

MINUTES OF THE MEETING
LABOR & EMPLOYMENT RELATIONS COMMITTEE
MONTANA STATE SENATE

January 13, 1983

The meeting of the Labor Committee was called to order by Chairman Gary C. Aklestad on January 13, 1983 at 1:00 p.m. in Room 404, State Capitol.

ROLL CALL: All members were present with the exception of Senators Keating and Manning who were excused.

CONSIDERATION OF SENATE BILL NO. 70: Chairman Aklestad introduced Senator Eck, sponsor of SB 70, to the Committee, and Senator Eck explained the bill to the Committee.

Senate Bill 70 is an act including nurse specialists in the list of free choices for treating illness or injury covered by disability insurance or workers' compensation.

Senator Eck stated that she has an interest in the bill as a consumer. It would give the consumer freedom of choice in choosing their primary health care provider. She further stated that access to nurse practitioners is especially important in a rural state like Montana where nurse practitioners can provide quality care in areas where physicians have not been available on a regular basis. It would also be a cost-saving measure for the health care system.

Senator Eck also submitted a proposed amendment to SB 70. (See Exhibit No. 1 which is attached to the minutes.)

Nurse practitioners are regulated by 37-8-201 through 37-8-204, MCA.

PROPOSERS OF SENATE BILL NO. 70:

Judy Olson, representing the Montana Nurses Association, spoke in support of SB 70. (Exhibit No. 2)

Elizabeth Veign, Great Falls, representing the Montana Nurse Practitioners, spoke in support of SB 70. Her testimony is attached. (Exhibit No. 3)

Collette Newman, Vaughn, Montana, a patient of Elizabeth Veign, also spoke in support of SB 70.

Stacy Flaherty, representing the Women's Lobbyist Fund, also spoke in support of SB 70 with the amendment as proposed by Senator Eck. Her statement is attached. (Exhibit No. 4)

Jerry Loendorf, representing the Montana Medical Association, stated they are in support of SB 70.

Tom Ryan, representing Montana Senior Citizens Association, stated they are in support of SB 70.

Wade Wilkison also spoke in support of SB 70.

OPPONENTS OF SENATE BILL 70: None were present at the hearing.

QUESTIONS FROM THE COMMITTEE ON SENATE BILL NO. 70:

Senator Gage questioned the kind of continuing education these nurses had to have.

Elizabeth Veign stated that at the present time none is mandatory in the state of Montana.

Senator Blaylock inquired as to the length of training and the type of courses that were studied. Elizabeth Veign gave a number of courses that were studied such as the diagnosis of common medical disorders.

Senator Goodover asked about the difference between a registered nurse and a nurse practitioner.

E. Veign stated that a nurse practitioner has additional training beyond that of a registered nurse.

Senator Gage asked how extensive a physical exam they were qualified to give.

E. Veign explained that they were taught to give a complete physical exam and take complete health histories as well.

Senator Blaylock asked what limited group gets payment.

E. Veign stated that the nurse specialists as listed in section 37-8-202, MCA, get payment.

Senator Goodover asked if they got paid now not directly but through the doctor.

E. Veign stated that this was correct.

Senator Aklestad asked what happens as far as malpractice suits if they are taking on more responsibility.

Judy Olson explained that malpractice insurance is available to them if they want it.

Senator Aklestad asked how often they are paid by Medicaid, etc. and how do your doctors get paid.

Jerry Loendorf stated that they get paid very slowly.

Senator Aklestad wondered if they realized that they probably would not get paid as quickly under this bill as they are now being paid.

Judy Olson stated that they realized this.

Senator Eck made closing remarks in support of Senate Bill 70, and Chairman Aklestad called the hearing on Senate Bill 70 closed.

Staff Attorney, John MacMaster, will check on the language in the amendment proposed by Senator Eck, and make sure it refers to the nurse specialists specifically listed in 37-8-202 (5) MCA.

No action was taken on Senate Bill 70 at this meeting.

CONSIDERATION OF SENATE BILL NO. 69: Chairman Aklestad introduced Senator Dave Fuller, sponsor of SB 69, to the Committee, and Senator Fuller explained the bill to the Committee.

Senate Bill 69 is an act to increase the penalty and interest for late payments of unemployment contributions by employers and to provide a penalty when the Department of Labor subpoenas wage information or makes a 39-51-1302 summary or jeopardy assessment.

PROPONENTS OF SENATE BILL NO. 69:

Harold Kansier, representing the Department of Labor, stated that the purpose of this bill was not to obtain additional monies, but to get reports in on time.

Jim Murry, representing Montana State AFL-CIO, spoke in support of SB 69. Mr. Murry's statement is attached to the minutes. (Exhibit No. 5)

Jim Sewell, representing Unemployment Advisors, spoke in support of SB 69 and offered an amendment. Mr. Sewell's proposed amendment is attached to the minutes. (Exhibit No. 6)

Janelle Fallon, representing Montana Chamber of Commerce, stated they were in support of the bill with the amendment.

OPPONENTS OF SENATE BILL NO. 69: None were present at the hearing.

QUESTIONS FROM THE COMMITTEE ON SENATE BILL 69:

Senator Galt asked if the employers would still have the 30 days in which to pay.

Mr. Kansier replied that they have 30 days to the end of the quarter to pay.

Senator Goodover asked how this could be made to work both ways-- that is, you are penalizing the employer, but what about the employee? For example, when an employee who has drawn unemployment compensation arrives at work late?

Senator Aklestad stated that he knew what he was getting at, but it could not be handled by this bill.

Senator Blaylock asked Mr. Kansier if the Department of Labor had any objection to the amendment.

Mr. Kansier stated that he did not support the amendment.

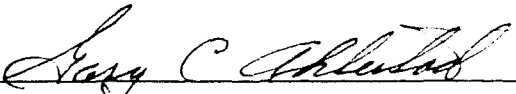
Mr. Sewell stated that the bill provides for an automatic penalty if wage information is subpoenaed or a 39-51-1302 summary or jeopardy assessment is made, and that the employer can apply for an abatement by showing that his failure to timely pay was not willful. He said that under his amendment the penalty could not be assessed unless the Department first determined that the employer willfully failed to timely pay.

Senator Fuller then made closing remarks on Senate Bill 69. Senator Fuller stated that he feels the amendment offered by Mr. Sewell weakens the strength of the bill.

Chairman Aklestad called the hearing closed on Senate Bill 69.

No action was taken on Senate Bill 69 at this meeting.

ADJOURN: There being no further business before the Committee, the meeting adjourned at 1:55 p.m.



Senator Gary C. Aklestad, Chairman

ROLL CALL

LABOR

COMMITTEE

48th LEGISLATIVE SESSION -- 1983

Date 1/13/83

[illegible]

1/13/83

Labak

VISITORS' REGISTER

[illegible]

AMENDMENT TO SENATE BILL 70 (Introduced Copy)

1. Page 1, line 19.

Following: "specialist"

Strike: "(including nurse practitioner, nurse-midwife,
or nurse-anesthetist)"

Insert: "as enumerated in 37-8-202,"

NAME: Judy I. Olson DATE: 1-13-82

ADDRESS: Mt. Nansen Assoc, P.O. Box 5718, Helena 59604

PHONE: 442-6710

REPRESENTING WHOM? Montana Nuclear Assoc.

APPEARING ON WHICH PROPOSAL: 5870

DO YOU: SUPPORT? ✓ AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Montana Nurses' Association

2001 ELEVENTH AVENUE

(406) 442-6710

P.O. BOX 5718 • HELENA, MONTANA 59604

TESTIMONY ON SENATE BILL 70:

Mr. Chairman, Committee members, my name is Judy Olson. I represent the Montana Nurses' Association and would like to speak in support of Senate Bill 70 with the amendment as proposed by Senator Eck.

Prior to and during the 47th Legislature, the Montana Nurses' Association worked with members of the Legislature, the Board of Nursing, and other health care providers to amend the Nurse Practice Act in a manner which would safeguard the consumer and address the current needs and status of the profession of nursing. One of the major changes adopted in the revision to the Nurse Practice Act was the recognition and definition of specialty areas of nursing. The revised Act also gave the Board of Nursing authority to adopt rules to define the educational requirements and other qualifications applicable to specialty areas of nursing. For the past two years, the Board of Nursing has worked on these rules; and they are now in place. The rules require that the use of the title of Nurse Practitioner, Nurse Midwife, or Nurse Anesthetist has to be approved by the board and that such approval is only granted after the individual has obtained additional education beyond that required for licensure as a Registered Nurse who has also successfully passed a national certification examination which is recognized by the Board of Nursing.

Now that the nursing specialists have been recognized in the law and rules and regulations are in place to assure the consumer that before a person can use a nursing specialist title that person has met additional educational requirements,

the Montana Nurses' Association believes that Senate Bill 70 is needed to help give the nurse specialist some economic assistance so that the specialist can practice within the scope of his/her license, education, and skills. This bill would provide a method of tapping our valuable nursing resources, provide consumers with a choice, and provide economic assistance to nurse specialists. The Nurse Practitioner can answer a definite need in a rural state like Montana in helping to provide another option for safe health care. Clients of nurse-midwives may have shorter hospital stays or no hospitalization at all, which eliminates a great expense. Studies in Georgia and California have demonstrated a decrease in the rate of neonatal mortality and low birth weights following the introduction of nurse-midwifery services. Because of some current concerns in Montana with home births, it is important to utilize nurses educated in the field of nurse-midwifery.

The MNA respectfully requests that the Committee give a "Do Pass" recommendation to Senate Bill 70. Without the benefits of third-party payments, nurse specialists are discouraged from utilizing their education and skills to provide another source of health care for the consumer.

/jo

NAME: Elizabeth Veign R.N., M.N. C.F.N.P. DATE: 1-13-83

ADDRESS: 708 15th Street South Great Falls RI 02845

PHONE: 454-1668

REPRESENTING WHOM? MT Nurse Practitioners

APPEARING ON WHICH PROPOSAL: SB-70

DO YOU: SUPPORT? X AMEND? OPPOSE?

COMMENTS: Copies of testimony provided

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY SUPPORTING DIRECT REIMBURSEMENT
FOR NURSING SPECIALISTS (SB-70)

My name is Elizabeth Veign and I reside at 708 15th Street South in Great Falls. I am a Registered Nurse and a Certified Family Nurse Practitioner. I am currently self-employed as a nurse practitioner consultant. I am presenting testimony on behalf of the 43 members of the Montana Nurse Practitioners, a special interest group of the Montana Nurses' Association. I am speaking in support of SB-70.

WHAT THIS BILL WILL DO:

1. Mandate that health insurers provide reimbursement for services of nursing specialists (nurse practitioners, nurse midwives, nurse anesthetists) if the consumer chooses the nursing specialists as their health care provider.
2. Give the consumer freedom of choice in choosing their primary health care provider; this is significantly diminished in the present health care system because insurance companies do not currently reimburse nurses.
3. Be a cost-saving measure for the health care system. Many studies have found that nurse practitioners can actually decrease certain health care costs because they provide preventive health care such as teaching patients about how to maintain their health. Later in my testimony I will cite some specific studies that have demonstrated significant health care savings.

WHY THIS LEGISLATION IS NEEDED:

1. To allow consumers access to the health provider of their choice. Access to nurse practitioners is especially important in a rural state like Montana where nurse practitioners have demonstrated their ability to provide high quality care in areas where physicians have not been available on a regular basis.
2. To eliminate economic barriers to nurse practitioner practice. Although the federal government has passed legislation that enables nurse practitioners to be directly reimbursed (the Rural Health Clinics Act and CHAMPUS), only a limited number of nurse practitioners in Montana are eligible for reimbursement under these programs. In many practice settings in Montana the nurse practitioner provides care for the client (patient) and the physician

signs the insurance form for payment. Revenues are credited to another professional and official records do not accurately reflect nurses' services. In other practice settings when the nurse practitioner is not employed by a physician but is working within another health care agency, she may provide care to clients who have health insurance which pays for services only if they are performed by a physician (even though in many cases the nurse practitioner may be able to provide the same services within the scope of nursing practice). When this situation exists the nurse practitioner and/or the agency may not be able to receive payment for care rendered.

WHAT CONSTITUTES NURSE PRACTITIONER PRACTICE?

According to the rules and regulations of the Montana Nurse Practice Act, nurse practitioner practice is the management of primary health care of individuals, families, and communities including the ability to:

- (a) assess the health status of individuals and families through health history taking, physical examination, and defining of health and development problems;
- (b) institute and provide continuity of health care to clients (patients), work with the client to insure understanding of and compliance with the therapeutic regime within established protocols, and recognize when to refer the client to a physician or other health care provider;
- (c) provide instruction and counselling to individuals, families, groups in the areas of health promotion and maintenance, including involving such person(s) in planning their health care; and
- (d) work in collaboration with other health care providers and agencies to provide, and where appropriate, coordinate services to individuals and families.

HOW ARE NURSE PRACTITIONERS RECOGNIZED IN MONTANA?

According to the rules and regulations of the Montana Nurse Practice Act any nurse who wishes to use the title of Nurse Practitioner must meet specific educational requirements and hold individual certification from a Board of Nursing approved certifying body.

WHAT HAVE STUDIES SHOWN ABOUT NURSE PRACTITIONER PRACTICE?

1. High acceptance of nurse practitioners by patients has been demonstrated in numerous studies.

2. In 21 studies comparing care provided by nurse practitioners with care provided by physicians, there were essentially no differences between the two types of health providers in relation to outcome of illness and care provided.
3. When a nurse practitioner was added to a small industrial company's health service, the company estimated its savings on industrials, medicals, taxi transportation, and lost work time to be a mean savings of \$3,621 per month.
4. Nurse practitioners caring for patients with chronic illnesses have demonstrated dramatic improvements in reducing blood pressure in hypertensive patients; in reducing blood sugar levels of diabetic patients; and a 50% reduction in hospitalization. These findings have a significant impact on REDUCING HEALTH CARE COSTS.
5. The nurse practitioner/physician team was found to be 50% less costly in delivering health care for homebound patients when compared with physicians only.

WHAT IS HAPPENING IN OTHER STATES?

The following states have passed state health insurance legislation enabling third party payment for services of nurse specialists:

Alaska

California

Florida

Maryland

Mississippi

New Mexico

New York

Oregon

Pennsylvania

Utah

Washington (for all registered nurses)

NAME: Lucette M. Neuman DATE: 1/13/83

ADDRESS: Box 159, Vaughan, MI

PHONE: 463-2564

REPRESENTING WHOM? Senate Bill 70 My Self

APPEARING ON WHICH PROPOSAL: Senate Bill 70

DO YOU: SUPPORT? ☒ AMEND? ☐ OPPOSE? ☐

COMMENTS: I have made frequent visits to Well Baby Clinics for the well child care of my 3 children. I have seen Beth Veigh, F.N.P., at these clinics, and I was highly impressed by her thorough examinations and her concern for my children and my families general health. I was also pleased that I was able to receive such high quality health care for such a reasonable cost.

I feel that I would like the nurse-practitioners services covered by my health insurance, because I am pleased with this type of health care and would like to continue this type of health care as an option.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Stacy Flaherty DATE: 1/13/83

ADDRESS: Box 1099, Helena 59624

PHONE: 449-7917

REPRESENTING WHOM? Women's Lobbyist Fund

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? ☒ AMEND? _____ OPPOSE? _____

COMMENTS: We support the amendment that
Senator Eck submitted to the committee.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

TESTIMONY OF STACY A. FLAHERTY, WOMEN'S LOBBYIST FUND, ON JANUARY 13, 1983,
BEFORE THE SENATE LABOR COMMITTEE REGARDING SB 70.

The Women's Lobbyist Fund, representing a broad coalition of women's groups in Montana, supports the passage of SB 70 to include nurse specialists in the list of free choices for treating illness or injury covered by disability insurance or worker's compensation.

Under current law, a nurse specialist is not allowed to function at his or her skill and education level. SB 70 corrects this injustice to the profession by allowing nurse specialists the ability to circumvent third party billing.

SB 70 also helps the health care consumer by expanding the options of available health care choices.

The Women's Lobbyist Fund urges the committee to pass SB 70.

NAME: Harold V. Kansier DATE: 11/13/83

ADDRESS: Holma

PHONE: 449-2723

REPRESENTING WHOM? Dept of Labor

APPEARING ON WHICH PROPOSAL: SB - 69

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: James Marry

DATE: 1-13-83

ADDRESS: P.O. Box 1176 Helena, Mont.

PHONE: 442-1708

PHONE: _____
REPRESENTING WHOM? Mont. AFL-CIO

APPEARING ON WHICH PROPOSAL: SB 69

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.



Box 1176, Helena, Montana

JAMES W. MURRY
EXECUTIVE SECRETARY

ZIP CODE 59624
406/442-1708

TESTIMONY OF JIM MURRY ON SENATE BILL 69, BEFORE THE SENATE LABOR COMMITTEE,
JANUARY 13, 1983

I am representing the Montana State AFL-CIO in support of Senate
Bill 69.

This bill would raise the penalties on employers who are late in
filing their unemployment insurance contributions. That lateness can lead to an
unemployed worker meeting with frustrating delays in obtaining unemployment insurance
benefits to which he or she is legally entitled.

The purpose of the bill is not to bring revenue into the trust fund, but
to insure timely compliance with reporting requirements.

The present penalty is \$10 or 10% of the contribution due, whichever is
greater. Under this bill, after 20 days the penalty would be increased to \$15 or
15% of the contribution. And if the Department of Labor and Industry has to apply for
a subpoena to obtain wage information, or if the department has to estimate wages
(called a jeopardy assessment), then the penalty would become \$25 or 25% of the
contribution due. The bill would also increase the interest due on past contributions
from 12% to 18%.

Only a few employers will be affected by this bill. Only 1,600 to 1,700
employers are late each quarter, out of over 23,000. Raising the penalties will make
it more profitable for those employers to pay on time than to invest the money.

The number of late contributors drops to only 700 or 800, ten days
after the due date. According to the Unemployment Insurance Bureau, these are
usually the same people each quarter.

The overwhelming majority of employers pay their contributions on time. When they are late through no fault of their own, the department can do away with the penalty and interest. But the few employers who take advantage of the system put themselves at a small but unfair competitive advantage over employers who obey the law.

It is also important to workers who lose their jobs that the reports be filed on time. When the wage reports are late, the claim can be unnecessarily delayed until the department can make some determination of what the wages were and therefore what benefits are due to the now unemployed worker.

The new penalties are not excessively large, given the still high rates of interest. But they will hopefully be large enough to bring into line most of the small number of chronic abusers of the system. That is only fair to the workers who may need to draw unemployment insurance benefits and to the employers who have been playing by the rules all along.

NAME:

Tom Ryan

DATE:

1-13-83

ADDRESS:

Helena

PHONE:

442-8999

REPRESENTING WHOM?

Mont. Senior Citizens Assn

APPEARING ON WHICH PROPOSAL:

Nurse Specialists (SB70)

DO YOU:

SUPPORT?

☒

AMEND?

OPPOSE?

COMMENTS:

Senior citizens, especially in
the Rural Areas expect to
have better service should this
act (proposal) become law.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Mr. Chairman:

I move to amend Senate Bill No. 69 as follows:

1. On page 2, lines 1 through 5 inclusive, by deleting lines 1 through 5 inclusive.
2. Adding the following: "(2) a penalty of \$25.00 shall be assessed whenever the department makes a summary or jeopardy assessment pursuant to 39-51-1302 or issues a subpoena to obtain wage information as the result of the willful refusal of an employer to furnish wage information or pay contributions on time."