

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

February 2, 1987

The meeting of the Senate Public Health, Welfare and Safety Committee was called to order by Chairman Dorothy Eck on February 2, 1987, at 1 P.M. in Room 410 of the State capitol.

ROLL CALL: All members of the committee were present.

CONSIDERATION OF HOUSE BILL NO. 88: Representative Rex Manuel, District # 11, sponsor of the legislation, testified that, at present, there is nothing in state statutes that allows hospitals to have a capital replacement fund. Thus, when hospitals have a major piece of equipment wear out, they often have no fund set aside to pay for replacement. This bill would give hospitals the right to have a capital replacement fund. The cost of any capital equipment replaced would have to exceed \$5000.00 and have a life-expectancy of five years or more. Money for the fund could come from bonds, volunteer work, or everyday operating budgets.

DISCUSSION OF HOUSE BILL NO. 88: Sen. Norman: How high could the fund go?

Ans: Rep. Manuel: As high as a board wants it to go, in my hospital's case, about \$20,000.

Sen. Himsl: Could you explain the financing of the fund again?

Rep. Manuel: Hospitals would be limited to four ways of building the fund through statutes now in the codes.

ACTION TAKEN ON SENATE BILL NO. 170: Sen. Rassmussen moved that the amendments DO PASS. He then explained the amendment to Page 4, Line 2 of the bill, which would limit treatment to the anterior segment of the eye and the adnexa. This means that drugs would be used on the front segment of the eyeball and it would allow for treatment of simple glaucoma. Secondary glaucoma would be referred to an ophthalmologist. Adnexa is the tissue surrounding the eye, and the bill allows treatment of infections in this area, also.

Sen. Himsl: Does this allow for treatment of disease processes in the eye?

Ans: Sen. Rassmussen: That would be a surgical procedure and would be referred to an ophthalmologist.

Sen. Himsl: You don't want to use "surface" as opposed to "segment"?

Sen. Rassmussen: "Surface" would eliminate treatment for glaucoma. Optometrists want to treat simple glaucoma, but they would not want to overstep treatment boundaries because of the possibility of malpractice suits.

Sen. Himsl: Page 3, Sec. 3, is that definition restrictive enough, so that optometrists are not and would not be working in the eye interior?

Sen. Rassmussen: That is present law, and yes, it would restrict.

Sen. Eck: Is there a difference in treating simple and secondary glaucoma?

Ans: Dr. Simons : We use a variety of measures and examinations

to diagnose simple or secondary glaucoma, including testing of the optic nerve and peripheral vision. Untreated glaucoma is a leading cause of blindness. It is not always a simple disease, nor is it always easy to distinguish between primary and secondary glaucoma.

Sen. Eck: Sen Rasmussen, are you intending that optometrists make the initial glaucoma diagnosis?

Ans: Yes, We take the same measurements and have the same instruments to do the same tests. Optometrists would refer patients if they felt they did not have simple glaucoma.

Sen. Vaughn: Are initial exams strong enough to determine if tumors exist? Would your exam show such an abnormality?

Ans: Sen. Rasmussen: The bill doesn't change current practice, and we would refer out any abnormality.

Sen. Eck: Would you detect a more deep-seated tumor?

Sen. Rasmussen: We wouldn't be treating anything that abnormal.

Sen. Eck: Would you recognize this condition as well as an ophthalmologist?

Sen Rasmussen: Yes, we would run the same visual field tests.

Sen. Himsl: Explain again the difference in treatment between the surface and the anterior segment.

Ans: There is a notable difference between the two. Current law excludes the use of surgery; and the only way into the anterior chamber is by surgery. Some diagnostic drugs now affect inside the eye. (Drugs used in vision diagnosis) They can have a greater systemic effect than drugs that this bill is talking about.

Dr. Simons: Some glaucoma drugs can have extremely serious side-effects.

Sen. Rasmussen: Page 6, Lines 1-4, concern the testing of applicants by the Montana Board. The course in drugs will be conducted by a reputable institution and by responsible, educated people. It will be out of the hands of the state board.

There being no further questions, Sen. Rasmussen moved the bill as amended. The vote was DO NOT PASS AS AMENDED. Yes votes were Williams, Vaughn, Rasmussen, and McLane. No votes were Eck, Norman, Meyer, Jacobson, Himsl, and Hager. Sen, Eck recommended an adverse committee report to the Senate.

CONSIDERATION OF HOUSE BILL NO. 51: Rep. Ray Peck, District # 15, sponsor of the bill, covered the changes that the bill provides from current law, which amkes oral interviews with dental candidates up to board's discretion.

PROPOSERS: Jim Fraser, staff attorney for the Department of Commerce, stated that the bill protects the public by maintaining proficiency and preventing unlicensed practices, but it does allow applicants to take licensure tests at the board's office, and it allows the board to determine if an oral interview is necessary. P.4 Line 13 allows the board to adopt necessary rules to govern mal-

practice and raises the standards to comply with the standards of other boards.

PROPOSERS: Roger Tippy, Montana Dental Association, stated that eleven districts have concurred in this bill. Exhibit # 1.

Mary Lou Abbott, Montana Dental Hygienists Association, stated that the bill should make the license fees regular and provide for regular renewal and overview.

DISCUSSION OF H.B. NO. 51: Sen. Hager: Has the board had the power to fine before?

Jim Fraser: No, the Board has looked at disciplinary procedures in the past, but has been looking at this for the past four years.

Sen. Eck: How many boards use this kind of disciplinary action?

Mr. Frazier: Only one county.

Rep. Peck closed by stating that the profession will be given better tools to police its own profession and give the public a better practice of dentistry in Montana.

CONSIDERATION OF HOUSE BILL NO. 116: Rep. Jan Brown, District # 46, sponsor of the bill, stated that there is no continued state funding for this center and it is not needed.

PROPOSERS: Bill Opitz, Deputy Director of the Department of Health, stated that the department had received no funds to administer this agency in 1985 and has not carried out the provisions of the statute. They support the bill. Exhibit # 2.

ACTION ON H.B. 116: Sen. Jacobson moved that H.B. 116 DO PASS. The motion carried unanimously. Sen. Jacobson will carry the bill.

ACTION ON HOUSE BILL NO. 51: Sen. Jacobson moved that H.B. 51 BE CONSIDERED IN. The motion carried unanimously.

FURTHER DISCUSSION OF SENATE BILL NO. 176: Sen. Hager took over as chairman. Sen. Eck moved the amendments and asked Karen Renne to discuss them. The first amendment clarifies that only nursing services will be reimbursed. The second amendment are changes to conform to the intent of the bill, and P. 2, Line 24 clarifies the reimbursement to the specific practitioners.

Sen. Himsel: Will the change in Line 21 have any effect on the possibilities of HMO's?

Bill Opitz: The change is consistent with current Montana law. The motion to pass the amendments carried unanimously. Sen. Eck moved that the bill DO PASS AS AMENDED. The motion carried unanimously. Sen. Eck will carry the bill.

CONSIDERATION OF HOUSE BILL NO. 88:- Rep. Rex Manuel, District # 11, stated that the purpose of the bill is to authorize hospital districts to establish capital replacement funds to be used for the replacement of property, plant facilities and equipment. The cost of such capital equipment must exceed \$5,000 and have a life expectancy of five years or more. The bill is to allow hospitals to have available funds to replace such items as furnaces when they suddenly break down. Many hospitals do not have a source of funds available to meet these emergencies.

DISCUSSION OF H.B. 88: Sen. Norman: There is no lid on the amount of reserves that a hospital can build up in this bill. A hospital could put on a three-mill levy whenever they want.

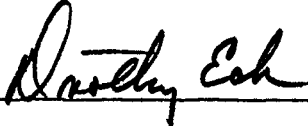
Rep. Manuel: We could go for a one-mill cap.

Sen. Hager: What would a one-mill levy bring in? Would Karen Renne check that.

Sen. Williams: Could the fund be a certain percentage of the plant? Replacement of property could cover a wide area. The purpose of the bill is not provide a slush fund.

Sen. Hager and Himsl: The fund should be capped. We need additional information on this bill.

The meeting adjourned at 3 P.M.



CHAIRMAN

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2-2-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	✓		
Bill Norman	✓		
Bob Williams	✓		
Darryl Meyer	✓		
Eleanor Vaughn	✓		
Tom Rasmussen	✓		
Judy Jacobson	✓		
Harry H. "Doc" McLane	✓		
Matt Himsl	✓		
Tom Hager	✓		

Each day attach to minutes.

(This sheet to be used by those testifying on a bill.)

1

DATE: 2-2-87
BILL: ~~244-51~~
DATE: 2/2/87

NAME: Roger Lippy

ADDRESS: 208 N. Montana - P O Box 543, Helena

PHONE: 442-4451

REPRESENTING WHOM? Montana Dental Association

APPEARING ON WHICH PROPOSAL: HB 51

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: This bill was presented to the Board of Directors of the Dental Association in December and obtained a unanimous endorsement.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

(This sheet to be used by those testifying on a bill.)

DATE 2-2-87

BILL NO. DATE: 2/2/87

NAME: Bill Opitz

ADDRESS: Cogswell Building, Helena, MT.

PHONE: 444-2544

REPRESENTING WHOM? Dept of Health & Env. Sciences (DHE)

APPEARING ON WHICH PROPOSAL: HB-116

DO YOU: SUPPORT? AMEND? OPPOSE?

COMMENT: HB-116 would delete the requirement that DHEs operate a health information center. This provision was enacted into law during the 1983 session when approximately \$90,000 was given to the Dept to fund the Five Valleys Health Infr. Center out of Missoula. The Dept received no funds during the '85 session, and was subsequently found to be lacking in carrying out the provisions of the statute by the Legislative Auditor. No funds were asked for nor provided to the Dept during this session to date.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

ROLL CALL VOTE

SENATE COMMITTEE Public Health, Welfare and Safety

Date 2-2-87 Bill No. 170 Time 1145

NAME	YES	NO
Dorothy Eck		X
Bill Norman		X
Bob Williams	X	
Darryl Meyer		X
Eleanor Vaughn	X	
Tom Rasmussen	X	
Judy Jacobson		X
Harry H. "Doc" McLane	X	
Matt Himsl		X
Tom Hager		X

Ellen Nehring
Secretary

Dorothy Eck
Chairman

Motion: _____

ROLL CALL

Public Health, Welfare and Safety COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date 2-2-87

NAME	PRESENT	ABSENT	EXCUSED
Dorothy Eck	X		
Bill Norman	X		
Bob Williams	X		
Darryl Meyer	X		
Eleanor Vaughn	X		
Tom Rasmussen	X		
Judy Jacobson	X		
Harry H. "Doc" McLane	X		
Matt Himsl	X		
Tom Hager	X		

Each day attach to minutes.

STANDING COMMITTEE REPORT

FEBRUARY 2

1987

MR. PRESIDENT

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

having had under consideration SENATE BILL No. 170

First reading copy (White)
color

**ALLOW OPTOMETRIST TO TREAT EYE DISEASE WITH DRUGS; ESTABLISH
COMPETENCY**

Respectfully report as follows: That SENATE BILL No. 170

Be amended as follows:

1. Page 4, line 2.

Following: "treatment"

Insert: "limited to the anterior segment of the eye and adnexa"

2. Page 6, lines 1 through 4.

Following: "must be" in line 1

Strike: remainder of subsection (2)(a)(ii) in its entirety

Insert: "conducted by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the national commission on accrediting or the United States commissioner of education. The course and examination must also be approved by the board.

AND AS AMENDED *

~~DO PASS~~

DO NOT PASS

.....
Dorothy Eck

Chairman.

STANDING COMMITTEE REPORT

FEBRUARY 2

19 87

MR. PRESIDENT

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

having had under consideration.....~~SENATE BILL~~..... No...~~176~~.....

first reading copy (white)
color

ENABLING NURSE SPECIALISTS TO RECEIVE THIRD - PARTY REIMBURSEMENTS

Respectfully report as follows: That.....~~SENATE BILL~~..... No...~~176~~.....

Be amended as follows:

1. Page 1, line 21.

Following: "(f)"

Insert: "nursing"

2. Page 2, line 21.

Following: "Health"

Strike: "insurance"

Insert: "service"

3. Page 2, line 24.

Following: "37-8-202(5)"

Insert: ", if health care services that nurse specialists are licensed to perform are covered by the contract"

AND AS AMENDED

DO PASS

~~DO NOT PASS~~

.....
Dorothy Eck

.....
Chairman.

STANDING COMMITTEE REPORT

.....FEBRUARY.....2..... 19..67....

MR. PRESIDENT

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

having had under consideration.....HOUSE BILL..... No. 51.....

THIRD reading copy (BLUE)
color

MAKING ORAL INTERVIEWS OF DENTISTRY LICENSE APPLICANTS DISCRETIONARY

PECK (ECK)

Respectfully report as follows: That.....HOUSE BILL..... No. 51.....

BE CONCURRED IN

DO PASS

DO NOT PASS

.....
SENATOR ECK

.....
Chairman.

STANDING COMMITTEE REPORT

February 2

19 87

MR. PRESIDENT

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

having had under consideration HOUSE BILL No. 116

THREE reading copy (BLUE)
color

ELIMINATING THE REQUIREMENT THAT DHES OPERATE A HEALTH INFORMATION CENTER

J. BROWN (JACOBSON)

Respectfully report as follows: That HOUSE BILL No. 116

BE CONCURRED IN

DO PASS

DO NOT PASS

SENATOR ECK

Chairman.