

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES AND AGING

Call to Order: By Stella Jean Hansen, on February 10, 1989, at
3:10 p.m.

ROLL CALL

Members Present: All, except

Members Excused: Rep. McCormick

Members Absent: None

Staff Present: Mary McCue, Legislative Council

Announcements/Discussion: None

DISPOSITION OF HB 66

The Hearing on HB 66 was held on February 1, 1989.

Motion: Rep. Gould made a Motion to DO PASS.

Amendments, Discussion, and Votes: Mary McCue stated that there were some amendments prepared on termination date. Steve Waldron stated that there would be a repealer placed on the legislation.

Rep. Gould made a Motion to Move the Amendments.

A vote was taken and all voted in favor of the amendments.

Recommendation and Vote: Rep. Gould then made a Motion to DO PASS AS AMENDED. A vote was taken with all voting in favor with the exception of Rep. Good.

DISPOSITION OF HB 200

The Hearing on HB 200 was held on January 18, 1989.

Motion: A Motion was made by Rep. Gould to DO PASS.

Discussion: Rep. Lee reported on the subcommittee findings and stated that amendments had been prepared for the committee. Rep. Lee reported on the Simon/McCue amendments and stated that he also had Vincent amendments. Strike line 8 in the title, section 3, section 7, insert new language in section 7 which is the Federal Family Support Act, strike page 17,

section 14 which is the repealer for the New Horizons Act, strike section 15, fiscal impact has also been requested. On page 5, line 21 and 22, strike "list" and change it to "the number." The religious exemption question was then discussed. The proponents of this bill are strongly supportive and desire very much to see that the children involved in day care are afforded the opportunity for safe, healthful, well programed, competent oversight type of day care situation.

- Amendments, Discussion, and Votes: Rep. Good made a Motion to move the Simon amendment except the severability clause. Mary McCue stated that changes had been done in sections 1, 2, 3, 4, 5 to be stricken, the severability clause. A vote was taken on sections 2, 4, 6 and all voted in favor. Rep. Good made a motion to move Rep. Vincent's amendments. A vote was then taken on the Vincent amendments and all voted in favor. Rep. Good made to Move the bill as amended.
- Rep. Lee stated that the greatest exclusion of amendment was to amend section 10 and insert after line 7, "self pride." Rep. made a Motion to adopt the amendment. Rep. Lee explained that this was the broadest possible exclusion that could be granted.
- Rep. Stickney asked if they did not want to licensed, why would we bother with them anyway?
- Rep. Lee said that the proponents want to bring day care centers under licensure or certification. What this amendment would be would be to completely exclude those religious organizations other than those who voluntarily want to come under this act from any of those provisions.
- Rep. Good asked Rep. Lee why he thought someone would not want to be licensed or certified and Rep. Lee stated that there were people who see it as practical matters of faith that the government shall not come in and dictate to their programs that they are running.
- Rep. Good then questioned the first amendment rights and Rep. Lee stated that there was little opposition from any of the opponents in wishing to meeting those kinds of criteria.
- Rep. Squires stated that she was against the amendment.
- Rep. Knapp stated that he approved of the amendment and said that he felt it was important that we protect and recognize first amendment guarantees and rights and the freedom of religion and choice is that.
- Rep. Simon asked if an amendment to this proposed draft to the statement of intent or perhaps there is some legislative intent within the bill in the purpose section that would indicate that department rule making authority is limited to

areas of health and safety and consequently not having to deal with matters of curriculum by making it clear in our legislative intent that the legislature wants to deal in the areas of health, safety, and cleanliness.

Mary McCue stated that if you exempt certain children and a child is harmed in that environment, they could raise the issue that the state did not provide them the protection that they provided to the child in the licensed day care center.

Rep. Stickney opposed the amendment.

Rep. Simon stated that assuming that this motion is not successful and a religious exemption is not contained in the bill, if something were contained in a statement of intent that meant that the rules which would be adopted were to deal with health and safety type issues as far as the rules were adopted and did not come into the issue of curriculum, we would be applying those rules to all licensed day care centers and if we did not have a religious exemption which would apply to all of the centers, everyone would be covered.

Mary McCue stated that one of the problems which arose in the subcommittees in that area is that it was difficult to begin trying to list the categories of things that the state may or may not wish to regulate.

Rep. Strizich stated that this was a matter of the courts.

Rep. Lee stated that the amendment was "a religious corporation, association, institution or society carrying on a non-profit activity of such religious corporation, association, institution or society shall be exempt from the licensing requirements of this act.

A roll call vote was taken with Reps. Blotkamp, Boharski, Brown, Good, Gould, McCormick, Russell, Simon, Squires, Stickney, Strizich, Whalen, Hansen voting in opposition of the amendment. Amendment fails. Exhibit 1 of the Roll Call Votes.

Rep. Lee made a motion to Move the Vincent amendments.

Rep. Simon asked Rep. Lee in subsection A: A religious institution has tax exempt status as a non-profit religious institution." 501-C-3 of the Internal Revenue Code. Churches may apply for recognition but there is no requirement in law that they are required to apply to enjoy tax exempt status because of the separation in our constitution of church and state. Many churches have an objection to actually asking the government for official recognition by applying for a 501-C-3 so they refuse to do so.

Rep. Lee stated that the intent was to strike the criteria.

Rep. Simon then stated that the only way to know if one would be qualified would be to go through a court adjudication to find out if one is qualified.

A vote was taken on the Virginia amendments with Reps. Boharski, Lee, Knapp and Nelson favoring and all others voting against.

Rep. Simon then made a Motion to move the Statement of Intent. A vote was taken and all voted in favor.

Rep. Squires made a Motion to DO PASS AS AMENDED.

Rep. Boharski made a Motion to amend page 17, strike the remainder of section 15 and renumber subsequent sections.

A vote was then taken on the Boharski motion and all voted in opposition with the exception of Rep. Boharski.

A vote was then taken on the bill to DO PASS AS AMENDED and all voted in favor with the exception of Rep. Lee and Nelson.

Rep. Lee then asked, after the bill was voted upon to reconsider another amendment which he had to consider. The amendment would cause the DFS to consider this body of knowledge to the implementation of any day care program and the supervision of such program for children under 3. Rep. Lee then withdrew his motion after further discussion of the committee.

DISPOSITION OF HB 381

The Hearing on HB 381 was held on February 6, 1989.

Motion: A Motion was made by Rep. Good to move the bill.

Discussion: None

Amendments, Discussion, and Votes: A Motion was then made by Rep. Good to move the amendments.

Recommendation and Vote: A vote was then taken to DO PASS AS AMENDED and all voted in favor.

DISPOSITION OF HB 253

The Hearing on HB 253 was held on January 25, 1989 with partial disposition taking place on January 26, 1989.

Amendments, Discussion, and Votes: On page 2, lines 9 through 11, subsection 8 to be stricken entirely. Discussion

followed. A Motion was made to Move the amendment. A roll vote was then taken and all voted in favor with the exception of Reps. Blotkamp, Lee, Russell, Squires, Strizich and Hansen. Motion carries.

Recommendation and Vote: Rep. Knapp made a Motion to DO PASS AS AMENDED. All voted in favor with the exception of Rep. Good.

DISPOSITION OF HB 458

The Hearing on HB 458 was held on February 6, 1989.

Motion: Rep. Lee made a motion to Move the bill. Discussion followed.

Amendments, Discussion and Votes: Rep. Russell discussed the findings of the subcommittee regarding the amendments which were proposed. Amendment no. 1 was discussed involving the title, lines 6 and 7 on the effective date. A vote was taken and all voted in favor. Rep. Boharski then proposed amendments beginning at "Whereas." A vote was taken and all voted in favor with the exception of Rep. Gould. An amendment was then discussed on page 3, line 23 following "labor" and "natural childbirth," inserted. A vote was taken and all voted in favor with the exception of Rep. Gould. An amendment on page 4, following line 10 was then discussed which contained a new section regarding an effective date. A vote was taken and all voted in favor.

Recommendation and Vote: A vote was then taken to DO PASS AS AMENDED and all voted in favor with the exception of Reps. Boharski, Gould, Russell.

DISPOSITION OF HB 524

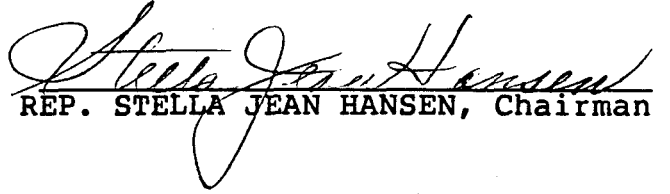
The Hearing on HB 524 was held on February 8, 1989.

Motion: A Motion was made by Rep. Stickney to DO PASS.

Discussion: Rep. Boharski questioned the fiscal note. The remainder of the disposition of this bill was delayed until another day.

ADJOURNMENT

Adjournment At: 6:35 p.m.


REP. STELLA JEAN HANSEN, Chairman

SJH/ajs

F1007.min

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-10-89

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	✓		

CORRECTED STANDING COMMITTEE REPORT AS OF FEB. 15, 1989

February 15, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that HOUSE BILL 458 (first reading copy -- white) do pass as amended .

Signed: Stella Jean Hansen, Chairman

And, that such amendments read:

1. Title, lines 6 and 7.

Following: "ACT;" on line 6

Strike: "AND"

Following: "MCA" on line 7

Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, following line 7.

Insert: "WHEREAS, the practice of direct-entry midwifery has been practiced in the state of Montana since territorial days; and

WHEREAS, it is the intent of the legislature to allow direct-entry midwives to continue serving Montana parents without fear of criminal prosecution; and

WHEREAS, the Legislature requests direct-entry midwives to establish standards of practice at the next regular legislative session.

THEREFORE, the Legislature of the State of Montana finds it reasonable and necessary to maintain the current status of direct-entry midwives in the state until the 1991 regular session."

3. Page 3, line 23.

Following: "labor,"

Insert: "natural childbirth,"

4. Page 4, following line 10.

Insert: "NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval."

STANDING COMMITTEE REPORT

February 11, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 66 (first reading copy -- white) do pass as amended .

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Title, line 7.

Following: "DATE"

Insert: "AND A TERMINATION DATE"

2. Page 3, following line 3.

Insert: "NEW SECTION. Section 4. Termination date. [This act] terminates July 1, 1991."

STANDING COMMITTEE REPORT

February 12, 1989

Page 1 of 3

Mr. Speaker: We, the committee on Human Services and Aging report that HOUSE BILL 200 (first reading copy -- white), with statement of intent attached, do pass as amended.

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Title, lines 7 and 8.
Following: "FOR"
Strike: remainder of line 7 through "TRANSITIONAL" on line 8.
Following: "CHILD-CARE" on line 8
Strike: "PROGRAMS"
Insert: "ASSISTANCE"
2. Title, lines 11 and 12.
Strike: "REPEALING" on line 11 through "MCA;" on line 12
3. Page 1.
Following: line 13
Insert: "

STATEMENT OF INTENT

A statement of intent is required for this bill because [section 6] authorizes the department of social and rehabilitation services to adopt rules to administer a low-income day-care support program and a transitional child-care program.

It is the intent of the legislature that the department provide for day-care costs on a sliding-scale formula for low-income families in need of day-care for purposes of employment or

employment-related training and provide a transitional child-care program for day-care for families who have ceased to receive aid to families with dependent children because of employment."

4. Page 1, line 17.
Page 4, line 11.
Page 5, line 25.
Following: "through"
Strike: "13"
Insert: "12"

5. Page 2, line 22 through line 9 on page 3.
Strike: section 3 in its entirety
Renumber: subsequent sections

6. Page 3, line 20.
Following: "section"
Strike: "5"
Insert: "4"

7. Page 5, line 22.
Strike: "list"
Insert: "number"

8. Page 6, line 1 through line 2 on page 7.
Strike: section 7 in its entirety
Insert: "NEW SECTION. Section 6. Child-care assistance. The department of social and rehabilitation services shall provide necessary child-care assistance, as provided for in sections 301 and 302 of the federal Family Support Act of 1988 [42 U.S.C. 602 (g)], for each individual participating in the program established under section 201 of the federal Family Support Act of 1988."

9. Page 10, lines 13 and 14.
Page 11, lines 5 and 6.
Page 11, line 10.
Page 11, line 13.
Strike: "supplemental parental"
Insert: "day"

10. Page 11, line 2.
Strike: "(a)"
Insert: "(i)"

11. Page 11, line 5.

Strike: "(b)"

Insert: "(ii)"

12. Page 11, line 12.

Following: " "Day care" "

Insert: "or "child care" "

13. Page 17, line 11.

Strike: section 14 in its entirety

Renumber: subsequent sections

14. Page 17, line 16.

Following: "[section"

Strike: "6"

Insert: "5"

Following: "]."

Strike: remainder of line 16 through line 19 in its entirety

15. Page 17, line 25.

Page 18, line 3.

Strike: "7"

Insert: "6"

16. Page 18.

Following: line 3

Insert: "NEW SECTION. Section 16. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

17. Page 18, line 4.

Strike: "dates"

Insert: "date"

Strike: "(1)"

18. Page 18, line 5.

Strike: "6"

Insert: "5"

19. Page 18, line 7.

Strike: line 7 in its entirety.

STANDING COMMITTEE REPORT

February 11, 1989

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 253 (first reading copy -- white) do pass as amended .

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Page 1, line 24.

Strike: "and personally"

2. Page 2, lines 9 through 11.

Strike: subsection (8) in its entirety

Renumber: subsequent subsections

STANDING COMMITTEE REPORT

February 11, 1989

Page 1 of 3

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 381 (first reading copy -- white) do pass as amended .

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Title, line 6.

Strike: "OFFER COVERAGE FOR THE FORMULA NECESSARY IN"

Insert: "PROVIDE COVERAGE FOR"

2. Title, line 7.

Following: " ; "

Insert: "AMENDING SECTION 33-31-102, MCA; "

3. Page 1, line 11.

Strike: "children"

Insert: "persons"

4. Page 1, lines 14 and 15.

Strike: "children" on line 14 through "formula" on line 15

Insert: "maintaining a normalized blood level of phenylalanine is the only treatment of the disease"

5. Page 1, line 16.

Strike: "formula children"

Insert: "treatment patients"

6. Page 1, lines 18 and 19.

Strike: "this" on line 18 through "is not" on line 19

Insert: "not all costs of treating phenylketonuria are"

7. Page 1, line 24 through line 3 on page 2.

Following: line 23

Strike: remainder of section 1

Insert: "treatment. (1) Each group or individual disability policy, certificate of insurance, and membership contract that is

delivered, issued for delivery, renewed, extended, or modified in this state and that provides coverage for a family member of the insured or subscriber must provide coverage for the treatment of phenylketonuria.

(2) For the purpose of this section, "treatment" means licensed professional medical services under the supervision of a physician and a dietary formula product to achieve and maintain normalized blood levels of phenylalanine and adequate nutritional status.

(3) These services are subject to the terms of the applicable group or individual disability policy, certificate, or membership contract that establishes durational limits, dollar limits, deductibles, and copayment provisions as long as the terms are not less favorable than for physical illness generally.

Section 2. Section 33-31-102, MCA, is amended to read:

"33-31-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Agent" means an individual, partnership, or corporation appointed or authorized by a health maintenance organization to solicit applications for health care services agreements on its behalf.

(2) "Basic health care services" means:

(a) consultative, diagnostic, therapeutic, and referral services by a provider;

(b) inpatient hospital and provider care;

(c) outpatient medical services;

(d) medical treatment and referral services;

(e) accident and sickness services by a provider to each newborn infant of an enrollee pursuant to 33-31-301(3)(e);

(f) care and treatment of mental illness, alcoholism, and drug addiction;

(g) diagnostic laboratory and diagnostic and therapeutic radiologic services; and

(h) preventive health services, including:

(i) immunizations;

(ii) well-child care from birth;

(iii) periodic health evaluations for adults;

(iv) voluntary family planning services;

(v) infertility services; and

(vi) children's eye and ear examinations conducted to determine the need for vision and hearing correction; and

(i) treatment for phenylketonuria. "Treatment" means licensed professional medical services under the supervision of a physician and a dietary formula product to achieve and maintain normalized blood levels of phenylalanine and adequate nutritional status.

(3) "Commissioner" means the commissioner of insurance of the state of Montana.

(4) "Department of health" means the department of health

and environmental sciences provided for in 2-15-2101.

(5) "Director" means the director of the department of health and environmental sciences provided for in 2-15-2102.

(6) "Enrollee" means a person:

(a) who enrolls in or contracts with a health maintenance organization;

(b) on whose behalf a contract is made with a health maintenance organization to receive health care services; or

(c) on whose behalf the health maintenance organization contracts to receive health care services.

(7) "Evidence of coverage" means a certificate, agreement, policy, or contract issued to an enrollee setting forth the coverage to which the enrollee is entitled.

(8) "Health care services" means:

(a) the services included in furnishing medical or dental care to a person;

(b) the services included in hospitalizing a person;

(c) the services incident to furnishing medical or dental care or hospitalization; or

(d) the services included in furnishing to a person other services for the purpose of preventing, alleviating, curing, or healing illness, injury, or physical disability.

(9) "Health care services agreement" means an agreement for health care services between a health maintenance organization and an enrollee.

(10) "Health maintenance organization" means a person who provides or arranges for basic health care services to enrollees on a prepaid or other financial basis, either directly through provider employees or through contractual or other arrangements with a provider or a group of providers.

(11) "Person" means:

(a) an individual;

(b) a group of individuals;

(c) an insurer, as defined in 33-1-201;

(d) a health service corporation, as defined in 33-30-101;

(e) a corporation, partnership, facility, association, or trust; or

(f) an institution of a governmental unit of any state licensed by that state to provide health care, including but not limited to a physician, hospital, hospital-related facility, or long-term care facility.

(12) "Plan" means a health maintenance organization operated by an insurer or health service corporation as an integral part of the corporation and not as a subsidiary.

(13) "Provider" means a physician, hospital, hospital-related facility, long-term care facility, dentist, osteopath, chiropractor, optometrist, podiatrist, psychologist, licensed social worker, registered pharmacist, or nurse specialist as specifically listed in 37-8-202 who treats any illness or injury within the scope and limitations of his practice, or other person who is licensed or otherwise authorized in this state to furnish

health care services.

(14) "Uncovered expenditures" mean the costs of health care services that are covered by a health maintenance organization and for which an enrollee is liable if the health maintenance organization becomes insolvent."

8. Page 2, line 10.

Following: first "of Title 33,"

Insert: "chapter 22, part 1,"

Following: "second "Title 33"

Insert: ", chapter 22, part 1,"