

MINUTES OF THE MEETING
HUMAN SERVICES AND AGING COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

The meeting of the Human Services and Aging Committee was called to order by Chairman R. Budd Gould, on February 17, 1987, at 7:30 p.m., in Room 312-D of the State Capitol.

ROLL CALL: All members were present except Rep. Cody and Rep. Compton who were absent.

CONSIDERATION OF HOUSE BILL NO 788:

REP. RED MENAHAN, House District No. 67, stated the bill was brought about by the fact that there are only two doctors at Montana State Hospital to practice psychiatry to over 300 patients. They work 6 days a week and are on call on the 7th. He said there is a young doctor in North Dakota who would like to come here but the medical association denies him temporary licensure, and the bill would allow the Board of Medical Examiners to issue a temporary license to qualified physicians employed at the Montana State Hospital or other state institutions. He stated the bill would also save the State of Montana money by allowing it to hire personnel in the \$60-70 thousand dollar range, whereas it had contracted services for three months at the Montana Youth Treatment Center at a charge of \$115-\$120 thousand dollars.

PROPOSERS: None.

OPPOSERS: None.

REP. MENAHAN closed by stating he would have the two doctors who are working under these conditions write to the committee, and he would appreciate a do pass on the bill. CHAIRMAN GOULD noted because of the transmittal deadline, the committee would be taking immediate action on the bills so it would not be necessary for Rep. Menahan to request the letters.

QUESTIONS FROM THE COMMITTEE:

In response to a question from REP. HANSEN, REP. MENAHAN explained that the qualified applicant in the bill could mean medical doctors, but that the State Hospital really needs a psychiatrist.

CONSIDERATION OF HOUSE BILL NO. 780:

REP. BOB GILBERT, House District No. 22, stated he was

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carrying HB # 780 for REP. TED SCHYE, who was testifying on another bill in Fish and Game Committee. He said the bill will permit the sales of rabies vaccine by a licensed veterinarian to a person for use in immunizing his own farm animals to prevent them from contacting rabies. He noted that many farmers and ranchers have 12 or 14 cats and 4 or 5 dogs and it would be very difficult and expensive to try and catch them all and take them to a veterinarian for rabies shots. He also noted there is a high incidence rate in eastern Montana for rabies.

PROPOSERS: None.

OPPOSERS: None.

REP. GILBERT simply stated that he and Ted closed.

QUESTIONS FROM THE COMMITTEE: None.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 780:

REP. GRINDE moved DO PASS on HB # 780; the motion CARRIED unanimously.

ACTION ON HOUSE BILL NO. 788:

REP. HANSEN moved DO PASS on HB # 788; the motion CARRIED unanimously.

REP. STRIZICH moved to remove HB # 24 from the table and bring it before the committee for action. He said the primary sponsor of the bill was in the process of trying to ascertain what the costs were to the State of Montana regarding motorcycle accidents, particularly head injuries, and has managed to come up with some figures.

CHAIRMAN GOULD stated it was a debatable motion and called for discussion. REP. SIMON said he had contacted both the SRS and the Department of Justice for some statistics, and hadn't been able to get any from either department. He asked why the workman's comp would be paying to people who were injured in a motorcycle accident as was stated in the sheet that was handed out.

REP. GILBERT explained that a school teacher was riding his motorcycle from his residence to Bozeman to attend school and he wrecked and suffered some severe injuries and

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through a long process they determined he was entitled to work comp benefits. He said it is the only case he was aware of, so the \$122,000 on the handout was paid to one man.

CHAIRMAN GOULD asked for further discussion on REP. STRIZ-ICH'S motion to take HB # 24 off the table. The question was called; the motion FAILED with 7 favorable votes and 9 opposing votes. Roll call # 1.

ACTION ON HOUSE BILL NO. 752:

REP. GILBERT moved DO PASS on HB # 752; the question was called for, the motion CARRIED unanimously.

ACTION ON HOUSE BILL NO. 749:

REP. SQUIRES moved DO PASS on HB # 749; the motion CARRIED unanimously.

ACTION ON HOUSE BILL NO. 675:

REP. RUSSELL moved DO PASS on HB # 675; the Chairman called for discussion on the bill. REP. MC CORMICK made a substitute motion that HB # 675 DO NOT PASS.

A very lengthy discussion was held on reversing the smoking areas to non-smoking areas in public buildings.

REP. KITSELMAN moved to strike section 7, which is the penalty section of the bill, which would leave the language to say "an office and work area in buildings maintained by the state or public subdivision thereof, in which 7 or more employees of the state or political subdivision are employed, the manager or person in charge of the work area shall arrange non-smoking, smoking areas in a convenient area.

REP. SANDS said he thought the most important part of the bill is the part that extends the non-smoking to the work place in public or private places as well.

REP. KITSELMAN then moved to amend section 7, under penalties, back to the original language, which would reinsert the stricken language and strike the new language. It would then read "a person fails to designate or reserve a smoking or non-smoking area in his establishment as provided for in 50-50-401 is guilty of a misdemeanor and is subject to a fine of not more than \$25.00".

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REP. SANDS asked REP. KITSELMAN why he wanted to eliminate the penalty for someone who smokes where he is not supposed to be smoking. REP. KITSELMAN replied that it is very difficult to enforce that law.

The question was called for on REP. KITSELMAN'S amendments. At this point in the meeting, REP. KITSELMAN withdrew his amendments.

The question was called on REP. MC CORMICK'S DO NOT PASS motion; the motion FAILED with 8 favorable and 9 opposing votes. (Roll call # 2). CHAIRMAN GOULD said without objection the committee would revert to REP. RUSSELL'S DO PASS motion.

ACTION ON SENATE BILL NO. 31:

REP. KITSELMAN moved DO PASS. Amendments to SB # 31 were handed out at this time. See EXHIBIT # 1. REP. KITSELMAN said he saw the amendments as a turf battle between the chiropractors and the physical therapists. CHAIRMAN GOULD explained that the amendments would strengthen the education requirements of the physical therapists. The question was called on REP. KITSELMAN'S DO PASS motion; a voice vote was taken; the motion CARRIED with REP. MC CORMICK voting no.

ACTION ON HOUSE BILL 542:

REP. KITSELMAN stated that the gray copy was a complete rewrite of HB # 542 and that he was having difficulty figuring it all out. He then moved to table the bill. CHAIRMAN GOULD stated it was a non-debatable motion. A roll call vote was taken (Roll call # 3), the motion CARRIED with 12 favorable and 5 opposing votes.

ADJOURNMENT: There being no further business to come before the committee the meeting was adjourned at 8:37 p.m.

R. BUDD GOULD, CHAIRMAN

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date FEBRUARY 17, 1987

7:30 P.M.

NAME	PRESENT	ABSENT	EXCUSED
REP. BUDD GOULD, CHAIRMAN	X		
REP. BOB GILBERT, VICE CHAIRMAN	X		
REP. JAN BROWN	X		
REP DUANE COMPTON	X		
REP. DOROTHY CODY		X	
REP. DICK CORNE'	X		
REP. LARRY GRINDE	X		
REP. STELLA JEAN HANSEN	X		
REP. LES KITSELMAN	X		
REP. LLOYD MC CORMICK	X		
REP. RICHARD NELSON	X		
REP. JOHN PATTERSON	X		
REP. ANGELA RUSSELL	X		
REP. JACK SANDS	X		
REP. BRUCE SIMON	X		
REP. CAROLYN SQUIRES	X		
REP. TONIA STRATFORD	X		
REP. BILL STRIZICH	X		

STANDING COMMITTEE REPORT

FEBRUARY 17, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report SENATE BILL NO. 31

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. R. SUDD GOULD,

Chairman

ALLOWING DIRECT PATIENT ACCESS TO PHYSICAL THERAPY

FIRST

reading copy (WHITE)
color

STANDING COMMITTEE REPORT

FEBRUARY 17, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 735

- | | | |
|---------------------------------------------|----------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in | <input type="checkbox"/> as amended |
| <input type="checkbox"/> do not pass | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

REP. R. GORD GOULD, Chairman

REQUIRE TEMPORARY LICENSURE OF QUALIFIED PHYSICIANS EMPLOYED AT INSTITUTIONS

FIRST

WHITE

reading copy ()

color

STANDING COMMITTEE REPORT

FEBRUARY 17, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 752

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. R. BUDD GOULD,

Chairman

UNIFORM HEALTH CARE INFORMATION ACT

FIRST

WHITE

reading copy ()
color

STANDING COMMITTEE REPORT

FEBRUARY 17, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING
report HOUSE BILL NO. 749

- | | | |
|---------------------------------------------|----------------------------------------------|-------------------------------------------------------|
| <input checked="" type="checkbox"/> do pass | <input type="checkbox"/> be concurred in | <input type="checkbox"/> as amended |
| <input type="checkbox"/> do not pass | <input type="checkbox"/> be not concurred in | <input type="checkbox"/> statement of intent attached |

REP. R. BUDD GOULD, Chairman

REQUIRING UNANNOUNCED INSPECTIONS OF LICENSED HEALTH CARE FACILITIES

FIRST

WHITE

reading copy (_____)
color

STANDING COMMITTEE REPORT

FEBRUARY 17, 19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 780

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. R. BUDD GOULD,

Chairman

ALLOW PERSONS TO ADMINISTER RABIES VACCINE TO THEIR OWN FARM ANIMALS

FIRST

WHITE

reading copy ()
color

STANDING COMMITTEE REPORT

FEBRUARY 17,

19 87

Mr. Speaker: We, the committee on HUMAN SERVICES AND AGING

report HOUSE BILL NO. 675

do pass
 do not pass

be concurred in
 be not concurred in

as amended
 statement of intent attached

REP. R. JUDH GOULD,

Chairman

REVISING AND CLARIFYING THE CLEAN INDOOR AIR ACT

FIRST

WHITE

reading copy ()

color

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE FEB. 17, 1987 BILL NO. HB # 675 NUMBER 2

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN	✓	
REP. BOB GILBERT, VICE CHAIRMAN	✓	
REP. JAN BROWN	✓	
REP. DUANE COMPTON	✓ (P)	
REP. DOROTHY CODY	—	
REP. DICK CORNE'		✓
REP. LARRY GRINDE	✓	
REP. STELLA JEAN HANSEN		✓
REP. LES KITSELMAN		✓
REP. LLOYD MC CORMICK	✓	
REP. RICHARD NELSON		✓
REP. JOHN PATTERSON	✓	
REP. ANGELA RUSSELL		✓
REP. JACK SANDS		✓
REP. BRUCE SIMON		✓
REP. CAROLYN SQUIRES	✓	
REP. TONIA STRATFORD		✓
REP. BILL STRIZICH		✓

TALLY

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9

[Signature]
Secretary

[Signature]
Chairman

MOTION: REP. MC CORMICK made a substitute motion that HB # 675

DO NOT PASS - the motion FAILED with 8 favorable and 9 opposing
votes. -- the vote was reverted to REP. RUSSELL'S

DO PASS motion.

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE FEB. 17, 1987 BILL NO. HB # 24 NUMBER 1

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN		✓
REP. BOB GILBERT, VICE CHAIRMAN	✓	
REP. JAN BROWN	✓	
REP. DUANE COMPTON		
REP. DOROTHY CODY		
REP. DICK CORNE'		
REP. LARRY GRINDE		✓
REP. STELLA JEAN HANSEN		✓
REP. LES KITSELMAN		✓
REP. LLOYD MC CORMICK	✓	
REP. RICHARD NELSON		✓
REP. JOHN PATTERSON		✓
REP. ANGELA RUSSELL	✓	
REP. JACK SANDS	✓	
REP. BRUCE SIMON		✓
REP. CAROLYN SQUIRES	✓	
REP. TONIA STRATFORD		✓
REP. BILL STRIZICH	✓	

TALLY

7 9

[Signature]
Secretary

[Signature]
Chairman

MOTION: REP. STRIZICH moved to take HB # 24 off the table -
the motion FAILED with 7 favorable and 9 opposing votes.

ROLL CALL VOTE

HUMAN SERVICES AND AGING

COMMITTEE

DATE FEB. 17, 1987 BILL NO. HB # 542

NUMBER 3

NAME	AYE	NAY
REP. BUDD GOULD, CHAIRMAN	✓	
REP. BOB GILBERT, VICE CHAIRMAN	✓	
REP. JAN BROWN		✓
REP. DUANE COMPTON	✓	
REP. DOROTHY CODY	—	
REP. DICK CORNE'		✓
REP. LARRY GRINDE	✓	
REP. STELLA JEAN HANSEN		✓
REP. LES KITSELMAN	✓	
REP. LLOYD MC CORMICK	✓	
REP. RICHARD NELSON	✓	
REP. JOHN PATTERSON	✓	
REP. ANGELA RUSSELL	✓	
REP. JACK SANDS	✓	
REP. BRUCE SIMON	✓	
REP. CAROLYN SQUIRES		✓
REP. TONIA STRATFORD	✓	
REP. BILL STRIZICH		✓

TALLY

12 5

Secretary

Chairman

MOTION: REP. KITSELMAN moved to TABLE the bill - the motion

CARRIED with 12 favorable and 5 opposing votes.

AMend Senate Bill 31, third reading bill, as follows:

1. page 4, line 12

Following: "referral"

Insert: ", provided that a physical therapist performing treatment without referral from a physician, osteopath, dentist, or podiatrist must have a direct access certificate issued by the board."

2. page 4, line 16

Following: line 15

Insert: "NEW SECTION. Section 4. Direct access certificate-- prerequisite--provisional issuance. The board shall, upon request, issue a direct access certificate to any of its licensees who holds a master's degree or has completed equivalent academic study of physical therapy beyond the bachelor's degree in physical therapy. Prior to October 1, 1988, the board may issue a provisional direct access certificate to any of its licensees who holds a bachelor's degree in physical therapy and who has worked in this state as a physical therapist for at least one year. Those persons granted provisional direct access certificates must earn the master's degree in physical therapy within 5 years after October 1, 1987. Physical therapists holding provisional direct access certificates who have not qualified for the direct access certificate by October 1, 1992 may not thereafter provide treatment without referral under 37-11-104(2), but may continue to perform physical therapy evaluation without referral and physical therapy treatment with referral from a physician, osteopath, dentist, or podiatrist."

Renumber: following section

