

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
March 23, 1983

The meeting of the Human Services Committee held on March 23, 1983, at 12:30 p.m. in Room 224A of the Capitol Building was called to order by Chairman Marjorie Hart. All members were present except Reps. Brand, Menahan and Seifert.

SENATE BILL 266

SEN. MARBUT, sponsor. The purpose of this bill is to establish procedures and availability of the use of eye banks and to make available to citizens of Montana eye bank tissue on a much wider scale than we now have. Most states in our area have undertaken this project. It is limited in Montana. It prevents the citizens of the state from having available tissue in connection with eye surgery. It also inhibits us in cooperating with other states. Being a supplier will give us a much better footing in being a recipient. This is really mandated by the fact that procedures in eye surgery and collection have been revolutionized in the last few years. There is a demand nationwide of 30,000 tissue transplants and about 8,000 donors. We would be able to cooperate around the country making available tissue for eye surgeries. He read through the bill with the Committee.

PROPONENTS:

JOHN SALISBURY, Ophthalmologist, representing Montana Eye Research, supported SENATE BILL 266. He said they were trying to get tissue that will replace corneas. Techniques in the past fifteen years have revolutionized corneal transplantation. Having a law like this would help prevent people from going out of state to have surgery. There is a demand for tissue. This law asks to allow to free up physicians' time to go and take the tissue out. What we would like is to free up their time and train technicians to help us get tissue. You can't do eye banking 8-5, five days a week. We need to be able to get people on a voluntary basis that are not as highly trained as physicians. The Eye Bank of America has set up guidelines to organize and set standards to make sure quality is assured. He supported this bill because he thought it was in the spirit of public service.

JERRY LOENDORF, representing the Montana Medical Association, stated there are only so many ophthalmologists in the state of Montana; by training technicians we are allowing them to have persons on the scene to take and preserve that tissue so it is available to somebody who needs it. He supported this legislation.

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SHARON Craneenen, Administrator, Lions Foundation, said he felt this is a good step forward and that their participation as a foundation will be to cooperate with other organizations primarily to obtain donors and to be what financial assistance they can be in training technicians throughout the state. It is only in the larger populated areas where we can obtain tissue. If this bill passes, we will be able to train technicians throughout the state and go into rural areas where there will be a possibility of collecting tissue. At the present time, we have to import tissue occasionally from Seattle and Denver but we have not been able to respond in turn to their requests. We would like to encourage your consideration of this bill.

(EXHIBIT 1)

OPPONENTS: None

SEN. MARBUT closed saying on page 4, line 9, the purpose is to expand the collection procedures and personnel beyond what the law specifies now. We are a big open state; we do not have existing personnel throughout the state where tissue may be available. We can cooperate with other states and in our own state, make tissue much more available.

QUESTIONS:

REP. WINSLOW: Who would train these technicians?

REP. MARBUT: Any ophthalmologist in the state that is certified.

REP. WINSLOW: They will give a certificate to this technician that they train. Where does that come from?

REP. MARBUT: The ophthalmologist who trains them will issue a certificate stating they have finished the course.

REP. BROWN: What types of persons will be trained as technicians?

REP. MARBUT: They will be medical doctors, nurses and coroners.

VICE-CHAIRMAN FARRIS closed the hearing on SENATE BILL 266.

REP. WINSLOW will carry the bill on the floor of the House.

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EXECUTIVE SESSION

SENATE BILL 266

SEN. MARBUT, sponsor.

REP. SWIFT: Moved that SENATE BILL 266 BE CONCURRED IN.

REP. BROWN: Is it a difficult procedure to remove the cornea? Could they send the tissue away and it would not be usable.

REP. WINSLOW: Saving a tissue is not a difficult thing. No physician would replace it with bad tissue. This would open up an area to people who are there when people are dying.

REP. BROWN: What are storage procedures?

REP. WINSLOW: Most of them are probably kept in cold storage in special fluids.

The motion was voted on and PASSED UNANIMOUSLY.

REGULAR SESSION

SENATE BILL 289

REP. NORMAN, sponsor. This is a certification rather than a licensure bill that relates to dieticians. People cannot call themselves registered dieticians. In this way, the public interest will be served. If someone wishes to ask the advice and service of a dietitian, they can select one that the state has certified and meets minimum requirements. The Department of Health says it can easily discharge this requirement of certifying and they have given a letter to that effect. The cost is virtually nothing. There will be a statement of intent because the Department of Health will have to promulgate some rules.

PROPONENTS:

LOUISE SALO, Montana Dietetic Association, read a letter from Dr. Drynan into the record, which stated that this legislation will offer legal assurance that citizens seeking a registered dietitian would approach one so qualified. He supported this legislation (EXHIBIT 2).

MINKIE MEDORA, Dietitian, Community General Hospital, Missoula, Montana, submitted letters of support from physicians and passed out a handout--data on dietitians (EXHIBITS 3 and 4).

JERRY LOENDORF, Montana Medical Association, said they supported this legislation. Good diets are important to good health. This bill gives these institutions a way to distinguish between those who are real dietitians and those who are not qualified to work in that particular area.

DAVID LACKMAN, lobbyist, Montana Public Health Association, strongly supported this legislation.

OPPONENTS:

SEN. NORMAN closed saying this is a certification bill--not licensure.

QUESTIONS:

REP. WINSLOW: I have run into some of the questions that have happened in the legislative session. They question some of the very areas we are talking about--continuing education and penalties. What happens to the dietitian who doesn't want to go along with the American Dietetic Association?

DR. NORMAN: The American Dietetic Association is a national register. Should someone be qualified by the register, you may or may not wish to be designated as a certified dietitian.

REP. WINSLOW: Isn't it possible that someone can graduate with dietetics degree and not be registered here. If they are not registered, they would be available to be fined. Could they be fined because they have not gone through the American Dietetic Association, even though they have a dietetics degree.

DR. NORMAN: If they indicated to the public that they were a registered dietitian, you could argue they are not certified. No dietitian would be penalized for coming into the state and practicing.

REP. WINSLOW: If a graduate dietitian has not passed the test and is practicing as a dietitian, they could be penalized and fined.

MINKIE MEDORA: That would apply anywhere. If they have not met the requirements and passed the exam, they should not be called dietitians. In the eyes of the registration, they are not.

LOUISE SALO: The dietitians can be educated in the state but they don't finish it here. They have to go out of state to get their practicum. If they do not do their internship, they are called home economists.

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REP. WINSLOW: Does every dietitian before they graduate have to go through registration with the American Dietetic Association.

LOUISE SALO: Yes.

REP. FABREGA: If somebody has their degree and doesn't take the examination, they can call themselves a dietitian but not a registered dietitian. I have a question on page 2, line 6, what is "related field"?

MINKIE MEDORA: It would have to be in the area of nutrition.

CHAIRMAN HART: Where would the registry be?

LOUISE SALO: They are registered by the American Dietetics Association whose headquarters is in Chicago. We get a list of those registered in Montana.

REP. KEYSER: The Senate cut out "public or" on page 1, line 13. Why?

MINKIE MEDORA: This has to be very specifically the American Dietetic Association. This is discussed in the Statement of Intent.

REP. WINSLOW: What if there are institutions that list in the telephone book that they have a licensed dietitian and a new telephone book comes out. Is there a clause that would cover that lapse of time. Do you see what could happen. A hospital could be listed as having a licensed dietitian; the phone book came out in July--this goes into effect in October--they would be eligible for a fine. You would have to put those in six months ahead of time. Could we put in a later effective date?

DR. NORMAN: Surely.

REP. WINSLOW: Is it possible that a nursing home could do this and who is the fine going to be assessed against?

DR. NORMAN: Whoever the individual is.

REP. WINSLOW: If the nursing home says that they have a registered dietitian that works there; that person leaves, and a home economist comes in, who is going to get fined?

DR. NORMAN: Nobody is holding themselves out.

JERRY LOENDORF: If the person holds himself out as a registered dietitian, and he is not, then the person would be liable. If the nursing home hires someone, say a cook, that holds himself out as a dietitian, then the nursing home is making the false representation. Maybe they will both end up subject to the penalty.

REP. WINSLOW: Regarding the phone book situation, sometimes you can't change the ad timewise.

JERRY LOENDORF: At the time you made the representation, it was true--so, therefore, you would be O.K.

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REP. BROWN: We don't have the fiscal note with our bill.
DR. NORMAN: It is \$350 the first year.

REP. FABREGA: Would the department charge a fee for providing this service?

REP. FARRIS: Are future legislatures going to be asked to license dietitians?

DR. NORMAN: I have assurance from the people who asked me to carry this bill that they would not. They wanted the licensure and I persuaded them to go with certification. They agreed.

CHAIRMAN HART closed the hearing on SENATE BILL 289.

REP. FABREGA will carry this bill on the floor of the House.

EXECUTIVE SESSION

SENATE BILL 289

REP. DARKO: Moved that SENATE BILL 289 BE CONCURRED IN.

REP. WINSLOW: Moved the following amendments:

1. Title, line 8.

Strike: "AND"

Following: "VIOLATION"

Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 3, line 17.

Following: line 16

Insert: "Section 7. Effective date. Section 5 is effective July 1, 1984."

He said the intent of the amendments in section 5 would be to make sure that the date does not take effect until after July 1, 1985.

The motion was voted on to accept the amendments. The motion PASSED UNANIMOUSLY.

REP. DARKO: Moved that SENATE BILL 289 BE CONCURRED IN AS AMENDED.

The motion that SENATE BILL 289 BE CONCURRED IN AS AMENDED was voted on and PASSED UNANIMOUSLY.

SENATE BILL 150

SEN. STORY, sponsor. This bill would provide that for privately owned public swimming pools, no lifeguard is required if warning is given.

REP. DARKO: Moved that we RECONSIDER the motion to table SENATE BILL 150.

REP. DARKO: Moved that SENATE BILL 150 BE CONCURRED IN.

The motion was voted on and PASSED UNANIMOUSLY.

SENATE BILL 214

SEN. SMITH, sponsor. This bill authorizes the Department of Institutions to certify mental health professional persons and grant the department rulemaking authority.

REP. KEYSER: Moved that the amendments be accepted (EXHIBIT 5).

REP. KEYSER: I thought the bill was pretty openended and I suggested that they take that language and specify what rules and regulations they were going to be addressing and not leave it so wide open. I would rather see it in the statute than in the Statement of Intent.

DAVE BOHYER: It is not precisely the same language that was in the Statement of Intent. It is a little more restrictive.

REP. WINSLOW: In section 3, it says certification of professional persons. Is somebody going to have a plaque on their wall that says "Certified Professional Person".

REP. DOZIER: "Professional person" is defined on page 2, subsection (9).

REP. WINSLOW: Are we going into a mental health center and certify everybody in there or are you going to deal with just those who are dealing with mental health problems?

CURT CHISHOLM: We will certify only those who apply to be certified. In order to make the Mental Health Act work, most people who work and apply in the mental health center or in-patient facility are going to have to be certified.

REP. WINSLOW: What if they don't meet the criteria and are working there at the present time.

CURT CHISHOLM: If they can't be certified, then they can't perform the 28 specific functions required of a mental health professional. A mental health professional is the only one who can certify in court that a person is mentally ill.

REP. FARRIS: What is the purpose of this bill?

CURT CHISHOLM: What they have when they are certified is the ability to perform 28 specific functions. There are 28 things a mental health person can do. We need people to be certified in order to make the Mental Health Act work. They are the only ones who are allowed to monitor people in restraint.

REP. FARRIS: These people are already licensed. Why do they have to be further certified.

CURT CHISHOLM: They are licensed by their own boards. They need to be certified as a mental health professional.

REP. FABREGA: Is that a state mental health act or are there federal guidelines that have to be followed?

CURT CHISHOLM: That is the state Mental Health Act.

REP. WINSLOW: One of the strange things that we get ourselves into and we hear in this process that the insurance companies are always up here in arms; they don't want more people licensed. But that is protection to them--if they aren't licensed and they aren't certified, they don't cover and they don't have to pay.

REP. BROWN: Page 4, line 18 refers back to the section on page 2--the definition--they cross-reference each other but the one has been stricken. I don't know if it makes sense the way it is now.

DAVE BOHYER: Section 3 will be codified so it makes sense.

The motion to accept the amendments was voted on and PASSED UNANIMOUSLY.

REP. CONNELLY: Moved that SENATE BILL 214 BE CONCURRED IN AS AMENDED.

The motion was voted on and PASSED with REP. DRISCOLL voting no.

SENATE BILL 395

SEN. SMITH, sponsor. This bill provides specific authority for the Department of SRS and the Department of Institutions to certify professional persons serving developmentally disabled persons; requiring the departments to adopt rules governing that certification.

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CHAIRMAN HART: The Senate had no Statement of Intent. We now have the Statement of Intent to be approved. (EXHIBIT 6).

REP. BROWN: What makes this any different from SENATE BILL 214.

DAVE BOHYER: It is somewhat more specific than the other one.

REP. FARRIS: Moved adoption of the Statement of Intent.

The motion was voted on and PASSED UNANIMOUSLY.

REP. FARRIS said she would carry both SENATE BILL 214 and SENATE BILL 395 on the floor of the House.

The meeting adjourned at 2:15 p.m.

Marjorie Hart
CHAIRMAN MARJORIE HART

Jaci Brusett
Secretary

VISITOR'S REGISTER

HOUSE HUMAN SERVICES

COMMITTEE

BILL SENATE BILL 266

DATE 3-23-83

SPONSOR SENATOR MARBUT

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CHECK ITEMS OF PARTICULAR INTEREST

- EYE BANK
- WHITE CANE DAYS
- LOW VISION CLINIC
- NON-ORAL COMMUNICATION
- USED EYE GLASSES
- NO LONGER NEEDED HEARING AIDS
- INDIVIDUAL FINANCIAL ASSISTANCE
- GRANTS TO ORGANIZATIONS
- CONTRIBUTION TO THE FOUNDATION
- GIFTS HONORING BIRTHDAYS, WEDDINGS, AND OTHER OCCASIONS
- MEMORIALS
- BEQUESTS (WILLS)

and abroad. Give your no longer needed eye glasses to any Lions club member or send them to the MONTANA LIONS SIGHT AND HEARING FOUNDATION

INDIVIDUAL FINANCIAL ASSISTANCE

There are times when a needy person cannot obtain financial help from any public or private source to pay for sight, hearing or speech medical care. In such an instance a Foundation application can be requested from a local Lions Club. The local Lions Club and the Foundation working together may be able to help.

DIRECT GRANTS TO ORGANIZATIONS

There are times when the goals of the Montana Lions Sight & Hearing Foundation can best be accomplished through other existing organizations. Such organizations are invited to have consultation with the Foundation.

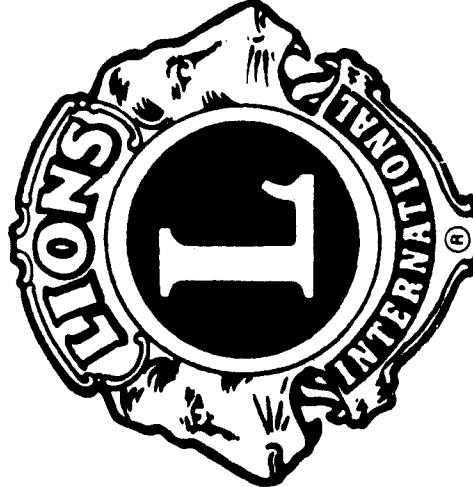
FUNDING

Foundation activities are supported through annual White Cane Day solicitations and other money making projects by Lions Clubs. Contributions are also accepted from individual Lions, interested citizens, business and professional organizations, memorials and bequests. All contributions are tax deductible to the extent provided by law.

For more information about Lions Sight, Hearing and Speech activities, contact your local Lions Club or the MONTANA LIONS SIGHT AND HEARING FOUNDATION.

MONTANA LIONS SIGHT AND HEARING FOUNDATION

EAGLES MANOR
715 NORTH FEE STREET
HELENA, MONTANA 59601
(406) 443-0996



WE SERVE

MONTANA LIONS SIGHT AND HEARING FOUNDATION

Established by the Lions of Montana in 1981, this non-profit Foundation is dedicated to advancing the cause of sight conservation, assisting the blind or partially seeing, assisting the deaf or hearing impaired and assisting non-oral or speech impaired. To accomplish these goals the Foundation lends a helping hand to:

HEARING CONSERVATION

Hearing loss, a most serious handicap, is also a concern of the Montana Lions Sight and Hearing Foundation. It is estimated that one person in 14 has a hearing impairment. This problem may be present at birth or due to noise, illness, drugs or old age. Hearing evaluation clinics and public awareness education merits our support. Used hearing aids can be redistributed to those in need.

MONTANA LOW VISION CLINIC

- Eye Banks
- Hearing Conservation
- Low Vision Clinic
- Speech Impaired
- Collection of used eye glasses and hearing aids
- Individual financial assistance
- Direct grants to organizations needing help to advance Foundation goals
- Screening Clinics

EYE BANK

An eye bank is an organization established to collect human eyes (after death) and distribute them to eye surgeons when a cornea is needed for grafting or transplantation. Eyes are acceptable from any age person. Color of the eye, sex or race of the donor is unimportant. The need for wearing glasses or previous surgery do not affect the donation of eyes. Your eyes are precious. Your lasting reward can be the satisfaction and pride of knowing that some day you will have given the gift of sight to another person.

When an individual has a visual problem he/she is encouraged to consult an ophthalmologist or optometrist. Usually surgery, treatment or fitting with a prescription lens will resolve the problem. However, the doctor may suggest an appointment at the LOW VISION CLINIC which is established to try to help explore the use of special optical aids to improve reading, writing, viewing television or mobility at home or elsewhere.

NON-ORAL COMMUNICATION

The Foundation is concerned about citizens with non-oral communication problems. Fortunately there is in Montana an excellent Center that has equipment to provide assessment and training in the use of non-oral communication devices to develop a person's maximum potential.

USED EYE GLASSES

Used eye glasses are collected and made available for needy persons both home (Continued on back side)

MONTANA LIONS SIGHT AND HEARING FOUNDATION

Eagles Manor
715 North Fee Street
Helena, Montana 59601

PLACE
STAMP
HERE

Ex-2
SB 289

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES



TED SCHWINDEN, GOVERNOR

COGSWELL BUILDING

STATE OF MONTANA

HELENA, MONTANA 59620

January 31, 1983

Representative Marjorie Hart, Chairman
House Human Services Committee
State Capitol
Helena, Montana 59620

Dear Representative Hart:

The Montana State Department of Health and Environmental Sciences supports S.B. 289, An Act to establish qualifications for persons who represent themselves as dietitians or registered dietitians.

In summary, this legislation will offer legal assurance that citizens seeking a registered dietitian would approach one so qualified.

This legislation is a title act, and does not restrict the practice of nutrition by other persons under a different title. This legislation does not seek registration, certification or licensure. This group of nutrition professionals has national registration already in place under the American Dietetic Association. We support the legal recognition of this title in the State of Montana.

We consider this legislation to be in the public health interest. We recommend your favorable consideration of S.B. 289.

Sincerely,

A handwritten signature in cursive ink that reads "John J. Drynan, M.D." above "Director".

John J. Drynan, M.D.
Director

JJD/war

cc: Senator Bill Norman, M.D.
Representative Jay Fabrega

January 31, 1963

Representative Marjorie Hart, Chairman
House Human Services Committee
State Capitol
Helena, Montana 59620

Dear Representative Hart:

The Montana State Department of Health and Environmental Sciences supports S.B. 289, An Act to establish qualifications for persons who represent themselves as dietitians or registered dietitians.

In summary, this legislation will offer legal assurance that citizens seeking a registered dietitian would approach one so qualified.

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We consider this legislation to be in the public health interest. We recommend your favorable consideration of S.B. 289.

Sincerely,

John J. Drynan, M.D.
Director

JJD/war

cc: Senator Bill Norman, M.D.
Representative Jay Fabrega

EX-2
58289

KENNETH V. EDEN, M.D.
INTERNAL MEDICINE — GASTROENTEROLOGY
307 N. JACKSON
HELENA, MONTANA 59601
—
TELEPHONE 406-442-5072

Representative Margaret Hart
Montana House of Representatives
Chairperson, Committee on Human Services,
Welfare, and Safety
Capital Station
Helena, Montana 59620

February 8, 1983

Dear Representative Hart,

I would like to express my support for Bill #289, "An act to establish qualifications to persons who represent themselves as dieticians." In the recent past there has been a healthy increase in consumer awareness of the role of a healthy diet in the role of health maintenance. However, many individuals presenting themselves as dieticians have, in fact, no formal training and may, in fact, be purveyors of misinformation.

This, of course, could have significant health consequences in people who are already suffering from chronic diseases or who seeked dietary therapy as a means of maintaining their health.

Frankly, I'm surprised that Montana does not already have a statute which prevents unqualified persons from representing themselves as dieticians.

Sincerely yours,

K. V. Eden
Kenneth V. Eden, M.D.

KVE/ee

Ex 2
SB 2
DANIEL J. GEBHARDT, M.D.

203 WEST 4TH

HARDIN, MONTANA 59034

PHONE (406) 665-3400

February 8, 1983

Representative Marge Hart
House Human Services Committee
Capitol Building
Helena, MT 59601

Re: SB #289

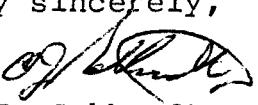
Dear Representative Hart:

I am writing on behalf of the Montana Dietetic Association, which is seeking to establish qualifications for those who represent themselves as Dieticians or Registered Dieticians. The Registered Dieticians who are members of the Montana Dietetic Association have undergone rigorous training and meet definite guidelines or qualifications.

As a health care provider, I see a number of non-qualified, non-registered individuals who claim to be Dieticians and who frequently provide mis-information. To assure accurate nutritional information to the citizens of the State of Montana, I encourage the support of Senate Bill #289. All other professional health care providers in this state have certain minimum qualifications which they must achieve in order to bear the appropriate titles and I certainly think that Registered Dieticians should be no exception.

Again I urge you to support Senate Bill #289. Thank you kindly.

Very sincerely,


D. J. Gebhardt, M.D.

DG/jm

Montana State Pharmaceutical Association

Incorporated

P.O. BOX 6335

GREAT FALLS, MONTANA 59406

TELEPHONE 406-452-3201

February 7, 1983

Representative Marjorie Hart
Chairman, House Human Services Committee
Capitol Station
Helena, MT 59620

Dear Representative Hart:

I am writing to state support for SB289 by the Montana State Pharmaceutical Association. We believe the registered and properly trained Dieticians in Montana need legal support for their position on the health care team.

There seems to be quite a land swell of people in "food fad" stores who would represent themselves as Dieticians who in fact are just there to sell a product of some question. Following the passage of SB289 they could not legally call themselves dieticians.

Good nutrition is important to good health and properly trained dieticians can give this information to the people accurately. They also fill a great need in supporting the physicians in caring for diabetics, cardiac patients, over weight patients and others.

Sincerely,



Frank J. Davis
Executive Director

FJD:lf

Montana Dental Association

P. O. Box 513 Butte, Montana 59703 Phone (406) 782-9333

Constituent: AMERICAN DENTAL ASSOCIATION

EX-3
SB 2

February 3, 1983

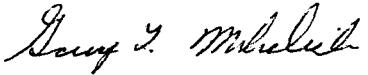
Representative Marjorie Hart, Chairman
House Human Services Committee
State Capitol
Helena, MT 59620

Dear Representative Hart:

I am writing to you in support of Senate Bill 289. A bill for an act entitled: "An act to establish qualifications for persons who represent themselves as dietitians or registered dietitians; to prohibit persons who do not meet the qualifications from representing themselves as such; and to provide a penalty for violation."

I personally support this type of legislation in that it serves the best interests of the public, particularly the less knowledgeable and uninformed who may be misled and taken advantage of by unscrupulous persons purporting to be "dietitians." I would like to point out further that it has always been the policy of the Montana Dental Association, of which I am president, to support legislation which is in the best interest of the health and well being of the public and the people of the state of Montana.

Sincerely,



Gary L. Mihelish, D.M.D.
President, Montana Dental Association
GLM:mc

Officers—1982-1983

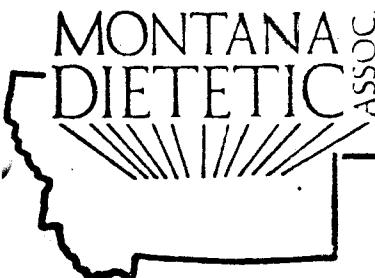
President
Gary L. Mihelish, D.M.D.
907 Helena Ave.
Helena, MT 59601

President Elect
Stephen L. Black, D.D.S.
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P.O. Box 1089
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2nd Vice-President
Dr. Ed Guay
330 Mayer Bldg.
Helena, MT 59601

Secretary-Treasurer
John W. Lohman, D.D.S.
P.O. Box 513



SB-289 A BILL TO ESTABLISH QUALIFICATIONS FOR PERSONS
REPRESENTING THEMSELVES AS DIETITIANS

1. Dietitians are registered by the Commission on Dietetic Registration of the American Dietetic Association.
2. Academic requirements take up to 5 years and include such areas as bio-chemistry, physiology, biology, statistics, business and management, as well as nutrition and dietetics.
3. Dietitians work with physicians to plan patient care using clinical, biochemical, dietary and socio-economic data.
4. Dietitians provide nutrition services in hospitals, nursing homes, public health programs, county and state agencies, universities, in private practice, in business and industry.
5. The need for consumer nutrition services and counseling has increased rapidly. This need has been exploited by unqualified nutritionists calling themselves dietitians.
6. Unqualified nutritionists can be sources of misinformation; leading to wrong advice on health matters and the expenditure of unnecessarily large amounts of money.
7. Three Montana towns have unqualified persons who have listed themselves as dietitians in the Yellow Pages. Many others call themselves dietitians.
8. The public needs reliable sources of nutrition information. Without this bill, the public cannot locate reliable, scientific nutrition information. There is no mechanism to protect the public from harmful advice.
9. The State will incur no cost as a result of this bill.
10. This bill does not ask for licensure. It asks the State to give legal recognition to an already established and accredited profession.

MM:jbm
February, 1983

VISITOR'S REGISTER

HOUSE HUMAN SERVICES

COMMITTEE

BILL **SENATE BILL 289**

DATE 3-23-83

SPONSOR SENATOR NORMAN

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

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Amendments to Senate Bill 214 (Third reading copy)

1. Statement of Intent

Page 1, lines 11 through 25.

Following: "address" on line 11

Strike: the remainder of line 11 through line 25

Insert: "the provisions of [section 3] of SB 214."

2. Page 4, line 23 of SB 214.

Following: "53-21-102(10)(b)."'

Insert: "(3) The rules for certification must address, but are not limited to:

- (a) the type of education that an individual has received, including degrees;
- (b) the type of experience or training received by the individual;
- (c) continuing education, training, instruction, and work experience necessary to maintain certification;
- (d) an examination instrument to be used to determine an individual's proficiency and understanding of mental health laws, diagnosis and treatment procedures;
- (e) the procedure for categorical certification qualifying the level of professional authority and responsibility of an individual; and
- (f) specific procedures for certification, recertification, and revocation of certification."

STATEMENT OF INTENT
SENATE BILL 395

A statement of intent is required for SB 395 because it authorizes the Department of Social and Rehabilitation Services and the Department of Institutions to adopt rules for the certification of professional persons. It is the intent of SB 395 to have professional persons certified by the Department of Social and Rehabilitation Services and the Department of Institutions as qualified to provide those services.

The Legislature contemplates that certification of an individual as a professional person will be determined upon qualifications specified by rule. Those qualifications should be predicated upon education, experience, and skills. The specific qualifications will be those that are appropriate for an individual to carry out the professional person's responsibilities with respect to the developmentally disabled.

The rules should provide for the appropriate higher education degrees and the nature and degree of experience and skills that professional persons must possess. The rules should allow for varying combinations of education, experience, and skills that satisfy the professional person certification requirements. Among those degrees of higher education which are to be considered appropriate are psychology, social work, special education, or similar human service degrees.

The qualifications set forth in the rules should be developed by reference to such nationally recognized standards as those of the Accreditation Council for Services for Mentally Retarded and other Developmentally Disabled persons (ACMRDD), Title XIX of the Social Security Act as amended, and federal regulations implementing that Act, and similar standards.

STANDING COMMITTEE REPORT

March 23,

19 83

MR. SPEAKER

We, your committee on HUMAN SERVICES

having had under consideration SENATE Bill No. 266

third reading copy (blue)
color

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE UNIFORM ANATOMICAL GIFT ACT BY BROADENING THE DEFINITION OF "BANK OR STORAGE FACILITIES"; REMOVING LIABILITY FOR PERSONS ACTING IN GOOD FAITH UNDER THE ACT; AND ESTABLISHING QUALIFICATIONS FOR PERSONS PERFORMING EYE ENUCLEATION SERVICES UNDER THE ACT; AMENDING SECTIONS 72-17-102 AND 72-17-202, MCA."

Respectfully report as follows: That SENATE Bill No. 266

BE CONCURRED IN-

~~XX-XXXX~~

STATE PUB. CO.
Helena, Mont.

MARJORIE HART

Chairman.

STANDING COMMITTEE REPORT

March 23,

19 83

MR. SPEAKER

We, your committee on HUMAN SERVICES

SENATE

Bill No. 289

having had under consideration

third reading copy (blue)
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A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH QUALIFICATIONS FOR PERSONS WHO REPRESENT THEMSELVES AS DIETITIANS OR REGISTERED DIETITIANS; TO PROHIBIT PERSONS WHO DO NOT MEET THE QUALIFICATIONS FROM REPRESENTING THEMSELVES AS SUCH; AND TO PROVIDE A PENALTY FOR VIOLATION."

Respectfully report as follows: That SENATE Bill No. 289

BE AMENDED AS FOLLOWS:

1. Title, line 8.

~~Strike: "AND"~~

~~Following: "VIOLATION"~~

~~Insert: ", AND PROVIDING A DELAYED EFFECTIVE DATE"~~

2. Page 3, line 17.

~~Following: line 16~~

~~Insert: "Section 7. Effective date. Section 5 is effective July 1, 1984."~~

**AND AS AMENDED
BE CONCURRED IN**
JOHNSON