

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 51st LEGISLATURE - REGULAR SESSION

SUBCOMMITTEE ON INSTITUTIONS

Call to Order: By Representative Menahan, on February 7, 1989,
at 8:00 a.m.

ROLL CALL

Members Present: All but Rep. Grady and Sen. Aklestad

Members Excused: Sen. Aklestad

Members Absent: Rep. Grady

Staff Present: Sandy Whitney, Associate Fiscal Analyst

Announcements/Discussion: EXECUTIVE ACTION - HISTORICAL SOCIETY

Ms. Whitney gave the committee the issues and differences in LFA current level and executive for Administration Program. The biggest issues are the utilization of the bed tax, the Assistant Director upgrade and the Director upgrade. Under Personal Services vacancy savings has been added back so the difference in dollars are the issues. The Assistant director upgrade and Capitol Tours are the issues laid out in the worksheets.

Under Operating expenses, the workshops and signs, the other half of the bed tax utilization will be detailed. There is very little difference in equipment.

Sen. Bengtson asked if they added in the necessary money for recruiting purposes for the Administrator in the executive budget or is it a modified. The recruiting is all-inclusive and not a modified and is in the executive according to Ms. Whitney. The upgrade for the director is in neither one. If the committee wants to show the upgrade for the director they would have to add that budget amount. The exact figures for upgrading the director are \$5,547 in fiscal 1990 and \$5,489 in fiscal 1991. The exact figures for the assistant director are shown in Issue 2 of Personal Services. Sen. Bengtson asked if it would be discretionary to give them the additional upgrade for the assistant director, then if they needed more to attract a director at a higher salary could they use their discretion as to how to use the money, that isn't earmarked.

Tape 1A 95

Rep. Peterson asked if Ms. Whitney would go over the 1.5

FTE and it is related to the Capitol tours program. Current level did not include it, the executive did.

ADMINISTRATION:

Sen. Bengtson moved to accept the executive budget recommendation which includes the Capitol Tours for \$23,923 fiscal 1990 and \$23,940 fiscal 1991 and includes the assistant director but does not include the \$11,000 for the director's salary. Motion carried.

Sen. Bengtson moved to accept the executive budget on operating expenses, workshops and signs \$23,472 in fiscal 1990 and \$23,480 fiscal 1991. Motion carried.

Sen. Bengtson moved to accept the executive budget on equipment of \$1,076 in fiscal 1990. Motion carried.

Sen. Bengtson moved to accept the executive budget recommendation on the Funding issues. For fiscal 1990 the general fund is \$506,274, Accommodations tax 47,395. For fiscal 1991 the general fund is \$494,036 and Accommodations tax \$47,403. Motion carried.

LIBRARY PROGRAM:

Tape 1A 95

Ms. Whitney stated there were no differences in the Library Program for personal services. There are some operating differences in expenses for general operating costs. The major area was in contracted services where the executive budget was higher by \$8,414 in each fiscal year. This increase over current level was partially offset by a lower executive budget in supplies, travel, equipment maintenances and other expenses. There is a small difference in equipment. Current level equipment is at the three year average. This level is higher than the executive budget in each year of the biennium.

Sen. Bengtson moved the executive budget for both the personal services or \$5,773 in fiscal 1990 and \$5,783 in fiscal 1991 and operating expenses differences of \$4,216 in fiscal 1990 and \$1,566 in fiscal 1991. Motion carried.

Sen. Bengtson moved the executive budget on equipment of \$14,180 for fiscal 1990 and \$13,000 for fiscal 1991. Motion carried.

Sen. Bengtson moved to accept the executive budget on funding of \$353,188 fiscal 1990 and \$353,545 fiscal 1991 for general fund. Total Federal funding is \$38,020 fiscal 1990 and \$36,866 fiscal 1991. Motion carried.

MUSEUM:

In the Museum program Ms. Whitney explained there was no difference in personal services. Under operating expenses current level is higher than the executive budget by over \$10,000 per year, primarily in contract services. Current level is based on fiscal 1988 expenditures, less expenditures from a one-time federal grant for museum renovation. The equipment is almost \$1,000 difference in each year.

Sen. Bengtson asked Mary LaFond, from OBPP, about the operating and equipment for the executive in the Museum program. Travel was reduced to current level and cut \$7,000 each year in supplies to bring it back to a 1986 actual of \$19,000, keeping in mind there are new donation funds for changing museum exhibits of \$12,000. This is the \$7,000 difference in supplies. Brian Cockhill, Chief Associate Analyst for the Historical Society, stated the major difference in the contract service issue is they took out of contracted services category money that had been paid to contract service FTEs at the Original Governor's Mansion. There is a modified accompanying this that puts the same money back in personal services and FTE. It is inappropriate to have contracts for the tour guide and custodian, so the executive reflects a cut that is to be picked up by a modified. Sen. Bengtson then asked what was the difference between the LFA and the modified. If they don't get the modified will the LFA pick it up. Mr. Cockhill stated if the modified and the LFA were accepted, it would be doubling the money. If the committee accepted the LFA current level on the operating and equipment it would cover the base as far as that contract is concerned. Mr. Cockhill also said the committee could give them the authority for the FTE and leave the money alone.

Ms. Whitney stated the Appropriations Committee action line-items personal services which will make it difficult to transfer personal services into operations and vice versa. Contracts are in operating expenses. If the committee does approve the FTE, they should probably appropriate dollars for personal services and take the executive operating expenses.

TAPE 1A 160

Sen. Bengtson moved to accept the executive recommendation on operating expenses of \$65,722 for fiscal 1990 and \$65,820 fiscal 1991, on equipment which is \$1,287 fiscal 1990 and \$275 fiscal 1991, and on Funding which is \$194,274 fiscal 1990 and \$212,214 fiscal 1991. This motion also included personal services of \$2,716 for fiscal 1990 and \$2,721 fiscal 1991. Motion carried.

Sen. Bengtson moved the modified budget for the tour guide and custodial worker at the original governor's mansion. Motion carried.

MAGAZINE PROGRAM:

TAPE 1A197

Ms. Whitney explained the magazine program and that there is no difference in personal services, operating expenses or equipment. The only real difference is what the agency has asked for.

Sen. Bengtson moved the executive recommendation on Personal Services of \$140,785 fiscal 1990 and \$141,220 fiscal 1991, Operating Expenses of \$300,887 fiscal 1990 and \$299,936 fiscal 1991, Equipment \$2,100 fiscal 1990 and \$551 fiscal 1991, Transfers \$41,230 fiscal 1990 and \$41,230 fiscal 1991, and Funding General Fund \$43,854 fiscal 1990 and \$43,861 fiscal 1991 - Publicity and store \$441,238 fiscal 1990 and \$439,166 fiscal 1991. Motion carried.

Sen. Bengtson asked where the additional money would go for the Magazine. The committee issues under funding becomes a personal service issue. It is to be funded by the General Fund, which has already been approved, plus the vacancy savings add back which are general fund. If you then approve full general fund funding for those three positions, the differences will be \$41,941 fiscal 1990 and \$42,190 in fiscal 1991. Those are the additions after vacancy savings.

Rep. Menahan recommended the committee do this and would like to see this as part of the tourism and advertising for the State. Sen. Harding moved to fund the positions. Motion carried.

To answer a question raised by Sen. Bengtson concerning the total decrease in general fund, Ms. Whitney referred to D-106. In actual fact, the general fund went up.

Rep. Peterson stated she would like to see the magazine department double their subscriptions with their in state subscriptions.

HISTORICAL SITES PRESERVATION:

Tape 1A 294

Ms. Whitney gave a description of the Historical Sites Preservation worksheet. There is no difference in personal services or operating expenses. The current level of equipment includes equipment at the average of fiscal 1986, 1987 and 1988 expenditures, while the executive budget includes the agency request for office and computer equipment. Both the executive budget and current level utilized the agency estimate of the grants which will be made to projects throughout the state in each fiscal year. There was a little difference in the Federal funds from the Interior Department for the Preservation Program.

Sen. Bengtson moved to accept the executive recommendation on all of the budgets, grants and funding. Under personal services the executive amount of \$175,115 fiscal 1990 and \$175,908 fiscal 1991, including the appropriations committee policy for personal services of \$3,152 fiscal 1990 and \$3,166 fiscal 1991. Under operating expenses the executive amount is \$49,570 in fiscal 1990 and \$45,960 in fiscal 1991. The equipment amount for the executive is \$3,975 fiscal 1990 and \$10,794 fiscal 1991. The executive for Grants is \$350,000 fiscal 1990 and fiscal 1991. Under Funding, the General fund is \$68,754 in fiscal 1990 and \$68,920 in fiscal 1991. Motion carried.

Ms. Whitney referred the committee to the Modified Budget for the Administration Program which is not general fund money. Sen. Bengtson moved they have the authority to spend this money. Annual History Conference \$10,000 fiscal 1990 and 1991; Montana History Gallery \$8,515, fiscal 1990 and Northwest Rendezvous \$2,750 fiscal 1990 and 1991. Other funding is the Bair Trust Fund \$21,265 fiscal 1990 and \$12,750 fiscal 1991. Motion carried.

TAPE 1A 370

Library Program Modified Budget - The executive budget requests \$18,000 in general fund in fiscal 1990 for microfilm equipment and \$2,600 each year for a maintenance contract for an archives photocopier. In addition, the executive budget proposes using \$40,000 in fiscal 1990 and \$10,000 in fiscal 1991 from Burlington Northern donations for automation of the Archives, \$10,000 in fiscal 1990 for automation of the Library and \$30,000 in fiscal 1990 and \$10,000 in fiscal 1991 for back-log cataloging in Photo Archives. Sen. Bengtson asked if money could be transferred from the Museum equipment over to the Library and Mr. Cockhill stated they could. Ms. Whitney stated for clarification the archives photo copier of \$2,600 each year is general fund and the microfilm equipment of \$18,000 is general fund. The rest is in other funds. Sen. Bengtson moved they accept the modified budget for the Library Program. Motion carried.

The modified budget for the Montana Historical Society historical sites preservation was presented by Ms. Whitney, Sen. Bengtson moved to accept the modified budget figure of \$38,416 which is federal funding and the motion allows the spending of it. Motion carried.

Mr. Cockhill stated they are asking for language for the appropriations bill that states, "In the event that additional proprietary revenue becomes available through increased sales in the book store because of the Centennial Year, the agency may request additional appropriation authority through the budget amendment process for purposes of restocking inventory." Sen. Bengtson moved to insert the proposed language. Motion carried.

MONTANA STATE LIBRARY

Richard Miller, Montana State Librarian, handed out a supplemental request fact sheet for FY 1989 and introduced Jacki Wrigg, Accountant for the Library. He is requesting \$17,200. The reasons are; 1) the payout for the former state librarian was \$9,077; 2) the national search costs were \$4,301; 3) there will be a cost of \$2,000 allowed for moving expenses; 4) the Fish, Wildlife and Parks grounds fees costs are \$7,100. The unanticipated expenses total \$22,994 and they are absorbing as much as possible but need the \$17,200. Sen. Bengtson moved the additional money to be added to the Supplemental Bill. Motion carried.

TAPE 1B 22

OBRA

Taryn Purdy, Associate Fiscal Analyst, explained the Human Services Subcommittee recently made some decisions regarding OBRA and the Institution Dept. is present to give their perspective on what their needs are. The OBRA Institutions they are looking at are Montana State Hospital, Montana Veteran's Home and Center for the Aged.

Curt Chisholm, Director, Dept. of Institutions, gave an overview of the new nursing home regulations and how they impact the Dept. of Institutions. He passed out Exhibit 1, The Omnibus Budget and Reconciliation Act of 1987 (OBRA) which explains the medical requirements relating to nursing facilities.

There are three changes in federal law which will change the operation of federally subsidized nursing home facilities throughout the country. Sen. Bengtson asked if there was any activity at the present time to ease these kinds of requirements for rural states. Mr. Chisholm stated they have requested an exception to one of the requirements, #2: the mental health authority must review all patients presently in nursing facilities to determine whether continued placement is appropriate and must arrange for early discharge and active treatment of residents for whom continued placement is inappropriate, because there is an impact on the mental health area.

TAPE 1B 82

He stated the requirements: 1. Mental Health authority must conduct pre-admission screening on all proposed admissions to nursing facilities to determine if the applicant is mentally ill and in need of active treatment. 2. The mental health authority must review all patients presently in nursing facilities to determine whether continued placement is appropriate and must arrange for early discharge and active

treatment of residents for whom continued placement is inappropriate. 3. The following requirements affect the nursing units operated under the Montana State Hospital, Center for the Aged and the Montana Veterans' Home:

- a) State must develop and implement nurse aide training curriculums and establish nurses aide registries.
- b) The distinction between skilled nursing facility and intermediate care facility will be eliminated.
- c) All nursing facilities must require a physician visit every 60 days.
- d) All nursing facilities must have a medical director.
- e) All nursing facilities with more than 120 beds must have a full time social worker.
- f) All nurses aides working within a nursing facility must receive within 4 months of employment, 75 hours of state approved training and competency evaluation.
- g) Nurses aides must continue to maintain and meet continuing training requirements.
- h) All nursing facilities must provide quality assurance reviews for all components of the nursing home.
- i) All nursing facilities must have an outside review of psychopharmaceutical medication from an independent psychiatrist.

Mr. Chisholm, in answering a question from Rep. Peterson, stated the department will probably screen 150 of those for the year at a cost of \$44,000, as they have to contract for the professional services.

TAPE 1B 521

Sen. Harding stated there is a bill in State Administration for the State Board of Nursing to conduct the training of nurse aides. The state has to make sure this is done and who sets up the registering etc. The Board of Nursing wants to work with the institutions, SRS and Dept. of Health. Sen. Bengtson asked about the Board of Nursing being the coordinator for the required hours of nursing care as there is concern that some central authority is needed.

ADJOURNMENT

Adjournment At: 10:00 a.m.


REP. WILLIAM MENAHAN, Chairman

WM/ms

3224.min

THE OMNIBUS BUDGET AND RECONCILIATION ACT OF 1987 (OBRA)

Medical Requirements Relating to Nursing Facilities

On December 22, 1987, the 100th Congress enacted the massive OBRA of 1987. Trailing on the shirrtails of the above budget bill were three bills pertaining to the regulation of nursing homes and nursing home patients which were at the last minute incorporated into the OBRA Act. This action has tremendous programmatic and fiscal impact on the nursing home services, not only for the state of Montana but also for the private nursing home industry.

The following are the major requirements and effective dates which will have a major impact on Department of Institutions' budgets and programs in complying with OBRA.

<u>Requirements</u>	<u>Date</u>
1. Mental Health authority must conduct pre-admission screening on all proposed admissions to nursing facilities to determine if the applicant is mentally ill and in need of active treatment.	1/1/89
2. The mental health authority must review all patients presently in nursing facilities to determine whether continued placement is appropriate and must arrange for early discharge and active treatment of residents for whom continued placement is inappropriate.	4/1/90
3. The following requirements affect the nursing units operated under the Montana State Hospital, Center for the Aged, and the Montana Veteran's Home:	
a) State must develop and implement nurse aide training curriculums and establish nurses aide registries.	3/1/89
b) The distinction between skilled nursing facility and intermediate care facility will be eliminated.	10/1/90
c) All nursing facilities must require a physician visit every 60 days.	10/1/90
d) All nursing facilities must have a medical director.	10/1/90
e) All nursing facilities with more than 120 beds must have a full time social worker.	10/1/90
f) All nurses aides working within a nursing facility must receive within 4 months of employment, 75 hours of state approved training and competency evaluation.	1/1/90
g) Nurses aides must continue to maintain and meet continuing training requirements.	1/1/90
h) All nursing facilities must provide quality assurance reviews for all components of the nursing home.	10/1/91
i) All nursing facilities must have an outside review of psychopharmaceutical medication from an independent psychiatrist.	10/1/91

Exhibit 1

PROPOSED LANGUAGE FOR APPROPRIATIONS BILL FOR POSSIBLE BUDGET AMENDMENT IN
PROGRAM 04 - HISTORICAL SOCIETY

In the event that additional proprietary revenue becomes available through increased sales in the book store because of the Centennial year, the agency may request additional authority through the budget amendment process for purposes of restocking inventory.

OMNIBUS BUDGET RECONCILIATION ACT (OBRA)

Certification requirement

INSTITUTION	FY90		OBPP		FY91		OBPP	
	REQUESTED FTE	TITLE	RECOMMENDED FTE	TITLE	REQUESTED FTE	TITLE	RECOMMENDED FTE	TITLE
MONTANA STATE HOSPITAL	2.00	RN	2.00	RN	3.00	RN	3.00	RN
	2.35	NA I *	2.35	NA I	2.35	NA I *	0.00	NA I
	19.00	NA I	0.00		19.00	NA I	0.00	
	-----		-----		-----		-----	
	23.35		4.35		24.35		3.00	
CENTER FOR THE AGED	2.00	RN	0.00	RN	2.00	RN	0.00	RN
	2.40	NA I *	2.40	NA I *	2.40	NA I *	0.00	NA I *
	8.00	NA I	0.00	NA I	8.00	NA I	0.00	NA I
	-----		-----		-----		-----	
	12.40		2.40		12.40		0.00	
MONTANA VETERAN'S HOME	1.00	RN	0.00	RN	1.00	RN	0.00	RN
	2.17	NA I & II *	1.17	NA I *	2.17	NA I *	0.00	NA I *
	-----		-----		-----		-----	
	3.17		1.17		3.17		0.00	

* aggregate training positions

Exhibit 2

MONTANA STATE LIBRARY



TED SCHWINDEN, GOVERNOR

1515 E. 6TH AVENUE

STATE OF MONTANA

(406) 444-3115

HELENA, MONTANA 59620

SUPPLEMENTAL REQUEST

FACT SHEET -- FY 1989

Librarian:

Personal Services:	\$ 9,593.00
Search Expenses as of 12/30/88:	4,300.96
Moving Expenses:	<u>2,000.00</u>
	\$15,893.96

FW&P Grounds Fees: \$ 7,100.00

Re: FY 89 Supplemental Request for \$17,200

At the time the supplemental was prepared, we believed a new State Librarian would be paid a lower wage than budgeted. In order to be competitive, it was necessary to offer a higher wage. Therefore, rather than the \$6,120 shortage we had predicted, we are facing a shortage of \$9,593.00. The former State Librarian's payout was \$9,077.

We had estimated the national search costs to be between \$4,000 and \$5,000. These expenses as of December 30, 1988 were \$4,301. In addition there will be a cost of \$2,000 as allowed for moving expenses.

The FW&P grounds fees costs remain at \$7,100.

These unanticipated expenses total \$22,994.

Rather than see our situation improve since submitting this request, we see it deteriorating. Ours is a small agency without a large budget. We have been taking advantage of changes in personnel and are absorbing as much of these costs as possible, but without the \$17,200 we requested, drastic measures will have to be taken.

VISITOR'S REGISTER

SUBCOMMITTEE

AGENCY (S) _____

DATE 2-7-69

DEPARTMENT _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT.
IF YOU HAVE WRITTEN COMMENTS, PLEASE GIVE A COPY TO THE SECRETARY.