

MINUTES

MONTANA SENATE 51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By Senator Tom Rasmussen, on February 15, 1989, at 1:00 p.m.

ROLL CALL

Members Present: Senators Tom Hager, Chairman; Tom Rasmussen, Vice-Chairman; J. D. Lynch, Matt Himsl, Bill Norman, Harry H. McLane, Bob Pipinich

Members Excused: None

Members Absent: None

Staff Present: Tom Gomez, Legislative Council
Dorothy Quinn, Committee Secretary

Announcements/Discussion: Senator Rasmussen announced that he would chair the meeting until Senator Hager returned from a hearing on a bill which he sponsors.

EXECUTIVE ACTION ON SENATE BILL 272

Vice-Chairman Rasmussen called for action on SB 272: This bill would remove the Sunset provision relating to the State Mental Health Involuntary Commitment Laws.

Discussion: Senator Norman stated the bill is a repealer of a Sunset provision. It addresses involuntary commitment to a community mental health facility on an in-patient or out-patient basis. He asked how that involuntary commitment would proceed. Tom Gomez addressed their attention to Title 53, the chapter that comprises the mental health statute. He gave an example of an adult who has a dependent child who must be committed for treatment, with the treatment not being necessary because of serious mental illness posing danger to themselves or others, but at a lower level of mental illness in which the person is certified as being an individual who suffers from mental illness. He further stated that if a person does not consent to commitment, then it becomes a civil matter. Senator Norman then asked if the professional person making the judgement would try to reach some opinion as to whether this person should be

involuntarily committed.

Senator Hager reminded the committee that Senator Keating had said the bill was a safety net, and used only when the regular rules did not take care of the matter.

Senator Rasmussen stated in this case he agrees with the Board of Visitors, which group was opposed to the bill.

Recommendation and Vote: Senator Rasmussen made a motion that SENATE BILL 272 DO NOT PASS. Senators in favor, 6; opposed, 0.

HEARING ON SENATE BILL 382

Presentation and Opening Statement by Sponsor: Senator Hager, Senate District #48, advised that he introduced this bill at the request of the Department. He stated it is an act to provide immunity from liability for Medical Ethics Review Committee members.

List of Testifying Proponents and What Group they Represent:

Jim Ahrens, Montana Hospital Association
Larry Akey, Montana Health Network

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Jim Ahrens advised that one hospital in particular had asked his group to look at the confidentiality act that already is in place and there is some question as to whether or not discussions among medical ethics committees are subject to provisions of confidentiality. He stated that ethics committees undertake very serious discussions which have to be quite frank and straightforward. It is his group's feeling that those discussions should be protected and the bill is set up so that medical ethics review committees are included along with other peer review committees as the current statute provides. It is their hope that by including this the confidentiality will be maintained and the frankness of those discussions will continue. He urged passage of SB 382.

Larry Akey stated his group represents ten hospitals in eastern Montana. He said they support SB 382 for the reasons outlined by Mr. Ahrens, and asked that the committee pass this bill.

Questions From Committee Members:

Senator Norman asked if the peer review committee would have to notify the staff member who is being discussed what they determined, and further, if they decided his conduct was not satisfactory, would they have to give any explanation.

Steve Browning of the Montana Hospital Association advised that the peer review is covered largely by federal regulations, and the medical ethics committees are a more recent innovation. Notice requirements are not addressed in Montana's current statute on peer review. He stated there may be federal regulations that pertain to that. He informed that there is increasing interest in the peer review concept from an anti-trust standpoint.

Senator Himsl asked if the non-liability had reference to financial liability. Mr. Browning stated that the medical ethics and peer review committees are required to meet at certain times and under certain circumstances, and unless a person would have acted maliciously or intentionally injured someone, they would be immune from financial liability.

Senator Himsl asked if the medical ethics review committee was a state organization or an institutional organization. Mr. Browning advised that it was institutional.

Senator Rasmussen welcomed the students from Manhattan Christian School who were visiting.

Closing by Sponsor: Senator Hager had no closing comments.

DISPOSITION OF SENATE BILL 382

Discussion: None

Amendments and Votes: None

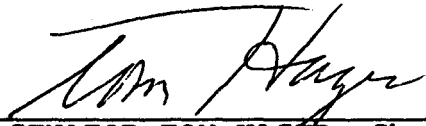
Recommendation and Vote: Senator Rasmussen made the motion that SENATE BILL 382 DO PASS. Senators in favor, 7; opposed 0.

ADJOURNMENT

Adjournment At: 1:30 p.m.

February 15, 1989

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SENATOR TOM HAGER, Chairman

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ROLL CALL

PUBLIC HEALTH

COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2/15/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Hager	X		
Sen. Tom Rasmussen	X		
Sen. Lynch	X		
Sen. Hims1	X		
Sen. Norman	X		
Sen. McLane	X		
Sen. Pibinich	X		

Each day attach to minutes.

SENATE STANDING COMMITTEE REPORT

February 16, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 272 (first reading copy -- white), respectfully report that SB 272 do not pass.

DO NOT PASS

Signed: *Tom Hager*
Thomas O. Hager, Chairman

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10:4*

SENATE STANDING COMMITTEE REPORT

February 16, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration SB 382 (first reading copy -- white), respectfully report that SB 382 do pass.

DO PASS

Signed: _____

Tom Hager
Thomas O. Hager, Chairman

4/10/89
211624
10: 6 am.

COMMITTEE ON

DATE

2/15/89Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Jim Ahrens	Montana Hosp. Assn.	SB382	X	
Steve Browning	"	"	X	

(Please leave prepared statement with Secretary)

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 2/15/89 Bill No. SB 272 Time 1:15

NAME	YES	NO
SEN. TOM HAGER	X	
SEN. TOM RASMUSSEN	✓	
SEN. LYNCH	absent	
SEN. HIMSL	X	
SEN. NORMAN	X	
SEN. McLANE	X	
SEN. PIPINICH	X	

Louise Sullivan
Secretary

Sen. Tom Hager
Chairman

Motion: Motion by Rasmussen
DO NOT PASS
Unanimous
6 in favor - 0 opposed

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 2/15/89 Bill No. SB382 Time 1:30

NAME	YES	NO
SEN. TOM HAGER	X	
SEN. TOM RASMUSSEN	X	
SEN. LYNCH	X	
SEN. HIMSL	X	
SEN. NORMAN	X	
SEN. McLANE	X	
SEN. PIPINICH	X	

Louise Sullivan
Secretary

Sen. Tom Hager
Chairman

Motion: Motion by Tom Rasmussen
to DO PASS.

7 in favor - 0-oppose.