATION, HELENA

MONTANA 59620

GRAPH SHOWING NUMBERS OF COMPLAINTS RECEIVED IN OMBUDSMAN OFFICE, 1980 through 1982, reporting years beginning on October 1, and ending on September 30 of each fiscal year.

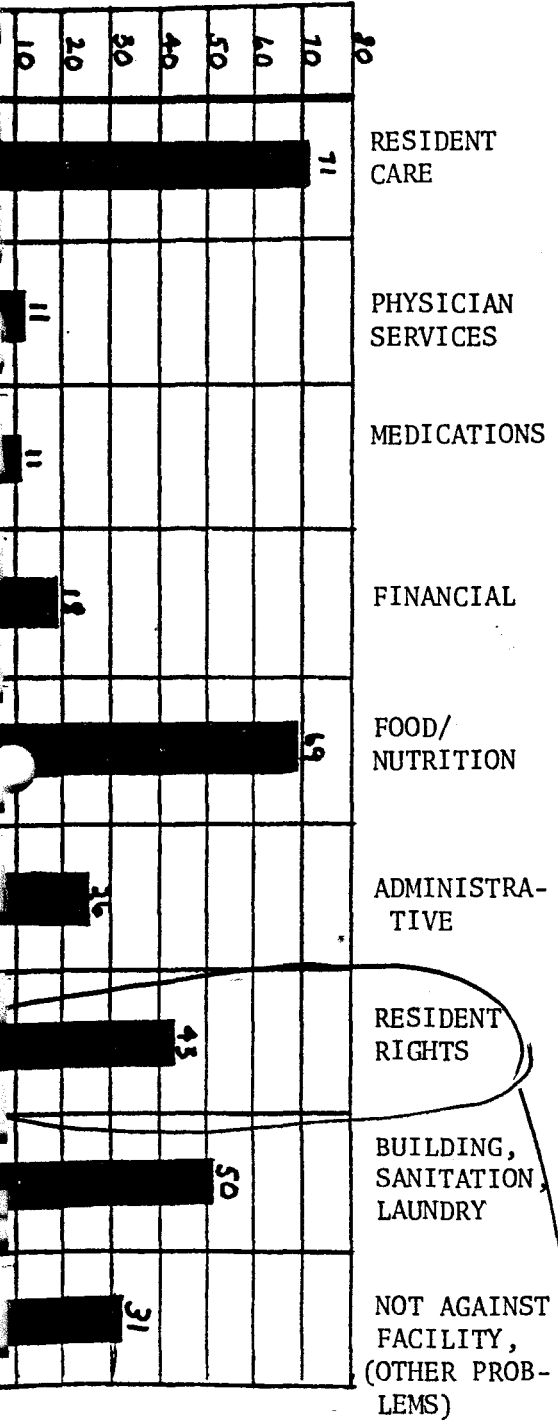
Although approximately 500 complaints for the year 1982-83 are projected, 102 have been received during the 1st quarter which ended December 31, 1982. Thirty-six (36) complaints were received during the 1st quarter of the previous year ending December 31, 1981. An increase of approximately 60%.

COMPLAINT NUMBERS



GRAPH SHOWING NUMBERS OF COMPLAINTS BY INCIDENCE IN CATEGORIES BY HEADING FOR 1981-82

COMPLAINT NUMBERS



1981-82

G. RESIDENT RIGHTS

1st Qtr  
Sept. 30, 1982 - Dec. 31, 1982

- G-1 Restriction on right to complain - 1
- G-2 No grievance procedures - 2
- G-3 Religious rights restricted
- G-4 Civil Liberties (voting, etc.) restricted
- G-5 Social/community activities restricted
- G-6 Medicaid discrimination other than admission or transfer
- G-7 Religious discrimination
- G-8 Race discrimination
- G-9 Sex discrimination
- G-10 Not informed of condition
- G-11 Not informed of rights, policies - 2
- G-12 Confidentiality of records
- G-13 Disallowed access to own records

- G-14 Denied rights
- G-15 Visiting hours
- G-16 Mail opened/not delivered
- G-17 No Phone Privacy
- G-18 Not treated with respect, dignity
- G-19 Physical abuse by other resident
- G-20 Verbal abuse by other resident - 1
- G-21 Use of possessions restricted - 1
- G-22 Kept in facility against will
- G-23 Threats of eviction from facility
- G-24 Fear of retaliation by facility
- G-25 Personal items, lost, stolen, or used by others - 1
- G-26 Violation of privacy - 1
- G-27 Denied sharing room w/spouse
- G-28 Other (specify)

TOTAL - 14

H. BUILDING, SANITATION; LAUNDRY

- H-1 Cleanliness - 2
- H-2 Safety factors (exits, fire, railings, etc.) - 1
- H-3 Offensive odors - 3
- H-4 Appearance
- H-5 Pests - 2
- H-6 Bathrooms
- H-7 Linens
- H-8 Handicap assessibility
- H-9 Bed, bedside equipment
- H-10 Storage space, (amount, security)
- H-11 Supplies
- H-12 Heating
- H-13 Cooling, Ventilation
- H-14 Lighting
- H-15 Water Temperature
- H-16 Outside garbage area - 7
- H-17 Other (specify)

TOTAL: 9

J. NOT AGAINST FACILITY ( OTHER PROBLEMS)

- J-1 Financial (bad debts, exploitation)
- J-2 Medicaid not providing services - 2
- J-3 Medicaid reclassification
- J-4 Other Medicaid problem except Discrimination - 3
- J-5 SSI, Social Security - 1
- J-6 Medicare
- J-7 Insurance - 2
- J-8 Guardianship, Conservatorship, power of attorney - 1
- J-9 Family problems - 1
- J-10 Wills - 1
- J-11 Outside social services agency
- J-12 Inappropriate placement - 2
- J-13 Other (specify) - 1 Spouse

TOTAL COMPLAINTS, 1st Quarter: 102

# MONTANA SENIORS' ADVOCACY ASSISTANCE

P.O. Box 232 • Capitol Station • Helena, Montana 59620  
(406) 449-4676 (Helena) • 1-800-332-2272 (Toll-free)

10/1/82 - 12/31/82

DOUGLAS B. OLSON, Attorney  
Elderly Legal Services Developer

LENORE F. TALIAFERRO  
Montana State Nursing Home Ombudsman

## A. RESIDENT CARE

- A-1 Inadequate hygiene care - 1
- A-2 Bedsores, decubitus ulcers
- A-3 Not dressed - 1
- A-4 Not turned
- A-5 Not walked, exercised
- A-6 Improper restraints - 2
- A-7 Unanswered help calls - 1
- A-8 Inadequate supervision of resident - 1
- A-9 Kept up too long - 2
- A-10 Improper accident procedures
- A-11 Resident falling - 1
- A-12 Physical abuse - 1
- A-13 Mental abuse
- A-14 Verbal abuse - 2
- A-15 Neglect (specify)

- A-16 Dehydration - 1
- A-17 Doctor not called - 2
- A-18 Staff attitudes - 2
- A-19 Staff poorly trained - 2
- Lack/poor quality of
- A-20 Restorative nursing
- A-21 Rehabilitation (OT, PT, ST)
- A-22 Social Services
- A-23 Dental
- A-24 Diagnostic
- A-25 Activities (leisure, religious)
- A-26 Inadequate care plan
- A-27 Lack of; poor, medical equipment  
(wheelchair, walker, hearing aid, etc.) - 1
- A-28 clothing in poor condition
- A-20 Other (specify) 2 {1 - sexual abuse  
1 - public health

TOTAL - 22

## B. PHYSICIAN SERVICES

- B-1 Schedule of visits - 4
- B-2 Billing - 1
- B-3 Inaccessible, unresponsive - 3
- B-4 Diagnosis, treatment - 1

- B-5 Not responsive in emergency - 3
- B-6 Does not take Medicare/Medicaid
- B-7 Other (specify)

TOTAL - 12

## C. MEDICATIONS

- C-1 Not given according to orders
- C-2 Administered by inappropriate staff - 2
- C-3 Over-sedation - 1

- C-4 Shortage
- C-5 Given against resident's will
- C-6 Other (specify)

TOTAL - 3

## D. FINANCIAL

- D-1 Billing/accounting wrong, denied
- D-2 Access to own money denied
- D-3 Not informed of charges
- D-4 Charged for services not rendered - 1
- D-5 Charges not approved in advance

- D-6 Questionable charges - 2
- D-7 Misuse of personal funds by  
facility - 1
- D-8 Deposits, other money not returned
- D-9 Other (specify) - 1 Unclear Information

TOTAL - 5

## E. FOOD/NUTRITION

- E-1 Cold - 1
- E-2 Unappetizing, little variety - 6
- E-3 Choices - 2
- E-4 Snacks
- E-5 Not assisted in eating - 2
- E-6 Special diet not followed - 1
- E-7 Preferences not considered

- E-8 No water available - 2
- E-9 Nutritionally poor
- E-10 Religious preference not followed
- E-11 Insufficient amount - 1
- E-12 Unsanitary
- E-13 Time span - 1
- E-14 Lack of utensils
- E-15 Other (specify)

TOTAL - 16

## F. ADMINISTRATIVE

- F-1 Understaffing - 2
- F-2 Admissions procedures
- F-3 Admission refused due to Medicaid status - 2
- F-4 Discharge plans, procedures
- F-5 Improper placement
- F-6 Transfer due to Medicaid status
- F-7 Other improper transfer - 1

- F-8 Bed not held - 2
- F-9 Room changes/assignment
- F-10 Roommate conflict
- F-11 Improper use of staff
- F-12 Medical transportation
- F-13 Language barrier (including sign language)
- F-14 Laundry procedures
- F-15 Other (specify)

TOTAL - 7

*Excerpt from Admin. on Aging Findings:*

ISSUE #1 - RESIDENTS' RIGHTS

Nursing home residents are entitled to all the rights of citizenship. Admission to a nursing home does not suspend constitutional guarantees, nor does it terminate legal rights, either personal or property. However, because of some of the circumstances of institutional life, rights do become lost, as they are often overlooked, disregarded and unenforced. Violations of residents' rights to communicate and associate freely with persons of their choice, to privacy, to participate in decisions regarding their care, to information concerning the facility and charges, to move freely within the facility and to leave for brief periods, and to basic procedural protections occur regularly in facilities throughout the country.

Current Federal regulations spell out specific rights of Medicare and Medicaid residents in Skilled and Intermediate Care facilities which participate in these programs, and revised regulations proposed by the Health Care Financing Administration would strengthen these rights. New Jersey, Nevada, Delaware, Connecticut, Florida, North Carolina, Minnesota and Ohio have enacted legislation creating State Nursing Home Residents' Bills of Rights which generally follow and expand upon the Federal Patients' Bill of Rights. Mississippi, Georgia, Indiana and New Hampshire reported that they are seeking such legislation.

ISSUE #2 - NURSING HOME REGULATIONS AND THEIR ENFORCEMENT

The system of State and Federal government regulation of nursing homes could be one of the strongest tools for assurance of quality care for nursing home residents, but Ombudsmen report that the system is often ineffective due to weak regulations, fragmented and inefficient inspection and enforcement processes, and inflexible public sanction machinery. Often the only sanction available is to close a facility which is not in compliance, a step which States are understandably reluctant to take except in the most extreme cases.

Many State Ombudsman Programs, such as those in Arizona, Kansas, Iowa, Wisconsin, Michigan, Illinois, West Virginia, New York, Oregon, Florida, Maine, and Minnesota have played an active role in the rewriting, revision and promulgation of State nursing home licensure regulations. The Ombudsmen in these States participate on committees, boards and task forces that make recommendations to the licensing agency and draft those recommendations into regulations. In some States, notably Wisconsin, Michigan, Iowa, and Minnesota, the Ombudsman has recruited and encouraged such persons as nursing home residents and staff to present formal testimony at public hearings to support specific

1 BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_

3

4 A BILL FOR AN ACT ENTITLED: " AN ACT TO PROVIDE FOR A  
5 PATIENT'S AND RESIDENT'S BILL OF RIGHTS....."

6

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

8 NEW SECTION. Section 1. Purpose. It is the purpose of  
9 the legislature in enacting this law to expressly set forth  
10 fundamental human rights which all patients and residents  
11 shall be entitled to in a hospital, skilled nursing care  
12 facility, intermediate care facility, personal care facility,  
13 boarding home, roominghouse or retirement home, as those terms  
14 are defined in Title 50, Chapters 5 and 51, and to ensure  
15 that patients and residents in such facilities are advised of  
16 their fundamental rights and the obligations of the facility."

17 NEW SECTION.

18

19

20

21

22

23

24

25

**CHAPTER 3.9 SKILLED NURSING AND INTERMEDIATE CARE  
FACILITY PATIENT'S BILL OF RIGHTS [NEW]**

**Sec.**

1599. Legislative intent.

1599.1 Written policies; rights of patients and facility obligations.

1599.2 Preamble or preliminary statement; form.

1599.3 Representative of patient; devolution of rights.

1599.4 Construction and application of chapter.

*Chapter 3.9 was added by Stats.1979, c. 893, p. 3087, § 1.*

**§ 1599. Legislative intent**

It is the intent of the Legislature in enacting this chapter to expressly set forth fundamental human rights which all patients shall be entitled to in a skilled nursing or intermediate care facility, as defined in Section 1250, and to ensure that patients in such facilities are advised of their fundamental rights and the obligations of the facility.

(Added by Stats.1979, c. 893, p. 3087, § 1.)

**Library References**

Asylums ☞3.

C.J.S. Asylums § 5.

**§ 1599.1 Written policies; rights of patients and facility obligations**

Written policies regarding the rights of patients shall be established and shall be made available to the patient, to any guardian, next of kin, sponsoring agency or representative payee, and to the public. Such policies and procedures shall ensure that each patient admitted to the facility shall have the following rights and be notified of the following facility obligations, in addition to those specified by regulation:

(a) The facility shall employ an adequate number of qualified personnel to carry out all of the functions of the facility.

(b) Each patient shall show evidence of good personal hygiene, be given care to prevent bedsores, and measures shall be used to prevent and reduce incontinence for each patient.

(c) The facility shall provide food of the quality and quantity to meet the patients' needs in accordance with physicians' orders.

(d) The facility shall provide an activity program staffed and equipped to meet the needs and interests of each patient and to encourage self-care and resumption

**Asterisks \* \* \* indicate deletions by amendment**

## **§ 1599.1 HEALTH AND SAFETY CODE**

of normal activities. Patients shall be encouraged to participate in activities suited to their individual needs.

(e) The facility shall be clean, sanitary, and in good repair at all times.

(f) A nurses' call system shall be maintained in operating order in all nursing units and provide visible and audible signal communication between nursing personnel and patients. Extension cords to each patient's bed shall be readily accessible to patients at all times.

(Added by Stats.1979, c. 893, p. 3087, § 1.)

### **§ 1599.2 Preamble or preliminary statement; form**

Written information informing patients of their rights shall include a preamble or preliminary statement in substantial form as follows:

(a) Further facility requirements are set forth in the Health and Safety Code, and in Title 22 of the California Administrative Code.

(b) Willful or repeated violations of either code may subject a facility and its personnel to civil or criminal proceedings.

(c) Patients have the right to voice grievances to facility personnel free from reprisal and can submit complaints to the State Department of Health Services or its representative.

(Added by Stats.1979, c. 893, p. 3087, § 1.)

### **§ 1599.3 Representative of patient; devolution of rights**

Any rights under this chapter of a patient judicially determined to be incompetent, or who is found by his physician to be medically incapable of understanding such information, or who exhibits a communication barrier, shall devolve to such patient's guardian, conservator, next of kin, sponsoring agency, or representative payer, except when the facility itself is the representative payer.

(Added by Stats.1979, c. 893, p. 3087, § 1.)

### **§ 1599.4 Construction and application of chapter**

In no event shall this chapter be construed or applied in a manner which imposes new or additional obligations or standards on skilled nursing or intermediate care facilities or their personnel, other than in regard to the notification and explanation of patient's rights or unreasonable costs.

(Added by Stats.1979, c. 893, p. 3087, § 1.)



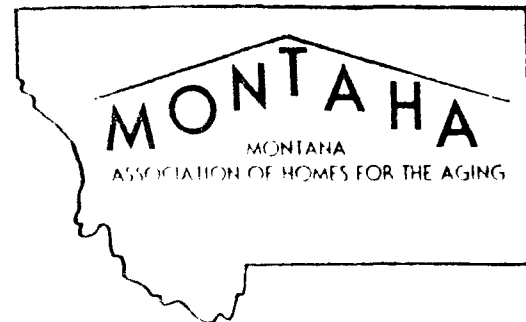
## Patients' Rights

### Patient's Bill of Rights

A patient does not give up any of his/her civil rights when entering a nursing home. However, because of his/her physical and/or mental condition, the patient is in a particularly vulnerable position.

#### Patient's Bill of Rights includes:

- . the right to know and make decisions about one's treatment.
- . the right to have privacy, to receive and send mail unopened and to confer with persons or groups of one's choice
- . the right to voice grievances without fear of reprisals
- . the right to manage one's own finances or be given a quarterly accounting of the financial transactions made on one's behalf by the home if the patient has delegated that responsibility in writing
- . the right not to be transferred except for medical reasons, a patient's own welfare or that of other patients, or for non-payment
- . the right to be fully informed of services available and of related charges and fees
- . the right to be fully informed of one's medical condition unless medically contraindicated
- . the right to be free from mental and physical abuse, and from chemical and physical restraints (with specified exceptions)
- . the right to be treated with consideration, respect and dignity
- . the right to retain and use personal clothing and possessions as space permits
- . the right not to perform services for the home
- . the right to have marital privacy
- . the right to have the name, address and phone number of the patient's physician at his/her bedside
- . the right to receive from staff a reasonable response to one's requests
- . the right to have staff knock before entering one's room unless the patient is asleep



February 17, 1983

TO: The House Human Services Committee

FROM: Montana Association of Homes for the Aging

The Montana Association of Homes for the Aging is a state association representing not-for-profit retirement homes and nursing homes in Montana. The following testimony is provided as opposition to House Bill 604, an act providing a list of rights for patients and residents of hospitals and certain enumerated facilities. . . .

This legislation is unnecessary for long term care facilities because nursing homes are covered under an almost identical bill of rights as required by other state and federal regulations. A copy of that bill of rights is attached for your information. It is required that each resident sign a copy of this bill of rights acknowledging the fact that he/she has been informed of his/her rights.

We take particular exception to one item in this bill, item (2)(n) under Section 2, "The right to have the name, address, and phone number of his physician at his bedside". It could be anticipated that confused and/or disoriented residents would attempt to call their physician several times a day or possibly make expensive long distance calls to unknown numbers creating unnecessary inconveniences and expenses.

We are concerned about implementing regulations such as this on rooming houses and retirement homes. It is our observation that retirement homes are adequately regulated in various other ways such as by the Montana Landlord/Tenant Act, by the Department of Housing and Urban Development, and by the Montana Department of Health and Environmental Sciences. It appears to us that present regulation could be enforced and more than adequately protect the residents living in these facilities.

We call attention to some specific sections of this legislation that would be most inappropriate for retirement homes.

Section 2:

- (2)(a) Retirement Homes keep minimal records on residents and are not involved in treatment.
- (2)(c) Residents living in retirement homes are independent and do not need assistance with their finances.
- (2)(e) Retirement Homes do not keep medical record on each resident and should not.

- (2)(g) The right to privacy is covered by the Montana Landlord and Tenant Act, Chapter 7.
- (2)(h) Eviction procedures are covered by the Montana Landlord and Tenant Act, Chapter 11 and by HUD lease agreements.
- (2)(i) Retirement Homes do not provide medical care, therefore should not be caring for residents needing chemical and physical restraints. These residents should be transferred to a facility providing appropriate care.
- (2)(l) Formal plans of care on individual residents are not kept in retirement homes.
- (2)(m) A resident's room or apartment in a retirement home is considered very private and can only be entered by management according to a pre-arranged agreement, Chapter 7, Montana Landlord and Tenant Act.
- (2)(n) This is redundant - landlords cannot and do not control items such as this.

Section 3: This is a false statement. This Act, if passed, would create new obligations and standards for rooming houses and retirement homes.

For additional information, please feel free to contact:

Joyce Klemencic, President  
Montana Association of Homes for the Aging  
909 West Central  
Missoula, Montana 59801  
Ph: 728-3210

Verlin D. Buechler, Vice President  
Montana Association of Homes for the Aging  
601 South Wibaux  
Wibaux, Montana 59353  
Ph: 795-2429

Donald A. Peterson, Vice President  
Montana Association of Homes for the Aging  
3940 Rimrock Road  
Billings, Montana 59102  
Ph: 656-2710

ST. JOH

Sample

## Patients' Bill of Rights

THE GOVERNING BODY OF ST. JOHN'S LUTHERAN HOME HAS ESTABLISHED THE FOLLOWING POLICIES REGARDING THE RIGHTS AND RESPONSIBILITIES OF PATIENTS RESIDING AT ST. JOHN'S LUTHERAN HOME.

THE PATIENT, OR RESPONSIBLE PARTY ACKNOWLEDGES PRIOR TO, OR AT TIME OF ADMISSION THAT:

I. He is fully informed of his rights and of all rules and regulations governing patient conduct and responsibilities;

II. And is also fully informed of services available in the facility, and of related charges including any charges for services not covered under Titles XVIII or XIX of the Social Security Act, or not covered by the facility's basic per diem rate;

III. Is fully informed, by a physician, of his medical condition unless medically contraindicated (as documented, by a physician, in his medical record), and is afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research;

IV. Is transferred or discharged only for medical reasons or for his welfare or that of other patients, or for non-payment for his stay (except as prohibited by Titles XVIII or XIX of the Social Security Act), and is given reasonable advance notice (3 days) to ensure orderly transfer or discharge, and such actions are documented in his medical record;

V. The patient is encouraged and assisted, throughout his period of stay, to exercise his rights as a patient and as a citizen, and to this end may voice grievances and recommend changes in policies and services to facility staff and/or to outside representatives of his choice, free from restraint, interference, coercion, discrimination, or reprisal;

VI. The patient may manage his personal financial affairs, or is given at least a quarterly accounting of financial transactions made on his behalf should the facility accept his written delegation of this responsibility to the facility for any period of time in conformance with State law;

VII. The patient is free from mental and physical abuse, and free from chemical and (except in emergencies) physical restraints except as authorized in writing by a physician for a specified and limited period of time, or when necessary to protect the patient from injury to himself or to others;

VIII. The patient is assured confidential treatment of his personal and medical records, and may approve or refuse their release to any individual outside the facility, except, in case of his transfer to another health care institution, or as required by law or third-party payment contract;



• BILLINGS, MONTANA 59102

IX. The patient is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs;

X. The patient is not required to perform services for the facility that are not included for therapeutic purposes in his plan of care;

XI. The patient may associate and communicate privately with persons of his choice, and send and receive his personal mail unopened, unless medically contraindicated (as documented by his physician in his medical record);

XII. The patient may meet with, and participate in activities of social, religious, and community groups at his discretion, unless medically contraindicated (as documented by his physician in his medical record);

XIII. The patient may retain and use his personal clothing and possessions as space permits, unless to do so would infringe upon rights of other patients, and unless medically contraindicated (as documented by his physician in his medical record); and

XIV. The patient if married, is assured privacy for visits by his/her spouse, if both are inpatients in the facility, they are permitted to share a room, unless medically contraindicated (as documented by the attending physician in the medical record.).

All rights and responsibilities specified in paragraphs I through VI as they pertain to (a) a patient adjudicated incompetent in accordance with State law, (b) a patient who is found, by his physician, to be medically incapable of understanding these rights, or (c) a patient who exhibits a communication barrier--devolve to such patient's guardian, next of kin, sponsoring agency (ies), or representative payee (except when the facility itself is representative payee).

THE UNDERSIGNED CERTIFIES THAT HE HAS READ THE FOREGOING, RECEIVING A COPY THEREOF, AND IS THE PATIENT, OR IS DULY AUTHORIZED BY THE PATIENT AS PATIENT'S GENERAL AGENT TO EXECUTE THE ABOVE AND ACCEPT ITS TERMS.

PATIENT

PATIENT'S AGENT OR REPRESENTATIVE

RELATIONSHIP TO PATIENT

A copy of this Document is to be delivered to the patient or agent.

Date \_\_\_\_\_ 19\_\_\_\_, Hour \_\_\_\_\_ am/pm

WITNESS: \_\_\_\_\_

# Missoula Manor Homes

909 W. Central  
Missoula, Montana  
59801

February 17, 1983

To: Human Services Committee  
From: Joyce Klemencic  
Administrator, Missoula Manor  
President, MONTAHA  
Re: HB 604

I am testifying in regard to HB #604 as the administrator of Missoula Manor Homes and as president of the Montana Association of Homes for the Aging.

Missoula Manor is a HUD assisted retirement home as are the other 18 member retirement homes. We are independent living apartment complexes with many providing congregate meals.

As such, I find the requirement of HB #604 inappropriate for application within the retirement setting.

First, our residents are protected under the Montana Tenant/Landlord Act and by a detailed lease required by HUD regulation. Among other things, these laws address informing residents regarding services and fees, privacy rights, grievances, and eviction proceedings.

Secondly, our retirement homes do not offer any medically related type of personal care and, therefore, are not in the position to insure the rights specified in 2 a, e, and i.

Thirdly, our residents do not have the option of delegating responsibility for their financial affairs to us as mentioned in 2 (c). We require that residents of our retirement homes be able to live independently which includes responsibility for their personal finances. We are not in a position to take on this added burden.

Finally, my concern is that this bill of rights will create an expectation of services which are not available in our retirement homes and create confusion for the resident reading them.

## VISITOR'S REGISTER

HOUSE HUMAN SERVICES COMMITTEE

BILL                    HOUSE BILL 604

DATE 2-18-83

SPONSOR      REP. WALLIN

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# VISITOR'S REGISTER

HOUSE                  HUMAN SERVICES                  COMMITTEE

BILL HOUSE BILL 580

DATE 2-18-83

SPONSOR                      REP. DARKO

[illegible]

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

# STANDING COMMITTEE REPORT

February 18,

19 **83**

MR. **SPEAKER**

We, your committee on **HUMAN SERVICES**

having had under consideration ..... **HOUSE** Bill No. **580**

**first** reading copy ( **white** )  
color

**A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE AND  
CLARIFY THE LAWS RELATING TO SWIMMING POOLS AND BATHING PLACES;  
CLARIFYING THAT THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
MAY SET SAFETY STANDARDS FOR PUBLIC SWIMMING POOLS AND BATHING  
PLACES; AMENDING SECTIONS 50-53-101 THROUGH 50-53-103 AND  
50-53-108, MCA, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."**

Respectfully report as follows: That ..... **HOUSE** Bill No. **580**

**DO PASS**

**STATEMENT OF INTENT ATTACHED**



MR. SPEAKER

WE, YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 580, FIRST READING COPY (WHITE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT  
HOUSE BILL NO. 580

A statement of intent is needed for House Bill 580 because it grants the Department of Health and Environmental Sciences express authority to adopt enforceable, binding rules setting safety standards for public swimming pools and bathing places.

The department presently has the authority to ensure that public swimming pools and bathing places are safe. However, the section of the law granting it authority to make binding rules relating to swimming facilities omits mention of safety standards. Therefore, the rules the department has adopted to indicate the safety measures it considers necessary to protect public health are not legally binding, except in regard to pools in hotels, motels, or rooming houses, for which the department has separate regulatory authority under other statutes.

Therefore, it is the intent of the legislature that the Department of Health and Environmental Sciences have express rule-making authority to adopt binding safety standards for swimming pools and bathing places, including construction specifications and operational requirements such as lifeguards.

# STANDING COMMITTEE REPORT

HOUSE BILL 604  
Page 1 of 2

February 22, 1983

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 604

first reading copy ( white )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING A LIST OF RIGHTS FOR PATIENTS AND RESIDENTS OF HOSPITALS AND CERTAIN ENUMERATED FACILITIES; PROVIDING THAT A PATIENT MUST BE INFORMED OF THESE RIGHTS; ALLOWING THE RIGHTS TO BE DISALLOWED FOR MEDICALLY RELATED REASONS."

Respectfully report as follows: That HOUSE Bill No. 604

be amended as follows:

1. Title, line 4.

Following: "PROVIDING"

Strike: "A LIST OF RIGHTS FOR PATIENTS AND RESIDENTS OF HOSPITALS AND CERTAIN ENUMERATED FACILITIES; PROVIDING"

2. Title, line 7.

Following: "OF"

Strike: "THE"

Insert: "HIS"

Following: "RIGHTS"

Strike: ", ALLOWING THE RIGHTS TO BE DISALLOWED FOR MEDICALLY RELATED REASONS."

3. Page 1, line 13.

Following: "hospital"

Strike: ", "

Insert: "or"

DO PASS Following: "facility"

Strike: ", "

4. Page 1, line 14.

Strike: "roominghouse, or retirement home"

5. Page 1, line 19.

Following: "hospital"

Strike: ", "

Insert: "or"

Following: "50-5-101"

Strike: ", or"

6. Page 1, line 20.

Strike: line 20 in its entirety

7. Page 2, line 1 through Page 4, line 4.

Following: "the patient." on page 2, line 1.

Strike: the remainder of the bill

AND AS AMENDED  
DO PASS

# STANDING COMMITTEE REPORT

February 21 1983

MR. **SPEAKER**

We, your committee on **HUMAN SERVICES**

having had under consideration **HOUSE** Bill No. **663**

first reading copy ( white )  
Clerk

A BILL FOR AN ACT ENTITLED: "AN ACT TO GRANT THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES AUTHORITY TO ADMINISTER THE STATE PLAN ON AGING, TO COORDINATE SERVICES TO THE AGED, AND TO ESTABLISH OR REDESIGNATE PLANNING AND SERVICE AREAS; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That **HOUSE** Bill No. **663**

be amended as follows:

1. Title, line 8.

Following: "AN"

Insert: "IMMEDIATE"

2. Page 2.

Following: line 9

Insert: "Section 3. Existing planning and service areas grandfathered. The 11 planning and service areas existing [on passage and approval] are grandfathered in for a period of not less than 4 years."

Renumber subsequent sections.

3. Page 2, line 7.

Strike: "3025"

Insert: "305"

4. ~~Page 2~~, line 17.

~~DELET~~ Following: "at"

Strike: "no less than 7 and no more than 10"

Insert: "12"

5. Page 3, line 10.

Strike: "5"

Insert: "6"

6. Page 3, line 12.

Following: "through"

Strike: "5"

Insert: "6"

7. Page 3, line 13 and 14.

Strike: "July 1, 1983"

Insert: "on passage and approval"

END AS AMENDED  
DO PASS

STATEMENT OF INTENT ATTACHED

February 21, 1983

MR. SPEAKER

WE YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 663, FIRST READING COPY WHITE, ATTACH THE FOLLOWING STATEMENT OF INTENT:

**"STATEMENT OF INTENT  
HOUSE BILL NO. 663"**

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Social and Rehabilitation Services (SRS) to administer the state plan on aging.

Section 2 states that the purpose of the bill is to grant the Department authority to develop and administer the state plan on aging, to coordinate services to the aged pursuant to the federal Older Americans Act and to establish or redesignate planning and service areas to facilitate the implementation of the Older Americans Act.

Section 2 further states that it is the intent of the legislature that the number of planning and service areas be limited so that unnecessary administrative costs are eliminated.

It is the legislature's intent that the Department's rulemaking authority be limited to the following areas:

1. Designation and method of designation every 4 years of not less than 7 and not more than 10 planning and service areas.
2. Designation of area agencies to administer the planning and service areas.
3. Statement of purposes of an area agency.
4. Standards for contents of an area plan, for review and approval of the plan and for changing an area plan.
5. Standards for establishment of an area agency advisory council.

# STANDING COMMITTEE REPORT

February 28, 1983

MR. **SPEAKER**

We, your committee on **HUMAN SERVICES**

having had under consideration **HOUSE** Bill No. **671**

**first** reading copy ( **white** )  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO CLARIFY WHICH SUBJECTS MAY BE INCLUDED IN CHIROPRACTIC EXAMINATIONS AND TO MAKE IT DISCRETIONARY FOR THE BOARD OF CHIROPRACTORS TO LICENSE, WITHOUT ADMINISTERING A CLINICAL PROFICIENCY EXAMINATION, AN APPLICANT HOLDING A VALID CERTIFICATE FROM THE NATIONAL BOARD OF CHIROPRACTIC EXAMINERS, AMENDING SECTION 37-12-304, MCA."

Respectfully report as follows: That **HOUSE** Bill No. **671**

be amended as follows:

1. Page 2, line 4.  
Following: "and"  
Strike: "x-ray photographs"  
Insert: "radiographs"

**AND AS AMENDED**

**DO PASS**

# STANDING COMMITTEE REPORT

HOUSE BILL 687

Page 1 of 2

February 21, 1953

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 687

first reading copy (white)  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE LAWS RELATING TO THE QUALIFICATIONS, APPLICATION, AND EXAMINATION FOR A LICENSE TO PRACTICE MEDICINE; AMENDING SECTIONS 37-3-305, 37-3-309, AND 37-3-311, MCA."

Respectfully report as follows: That HOUSE Bill No. 687

BE AMENDED AS FOLLOWS:

1. Title, line 5.

Strike: "QUALIFICATIONS,"

Following: "APPLICATION"

Strike: ", "

2. Title, line 7.

Strike: "37-3-305,"

Following: "37-3-309"

Strike: ", "

3. Pages 1 and 2.

Following: the enacting clause

Strike: Section 1 in its entirety

Renumber: subsequent sections

DELETED



February 21, 1983

4. Page 4.

Following: line 23.

Insert: "(3) An applicant who is a graduate of a foreign medical school shall have passed an examination given by the education council for foreign medical graduates or successors."

Re-number: subsequent subsections.

AND AS AMENDED

DO PASS

# STANDING COMMITTEE REPORT

HOUSE BILL 708  
Page 1 of 2

February 23, 1983

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration HOUSE Bill No. 708

first reading copy (white)  
color

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH STATUTORY PROVISIONS RELATING TO THE LOW-INCOME ENERGY ASSISTANCE PROGRAM; TO PROVIDE THAT THE LOW-INCOME ENERGY ASSISTANCE PROGRAM AND THE HOME WEATHERIZATION PROGRAM BE ADMINISTERED BY COMMUNITY NONPROFIT ENTITIES REPRESENTING ONE OR MORE OF THE GOVERNOR'S SUBSTATE PLANNING DISTRICTS; AMENDING SECTION 90-4-202, MCA; AND PROVIDING AN EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 708

be amended-as follows:

1. Page 1, line 23.  
Following: "recipient, the"  
Insert: "size and"

AND AS AMENDED

DO PASS

STATEMENT OF INTENT ATTACHED

February 21 1983

MR. SPEAKER

WE YOUR COMMITTEE ON HUMAN SERVICES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 708, FIRST READING COPY WHITE, ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT  
HOUSE BILL NO. 708 [LC 1208]

A statement of intent is required for this bill because section 1 grants the Department of Social and Rehabilitation Services rulemaking authority relating to eligibility and administration of the low income energy assistance program.

It is intended that the Department will follow federal guidelines and regulations in establishing the program. It is expected that the Department will vary eligibility and grant amounts to reflect appropriations available and number of persons to be served. The low income energy program is expected to be available evenly statewide, with substate entities administering the program relating to eligibility determination and outreach with the Department administering vendor payment policies and direct administrative activities at the local level to insure statewide program consistency.