

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 Budd Gould at 1:00 p.m. on March 17, 1987 in room 312 of the state capitol.

ROLL CALL: Rep Simon was absent, all other members were present.

HOUSE JOINT RESOLUTION NO 43

REP CAL WINSLOW, Billings, introduced HJR 43, which he stated was a recommendation from the governor's Cost Care Advisory Council which requests an interim study of the feasibility of requesting insurers to offer long-term care insurance. He said a very unfortunate situation exists in this country in that when it is time for someone to enter a nursing home, the incentive is for them to transfer their assets to their children and have the state pay for their nursing home care or, if "they play it straight", in a short period of time the cost of their care depletes their assets and the state then takes over the expense. Rep Winslow noted some companies are looking at the feasibility of offering long term care insurance, while in the next twenty (20) years Montana will see a 50% increase in the state's elderly population. At the same time, medicaid, which typically pays this expense, has gone from \$30 million to \$330 million in the last ten (10) years. Rep Winslow requested five (5) amendments to the resolution (exhibit 1). He concluded by stating there was a need for a cooperative effort by the public and private sector in addressing this issue.

PROPOSERS

ROSE SKOOG, director Montana Health Care Association, spoke in support of HJR 43. She stated most of the individuals in long term care facilities covered by medicaid funding are people, who, with the proper education and incentives, would have purchased some type of insurance, annuity, or done something to protect themselves against that health risk. Ms Skoog asked for consideration of an amendment on page 2 of the resolution: new subsection (6) incentives that the state could offer individuals and families to purchase long term care insurance (Number five (5), exhibit 1). She explained that in other states where long term care insurance is offered, one of the main incentives for this insurance is the provision of tax breaks or other incentives to

individual taxpayers to encourage them to purchase this insurance and provide for themselves. She felt this was an area that should be included in the study.

ELMER HAUSKEN, American Association of Retired Persons (AARP), read his prepared text (exhibit 2) in support of the resolution to help all the people in Montana.

BILL LEARY, Montana Hospital Association, expressed the association's support of HJR 43. He stated there was no guarantee that any congressional legislation would come out with any better benefits for the elderly other than the utilization of the services of nursing homes. He stated Montana needed to study the development of health care that would be a direct benefit to the elderly, and in particular, those who would require skilled nursing or intermediate nursing facility care.

JOE UPSHAW, Helena , AARP, expounded on his prepared testimony (exhibit 3) in support of the resolution.

CHUCK BUTLER, officer, Blue Cross-Blue Shield of Montana, expressed their support of the resolution. Mr Butler stated his organization is currently exploring the long term care insurance issue, and would welcome the opportunity of working with the interim committee on this important issue. He added Blue Cross-Blue Shield is the federal intermediary for the federal government's Health Care Financing Administration's medicaid program.

There were no opponents to the resolution.

REP WINSLOW then closed the testimony on HJR 43 as asked for support for passage of the resolution with amendments.

HOUSE JOINT RESOLUTION 43 - EXECUTIVE ACTION:

REP HANSEN made a motion to accept the five (5) amendments to House Joint Resolution 43.

A voice vote was taken and the motion PASSED unanimously.

REP HANSEN made a motion that House Joint Resolution 43 DO PASS as amended.

A voice vote was taken and the motion PASSED unanimously.

SENATE BILL 252 - EXECUTIVE ACTION:

REP CODY made a motion to reconsider action on SB 252.

A voice vote was taken and the motion PASSED unanimously.

STEVE WALDRON stated SB 252 represented a compromise that was acceptable between Blue Cross-Blue Shield and the trail lawyers. He stated the concept of the legislation was that if someone runs into you with their car and you are injured, and your medical insurance coverage pays your medical bills, this legislation would allow the health insurance provider to come back against the person who caused the injuries and his insurance company to collect reimbursement for those medical expenses that were paid for in the event that the plaintiff has been made whole.

KARL ENGLUND, Trial Lawyers Association, reiterated that the health insurance provider has the right to come back and collect against any amount of money if the claimant has been double paid. He stated that seems to be the big problem that people worried about. He said this bill insures that the health insurer is the one who gets the money if the claimant is truly double paid.

REP CODY made a motion that SB 252 BE CONCURRED IN.

A voice vote was taken and the motion PASSED unanimously.

REP MILES will carry the bill.

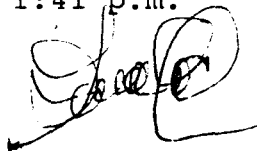
SENATE BILL 170 - EXECUTIVE ACTION:

REP CODY suggested that the bill be sent to a subcommittee for consideration of the proposed amendments.

REP NELSON read letters he had received from constituents which contained strong testimony against SB 170.

CHAIRMAN GOULD then appointed Rep Sands, Rep Compton, and Rep Cody to a subcommittee to consider SB 170 and the proposed amendments. He stated he had a copy of the Arkansas law that sets up an oversight committee made up of two members of the medical board, two members of the optometric board, and one member of the board of pharmacy. He stated they would only deal with any complaints arising out of SB 170. He said he supported this provision as an amendment to this legislation.

The meeting was adjourned at 1:41 p.m.



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Budd Gould, Chairman

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date March 11, 1987

NAME	PRESENT	ABSENT	EXCUSED
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	✓	⊙	

# STANDING COMMITTEE REPORT

MARCH 17

19 67

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

report HOUSE ~~JUNE~~ RESOLUTION NO. 43

- do pass                       be concurred in                       as amended  
 do not pass                       be not concurred in                       statement of intent attached

REP. R. BUDD GOULD,

Chairman

## REQUESTING STUDY OF FEASIBILITY OF LONG-TERM CARE INSURANCE

1. Title, line 6.  
Strike: "REQUIRING"  
Insert: "REQUESTING"
2. Page 1, line 19.  
Strike: "any"  
Insert: "most"  
Strike: "program"  
Insert: "programs"
3. Page 2, line 9.  
Strike: "in an institutional setting"
4. Page 2, line 19.  
Strike: "and"
5. Page 2, line 22.  
Following: "citizens"  
Insert: "; and  
(6) incentives the state could offer to individuals and families  
for the purchase of the long term care insurance

  
FIRST

WHITE

reading copy ( \_\_\_\_\_ )  
color

# STANDING COMMITTEE REPORT

MARCH 17, 19 87

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

report SENATE BILL NO. 252

- do pass
- do not pass

- be concurred in
- be not concurred in

- as amended
- statement of intent attached

REP. R. BUDD GOULD,

Chairman

**PERMIT DISABILITY INSURANCE POLICIES TO CONTAIN A SUBROGATION CLAUSE**

*MP*

**REP. MILES WILL CARRY THIS BILL IN THE HOUSE OF REPRESENTATIVES**

**THIRD**

**BLUE**

reading copy ( \_\_\_\_\_ )  
color

HJR 3 17.87  
43

HJR 43

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Insert: "programs"

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Strike: "and"

5. Page 2, line 22.

Following: "citizens"

Insert: "; and

to individuals and families

(6) incentives the state could offer for the purchase of the long term care insurance"

WITNESS STATEMENT

EXHIBIT 7  
DATE 3/17/87  
#BHR 43

NAME ELMER HAUSKEN BILL NO. HR 43

ADDRESS Helena DATE \_\_\_\_\_

WHOM DO YOU REPRESENT? AARP

SUPPORT  OPPOSE \_\_\_\_\_ AMEND \_\_\_\_\_

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: *I am a volunteer, unpaid, registered lobbyist for the 80,000 paid members of AARP residing in Montana.*

*I urge you approve this proposal to help all people in Montana. The long term care of all people and particularly the aging is a critical item and will be more important as time goes on.*

*Thank you for your approval*



EXHIBIT: 5  
DATE 3.17.77  
FBI JR 43

WITNESS STATEMENT

NAME John J. [unclear] BILL NO. [unclear]  
ADDRESS [unclear] DATE [unclear]  
WHOM DO YOU REPRESENT? [unclear]  
SUPPORT [unclear] OPPOSE [unclear] AMEND [unclear]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: *[Faint handwritten notes, mostly illegible]*

4  
3.17.87  
SB 170

Amend Senate Bill 170, Third Reading Copy (blue)

1. Title, line 10.

Following: "PRESCRIBE"

Insert: "CERTAIN"

2. Page 4, line 7.

Strike: "drugs used for"

Insert: "those drugs approved by the board for use in"

3. Page 6, line 6.

Following: "diagnosis"

Strike: "and"

Insert: ", "

Following: "treatment"

Insert: ", and management"

4. Page 6, line 21.

Strike: "use"

Insert: "diagnosis, treatment, and management"

5  
3-17-87  
SB 170

PROPOSED AMENDMENT TO SENATE BILL 170

1. Page: 6  
Line: Following line 23  
Insert: "(2) An optometrist licensed to use drugs in the treatment, diagnosis and management of eye disease as provided in [this act] shall provide the same level and standard of care to his patients as the standard of care provided by an ophthalmologist using the same drugs in the treatment, diagnosis and management of eye disease."

31587  
SB 170

ALTERNATIVE 1

PROPOSED AMENDMENTS TO SENATE BILL 170

If the following amendments are acceptable, the Montana Academy of Ophthalmologists will not oppose the passage of Senate Bill 170. The following amendments are in lieu of the amendment offered by the Optometrists at the hearing on March 12, 1987.

Amend SB 170, Third Reading Copy, as follows:

1. Page: 1  
Line: 10  
Following: "PRESCRIBE"  
Insert: "TOPICAL ANTIBIOTIC"
  
2. Page: 4  
Line: 7  
Following: "of"  
Insert: "topical antibiotic"

ALTERNATIVE 2

PROPOSED AMENDMENTS TO SENATE BILL 170

If alternative 1 proposed by the Montana Academy of Ophthalmologists is not acceptable, and the Optometrists continue to support the language on page 4, lines 6 through 8 of the Senate passed bill or the amendment offered by the Optometrists at the March 12, 1987 hearing, then the Academy proposes that the administration, dispensation and prescription of such drugs be under the control of the Board of Medical Examiners.

Amend SB 170, Third Reading Copy, as follows:

1. Page: 4  
Line: 16  
Following: "2-15-1846;"  
Strike: "and"  
Insert: "(b) 'board of medical examiners' means the board provided for in 2-15-1841; and"
  
2. Page: 4  
Line: 17  
Strike: "(b)"  
Insert: "(c)"
  
3. Page: 6  
Line: 1  
Following: "shall"  
Strike: ":" through line 15, page 6  
Insert: "satisfactorily complete a course prescribed and administered by the board of medical examiners concerning the diagnosis, treatment, and management of ocular disease. The board of medical examiners shall consult with the board of optometrists in prescribing and administering a course on the diagnosis, treatment, and management of ocular disease. The board of medical examiners shall prescribe an acceptable course as herein provided within six (6) months after the effective date of this act. The board of medical examiners may establish an examination fee under section 37-3-308 in prescribing and administering a course for optometrists under this section."

4. Page: 6  
 Line: 19  
 Following: "board"  
 Insert: "of medical examiners"
5. Page: 6  
 Line: 22  
 Following: "issue a"  
 Strike: "certificate"  
 Insert: "license"
6. Page: 8  
 Line: 12  
 Following: "state."  
 Insert: "Section 6. Annual registration fee. An optometrist licensed by the board of medical examiners to diagnose, treat and manage ocular disease shall pay an annual registration fee as provided in 37-3-313."

Section 7. Powers and duties of the board of medical examiners. In addition to all other powers and duties conferred and imposed on the board of medical examiners by [this act], the board of medical examiners shall:

(1) examine qualified optometrists for a license to diagnose, treat and manage ocular disease and issue licenses to applicants who meet the requirements established by [this act];

(2) adopt rules that set professional, practice, ethical and continuing education standards for optometrists licensed to diagnose, treat and manage ocular disease; and

(3) adopt such other rules as may be necessary for the administration of [this act].

(4) Nothing in [this act] shall be construed as authorizing the board of medical examiners to regulate the practice of optometry under title 37, chapter 10 except as expressly provided in 37-10-101, 37-10-304 [section 6, section 7 and section 8].

Section 8. Grounds for revocation or suspension of license -- penalties. (1) The board of medical examiners may deny, revoke or suspend a license for an optometrist to diagnose, treat and manage ocular disease as provided in title 37, chapter 3.

(2) An optometrist who violates any provision of [this act], or any rule or order of the board of medical examiners concerning the diagnosis, treatment and management of ocular disease is subject to the penalties provided in title 37, chapter 3.

Section 9. Section 2-15-1841, MCA, is amended to read:

"2-15-1841. Board of medical examiners. (1) There is a Montana state board of medical examiners.

(2) The board consists of ten members appointed by the governor with the consent of the senate. Appointments made when the legislature is not in session may be confirmed at the next session.

(3) The members are:

(a) five members having the degree of doctor of medicine;

(b) one member having the degree of doctor of osteopathy;

(c) one member who is a licensed podiatrist; and

(d) one member who is a licensed optometrist under title 37, chapter 10; and

~~(d)~~(e) two members of the general public who are not medical practitioners.

(4) The members having the degree of doctor of medicine may not be from the same county. Each member shall be a citizen of the United States. Each member, except for public members, shall have been licensed and shall have practiced medicine or optometry in this state for at least 5 years and shall have been a resident of this state for at least 5 years.

(5) The member who is a licensed optometrist may vote only on issues that affect the licensure and regulation of optometrists.

~~(5)~~(6) Members shall serve staggered 4-year terms. A term commences on September 1 of each year of appointment. A member may, upon notice and hearing, be removed by the governor for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

~~(6)~~(7) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

7. Page: 8  
Line: 13  
Following: "NEW SECTION. Section"  
Strike: "6"  
Insert: "10"

8. Page: 8  
Line: 14  
Following: "optometrists"  
Insert: "and the board of medical examiners"



(d) one member who is a licensed optometrist under title 37, chapter 10; and

~~(d)~~(e) two members of the general public who are not medical practitioners.

(4) The members having the degree of doctor of medicine may not be from the same county. Each member shall be a citizen of the United States. Each member, except for public members, shall have been licensed and shall have practiced medicine or optometry in this state for at least 5 years and shall have been a resident of this state for at least 5 years.

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