

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES AND AGING

Call to Order: By Stella Jean Hansen, on January 9, 1989,
at 3:00 p.m.

ROLL CALL

Members Present: All

Members Excused: None

Members Absent: None

Staff Present: Mary McCue, Legislative Council

Announcements/Discussion: None

HEARING ON HB 73

Presentation and Opening Statement by Sponsor: Rep.

Kimberley stated that this bill was an act to allow superintendents of youth correctional facilities to consent to emergency medical treatment for residents.

List of Testifying Proponents and What Group They Represent:

Bill Unger, Mountain View School

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Bill Unger testified as a proponent to this bill. A synopsis of his testimony was supplied as Exhibit 1.

Questions From Committee Members: Rep. Good asked Mr. Unger if the form which was supplied for the committee did not contain a section for the listing of allergies or adverse reactions to medications. Mr. Unger stated that there was a supplemental form which was sent to the guardians which supplied this information.

Rep. Simon asked Mr. Unger if a deputy was also authorized to give the permission and Mr. Unger stated that there was a person who would act in the capacity.

Rep. Simon then questioned Mr. Unger as to whether the insertion of language regarding the contacting of a guardian prior to a superintendents signature for authorization in an emergency was considered. Mr. Unger deferred the question to the legal representative, Lesley Taylor, who stated that amendments would be prepared to incorporate these questions.

Rep. Whalen then asked Mr. Unger what the definition of medical emergency consisted of and if, against the will of the patient, emergency medical treatment is ordered, who is going to assume the payment of this expense. Mr. Unger stated that his view was that if the attending physician determines that the treatment is of a life saving nature it would be considered a medical emergency. If the guardians do not pay for the medical treatment, the Department of Family Services assumes the expense. Also, a temporary investigative authority by a local judge gives the authority if time will allow this.

Rep. Blotkamp asked Mr. Unger what procedures were used to contact the legal guardian and Mr. Unger stated that they were contacted by telephone and the written authorization was then asked of the guardian.

Closing by Sponsor: Rep. Kimberley closes.

HEARING ON HB 80

Presentation and Opening Statement by Sponsor: Rep.

Strizich stated that this bill was an act to authorize disclosure of child abuse and neglect records to youth probation officers. This legislation allows the release of abuse and neglect information to youth probation officers who are working with an abused or neglected youth. The amending section sets forth the requirements regarding those people whom the department may release too and the addition of youth probation is being added to this list. The release to any other persons is a misdemeanor.

List of Testifying Proponents and What Group They Represent:

John Madsen, Montana Department of Family Services
Mona Jamison, Montana Juvenile Probation Service

List of Testifying Opponents and What Group They Represent:

None

Testimony:

John Madsen supplied Exhibit 2 and stated that he was a proponent to this bill. His department often times has information which would be of value to probation officers and their eventual treatment of the youth. The only way this information may be disclosed now is through a court order. Important information they may need is that the child was a victim of child abuse and that would have an impact on the treatment and disposition that the youth may need.

Mona Jamison supports this bill and stated that the probation officer has a key role in recommending to the court or else in terms of the youth placement committee what is the best placement of the child. To not have the availability of the records at placement time could be detrimental to the child.

Questions From Committee Members: None

Closing by Sponsor: Rep. Strizich closes.

DISPOSITION OF HB 80

Motion: A Motion was made by Rep. Strizich and seconded by Rep. Russell to DO PASS.

Discussion: None

Amendments and Votes: None

Recommendation and Vote: A vote was taken and all voted in favor.

DISPOSITION OF HB 33

Motion: A Motion was made by Rep. Whalen and seconded by Rep. Good that the amendments DO PASS.

Discussion: Rep. Whalen discussed the new amendments.

Amendments and Votes: A Substitute Motion was then made to take this bill from Table by Rep. Whalen and seconded by Rep. Good. Unanimously passed.

Motion: Rep. Whalen then made a Motion to DO PASS as Amended. Rep. Good seconded the Motion.

HOUSE COMMITTEE ON HUMAN SERVICES AND AGING

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Amendments and Votes: The bill has been moved and seconded
to DO PASS AS AMENDED.

Recommendation and Vote: Unanimous DO PASS as AMENDED.

ADJOURNMENT

Adjournment At: 3:30 p.m.


STELLA JEAN HANSEN, Chairman

SJH/ajs
0707.min

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date January 9, 1989

NAME	PRESENT	ABSENT	EXCUSED
Stella Jean Hansen	✓		
Bill Strizich	✓		
Robert Blotkamp	✓		
Jan Brown	✓		
Lloyd McCormick	✓		
Angela Russell	✓		
Carolyn Squires	✓		
Jessica Stickney	✓		
Timothy Whalen	✓		
William Boharski	✓		
Susan Good	✓		
Budd Gould	✓		
Roger Knapp	✓		
Thomas Lee	✓		
Thomas Nelson	✓		
Bruce Simon	✓		

0-45 AM
BGL

STANDING COMMITTEE REPORT

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Mr. Speaker: We, the committee on Human Services and Aging report that HOUSE BILL 33 (first reading copy -- white) do pass as amended.

Signed: _____

Stella Jean Hansen, Chairman

And, that such amendments to HOUSE BILL 33 read as follows:

1. Title, line 4.

Strike: "REQUIRING"

Insert: "ALLOWING"

2. Title, lines 5 and 6.

Strike: "CHIROPRACTOR IF THE CLAIMANT'S TREATING PHYSICIAN IS A CHIROPRACTOR"

Insert: "DOCTOR OF CHIROPRACTIC"

3. Page 2, line 18.

Strike: "chiropractor"

Insert: "doctor of chiropractic"

4. Page 3, line 11.

Strike: "a physician"

Insert: "an evaluator"

5. Page 4, lines 22 through 24.

Strike: "except that if the claimant's treating physician is a chiropractic physician, the evaluator must be a chiropractic physician"

Insert: "or a doctor of chiropractic"

6. Page 4, line 25.

Following: "chapter 12"

Strike: ", and"

Insert: ". If the evaluator is a doctor of chiropractic, he"

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7. Page 5, line 1.
Strike: "that"
Following: "chapter"
Insert: "12"

STANDING COMMITTEE REPORT

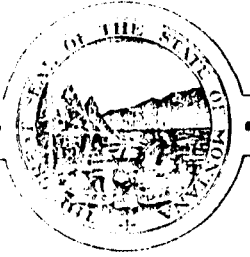
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Mr. Speaker: We, the committee on Human Services and Aging
report that HOUSE BILL 80 (first reading copy -- white) do
pass.

Signed: _____
Stella Jean Hansen, Chairman

MOUNTAIN VIEW SCHOOL



TED SCHWINDEN, GOVERNOR

2260 SIERRA ROAD, SUITE 100

STATE OF MONTANA

(406) 458-9016

HELENA, MONTANA 59601

House Bill 73 will allow the Superintendents of Mountain View and Pine Hills Schools to sign for emergency medical treatment when a legal guardian is not available to authorize treatment.

The current procedure at Mountain View School is to contact the legal guardian in all cases for routine medical needs where a doctor or hospital requires a signature. This procedure is also followed for emergency medical services. There have been times in the past whereby the legal guardian is not available for the needed authorization, and the Superintendent has made the decision to sign for treatment. This Bill will legitimize the position of the Superintendent and allow for that person to sign.

When a student is committed to Mountain View School, a Student Medical Information and Authorization form is sent to the guardian for their signature. Most guardians sign them and return them, although there are some who do not, or medical emergencies arise prior to receiving them.

It is the intent that Mountain View School and Pine Hills School continue to pursue the legal guardian in times of emergencies, and only sign when all efforts have failed to get in touch with the guardian.

EXHIBIT 1
DATE 1-9-89
HB 73

MOUNTAIN VIEW SCHOOL

2250 Sierra Road East
Helena, MT 59601

In order to provide adequately for your child, sometimes dental, medical and/or surgical care becomes necessary. Therefore, PLEASE FILL OUT THIS FORM COMPLETELY AS SOON AS POSSIBLE AND RETURN IT IMMEDIATELY TO:
Superintendent
Mountain View School

S T U D E N T M E D I C A L I N F O R M A T I O N
A N D A U T H O R I Z A T I O N

(Please Print)

Full Legal Name of Child _____

Family Physician _____, Dentist _____

Address _____, Address _____

City _____ Phone _____, City _____ Phone _____

Hospitalization or Medical Plan _____

Policy listed under whose name _____

Address _____ City _____

Type and extent of coverage _____

Policy Number _____

Additional Medical Insurance Coverage _____

I, the undersigned parent or guardian of the above child, do hereby provide the above information and consent to the provision of any routine inoculation or immunization and of any routine dental or medical care, including anaesthesia, that may, in the opinion of Dentist or Medical Doctor, become necessary for the health and welfare of the child while in the care and custody of the Department of Family Services. I further consent to the provision of any major and/or emergency care or surgery when determined to be necessary by a Dentist or Medical Doctor, in the event of the inability, with reasonable effort, to contact the child's parents or guardian.

Date _____ Signed _____

Phone _____ Relationship to Child _____

Address _____ City _____

January 9, 1989

TESTIMONY IN SUPPORT OF HOUSE BILL 80

AN ACT AUTHORIZING DISCLOSURE OF CHILD ABUSE AND NEGLECT RECORDS
TO YOUTH PROBATION OFFICERS.

John Madsen, Department of Family Services

The Department of Family Services has requested this change in the confidentiality section of the Child Abuse and Neglect statutes. 41-3-205 MCA

Currently, when a youth probation officer is working with a youth who was a Department of Family Services client, we are unable to divulge information protected by the statute. In many instances, the information we have may help clarify the youth's current behavior. For example, a youth sex offender may have been a child sexual abuse victim. Under the current statute DFS cannot, without specific court order, share this information.

The change proposed will allow the department to share confidential information with a youth probation officer, when that officer is working with a child who was a DFS client.

EXHIBIT 2
DATE 1-9-89
HB 80

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB 73

DATE January 9, 1989

SPONSOR Rep. Kimberley

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB 80

DATE January 9, 1989

SPONSOR Rep. Strizich

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
<i>Mary Janssen</i>	<i>Jervelle Prob</i>	<input checked="" type="checkbox"/>	
<i>John J. Maden</i>	<i>Family Services</i>	<input checked="" type="checkbox"/>	

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PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.