

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

March 22, 1985

The meeting of the Human Services and Aging Committee was called to order by Chairman Keenan on March 22, 1985 at 4:15 p.m. in Room 312-2 of the State Capitol.

ROLL CALL: All members were present with the exception of Reps. Gould, Wallin and Bradley who were excused by the Chairman.

EXECUTIVE SESSION

DISPOSITION OF SENATE BILL NO. 458: Tom Gomez, committee researcher, went through the amendments and explained them to the committee.

Rep. Keenan stated that they need to amend the Statement of Intent. She stated that they used the state of Washington's guidelines and rules in quality of treatment.

Rep. Waldron asked what happens if a physician quits? Do you have to turn away clients? Rep. Keenan said "no". Tom Gomez stated that the Department of Institutions should comment on this, however they are not here. He stated that we are contemplating to meet the requirements and do plan to have the required staff.

Rep. Gilbert said that his theory is that the people in that institution should take care of them and if you don't have the physician you shouldn't have the large population. There should be adequate staffing and if we don't, should the amount of people be lowered until we get the adequate staffing. You just can't do everything for everyone unless you have piles and piles of money.

Rep. Simon stated that he thinks we are laying ourselves wide open for a lawsuit. He would like to see some language in the bill that says as long as the department is making a good faith effort.

Rep. Keenan said that what is dangerous now is an intake unit that is always full. It is a necessity that we say if we can't treat you we can't take you. People are going to someday sue the state because they have not been treated.

Rep. Hansen said that the primary complaint is the under staffing and she would like to see the place brought up-to-date.

HUMAN SERVICES AND AGING COMMITTEE

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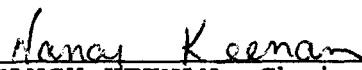
Rep. Gilbert moved that SB 458 BE CONCURRED IN. Rep. Darko seconded the motion.

Rep. Darko moved to pass the amendments. A second was received and the motion carried with Rep. Phillips dissenting.

Rep. Darko moved that SB 458 BE CONCURRED IN AS AMENDED. The motion CARRIED with Reps. Simon, Waldron and Phillips dissenting.

Rep. Bergene moved to adopt the statement of intent. The motion carried.

ADJOURN: There being no further business before the committee, the meeting adjourned at 4:50 p.m.



NANCY KEENAN, Chairman

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date March 22, 1985

NAME	PRESENT	ABSENT	EXCUSED
NANCY KEENAN	X		
BUDD GOULD			X
TONI BERGENE	X		
DOROTHY BRADLEY			X
JAN BROWN	X		
BUD CAMPBELL	X		
BEN COHEN	X		
MARY ELLEN CONNELLY	X		
PAULA DARKO	X		
BOB GILBERT	X		
STELLA JEAN HANSEN	X		
MARIAN HANSON	X		
MARJORIE HART	X		
HARRIET HAYNE	X		
JOHN PHILLIPS	X		
BRUCE SIMON	X		
STEVE WALDRON	X		
NORM WALLIN			X

STANDING COMMITTEE REPORT

March 15

19 85

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration House Bill No. 207

first reading copy (white)
color

Raise motor vehicle license fee to fund physically disabled persons
program

Respectfully report as follows: That House Bill No. 207

DO NOT PASS

~~DO PASS~~ ~~DO NOT CONCURRED IN~~

STANDING COMMITTEE REPORT

March 21 19 85.
Page 1

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration House Bill No. 227

first reading copy (white)
color

**Raise motor vehicle license fee to fund physically disabled persons
program**

Respectfully report as follows: That House Bill No. 227

**AMENDMENTS
ATTACHED**

DO PASS

Human Services and Aging Committee
House Bill No. 907

AMEND AS FOLLOWS:

- 1) Title, line 4.
Following: "RAISING"
Strike: "CERTAIN"
Insert: "MOTOR"
- 2) Title, line 5.
Following: "\$1"
Strike: "AND"
Insert: "; PROVIDING FOR EXPENDITURE OF MOTOR VEHICLE
RECORDING ACCOUNT FUNDS FOR THE PHYSICALLY
DISABLED PERSONS PROGRAM AND OTHER PROGRAMS AS
AUTHORIZED BY THE LEGISLATURE;"
- 3) Title, lines 5 and 6.
Following: "APPROPRIATING"
Strike: "THE INCREASED REVENUE"
Insert: "FUNDS"
- 4) Page 2, line 5.
Following: "1"
Strike: "and"
- 5) Page 2, line 6.
Following: line 5
Insert: "(f) to fund any other state agency program as
authorized by the legislature; and"
Renummer: subsequent subsection
- 6) Page 2, line 17.
Following: "\$5"
Strike: "\$6"
Insert: "\$5"
- 7) Page 2, line 19.
Following: "\$10"
Strike: "\$11"
Insert: "\$10"
- 8) Page 2, line 20.
Following: "\$10"
Strike: "\$11"
Insert: "\$10"
- 9) Page 2, line 21.
Following: "\$2"
Strike: "\$3"
Insert: "\$2"

House Bill No. 907

- 10) Page 3, line 2.
Following: "\$2"
Strike: "\$3"
Insert: "\$2"
- 11) Page 3, line 5.
Following: "\$5"
Strike: "\$6"
Insert: "\$5"
- 12) Page 3, line 7.
Following: "\$13"
Strike: "\$11"
Insert: "\$10"
- 13) Page 3, line 11.
Following: "\$15"
Strike: "\$16"
Insert: "\$15"
- 14) Page 3, line 24.
Following: "of"
Strike: "\$2"
Insert: "\$3"
- 15) Page 5, line 6.
Following: "date."
Strike: section 5 in its entirety
Insert: "Section 4 and this section are effective
July 1, 1985. The remaining sections of this
act are effective on January 1, 1986."

DO NOT PASS AS AMENDED

STANDING COMMITTEE REPORT

March 22

19 85

Page 1 of 5

MR. Speaker

We, your committee on Human Services and Aging

having had under consideration Senate Bill No. 458

third reading copy (blue)
color

Requires sufficient staff to provide habilitation of mentally ill patients

Respectfully report as follows: That Senate Bill No. 458

be amended as follows:

1. Page 2.

Following: line 19

Insert: "(4) "Direct care nursing staff" means professional and paraprofessional staff, including registered nurses, licensed practical nurses, psychiatric aides, and special duty aides who work directly with patients, as defined in the classification specification series for direct care nursing staff published by the department of administration personnel division."

Renumber: subsequent subsections

2. Page 3, line 6.

Following: "treatment"

Insert: "consistent with the requirements of 53-21-162"

DO PASS

3. Page 3.

Following: line 19

Insert: "(10) "Other mental health personnel" means professional and paraprofessional staff, including occupational therapists, recreational therapists, music therapists, rehabilitation aides, and vocational and educational instructors."

Renumber: subsequent subsections

4. Page 3.

Following: line 24

Insert: "(13) "Physician" means a medical practitioner licensed by the Montana board of medical examiners to practice medicine in the state of Montana.

(14) "Post analysis" means the process of determining the appropriate number, disciplines, and levels of staff needed to meet licensure criteria; the treatment needs of the patients; and safety and security requirements through a work factor analysis of duty station full-time equivalent staff requirements for each work shift covering 24 hours in a day, 7 days a week."

Renumber: subsequent subsections

5. Page 4.

Following: line 3

Insert: "(16) "Psychologist" means a treatment professional who performs formal diagnostic testing, counseling, and evaluation services based upon the principles of the discipline of psychology as defined in the job classification specification series for psychologists published by the department of administration personnel division."

Renumber: subsequent subsections

6. Page 5.

Following: line 10

Insert: "(21) "Social worker" means a treatment professional who prepares social histories and discharge plans, provides counseling, maintains contact with patients' families, coordinates services with other human services agencies, and assists with treatment planning based upon the principles of the discipline of social work as defined in the job classification specification series for social workers published by the department of administration personnel division."

Renumber: subsequent subsections

7. Page 6, line 2.

Following: line 1

Strike: "in the ratio"

Insert: "at the staffing level"

8. Page 6, line 9.

Following: "staffing"

Strike: "ratios"

Insert: "levels -- rulemaking"

9. Page 6, line 9.

Following: "(1)"

Strike: "The"

Insert: "Based on an average daily patient population not in excess of the number provided for in the appropriation to the department for the fiscal year, the"

10. Page 6, line 10.

Following: "minimum"

Strike: "ratio"

Insert: "level"

11. Page 6, line 11.

Following: "staff"

Insert: "necessary"

Following: "to"

Insert: "provide adequate habilitation of"

12. Page 6, line 12.

Following: "follows:"

Strike: "."

Insert: ", as follows:"

13. Page 6, lines 13 through 14.

Strike: lines 13 and 14

14. Page 6, line 15.

Following: "~~Personnel~~"

Insert: "Personnel"

Following: "~~Patients~~"

Insert: "Full-Time Equivalent Employees"

15. Page 6, line 16.

Following: "5"

Insert: "6"

16. Page 6, line 17.

Following: "3"

Insert: "7"

17. Page 6, line 18.

Following: "2"

Insert: "12"

18. Page 6, line 19.

Strike: line 19 in its entirety

Page 19. Page 6, line 20.

Following: "25"

Insert: "24"

20. Page 6.

Following: line 21

Insert: "(2) In addition to the staffing levels established in subsection (1), the department shall adopt rules to maintain an adequate level of direct care nursing staff, based on a post analysis of personnel requirements at the state hospital in Warm Springs."

STATEMENT OF INTENT AMENDED AS FOLLOWS:

1) Page 1, line 3.

Strike: line 3 in its entirety

2) Page 1, line 6.

Following: line 5

Strike: "grants"

Insert: "contains a delegation of authority, as defined in 5-4-403, to allow"

~~Following: "institutions"~~

~~Insert: "authority"~~

3) Page 1, line 7.

Following: "rules"

Insert: "to maintain adequate staffing levels and"

4) Page 1, line 17.

Following: "institutions"

Insert: "establish minimum staffing levels for direct care nursing staff and that the department"

5) Page 1, lines 18 through 21.

Following: "if"

Strike: remainder of line 18 through "ratios" on line 21

Insert: "necessary in order to maintain the staffing levels required under [sections 3 and 4]"

Human Services and Aging
Senate Bill No. 453

6) Page 1, line 21.

Following: "ratios:"

Insert and indent as a new paragraph: "It is contemplated that, in developing rules to establish minimum direct care nursing staffing levels, the department should take into consideration the following:

- (1) the average daily patient population at the state hospital;
- (2) the acuity of patient care;
- (3) the individual treatment needs of patients;
- (4) safety and security requirements;
- (5) daily routine work requirements;
- (6) the total number of patients assigned to individual direct care nursing staff in each work circumstance; and
- (7) other appropriate factors.

Instruction: indent and create new paragraph for subsequent sentence beginning with "It is contemplated"

Following: "It is"

Insert: "further"

Following: "department"

Strike: "accomplish"

Insert: "prescribe rules"

7) Page 1, line 22.

Following: line 21

Strike: "this goal"

8) Page 2, lines 6 through 9.

Following: line 5

Strike: lines 6 through 9 in their entirety

Insert: "It is recommended that, in devising rules to limit admissions to the state hospital, the department should be guided by the administrative rules adopted by the Washington state department of social and health services implementing voluntary admissions to mental health facilities pursuant to Wash. Rev. Code 72.23.110."

AND AS AMENDED BE CONCURRED IN