

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

MARCH 27, 1985

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Judy Jacobson on Wednesday, March 27, 1985 in Room 410 of the State Capitol at 12:30.

ROLL CALL: All members were present, however, Senator Tom Towe arrived late. Karen Renne, staff researcher, was also present.

ACTION ON HOUSE JOINT RESOLUTION 19: House Joint Resolution introduced by Representative Steve Waldron of Missoula, is an act urging the Department of Social and Rehabilitation Services to provide priority referral and placement for pregnant teenagers.

A motion was made by Senator Stephens that HJR 19 BE CONCURRED IN. Motion carried.

Senator Mazurek, one of the co-sponsors of the resolution, will carry it on the floor of the Senate.

ACTION ON HOUSE BILL 235: House Bill 235 introduced by Representative Ray Peck is an act to require an anesthesiologists, anesthetist, or other trained professional to administer and monitor general anesthetics during dental procedures; to grant the Board of Dentistry authority to adopt rules regulating dental anesthetics and dental advertising.

Karen explained the amendments which were worked out by the subcommittee on HB 235.

Senator Himsl asked if conscious sedation is just a legal term. Senator Norman agreed that basically "conscious sedation" is a legal term.

Senator Stephens explained that the amendments satisfy the intent of the bill in dealing with oral surgeons and general anesthesia. He felt that the amendments would strengthen the safe guards and create a much better situation. HB 235 will not send the oral surgeons packing out of our state.

SENATE PUBLIC HEALTH
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A motion was made by Senator Lynch that the amendments proposed for HB 235 be adopted. Motion carried.

Senator Hager asked if the effective date should, in fact, be "1986" instead of "1885". Yes, this date should be changed. It is just an oversight in drafting.

A motion was made by Senator Newman that HB 235 BE CONCURRED IN AS AMENDED. Motion carried.

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

ACTION ON HOUSE BILL 489: House Bill 489, introduced by Representative Steve Waldron at the request of the Department of Social and Rehabilitation Services, is an act to generally revise the laws relating to residential youth care facilities; to require prior consultation with the Department of Social and Rehabilitation Services for placement of youths in residential youth facilities.

Senator Himsel asked if the youths will be placed in facilities that are cheaper and closer to home. He was told that all things will be considered when placing a youth.

Karen explained the proposed amendments.

A motion was made by Senator Newman that the proposed amendments would be adopted. Motion carried.

A motion was made by Senator Newman that HB 489 BE CONCURRED IN AS AMENDED. Motion carried.

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

ACTION ON HOUSE BILL 758: House Bill 758 introduced by Representative Cal Winslow of Billings 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.

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Senator Stephens stated that there is an ad hoc committee which already does this and, therefore, the bill is not necessary. This bill would just delay matters and be a further duplication of what is already being done.

A motion was made by Senator Stephens that HB 758 BE NOT CONCURRED IN. Motion carried with all present voting "yes" with the exception of Senator Jacobson, who voted "no".

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

ACTION ON HOUSE BILL 686: House Bill 686, introduced by Representative Nancy Keenan of Anaconda, is an act to generally revise the procedures relating to the filing and conduct of child abuse, neglect, or dependency proceedings.

Karen explained the proposed amendments.

Senator Jacobson stated that this is a good bill and she would prefer it without the amendments.

A motion was made by Senator Newman that the proposed amendments to HB 686 be adopted. Motion carried.

A motion was made by Senator Newman that HB 686 BE CONCURRED IN AS AMENDED. Motion carried.

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

ACTION ON HOUSE BILL 798: House Bill 758 introduced by Representative Joan Miles of Helena is an act to authorize the Department of Social and Rehabilitation Services to operate community programs for physically disabled persons; to authorize the Department to license community homes for the disabled; to provide for standards for programs, administration, health, and safety for such services and community homes.

Senator Jacobson stated that the money has been removed from the budget for this, however, the federal money will still come through.

Senator Norman asked if there is anything in the bill that mentions just the federal money.

Senator Jacobson stated that this bill covers very necessary programs.

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Senator Himsl stated that he does not feel that they should start any new programs.

A motion was made by Senator Norman that HB 798 BE NOT CONCURRED IN. Motion carried with all present voting "yes" with the exception of Senators Newman and Jacobson, who voted "no".

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

Senator Towe arrived.

ACTION ON HOUSE BILL 766: House Bill 766 introduced by Representative Bob Ream of Missoula is an act authorizing the Department of Health and Environmental Sciences to take remedial action to prevent or alleviate release of hazardous or deleterious substances into the environment; establishing a special fund for remedial action; providing for funding of the special fund. and providing effective dates.

Karen explained the amendments which had been adopted earlier by the Committee.

Senator Towe addressed Section 6 of the bill, dealing with reimbursement and penalties, the proceedings and the defenses.

Senator Jacobson stated that this bill would establish a special fund and authorize the Department of Health and Environmental Sciences to use that money for the purpose of taking emergency, remedial action in cases of release of hazardous or deleterious substances into the environment.

A motion was made by Senator Lynch that HB 766 be concurred in as amended.

A substitute motion was made by Senator Towe that that bill be amended further on Page 2, lines 4 through 8. See attachments. Motion carried. Senator Lynch voted "no".

A motion was made by Senator Towe to amend the bill on page 2, line 3. Motion failed.

A motion was made by Senator Lynch that HB 766 BE CONCURRED IN AS AMENDED. Motion failed on a tie vote. Those voting "no" were: Senators Stephens, Himsl, Hager and Norman. Those voting "yes" were: Senators Jacobson, Lynch, Towe and Newman.

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ACTION ON HOUSE BILL 720: House Bill 720 introduced by Representative Jan Brown of Helena is an act to establish an office of long-term care ombudsman within the office of the Governor; to specify the powers and duties of the ombudsman; to impose certain requirements on long-term care facilities; to provide for access to and confidentiality of records and providing an effective date.

Senator Stephens stated that this is already being done and that he did not feel that this is a necessary bill.

A motion was made by Senator Stephens that HB 720 Be Not Concurred In.

Senator Towe stated that if this bill fails we will loose a large amount of funding from the feds.

Charles Briggs from the Governor's Office stated that the federal government has asked Montana to give assurance that there will be access for the ombudsman for the nursing home facility and their records. They needs some sort of guarantee.

Senator Jacobson stated that the ombudsdman would be consulting with the attending physician.

Senator Hims1 asked what the ombudsman knows about the records.

Senator Towe stated that the only thing in the records are the nurses comments and those of the doctor, and how recently the doctor checked on the patient. Senator Towe stated that the older Montanans need to be protected.

Senator Jacobson stated that this bill sets forth guidelines established by the federal government.

A substitute motion was made by Senator Towe that the bill be amended to make the bill contingent on the receipt of federal funds and also that the ombudsman must consult with the attending physician or another physician if the attending physician is unavailable.

Senator Lynch asked if perhaps the ombudsman should have some medical training.

Senator Jacobson stated that the ombudsman is a consumer advocate.

SENATE PUBLIC HEALTH
PAGE SIX
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Senator Towe asked if an ombudsman is looking for more than what drugs are being taken and how often, or how often the attending physician is visiting the patient.

A vote was taken on Senator Towe's motion regarding the proposed amendments. Motion carried with all voting "yes" with the exception of Senators Hims1 and Stephens.

Senator Newman asked if this will replace what the SRS is doing at the present time. It will not replace what the SRS is doing now.

Senator Newman called on Rose Skoogs to address the bill. She stated that the ombudsman or the Department does not have sufficient staff or the programs available to handle this proposed legislation. The people will be paying twice.

Senator Jacobson stated that the long-term care ombudsman is a federal program.

Senator Towe made a motion that HB 720 BE CONCURRED IN AS AMENDED. Motion carried with all present voting "yes" with the exceptions of Senators Hager, Hims1 and Stephens.

ACTION ON HOUSE BILL 783: House Bill 783 introduced by Joan Miles of Helena is an act establishing the rights of residents of long-term care facilities; providing that a resident must be informed of his rights; requiring posting of these rights by long-term care facilities; and providing penalties.

Senator Hims1 asked if there is some problem with the rights of the patients of long-term care facilities.

Senator Hims1 stated that most residents receive a booklet which spells out their rights when they enter a long-term care facility.

Rose Skoogs stated that the rights are already spelled out by federal law and those are posted in the facilities.

Senator Jacobson stated that this bill would make for uniform standards.

Senator Towe stated that it all makes sense.

SENATE PUBLIC HEALTH
PAGE SEVEN
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Senator Hager asked if anyone reads the book of rights to the people and will this replace the federal rights book.

Senator Towe stated that the privacy of the individuals is being ignored.

A motion was made by Senator Towe that the bill be amended on page 7, line 14, insert: "or unless other conditions exist which make this right unworkable". Motion carried with all present voting "yes" with the exception of Senator Hager, who voted "no".


A motion was made by Senator Towe that HB 783 Be Concurred In As Amended. Motion failed with the following vote: "Yes"-- Senators Lynch, Towe, and Jacobson. Those voting "no" were Senators Hager, Himsl, Stephens, and Newman.

Senator Himsl moved that the vote be reversed on a BE NOT CONCURRED IN AS AMENDED motion. Motion carried with the same vote as before, reversed.

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

ANNOUNCEMENTS: At the present time there are no further meetings of the Senate Public Health, Welfare and Safety scheduled.

ADJOURN: With no further business the meeting was adjourned.


SENATOR JUDY JACOBSON, CHAIRMAN

eg

STANDING COMMITTEE REPORT

MARCH 27 1985

MR. PRESIDENT

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

having had under consideration.....HOUSE JOINT RESOLUTION..... No. 12.....

third reading copy (blue)
color

URGING PRIORITY REFERRAL AND PLACEMENT FOR PREGNANT TEENAGERS

WALDORF (MAZUREK)

Respectfully report as follows: That.....HOUSE JOINT RESOLUTION..... No. 12.....

~~XXXXXXXXXX~~

~~XXXXXXXXXX~~

BE CONCURRED IN

SENATOR JUDY JACOBSON

Chairman.

STANDING COMMITTEE REPORT

March 27, 1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 783

third reading copy (blue color)

MONTANA LONG-TERM CARE RESIDENTS' BILL OF RIGHTS ACT

MILES (HIMSL)

Respectfully report as follows: That House Bill No. 783

be amended as follows:

1. Page 7, line 14.

Following: "contraindicated"

Insert: "or unless other conditions exist which make this right unworkable"

~~BE PASSED~~ AND AS AMENDED
~~BEING PASSED~~ BE NOT CONCURRED IN

SENATOR JUDY JACOBSON, Chairman.

STANDING COMMITTEE REPORT

March 27

1935

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 758

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color

REQUIRE SCREENING COMMITTEES TO REVIEW CHILD PLACEMENT IN A CARE FACILITY

WINSLOW (STEPHENS)

Respectfully report as follows: That House Bill No. 758

~~XXXXXX~~
DO PASS

BE NOT CONCURRED IN

~~XXXXXXXXXX~~
DO NOT PASS

SENATOR JUDY JACOBSON,

Chairman.

STANDING COMMITTEE REPORT

March 27

1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 798

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color

**PHYSICALLY DISABLED - SRS AUTHORIZED TO PROVIDE SERVICES - COMMUNITY
ZONES**

MILES (STEPHENS)

Respectfully report as follows: That House Bill No. 798

~~XXXXXXXX~~

BE NOT CONCURRED IN

~~XXXXXXXXXXXX~~

SENATOR JUDY JACOBSON,

Chairman.

STANDING COMMITTEE REPORT

March 27 1935

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety
having had under consideration House Bill No. 489
third reading copy (blue)
color

GENERAL REVISION OF LAW RELATING TO YOUTH CARE FACILITIES

WALDRON (JACOBSON)

Respectfully report as follows: That House Bill No. 489

be amended as follows:

1. Page 5, line 13.
Following: "facilities."
Strike: "(1)"

2. Page 5, line 25, through line 2, page 6.
Strike: subsection (2) in its entirety

3. Page 10, line 13.
Following: "(B)"
Strike: "IF"
Insert: "When"

4. Page 10, line 14.
Following: "SERVICES"
Strike: "ACCEPTS THE FINANCIAL RESPONSIBILITY FOR"
Insert: "is ordered to pay"

5. Page 13, line 14.
Following: "(B)"
Strike: "IF"
Insert: "When"

6. Page 13, line 15.
Following: "SERVICES"
Strike: "ACCEPTS THE FINANCIAL RESPONSIBILITY FOR"
Insert: "is ordered to pay"

XXXXXX

XXXXXXXXXX AND AS AMENDED
DO NOT PASS BE CONCURRED IN

SENATOR JUDY JACOBSON,
Chairman.

STANDING COMMITTEE REPORT

March 27

1985

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 686

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REVISE PROCEDURE CONCERNING ABUSE, NEGLECT, OR DEPENDENCY PROCEEDINGS

KEENAN (JACOBSON)

Respectfully report as follows: That House Bill No. 686

be amended as follows:

1. Page 1, lines 14 through 16.
Following: "county attorney" on line 14
Strike: "L"
Insert: "or"
Following: "general" on line 14
Strike: remainder of line 14 through "SERVICES" on line 16.
2. Page 4, line 17.
Following: "county attorney" on line 17
Strike: "L"
Insert: "or"
3. Page 4, lines 18 and 19.
Following: "general" on line 18
Strike: remainder of line 18 through "SERVICES" on line 19
4. Page 5, line 19.
Following: "therein."
Insert: "An attempt must be made to notify the parents or guardian at the same time as the terms of the order are carried out, or as soon thereafter as possible."

XXXXX
DO PASS

XXXXXXXXXX

AND AS AMENDED
BE CONCURRED IN

SENATOR JUDY JACOBSON

Chairman.

STANDING COMMITTEE REPORT

Page 1 of 3

MARCH 27, 1985

MR. PRESIDENT

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

having had under consideration **HOUSE BILL** No. **235**

THIRD reading copy (**BLUE**)
color

REQUIRE ANESTHESIOLOGIST TO ADMINISTER GENERAL ANESTHESIA DURING DENTAL ACTS

PECK (STEPHENS)

Respectfully report as follows: That **HOUSE BILL** No. **235**

1. Page 2, line 2., STATEMENT OF INTENT

Following: line 1

Insert: "The legislature also intends that the board adopt rules for approving dental practice facilities in which general anesthesia is induced. The board may also adopt rules for approving dental practice facilities in which conscious sedation or nitrous oxide analgesia is used. In formulating any such rules, the board may look to similar rules developed by dental boards in California, Arizona, Texas, and other states. The board may appoint teams to inspect dental practice facilities. Initially these teams may include a majority of anesthesiologists. When a sufficient number of approved facilities exists, oral surgeons may constitute a majority of each inspection team. Rules for approving facilities should also establish the duration of permits, provide for periodic reinspection, and establish application and inspection fees. Compensation should be provided for service on inspection teams."

2. Title, line 12.

Following: "MCA"

Insert: "; AND PROVIDING IMMEDIATE AND DELAYED EFFECTIVE DATES"

(continued)

XXXXXX
DO PASS

XXXXXXXXXX
DO NOT PASS

Chairman.

MARCH 27, 1985
HB 235

3. Page 1, line 25.

Following: line 24

Insert: "(c) "Conscious sedation" means a minimally depressed level of consciousness in which the patient breathes normally without assistance, retains protective reflexes, and responds to physical stimulation or verbal command in a manner appropriate to the patient's cognitive level. Conscious sedation is not a form of general anesthesia, and brief interludes of unconsciousness during conscious sedation do not bring conscious sedation within the scope of general anesthesia."

Remember: subsequent subsections

4. Page 2, line 6.

Following: "tract."

Insert: "General anesthesia is divided into:

(i) full general anesthesia, which means a level of consciousness in which the patient is without intact protective reflexes, is unable to maintain an airway, and is incapable of rational response to query or command; and

(ii) light general anesthesia, which means a level of consciousness in which the patient breathes normally without assistance and retains protective reflexes throughout most of the procedure."

5. Page 2, lines 12 and 13.

Strike: line 12 through "surgical procedures" on line 13

Insert: "or any other anesthetic administered to produce conscious sedation."

6. Page 5, line 3.

Following: "under"

Insert: "full"

(continued)

MARCH 27, 1985
HB 235

7. Page 5, line 2.

Following: line 7

Insert: "(3) No person engaged in the practice of dentistry or oral surgery may conduct any dental or surgical procedure upon another person under light general anesthesia unless the vital signs of the patient are continually monitored by another person who is qualified in basic life support procedures and currently certified in cardiopulmonary resuscitation, and who meets such additional standards as the board may prescribe."

Re-number: subsequent subsections

8. Page 5, line 17.

Following: "under"

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "or (3)"

9. Page 6.

Following: line 19

Insert: "NEW SECTION. Section 5. Effective dates. This act is effective January 1, 1986, except for this section and section 3, which are effective on passage and approval."

AND AS AMENDED
BE CONCURRED IN

SENATOR JUDY JACOBSON

STANDING COMMITTEE REPORT

March 27 19 85

MR. PRESIDENT

We, your committee on Public Health, Welfare and Safety

having had under consideration House Bill No. 720

third reading copy (blue)
color

ESTABLISHING A LONG-TERM CARE OMBUDSMAN

J. BROWN (ECK)

Respectfully report as follows: That House Bill No. 720

be amended as follows:

1. Page 1, line 22.

Following: "that"

Insert: ", contingent upon the receipt of federal funds for this purpose,"

2. Page 1, lines 24 and 25.

Following: "that" on line 24

Strike: remainder of line 24 through "purpose," on line 25

3. Page 4, line 4.

Following: "complaints."

Insert: "The ombudsman shall consult with the attending physician, or with another licensed physician if the attending physician is not available, concerning his interpretation of the resident's medical record and any action that should be taken in response to a complaint."

~~XXXXX~~

DO PASS

~~XXXXXX~~

DO NOT PASS

AND AS AMENDED
BE CONCURRED IN

SENATOR JUDY JACOBSON,

Chairman.

1. Page 2, line 2, STATEMENT OF INTENT

Following: line 1

Insert: "The legislature also intends that the board adopt rules for approving dental practice facilities in which general anesthesia is induced. The board may also adopt rules for approving dental practice facilities in which conscious sedation or nitrous oxide analgesia is used. In formulating any such rules, the board may look to similar rules developed by dental boards in California, Arizona, Texas, and other states. The board may appoint teams to inspect dental practice facilities. Initially these teams may include a majority of anesthesiologists. When a sufficient number of approved facilities exists, oral surgeons may constitute a majority of each inspection team. Rules for approving facilities should also establish the duration of permits, provide for periodic reinspection, and establish application and inspection fees. Compensation should be provided for service on inspection teams."

2. Title, line 12.

Following: "MCA"

Insert: "; AND PROVIDING IMMEDIATE AND DELAYED EFFECTIVE DATES"

3. Page 1, line 25.

Following: line 24

Insert: "(c) "Conscious sedation" means a minimally depressed level of consciousness in which the patient breathes normally without assistance, retains protective reflexes, and responds to physical stimulation or verbal command in a manner appropriate to the patient's cognitive level. Conscious sedation is not a form of general anesthesia, and brief interludes of unconsciousness during conscious sedation do not bring conscious sedation within the scope of general anesthesia."

Renumber: subsequent subsections

4. Page 2, line 6.

Following: "tract."

Insert: "General anesthesia is divided into:

(i) full general anesthesia, which means a level of consciousness in which the patient is without intact protective reflexes, is unable to maintain an airway, and is incapable of rational response to query or command; and

(ii) light general anesthesia, which means a level of consciousness in which the patient breathes normally without assistance and retains protective reflexes throughout most of the procedure."

5. Page 2, lines 12 and 13.

Strike: line 12 through "surgical procedures" on line 13

Insert: "or any other anesthetic administered to produce conscious sedation."

6. Page 5, line 3.

Following: "under"

Insert: "full"

7. Page 5, line 8.

Following: line 7

Insert: "(3) No person engaged in the practice of dentistry or oral surgery may conduct any dental or surgical procedure upon another person under light general anesthesia unless the vital signs of the patient are continually monitored by another person who is qualified in basic life support procedures and currently certified in cardiopulmonary resuscitation, and who meets such additional standards as the board may prescribe."

Renumber: subsequent subsections

8. Page 5, line 17.

Following: "under"

Strike: "subsection"

Insert: "subsections"

Following: "(2)"

Insert: "or (3)"

9. Page 6.

Following: line 19

Insert: "NEW SECTION. Section 5. Effective dates. This act is effective January 1, 1986, except for this section and section 3, which are effective on passage and approval."

March 27, 1985

MEMORANDUM

TO: Elaine Gravely, Secretary
Senate Public Health, Welfare & Safety Committee

FROM: Karen Renne, staff researcher

RE: House Bill 766 ("MiniSuperfund")

The committee did not concur in House Bill 766 (tie vote), but it did amend the bill as follows:

1. Page 2, line 2.
Following: "imminent"
Insert: ", life-endangering,"
2. Page 2, line 16.
Following: "environment"
Insert: ", the use of pesticides as defined in 80-8-102(30) when they are applied in accordance with approved federal and state labels, and the use of commercial fertilizers as defined in 80-10-101(2) when applied as part of accepted agricultural practice"
3. Page 6, line 16.
Following: "subsection"
Strike: "(3)"
Insert: "(4)"

Amendment 1 was requested by Senator Towe; amendment 2 was requested by Senator Towe and drafted by Frank Crowley of the Attorney General's office; and amendment 3 corrects a drafting error.

Copies to: Senator Halligan
Senator Towe
Representative Ream
Brace Hayden

12 minutes

Jan 3/27
Elaine F. Hardy
4667

PROPOSED AMENDMENTS TO HOUSE BILL 235
(subcommittee recommendations)

1. Title, line 12.
Following: "MCA"
Insert: "; AND PROVIDING IMMEDIATE AND DELAYED EFFECTIVE DATES"

2. Page 1, line 25.
Following: line 24
Insert: "(c) "Conscious sedation" means a minimally depressed level of consciousness in which the patient breathes normally without assistance, retains protective reflexes, and responds to physical stimulation or verbal command in a manner appropriate to the patient's cognitive level. Conscious sedation is not a form of general anesthesia, and brief interludes of unconsciousness during conscious sedation do not bring conscious sedation within the scope of general anesthesia."
cognitive
Renumber: subsequent subsections

3. Page 2, line 6.
Following: "tract."
Insert: "General anesthesia is divided into:
(i) full general anesthesia, which means a level of consciousness in which the patient is without intact protective reflexes, is unable to maintain an airway, and is incapable of rational response to query or command; and
(ii) light general anesthesia, which means a level of consciousness in which the patient breathes normally without assistance and retains protective reflexes throughout most of the procedure."

4. Page 2, lines 12 and 13.
~~Following: line 11~~
~~Strike: *the use of any other anesthetic administered to produce conscious sedation.*~~
Insert: "or any other anesthetic administered to produce conscious sedation."

5. Page 5, line 3.
Following: "under"
Insert: "full"

6. Page 5, line 8.
Following: line 7
Insert: "(3) No person engaged in the practice of dentistry or oral surgery may conduct any dental or surgical procedure upon another person under light general anesthesia unless the vital signs of the patient are continually monitored by another person who is qualified in basic life support procedures and currently certified in cardiopulmonary resuscitation, and who meets such additional standards as the board may prescribe."
Renumber: subsequent subsections

7. Page 5, line 17.
Following: "under"
Strike: "subsection"
Insert: "subsections"
Following: "(2)"
Insert: "or (3)"
8. Page 6, line ~~20~~
Following: line 19
Insert: "NEW SECTION. Section 5. Effective dates. This act is effective January 1, 1986, except for this section and section 3, which are effective on passage and approval."

AMENDMENTS TO THE STATEMENT OF INTENT FOR HOUSE BILL 235

Insert a new paragraph as follows:

Page 2, line 2.

Following: line 1

Insert: "The legislature also intends that the board adopt rules for approving dental practice facilities in which general anesthesia is induced. The board may also adopt rules for approving dental practice facilities in which conscious sedation or nitrous oxide analgesia is used. In formulating any such rules, the board may look to similar rules developed by dental boards in California, Arizona, Texas, and other states. The board may appoint teams to inspect dental practice facilities. Initially these teams may include a majority of anesthesiologists. When a sufficient number of approved facilities exists, oral surgeons may constitute a majority of each inspection team. Rules for approving facilities should also establish the duration of permits, provide for periodic re-inspection, and establish application and inspection fees. Compensation should be provided for service on inspection teams."

AMENDMENTS TO HOUSE BILL 720
(requested by Ombudsman's office)

passed 3/27
Elaine Gundersen
4887

1. Page 1, line 22.
Following: "that"
Insert: ", contingent upon the receipt of federal funds for
this purpose,"
2. Page 1, lines 24 and 25.
Following: "that"
Strike: remainder of line 24 through "purpose," in line 25
3. Page 4, line 4
Following: "complaints."
Insert: "The ombudsman shall consult with the attending
physician, or with another licensed physician if the
attending physician is not available, concerning his
interpretation of the resident's medical record and
any action that should be taken in response to a complaint."

PROPOSED AMENDMENTS FOR HOUSE BILL 489
(requested by Norma Harris)

*Passed
3/27
Blair Harris
4889*

1. Page 5, line 18.
Following: "facilities."
Strike: "(1)"
2. Page 5, line 25, through line 2, page 6.
Strike: subsection (2) in its entirety
3. Page 10, line 13.
Following: "(B)"
Strike: "IF"
Insert: "When"
3. Page 10, line 14.
Following: "SERVICES"
Strike: "ACCEPTS THE FINANCIAL RESPONSIBILITY FOR"
Insert: "is ordered to pay"
5. Page 13, line 14.
Following: "(B)"
Strike: "IF"
Insert: "When"
6. Page 13, line 15.
Following: "SERVICES"
Strike: "ACCEPTS THE FINANCIAL RESPONSIBILITY FOR"
Insert: "is ordered to pay"

March 27, 1985

MEMORANDUM

TO: Elaine Gravely, Secretary
Senate Public Health, Welfare & Safety Committee

FROM: Karen Renne, staff researcher

RE: House Bill 783

The committee did not concur in House Bill 783 (~~tie vote~~), but it did amend the bill as follows:

1. Page 7, line 14.
Following: "contraindicated"
Insert: "or unless other conditions exist
which make this right unworkable"

copy to Senator Towe

H.B. 758 - YOUTH PLACEMENT SCREENING COMMITTEE

Sponsor: Representative Hal Winslow (R) Billings

This Bill provides for a Youth Placement Screening Committee to review the placement of children in child care agencies. The Department of Social and Rehabilitation Services would have the authority to establish this committee for the purpose of determining the appropriateness of placing youth in out-of-home care or treatment because of abuse, neglect, dependency, or emotional or behavioral disturbance.

The Committee would be responsible to review all information and resources relevant to placement of the child, including treatment recommendations and alternatives relative to costs and budget considerations. It would require hearings before the Committee to determine appropriateness of the placement with emphasis on in-state placement.

H.B. 489 - To require prior consultation with the Department of Social and Rehabilitation Services for placement of youths in residential youth facilities

Sponsor: Representative Steve Waldron (D) Missoula

This Bill amends 41-5-403 and 41-5-523, disposition permitted in Youth Court under informal adjustment and disposition of Delinquent Youth and Youth in Need of Supervision by providing that the Court shall determine if the youth can receive appropriate treatment in a youth care facility located in Montana as follows:

(a) If the court finds the youth can receive appropriate treatment in a youth care facility located in Montana that will accept the youth, the court may not place the youth in a youth care facility located outside this state UNLESS AN OUT-OF-STATE FACILITY CAN PROVIDE APPROPRIATE TREATMENT THAT:

(I) CAN BE OBTAINED AT A COST LESS THAN THAT OFFERED BY ANY AVAILABLE FACILITY IN THIS STATE; OR

(II) IS AVAILABLE IN CLOSER PROXIMITY TO THE YOUTH'S PLACE OF RESIDENCE THAN ANY FACILITY LOCATED IN THIS STATE.

(B) IF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES ACCEPTS THE FINANCIAL RESPONSIBILITY FOR THE COSTS OF CARING FOR THE CHILD IN A YOUTH CARE FACILITY OTHER THAN A YOUTH FOSTER HOME OR YOUTH GROUP HOME, THE COURT SHALL PROVIDE THE DEPARTMENT WITH AT LEAST 5 DAYS' WRITTEN NOTICE AND OPPORTUNITY TO BE HEARD BEFORE ORDERING THE PLACEMENT OF THE YOUTH.

The Bill further provides that the Department of Social Rehabilitation Services shall pay for room, board, clothing, personal needs, transportation and treatment in Youth Foster Homes and Group Homes. However, youth committed to the Department of Institutions or placed in residential facilities other than those described above shall not be the financial responsibility of the Department of Social and Rehabilitation Services unless such placements have been approved in advance by the Department of Social and Rehabilitation Services.

The Bill further provides that the Department of Social and Rehabilitation Services shall pay for the services listed above within the limits of the appropriation for that purpose only. These Bills will drastically restrict, if not eliminate, out of state resources for the emotionally disturbed child. It will also make it more difficult to obtain services for the emotionally disturbed child within the State of Montana. There are only two residential treatment facilities in Montana that work with this type of child. One is the Deaconess Home in Helena and the other is Yellowstone Boys and Girls Ranch in Billings. It takes approximately five months to process a youth into the Deaconess Home if everything is going fine. Yellowstone Boys and Girls Ranchs' processing time is between one and two months. It takes two months in this District. In approximately 1984 the Department of Social and Rehabilitation Services shut down the use of Yellowstone Boys and Girls Ranch for seven months due to a rate dispute. This loss of resources forced many courts across the state to utilize out of state treatment at the request of the Department of Social and Rehabilitation Services. The Department of Social and Rehabilitation Services is now stating that the courts have improperly used out of state resources for these youth and it is necessary to get control of the placements on the emotionally disturbed youth in advance of any placement. In 1983 the Legislature created Foster Care Review Committees to review every case in out of home care and require that everything must be done to return the child home as soon as possible. The impact for Missoula has been at least one officer meeting with this committee for at least three hours every other week. Additional preparation time is needed for these meetings and it sometimes requires more than one officer at the committee. Ravalli County faces similiar time constraints.

H.B. 758 will add additional time on the phone, letters, and personal contact in order to advocate services for the emotionally disturbed youth. This would be added on to the two to five months of time it takes to process a youth into residential treatment.

These Bills will ultimately impact on the Judges ability to order services for youth who are appearing in Youth Court. He will now be required to obtain the Department of Social and Rehabilitation Services permission in advance of placing any youth in residential care. He will be prohibited from sentencing youth to alcohol/drug treatment and having the Department of Social and Rehabilitation Services pay for it because there is no appropriation for that purpose. H.B. 489 allows expenditures only for specific services and alcohol/drug treatment is not one of those listed.

An additional impact these Bills will have on the system is the impatience of the youth themselves. Most youth who are experiencing emotional disturbance patterns are out of control and are not to interested in waiting around two to five months for services. Most don't even want services so as their pattern of behavior deteriorates the chances of increased delinquency becomes more apparent. When you can not provide a community based services or alternative to incarceration for the youth then the only alternatives are to either kick him back out on the street or sentence him to an institution like Pine Hills School for Boys. This later alternative will definitely increase the amount of youth committed to institutions. This impact has already been felt with the passage of H.B. 24. H.B. 24 was passed in 1983 and turned responsibility for administering the dollars for out of home care youth to the Department of Social and Rehabilitation Services. During the year 1983, there were 16 45-day evaluations and 7 youth committed to state institutions in the Fourth Judicial District. By 1984 this figure increased to 37 45-day evaluations and 26 commitments to state institutions. This is partly due to the increased bureaucratic time it takes to get community based services for youth.