

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

FEBRUARY 15, 1985

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Friday, February 15, 1985 at 12:30 in Room 410 of the State Capitol.

ROLL CALL: All members were present with the exception of Senator Newman, who was excused. Senator Hager arrived late because he was presenting a bill in another Committee Meeting. Karen Renne, staff researcher, was also present.

There were many visitors in attendance. See attachments.

ACTION ON SENATE BILL 310: Senator Judy Jacobson of Butte is the sponsor of this bill. This bill is an act to include community homes for physically disabled persons and developmentally disabled persons who require nursing care in the definition of a community residential facility.

Karen explained the proposed amendments. See attachments.

A motion was made by Senator Towe that the proposed amendments be adopted. Motion carried with all present voting "yes," except Senator Lynch who voted "no". Senator Lynch asked if this bill will affect the Boulder Program in any way. Senator Jacobson stated that it probably would have an affect on Boulder, however, the bill is needed.

A motion was made by Senator Towe that SB 310 DO PASS AS AMENDED. Motion carried. Senator Himsl and Senator Lynch voted "no".

ACTION ON SENATE BILL 312: Senator Dorothy Eck of Bozeman is the sponsor of this bill. This bill is an act requiring the Department of Social and Rehabilitation Services to provide information about local day-care facilities to parents and others and assistance to licensees and prospective licensees, and providing an effective date.

The fiscal note was reviewed.

Senator Lynch stated that the \$200,000 called for in the fiscal note could be better spent elsewhere and let the local chamber or some other community group handle this for a project.

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Senator Stephens stated that he agrees with Senator Lynch. This bill is not needed and could perhaps be handled by the Junior League or some other local civic organization.

A motion was made by Senator Stephens that SB 312 DO NOT PASS. Motion carried with all senators voting "yes" with the exception of Senator Jacobson.

CONSIDERATION OF SENATE BILL 314: Senator Judy Jacobson of Senate District 36, the chief sponsor of SB 314, gave a brief resume of the bill. This bill is an act to provide that failure to report known or suspected child abuse or neglect is a misdemeanor.

Noel Larrivee of Missoula stood in support of the bill. Mr. Larrivee is an attorney. He stated that he has five bills in the legislature dealing with child abuse. He stated that everyone has a civil responsibility to report cases of child abuse or neglect. He handed in a copy of Washington Code dealing with child abuse. This proposed legislation is patterned after Washington law.

John Madsen, representing the Department of Social and Rehabilitation Services, stood in support of the bill.

With no further proponents, the chairman called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Himsl asked if the fine would automatically be \$500. No, the fine could be UP TO \$500.

Senator Towe asked if this bill would affect "attorney-client confidentiality". This would not affect this whatsoever. This affects doctors and other people who are obligated to report child abuse or neglect.

Senator Jacobson closed.

ACTION ON SENATE BILL 314: A motion was made by Senator Lynch that SB 314 receive a DO PASS recommendation from the Committee. Motion carried.

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CONSIDERATION OF SENATE BILL 287: Senator Esther Bengston of Senate District 49, the sponsor of SB 287, gave a brief resume of the bill. This bill is an act requiring the Department of Health and Environmental Sciences to inspect long-term care facilities annually.

Senator Bengston stated that this is a number priority of the Legacy Legislature. She stated that this is a positive thing and the right thing to do. At the present time inspections are done on a yearly basis, however, the operator of the long term care facility is always given at least 48 hours notice of the inspection. This bill would allow for unannounced inspections.

Rose Skoogs, executive director of the Montana Health Care Facilities, stood in support of the bill. She stated that the past two sessions there has been legislation of this type, however, this is the most appropriate way to handle the concerns some people have regarding the health care facilities and the way they are operated. Inspections should be unannounced. Mrs. Skoogs stated that the fiscal note with this bill does not apply to SB 287, it is for HB 165. SB 287 does not require any more staff as the discal note indicates. Mrs. Skoogs presented amendments which she felt would improve the bill. See attachments.

Don Allen, representing the Montana Hospital Association, stood in support of the bill. He stated that the hospitals have nothing to hide.

Doug Blakely, representing the Governor's Office, stood in support of the bill. Mr. Blakely is the Long Term Care Ombudsman with the Department of SRS. He stated that this bill is definitely needed. Unannounced inspections would enable that a true picture of the facility be given. Quality of care is the most important issue.

With no further proponents, the chairman called on the opponents.

Molly Munro, Executive Descretary for the Montana Association of Homes for the Aging, stood in opposition to the bill. She stated that the legislature has before it HB 472 and Hb 165 which would allow the Department of Health to inspect a facility annually, and whenever they feel it necessary. This would allow for annual inspections, which require a facility two days of work prior to a visit, to prepare the needed paperwork. The bills also allow for unannounced inspections if the department feels it is necessary, following a complaint or comment, from redients, families, community members, and etc.

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Requiring unannounced inspections for the "brick and mortar" type of inspections could very well result in the team arriving to make the inspection and find both the administrator and the director of nursing absent from the home. The very people the team needed to see and talk to would not be there, because these people would be at conferences, continuing education seminars and sessions, or the like. This would be a waste of the taxpayers money and certainly the time of the inspection team. The Association feels that the necessary inspections are provided for in HB 472 and HB 165, and therefore, SB 287 is not needed.

With no further opponents, the meeting was opened to a question and answer period from the Committee.

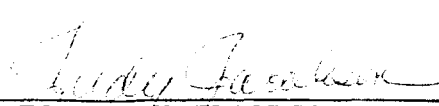
Senator Himsel asked Rose Skoogs to explain the inspection process. There are 18 major steps and questions which must be answered in an inspection. These are mainly dealing with patient care. A courtesy call is usually made not more than 48 hours in advance of the inspection.

Senator Towe asked Rose Skoogs about the Fiscal Note which is accompanying the bill. She stated that the Fiscal Note was drafted for HB 165 and the same Fiscal Note was also applied to this bill. However, it does not really match the bill. This bill should not have any fiscal note as no more staff is required to carry out the mandate of this bill.

Senator Bengston closed. She stated that there has been some patient abuse and this bill would help to alleviate that problem. She encouraged support of the bill from the Committee.

ANNOUNCEMENTS: The next meeting of the Public Health, Welfare and Safety Committee will be held on Monday, February 18, 1985 in Room 410 of the State Capitol to consider SB 342 and SJR 22.

ADJOURN: With no further business the meeting was adjourned.


SENATOR JUDY JACOBSON
CHAIRMAN

STANDING COMMITTEE REPORT

FEBRUARY 15, 19 85

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety
having had under consideration Senate Bill No. 312
introduced reading copy (white)
color

SRS TO PROVIDE INFORMATION ABOUT AVAILABLE DAY CARE TO PARENTS IN AREA

Respectfully report as follows: That Senate Bill No. 312

~~DO NOT PASS~~

DO NOT PASS

Senator Judy Jacobson Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 15, 1935

MR. PRESIDENT

We, your committee on **PUBLIC HEALTH, WELFARE AND SAFETY**

having had under consideration **SENATE BILL** No. **310**

FIRST reading copy (**WHITE**)
color

EXPANDING THE DEFINITION OF COMMUNITY RESIDENTIAL FACILITY

Respectfully report as follows: That **SENATE BILL** No. **310**

be amended as follows:

1. Title, line 7.

Following: "FOR"

Strike: "PHYSICALLY DISABLED PERSONS AND"

2. Page 1, line 16.

Following: "(1) a"

Insert: "community"

Following: "group"

Strike: ", foster, or other"

3. Page 1, line 18.

Following: line 17

Strike: "disabled or"

Following: "handicapped"

Insert: ", mentally, or"

4. Page 1, line 19.

Following: "care"

Insert: "which does not provide skilled or intermediate nursing care"

5. Page 1, line 20.

Following: "youth"

Insert: "foster home or youth"

6. Page 1, line 24.

Following: "persons;"

Strike: "or"

XXXXXX
56-4435

Page 1 of 2

XXXXXX

CONTINUED

Chairman.

7. Page 1, line 25.

Following: "home"

Insert: "; or

(5) a licensed intermediate developmental care
facility as defined in 50-5-101 (27) (d) "

DATE _____

COMMITTEE ON _____

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Noel Larivae	Self	SB314	X	
Rose Skrog	MAHA - HELENA	SB287	X/w/amend.	
Andrew Hatlestad	Self	SB287	X/w/amend.	
Dale Taliaferro	DITES	SB287		
Rick Chioffi	DITES	SB287		
Heleen Gordon Cunniff				
John Madsen	SRS	SB314	✓	
John Larsson	SRS	287		
Doug Blakley	St LTC ombudsman	287	✓	
Charles Buff	Governor's Office	287		
Bill Erwin	Justice	314		
Jim Jensen	Day Care Providers Ass'n.	SB314	✓	
Don Allen	MTA Hospital Ass'n.	SB287	✓ (w/amend)	

(Please leave prepared statement with Secretary)

persons of the registry shall remain privileged; and (9) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor. [1981 c 164 § 4; 1977 ex.s. c 80 § 29; 1975 1st ex.s. c 217 § 7; 1972 ex.s. c 46 § 1; 1969 ex.s. c 35 § 6.]

Purpose——**Intent**——**Severability**——1977 ex.s. c 80: See notes following RCW 4.16.190.

26.44.080 Violation——**Penalty**. Every person who is required to make, or to cause to be made, a report pursuant to RCW 26.44.030 and 26.44.040, and who knowingly fails to make, or fails to cause to be made, such report, shall be guilty of a gross misdemeanor. [1982 c 129 § 10; 1971 ex.s. c 167 § 3.]

Severability——1982 c 129: See note following RCW 9A.04.080.

26.44.900 Severability——1975 1st ex.s. c 217. If any provision of this 1975 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1975 1st ex.s. c 217 § 10.]

NAME Rose Skoog Bill No. SB287
ADDRESS 34 So. East Chance Gulch StA DATE 2/15/85
WHOM DO YOU REPRESENT INT. HEALTH CARE ASSN.
SUPPORT X OPPOSE _____ AMEND X

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Amend to inspect all
health care facilities annually
without prior notice.

AMENDMENTS TO SB 287

1. Amend page 2, lines 7 through 14, as follows:

"(4) ~~The Except as provided in subsection (5),~~ the department may inspect a licensed health care facility whenever it considers it necessary and shall inspect each licensed facility at least once ~~within the 3 years following the date of its last inspection -~~ during each calendar year without prior notice to the operator or staff of the facility. The entire premises of a licensed facility ~~shall~~ must be open to inspection, and access to all records ~~shall~~ must be granted at all reasonable times."

2. Page 2, lines 15 through 20.

Delete section (5) in its entirety.

MONTANA HEALTH CARE ASSOCIATION
36 SO. LAST CHANCE GULCH, STE. A
HELENA, MONTANA 59601

NAME Don Allen BILL No. SB 287
ADDRESS Helena DATE 2/15/85
WHOM DO YOU REPRESENT Mont. Hospital Assn.
SUPPORT ☒ OPPOSE ☐ AMEND ☒

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

NAME

BILL No. SB 287

ADDRESS

Molly Munro

DATE 2/15/85

WHOM DO YOU REPRESENT

P.O. Box 5774 - 1207 Winne, Helena

SUPPORT

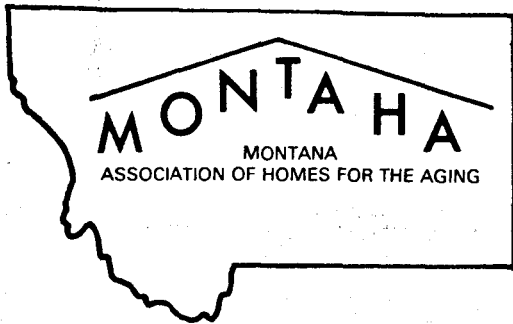
OPPOSE

X

AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:



715 NORTH FEE
P.O. BOX 5774
HELENA, MT 59604

(406) 443-1185

TESTIMONY BEFORE THE SENATE PUBLIC HEALTH, WELFARE AND SAFETY
COMMITTEE

February 15, 1985

RE: SB 287

BY: Molly Munro, Executive Secretary

The Montana Association of Homes for the Aging wants to go on record as opposing Senate Bill 287.

The legislature has before it HB 472 and HB 165 which would allow the Department of Health to inspect a facility annually, and whenever they feel it necessary. This would allow for annual inspections, which require a facility two (2) days of work prior to a visit, to prepare the needed paperwork. The bills also allow for unannounced inspections if the department feels it is necessary, following a complaint or comment, from residents, families, community members, etc.

Requiring unannounced inspections for the "brick and mortar" type of inspections could very well result in the team arriving to make the inspection and find both the administrator and the director of nursing absent from the home. The very people the team needed to see and talk to would not be there, because these people would be at conferences, continuing education seminars and sessions, or the like. This would be a waste of the taxpayers money and certainly the time of the inspection team.

We feel the necessary inspections are provided for in
HB 472 and HB 165 and urge that you support those bills and
do not support SB 287.