

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

MARCH 23, 1985

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Saturday, March 23, 1985 in Room 410 at 8:00 a.m. to take executive action.

ROLL CALL: All members were present. Karen Renne, staff researcher, was also present.

ACTION ON HOUSE BILL 214: Representative Ron Miller of Great Falls, the sponsor of this bill, introduced it at the request of the Board of Speech Pathologists and Audiologists. HB 214 is an act providing for the registration of speech pathology aides; providing for annual registration fees, changing the license renewal date, and providing an effective date.

A motion was made by Senator Stephens that HB 214 BE CONCURRED IN. Motion carried.

Senator Stephens will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 228: Representative Cal Winslow of Billings is the chief sponsor of House Bill 228. This bill is an act authorizing the preparation and implementation of a declaration instructing an adult's physician to withdraw life-sustaining procedures if the person is in a terminal condition and is unable to participate in medical treatment decisions; providing methods for revocation of the declaration limiting the liability of physicians and health care providers who implement the declaration; and establishing criminal penalties for failing to comply with a declaration and other other related violations.

A motion was made by Senator Lynch that HB 214 BE CONCURRED IN. Motion carried.

Senator Christiaens will carry this bill on the floor of the Senate.

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ACTION ON HOUSE BILL 259: Representative Nancy Keenan of Anaconda the sponsor of HB 259, introduced this bill at the request of the Department of Social and Rehabilitation Services. HB 259 is an act providing the Department of Social and Rehabilitation Services with rulemaking authority to establish penalties and sanctions applicable to providers of health-related services in counties that have opted for state assumption of county welfare; providing that such penalties and sanctions are the same as in the Medicaid Program.

A motion was made by Senator Lynch that HB 259 BE CONCURRED IN. Motion carried.

Senator Lynch will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 466: Representative Jan Brown of Helena is the chief sponsor of HB 466. This bill is an act to include physical therapists under the physician, nurse, and hospital lien act.

A motion was made by Senator Hager to accept the amendments which were proposed by the chiropractors. This would include them in the list of those which would be eligible to claim a lien upon proceeds or payments payable by an insurer for the value of the services which were rendered by them. Motion carried.

Bill Leary from the Montana Hospital Association stood and explained the Lien Act to the Committee.

Senator Lynch stated that everyone is going to want in on this list in the future.

Senator Towe stated that it appears to him that perhaps the client will not get anything in a lawsuit.

Senator Himsl asked of the order of succession in a lien. The attorney is first and then whoever files first in that given order.

A motion was made Senator Hager that HB 466 Be Concurred in as amended.

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A substitute motion was made by Senator Towe that HB 466 BE NOT CONCURRED IN AS AMENDED. Motion carried with all present voting "yes" with the exception of Senator Hager who voted "no".

A motion was made by Senator Hager to reconsider the Committee's actions. Motion carried.

A motion was made by Senator Hager that the adopted amendments be stripped from the bill. Motion carried.

A motion was made by Senator Towe that HB 466 BE NOT CONCURRED IN. Motion carried with all present voting "yes" with the exception of Senator Hager who voted "no".

Senator Jacobson will carry the Adverse Committee Report on the floor of the Senate.

ACTION ON HOUSE BILL 472: Representative Dorothy Bradley of Bozeman is the chief sponsor of this Bill. HB 472 was requested by the Department of Health and Environmental Sciences. This bill is an act requiring licensed health care facilities applying for license renewal submit reports documenting that they meet minimum standards.

A motion was made by Senator Stephens that HB 472 Be Concurred In.

Senator Lynch stated that he felt Senator Bengston's bill addressed the problem more efficiently.

Charles Briggs from the Office of the Governor stated that some people are concerned about the unannounced annual inspections addressed in Senator Bengston's bill. Some people are afraid that it would end up being a "bricks and mortar" inspection instead of a quality care inspection also.

Doug Olson attorney for the Long-Term Care Ombudsman, stated that it is necessary to put into law calling for annual inspections.

A motion was made by Senator Lynch that HB 472 BE TABLED. Motion carried with all present voting "yes" with the exceptions of Senator Towe and Senator Jacobson who voted "no".

ACTION ON HOUSE BILL 627: Representative Nancy Keenan of Anaconda is the chief sponsor of House Bill 627. This bill is an act to specify the general duties of a guardian ad litem in cases of child abuse or neglect.

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A motion was made by Senator Lynch that HB 627 BE CONCURRED IN. Motion carried.

Senator Jacobson will carry this bill on the floor of the Senate.

ACTION ON HOUSE BILL 665: Representative Nancy Keenan of Anaconda is the chief sponsor of House Bill 665. This bill is an act to revise the procedures involved in terminating the parent-child legal relationship.

A motion was made by Senator Lynch that HB 665 BE CONCRRED IN. Motion carried.

Senator Jacobson will carry this bill on the floor of the Senate.

DISCUSSION ON HOUSE BILL 686: Representative Nancy Keenan of Anaconda is the chief sponsor of HB 686. This bill is an act to generally revise the procedures relating to the filing and conduct of child abuse, neglect, or dependency proceedings.

The Akelstad amendment was offered. This would require that the parent be notified before the terms of the order may be carried out.

Senator Lynch stated that if the parents are notified first, the child could be in jeopardy.

Senator Jacobson stated that this bill address children's rights as well as those of the parents.

Senator Norman asked if the state has a moral obligation to notify the parents.

Karen will draft amendments which would address the concerns of the Committee and bring them to one of the next meetings for their consideration.

Senator Jacobson stated that she feels that this bill would help the children that need help.

Senator Towe stated that kids have the ultimate weapon and they could ruin the lives of their parents by screaming "abuse" when in fact, there had been none.

A motion was made by Senator Lynch that the bill be passed consideration for the day. Motion carried.

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ACTION ON HOUSE BILL 730: Representative Ben Cohen of Whitefish is the chief sponsor of HB 730. This bill is an act revising laws relating to weatherization; requiring the Department of Social and Rehabilitation Services to allocate and spend for home weatherization at least 5 percent of funds received from the federal low-income home energy assistance program.

A motion was made by Senator Lynch that HB 730 BE CONCURRED IN. Motion carried.

Senator Jacobson will carry this bill on the floor of the Senate.

DISCUSSION ON HOUSE BILL 758: Representative Cal Winslow of Billings is the sponsor of HB 758. This bill is an act providing for a youth placement screening committee to review the placement of children in child-care agencies; establishing hearing requirements; and providing basic standards for the conduct of committee deliberations.

Senator Jacobson handed out some information which was sent to the Committee by Norma Harris, an administrator with SRS. Also included was an amendment which she felt would improve the bill.

Senator Stephens asked the chairman to hold this bill until Monday, as he is awaiting some information.

DISCUSSION ON HOUSE BILL 807: Representative Ton Hannah of Billings is the chief sponsor of HB 807. This bill is an act providing for the protection of certain handicapped, injured or otherwise seriously ill children by requiring that they be given medical treatment.

This bill had been previously tabled by the Committee.

Senator Jacobson stated that federal law does not mandate this, it only set guidelines.

A motion was made by Senator Hager that HB 807 be reconsidered. Motion carried with all present voting "yes" with the exception of Senators Lynch and Newman.

Senator Jacobson reported that the pediatricians would like to see something spelled out in the law.

Karen explained the federal law.

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Senator Lynch stated that he is not convinced that this bill is needed


Senator Jacobson stated that the pediatricians feel that they do need the bill and have requested that the bill be drafted.

Senator Towe stated that he has some concerns with the word "medication" in the bill. Some religions do not believe in using any medication and therefore, could be found guilty of child abuse

This bill will be passed for the day.

ANNOUNCEMENTS: The Senate Public Health will meet again on Monday, March 25, 1985 in Room 410 of the State Capitol to consider HB 489, 560, 896 and HJR 19.

ADHOURN: With no further business the meeting was adjourned.



SENATOR JUDY JACOBSON
CHAIRMAN

eg

Each day attach to minutes.

STANDING COMMITTEE REPORT

MARCH 23,

1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House No. 214

third reading copy (blue)
color

REGISTRATION OF SPEECH PATHOLOGY AND AUDIOLOGY AIDES

HILLER (STEPHENS)

Respectfully report as follows: That House No. 214

~~DO PASS~~

~~DO NOT PASS~~

BE CONCURRED IN

Senator Judy Jacobson

Chairman.

STANDING COMMITTEE REPORT

MARCH 23, 1935

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House No. 228

third reading copy (blue)
color

LIVING WILLS

WINSLOW (CHRISTIAENS)

Respectfully report as follows: That House No. 228

~~XXXXXX~~
DO PASS

~~XXXXXXXX~~
DO NOT PASS

BE CONCURRED IN

Senator Judy Jacobson

Chairman.

STANDING COMMITTEE REPORT

MARCH 23, 1985

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **259**

THIRD reading copy (**BLUE**)
color

PROVIDER SANCTIONS - COUNTIES WITH STATE-ASSUMED WELFARE PROGRAMS

KEENAN (LYNCH)

Respectfully report as follows: That **HOUSE BILL** No. **259**

~~XXXXXX~~

BE CONCURRED IN

~~XXXXXXXXXX~~

DO NOT PASS

SENATOR JUDY JACOBSON

Chairman.

STANDING COMMITTEE REPORT

MARCH 23, 1955

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House No. 466

third reading copy (blue)
color

INCLUDE PHYSICAL THERAPISTS IN PHYSICIAN, NURSE, & HOSPITAL LIEN ACT

J. BROWN (JACOBSON)

Respectfully report as follows: That House No. 466

~~XXXX~~
DO PASS

~~XXXXXXXXX BE NOT CONCURRED IN~~
DO NOT PASS

Senator Judy Jacobson
Chairman.

STANDING COMMITTEE REPORT

March 21, 1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 627

third reading copy (blue)
color

DUTIES AND RESPONSIBILITIES OF GUARDIAN AD LITEM

KEENAN (JACOBSON)

Respectfully report as follows: That House Bill No. 627

~~XXXXX~~
DO PASS

~~XXXXXXXX~~ BE CONCURRED IN
DO NOT PASS

SENATOR JUDY JACOBSON

Chairman.

STANDING COMMITTEE REPORT

March 23 1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 665

third reading copy (white)
color

REVISE PROCEDURE FOR TERMINATING PARENT-CHILD RELATIONSHIP

KEENAN (JACOBSON)

Respectfully report as follows: That House Bill No. 665

~~DO PASS~~

BE CONCURRED IN

~~DO NOT PASS~~

~~SENATOR JUDY JACOBSON,~~
Chairman.

STANDING COMMITTEE REPORT

March 23, 19 85

MR. PRESIDENT

We, your committee on.....Public Health, Welfare and Safety.....
having had under consideration.....House Bill..... No.....730.....
third..... reading copy (blue)
color

REQUIRES THAT 5% OF CERTAIN FED. FUNDS BE SPENT FOR HOME WEATHERIZATION

COHEN (JACOBSON)

Respectfully report as follows: That.....House Bill..... No.....730.....

~~XXXXX~~

DO PASS

BE CONCURRED IN

~~XXXXXXXXX~~

DO NOT PASS

.....SENATOR JUDY JACOBSON,.....
Chairman.