

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
52nd LEGISLATURE - REGULAR SESSION**

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By Rep. Angela Russell, Chair, on February 11, 1991, at 12:10 p.m.

ROLL CALL

Members Present:

Angela Russell, Chair (D)
Tim Whalen, Vice-Chairman (D)
William Boharski (R)
Jan Brown (D)
Brent Cromley (D)
Tim Dowell (D)
Patrick Galvin (D)
Royal Johnson (R)
Betty Lou Kasten (R)
Thomas Lee (R)
Charlotte Messmore (R)
Jim Rice (R)
Sheila Rice (D)
Wilbur Spring (R)
Carolyn Squires (D)
Bill Strizich (D)
Rolph Tunby (R)

Members Excused: Reps. Arlene Becker, Stella Jean Hansen,
Jessica Stickney

Staff Present: David Niss, Legislative Council
Jeanne Krumm, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

EXECUTIVE ACTION ON HB 299

Motion: REP. S. RICE MOVED HB 299 DO PASS.

Motion/Vote: REP. S. RICE moved to amend HB 299. EXHIBIT 1.
Motion carried unanimously.

Motion: REP. S. RICE MOVED HB 299 DO PASS AS AMENDED.

Discussion:

REP. BOHARSKI stated that he has a concern with the bill. Is there an appropriation section with the bill? REP. S. RICE stated that they are working on a fiscal note.

Vote: Motion carried unanimously.

EXECUTIVE ACTION ON SB 90

Motion: REP. WHALEN MOVED SB 90 BE CONCURRED IN.

Motion: REP. MESSMORE moved to amend SB 90. EXHIBIT 2

Discussion:

REP. WHALEN asked where the amendments came from. REP. MESSMORE stated from the Dentists.

REP. TUNBY asked how the Dental Hygentists feel about this. Chris Herbert stated that she had concerns about amendments 2 and 3. Amendment 2 seems to limit further than the current limit of status of practice. It requires the doctor's diagnosis on the condition and requires the doctor to evaluate their performance before and after each treatment. That is not currently the status and currently not required particularly under direct supervision. In amendment 3, there are several areas that will conflict with the current practice. One is the 45 day authorization. There are many patients that need to come back every three months to see the hygentists and maybe they only see the dentist once a year.

Motion: REP. MESSMORE made a substitute motion to adopt amendment 1 to SB 90. EXHIBIT 2

Discussion:

Brady Vardimin stated that the Board of Regents has not taken a position on the amendments.

REP. SPRING stated that he is in opposition to anything that will weaken the bill. Out of all the dentists in Bozeman, nine rise in support of the bill as written.

REP. LEE stated that he spoke with some dentists and they were in favor of the bill as written.

Vote: Motion failed 4-16 with REPS. BOHARSKI, JOHNSON, MESSMORE, and J. RICE voting aye.

Motion/Vote: REP. MESSMORE moved to adopt amendment 2 to SB 90. EXHIBIT 2. Motion failed 2-18 with REPS. JOHNSON and MESSMORE voting aye.

Motion: REP. BOHARSKI moved to amend SB 90.

Discussion:

REP. LEE stated that he would resist the amendment.

Vote: Motion failed 2-18 with REPS. BOHARSKI and MESSMORE voting aye.

Motion/Vote: REP. MESSMORE moved to adopt amendment 3 to SB 90. EXHIBIT 2. Motion failed 2-18 with REPS. JOHNSON and MESSMORE voting aye.

Motion: REP. STRIZICH MADE A SUBSTITUTE MOTION TO AMEND SB 90. EXHIBIT 3

Discussion:

REP. WHALEN asked what problems are we attempting to cure with this amendment. REP. STRIZICH stated that the only body that is recognized by that group is Kodak. The language is really superfluous. We are streamlining and because you strike the language in the body you must reinsert the dental hygiene school.

REP. WHALEN stated that he doesn't think the language that is contained in the bill is superfluous at all. It is clarified. There is only one group that is accrediting now.

Motion: REP. SQUIRES MADE A SUBSTITUTE MOTION TO AMEND SB 90. EXHIBIT 4

Discussion:

Brady Vardimin, Deputy Commissioner, Board of Regents, stated that there is concern that any program in dental hygiene, which is fielded in Montana, be an accredited program. That requirement is an appropriate one. The major concern is that our faculty and our institutions have a clear level of understanding with regard to accreditation. He suggested that the language simply refer to the commission on Dental Accreditation or its successor.

REP. STRIZICH stated that he supports REP. SQUIRES amendment.

Vote: Motion carried unanimously.

Motion/Vote: REP. J. RICE moved to amend SB 90. EXHIBIT 5. Motion carried 16-4 with REPS. RUSSELL, WHALEN, SPRING, and DOWELL voting no.

Motion: REP. BOHARSKI moved to amend SB 90. EXHIBIT 6

Discussion:

REP. DOWELL stated that it doesn't seem like the dentists or hygentists want local anesthesia, so why spell it out. Chris Herbert stated that the Senate suggested the Statement of Intent no longer clearly reflected the bill itself. We wanted to clarify that question and I don't believe it will change the statutory language.

Vote: Motion carried 19-1 with REP. WHALEN voting no.

Motion/Vote: REP. BOHARSKI moved to amend SB 90. EXHIBIT 7.
Motion carried unanimously.

Motion/Vote: REP. BOHARSKI moved to amend SB 90. EXHIBIT 8.
Motion failed 1-19 with REP. BOHARSKI voting aye.

Motion: REP. J. RICE MOVED SB 90 BE CONCURRED IN AS AMENDED.
Motion carried 18-2 with REPS. JOHNSON and MESSMORE voting no.

HEARING ON HB 488, HB 489, HB 490, & HB 491

Presentation and Opening Statement by Sponsor:

REP. MARK O'KEEFE, House District 45, Helena, stated that the State of Montana has many children. The state is often times put in charge of children to care for. This establishes what Montana needs to do for these children. We need to meet these needs on a community level to the fullest extent possible.

HB 488 requires the Department of Family Services (DFS) to use USDA estimates for the cost of raising a child to establish the daily rate of payment through foster cares. Right now Montana pays \$9.67 a day for each child under 12 years old. The USDA says that it costs \$14.67 a day, so we pay about 2/3 of the cost. For older children we pay about \$12.10, and the bill would raise this to \$20.35.

HB 489 discusses the programs for children in foster homes. The State of Montana would provide \$100 of clothing for each youth per year. This bill would raise the minimum allowance from \$100 to \$500 a year.

HB 490 sets up a program for the recruitment, training and retention for licensed foster parents. We don't train the foster parents, people who are entrusting these children, that they may not be able to handle. This bill will set up a system where these folks can learn how to deal with these foster children and their special problems.

HB 491 requires the Department to provide respite care for children in licensed youth foster homes. This would set up a program which would allow DFS to see that these folks get some mental health break at their own duration of their foster children.

Proponents' Testimony:

Ken Luraas, Montana State Foster Adoptive Parents Association, submitted written testimony for HB 488, HB 489, HB 490 and HB 491. EXHIBITS 9, 10, 11 and 12

Bonnie Rutherford, Montana State Foster Adoptive Parents Association, stated that she and her husband have been foster care parents for ten years for Montana's children. Their first

child was a two and a half month old baby boy. He was brought from Shodair Hospital and as they unwrapped the blanket the Shodair employee said "this belongs to Shodair". They took his sleeper off him and said "this belongs to Shodair" and as they reached for his T-shirt they said "this belongs to Shodair, but we'll let you keep it". They went to the store and got just enough to get by until they could go to the thrift shops. These children aren't State children they are my children, your children, your neighbors children and they are your grandchildren.

Jim Smith, Montana Residential Child Care Association, stated that we communicated to all of you that we would support legislation that attempted to address the basic needs of the children and families in Montana. This package of legislation that Rep. O'Keefe is carrying meets that criteria.

Jan Bohannon, Foster Parent, stated that she is definitely for raising the allowance for foster children. Foster parents do not get rich raising these children. The money they get to raise the foster child goes towards the child and it usually doesn't even cover those costs.

Opponents' Testimony: None

Questions From Committee Members:

REP. KASTEN asked if there are classes available for foster parents. Mr. Walsh stated that they are training people through a prefoster care program.

REP. KASTEN asked if respite care is provided now. Mr. Walsh said yes.

REP. SPRING stated that he has the greatest compassion for these children and the greatest admiration for the foster parents. Are we eliminating the conditions that are producing these children? Mr. Walsh stated that the family structure is as great as it ever was.

REP. STICKNEY asked if part of the intent of the bill is to increase the financial package to try to assist in taking care of those kinds of expenses. Mr. Walsh stated that there are two programs providing a delivery system that is community based.

REP. J. RICE stated he is nervous tying the budget to something that is going on elsewhere. Was there any thought given to raising our rates instead of tying this to the federal government? REP. O'KEEFE stated that the reason they went in this direction is that it has the built-in inflation factor that the USDA uses. The numbers have been looked at, and we took the number and based it on their average nationwide cost of raising a child minus the medical education costs.

REP. CROMLEY asked how is \$9.67 currently used. Mr. Walsh stated that basically it was set by the legislature approximately four sessions ago. They specified the two rates and since then it should be increased two years to 2%.

REP. KASTEN asked since we have limited funds, would they be better spent in foster care or early intervention programs? Mr. Walsh stated that we have to balance both. In terms of the long range planning, it is really important that we begin to divert children from the actual care system by providing more early interventions or health services.

REP. J. RICE asked what is in the Governor's budget for the foster care reimbursement. Mr. Walsh stated that the current daily rate is \$6.67 for young children and \$12.10 for 13 year old and over.

REP. JOHNSON stated that the way this bill is written, it mandates a change that would be made from what we currently are in the federal program. Mr. Walsh stated that in terms of the daily rate that is correct.

REP. RUSSELL asked how do we compare DFS foster care to private placement, such as made Casey Family Foundation. Mr. Smith stated that a child placed by Casey Family receives a much higher, more intensive, more thorough level of care.

Closing by Sponsor:

REP. O'KEEFE stated that this isn't an either or situation. We either pass two of the bills or the other two bills. This is not in the Governor's budget or anything that the Democratic party planned to fund this time. The Human Services Subcommittee will not want to receive these bills, but it is a question of whether or not we, as a state, are being abusive to the children. The foster parents are the true class of heroes in our society. They are doing what we can't do for one reason or another. They are giving those children love and those children need love. We can't buy love and we can't give them money to do anything that shows the love for the children. We can help pass this bill to help them in raising their family.

EXECUTIVE ACTION ON HB 488

Motion: REP. STICKNEY MOVED HB 488 DO PASS.

Discussion:

REP. S. RICE stated that if we give a separate clothing allowance then that should be deducted from the USDA figure.

REP. STICKNEY stated that she strongly objects to taking any money out of any of these bills. This is the first time the Legislature has looked seriously at giving foster families any

extra money for what it takes to raise a family. It is true that foster parents get \$100 per year for a child no matter how old that child is.

Motion: REP. J. RICE moved to amend HB 488.

Discussion:

REP. J. RICE stated that he has a problem with tying our budget away if we don't have any control over it. This amendment would put an appropriation in the bill in the amount that would increase the dollars from the \$9.67 to \$14.67 per day, as opposed to leaving the language in the bill tying into the USDA actual cost. That way if we raise it to that rate in two years we can look at it again without necessarily forcing this situation on somebody else.

REP. TUNBY asked if that is moving both sets of figures up. REP. J. RICE said yes.

REP. CROMLEY asked where the \$9.67 came from. REP. KASTEN stated that the statutory language has been set in appropriations through the negotiation processes they go through at different times. However, they did say that this amount has been raised for awhile, but I don't think it is in the statute.

REP. STRIZICH asked if REP. J. RICE would be striking section 3. REP. J. RICE stated that is correct. The amendment would strike section 3 and put in the appropriation section.

REP. STRIZICH asked if this amendment is in the title of the bill. David Niss stated that we are requiring the DFS to adopt the rules establishing this because there is no other way an agency can do that and make it an effective law other than to adopt agency rules under the Montana Administrative Procedure Act.

REP. J. RICE WITHDREW HIS MOTION.

REP. JOHNSON stated that he will support the bill as much as he can.

REP. HANSEN stated that the whole appropriations process is that they want us to vote on ideas that we want them to fund.

REP. LEE stated that the USDA amounts have been based on some average annual salary or income for the family and as a portion of that we have a child expense. Maybe we could pass this bill by finding out what the relationship is between that USDA average income and the Montana average income and bring the child portion within that percentage of alignment.

REP. CROMLEY stated that to make the payment based on 100% USDA estimates and cost, they may cut a percentage but at least it

would gradually increase each year.

REP. SQUIRES stated that she wants to send the bill to the Appropriations Committee because there are people in that committee that have dealt with this part of the process for a long time and know the formulas.

Vote: Motion carried 19-1 with REP. KASTEN voting no.

EXECUTIVE ACTION ON HB 489

Motion/Vote: REP. STICKNEY MOVED HB 489 DO PASS. Motion carried 19-1 with REP. KASTEN voting no.

EXECUTIVE ACTION ON HB 490

Motion/Vote: REP. JOHNSON MOVED HB 490 DO PASS. Motion carried 19-1 with REP. KASTEN voting no.

EXECUTIVE ACTION ON HB 491

Motion: REP. HANSEN MOVED HB 491 DO PASS.

Discussion:

REP. BECKER asked if there is money allowed now for respite care. REP. KASTEN stated that foster parents do have respite care available to them.

Vote: Motion carried 19-1 with REP. KASTEN voting no.

HEARING ON HB 515 & HB 516

Presentation and Opening Statement by Sponsor:

REP. THOMAS LEE, HD 49, Big Fork, stated that the purpose of HB 515 is to allow the Department of Family Services (DFS) to establish criteria valuing medical examinations that will accompany a youth admitted to Pine Hills or Mountain View Schools. The law already requires medical examinations, but does not address the timeliness or the extent of the examination. Specific medical information is needed by the correctional facilities and residential care programs. This information needs to be up to date. Many of the youth admitted to the DFS they have had sporadic health care at best. When a youth arrives at a facility without completed and current medical records, the entire population at the facility, as well as the youth, is at risk.

HB 516 concerns youth who are admitted to the DFS and are frequently sent to one of the youth correctional facilities. This bill is necessary for superintendents to have the authority to approve these needed services. The families that these youth come from are often transient and impossible to locate. This

bill will impose a continual requirement on the superintendent to attempt to get the legal guardians authorization for treatment, and will allow medical approval by the superintendent when the superintendent is not able to obtain authorization. When youth receive medical services in addition to routine mental and physical care, the institution pursues a third party for a legal guardian, the insurance provider and so on. If third party reimbursement is not available the State is liable for the expenses.

Proponents' Testimony:

Bill Unger, Superintendent, Mountain View School, stated that these bills are fairly significant and important changes. HB 515 requires a youth to have an evaluation prior to being sent to Mountain View or Pine Hills. The law already requires that, but it doesn't require a youth who is sent to one of these schools to have a physical. In terminology used in corrections, we receive two types of children who receive 45 day evaluations and commitments. In the law it talks about commitments and that is the youth that are sent to us for a long stay, but it really doesn't address the 45 day evaluations. We are asking that Youth Court or whoever sends students to these schools have a physical completed. We are also asking that the physical include certain information. We are not asking that it be a real extensive physical, but only provide basic information. HB 516 allows the superintendent or designee to sign for medical treatment. We are not going to change from trying to get third party payments nor are we going to change our pride to try and get the families to okay permission.

Opponents' Testimony: None

Questions From Committee Members:

REP. STICKNEY asked if this meant that the sending county will take care of the physical examination. Mr. Unger stated that this is going to eliminate the predispositional 45 day evaluations. This means they cannot come to Pine Hills without having gone through Youth Court. State law already requires that when they come to Pine Hills that they have a physical.

Closing by Sponsor: REP. LEE closed on HB 515 and HB 516.

EXECUTIVE ACTION ON HB 515

Motion/Vote: REP. LEE MOVED HB 515 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 516

Motion/Vote: REP. LEE MOVED HB 516 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON HB 260

Motion: REP. HANSEN MOVED HB 260 DO PASS.

Motion: REP. HANSEN moved to amend HB 260. EXHIBIT 13 & 14

Discussion:

David Niss stated that these amendments are necessary to make the bill consistent with the title. The purpose of the bill is to require coverage for adoptive children to the same extent as natural children. The bill has a very technical but misleading language in that it says that coverage is required for an adopted child on the same basis as "other dependents". The language "other dependents" came from the U.S. Congressional Resolution that was referred to in the testimony on this bill. In several places that resolution uses the language "dependents" and "natural children" synonymously. They are not synonymous, because a dependant of a father might may be a father's spouse or a mother's spouse. The intention of the bill was to require coverage for adopted children to the same extent as naturally born children. The other set of amendments deal with the definition of "placement". It was only those amendments that the subcommittee felt comfortable with moving. REP. HANSEN stated that the subcommittee only agreed to put in there amendments.

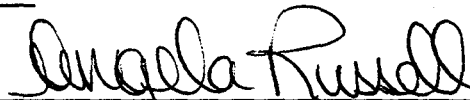
REP. RUSSELL stated that the committee will hold HB 260 until the next meeting. She felt it was too complicated for the committee to take up at this time.

EXECUTIVE ACTION ON HB 355

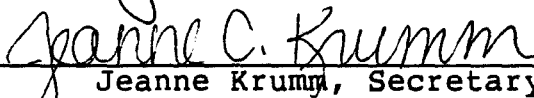
Motion/Vote: REP. WHALEN MOVED TO RECONSIDER ACTION ON HB 355 AND TAKE FROM THE TABLE. Motion failed 7-13 with REPS. RUSSELL, WHALEN, DOWELL, LEE, S. RICE, STICKNEY, and STRIZICH voting aye.

ADJOURNMENT

Adjournment: 5:30 p.m.



ANGELA RUSSELL, Chair



Jeanne Krumm, Secretary

AR/jck

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 2-11-91

| NAME | PRESENT | ABSENT | EXCUSED |
|-----------------------------|---------|--------|---------|
| REP. ANGELA RUSSELL, CHAIR | ✓ | | |
| REP. TIM WHALEN, VICE-CHAIR | ✓ | | |
| REP. ARLENE BECKER | | | ✓ |
| REP. WILLIAM BOHARSKI | ✓ | | |
| REP. JAN BROWN | ✓ | | |
| REP. BRENT CROMLEY | ✓ | | |
| REP. TIM DOWELL | ✓ | | |
| REP. PATRICK GALVIN | ✓ | | |
| REP. STELLA JEAN HANSEN | | | ✓ |
| REP. ROYAL JOHNSON | ✓ | | |
| REP. BETTY LOU KASTEN | ✓ | | |
| REP. THOMAS LEE | ✓ | | |
| REP. CHARLOTTE MESSMORE | ✓ | | |
| REP. JIM RICE | ✓ | | |
| REP. SHEILA RICE | ✓ | | |
| REP. WILBUR SPRING | ✓ | | |
| REP. CAROLYN SQUIRES | ✓ | | |
| REP. JESSICA STICKNEY | | | ✓ |
| REP. BILL STRIZICH | ✓ | | |
| REP. ROLPH TUNBY | ✓ | | |
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HOUSE STANDING COMMITTEE REPORT

February 12, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 299 (first reading copy -- white) do pass as amended .

Signed: _____
Angela Russell, Chairman

And, that such amendments read:

1. Title, line 5.

Strike: "REQUIRING"

Insert: "AUTHORIZING"

2. Page 1, line 14.

Strike: "shall"

Insert: "may"

3. Page 2, lines 9 and 10.

Strike: "the circumstances" on line 9 through "follows, " on line 10

Insert: "any of the following circumstances"

4. Page 2, line 14.

Strike: "or"

5. Page 2, line 21.

Strike: "."

Insert: "; or"

6. Page 2, lines 22 and 23.

Strike: "(2) The court" on line 22 through "that" on line 23

Insert: "(d)"

Renumber: subsequent subsections.

HOUSE STANDING COMMITTEE REPORT

February 12, 1991

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 90 (third reading copy -- blue) be concurred in as amended .

Signed: _____
Angela Russell, Chairman

CARRIED BY: REP.

And, that such amendments read:

1. Title, line 14.

Strike: "AND"

2. Title, line 15.

Following: "MCA"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, line 23.

Following: "that"

Insert: ", except for the administration of local anesthesia,"

4. Page 1, line 25.

Strike: "that section"

Insert: "Title 37, chapter 4,"

5. Page 2, line 14.

Strike: "authorized body"

Insert: "commission on dental accreditation or its successor"

6. Page 4, line 15.

Strike: "authorized accrediting body"

Insert: "commission on dental accreditation or its successor"

7. Page 6, line 5.

Following: "auxiliary"

Insert: "or licensed dental hygienist"

8. Page 6, line 11.

Following: "treatment"

Insert: ", except the administration of local anesthesia,"

February 12, 1991
Page 2 of 2

9. Page 7, line 14.

Following: line 13

Insert: "NEW SECTION. Section 6. Effective date. [This act] is
effective July 1, 1991."

5:30
2/11/91
me

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 488 (first reading copy -- white) do
pass .

Signed: Angela Russell
Angela Russell, Chairman

5:30
2-11-91
me

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 489 (first reading copy -- white) do
pass .

Signed: Angela Russell
Angela Russell, Chairman

5:30pm
2-11-91
LNC

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 490 (first reading copy -- white) do
pass .

Signed: _____
Angela Russell, Chairman

5:30 pm
2/11/91
me

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 491 (first reading copy -- white) do
pass.

Signed: Angela Russell
Angela Russell, Chairman

5:30 pm
2-11-91
lme

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 515 (first reading copy -- white) do
pass .

Signed: Angela Russell
Angela Russell, Chairman

5:30 pm
2-11-91
me

HOUSE STANDING COMMITTEE REPORT

February 11, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 516 (first reading copy -- white) do
pass .

Signed: _____
Angela Russell, Chairman

1
DATE 2-11-91
HB 299

Amendments to House Bill No. 299
First Reading Copy

Requested by Rep. Sheila Rice
For the Committee on Human Services and Aging

Prepared by David S. Niss
February 11, 1991

1. Title, line 5.

Strike: "REQUIRING"

Insert: "AUTHORIZING"

2. Page 1, line 14.

Strike: "shall"

Insert: "may"

3. Page 2, lines 9 and 10.

Strike: "the circumstances" on line 9 through "follows, " on line
10

Insert: "any of the following circumstances"

4. Page 2, line 14.

Strike: "or"

5. Page 2, line 21.

Strike: "."

Insert: "; or"

6. Page 2, lines 22 and 23.

Strike: "(2) The court" on line 22 through "that" on line 23

Insert: "(d)"

Senate Bill 90
Amendments Relating to General Supervision

1. Page 5, line 23.

Following: "~~board~~."

Insert: "The board may, in lieu of the general supervision requirement set forth in subsection (1), permit a licensed dental hygienist to provide clinical dental hygiene services to a public or private institution, a hospital or extended care facility, or a school or public health program after a review of a request for the service and a description of the type of supervision necessary is made by the board."

2. Page 6, lines 5 through 7.

Following: "auxiliary" on line 5

Strike: remainder of line 5 through "premises" on line 7

Insert: "or licensed dental hygienist provided that the dentist:

(i) has diagnosed the condition to be treated and authorized the procedure to be performed;

(ii) remains in the dental office or treatment facility while the procedure is being performed; and

(iii) evaluates the performance of the dental auxiliary or licensed dental hygienist before the patient is dismissed."

3. Page 6, line 15.

Following: "premises."

Insert: "However, a licensed dental hygienist may treat a patient under general supervision only under the following conditions:

(i) A patient must be a patient of record of the dentist prior to treatment by the hygienist. A patient of record is one who has been examined by the dentist, has had a medical and dental history completed and evaluated by the dentist, and has had his oral condition diagnosed and a treatment plan developed by the dentist.

(ii) The dental hygienist must have prior authorization from the dentist in order to perform clinical dental hygiene services for the patient of record. The authorization is void after 45 calendar days.

(iii) The dentist shall examine the patient following performance of the clinical services by the dental hygienist. The dentist shall perform the examination within a reasonable time as determined by the nature of the services provided, the needs of the patient, and the professional judgment of the dentist."

EXHIBIT 3
DATE 2-11-91
SB 90

AMENDMENT TO SB90

Accreditation of dental hygiene schools

1. Page 2, line 8.
Following: "hygiene"
Strike: ", "
Insert: "or a recognized school of dental hygiene"
2. Page 2, lines 12 through 16.
Following: "accreditation." on line 12
Strike: remainder of line 12 through end of line 16
3. Page 4, lines 15 through 17.
Following: line 14
Strike: lines 15 through "post-secondary" on line 17
Insert: "commission on dental"

EXHIBIT 4
DATE 2-11-91
SB 90

Amendments to Senate Bill No. 90
Third Reading Copy

For the Committee on Human Services and Aging

Prepared by Greg Petesch
February 8, 1991

1. Page 2, line 14.

Strike: "authorized body"

Insert: "commission on dental accreditation or its successor"

2. Page 4, line 15.

Strike: "authorized accrediting body"

Insert: "commission on dental accreditation or its successor"

EXHIBIT 5
DATE 2-11-91
SB 90

Amendments to Senate Bill No. 90
Third Reading Copy

Requested by Rep. J. Rice
For the Committee on Human Services and Aging

Prepared by David S. Niss
February 11, 1991

1. Page 6, line 5.
Following: "auxillary"
Insert: "or licensed dental hygienist"

Amendments to Senate Bill No. 90
Third Reading Copy

Requested by Representative Boharski
For the Committee on Human Services and Aging

Prepared by Greg Petesch
February 8, 1991

1. Page 1, line 23.
Following: "that"
Insert: ", except for the administration of local anesthesia,"
2. Page 1, line 25.
Strike: "that section"
Insert: "Title 37, chapter 4,"
3. Page 6, line 11.
Following: "treatment"
Insert: ", except the delivery of local anesthesia,"

EXHIBIT 7
DATE 2-11-91
SB 90

Amendments to Senate Bill No. 90
Third Reading Copy

For the Committee on Human Services and Aging

Prepared by Greg Petesch
February 8, 1991

1. Title, line 14.
Strike: "AND"

2. Title, line 15.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 7, line 14.
Following: line 13
Insert: "NEW SECTION. Section 6. Effective date. [This act is
effective July 1, 1991."

Amendments to SB 90
Relating to General Supervision

1. Page 1, line 24.
Following: "and"
Strike: "and not"
Insert: "with the concurrence of"
2. Page 5, line 6.
Following: "dentist"
Insert: "and the concurrence of the board"
3. Page 5, line 23.
Following: "~~board~~ *shall*"
Insert: "The board ~~may~~ permit a dental hygienist to work under the general supervision of a dentist pursuant to the provisions of a written protocol that describes the scope of the services to be provided, after the board reviews a request for the services and a description of the type of supervision necessary."
4. Page 6, line 5.
Following: "auxiliary"
Insert: "or licensed dental hygienist"

HB 488

Testimony of Ken Luraas

Montana State Foster adoptive Parent Association

An act to require the Department of Family Services to use the USDA estimates of the cost of raising a child in establishing the daily payment for foster care.

Foster care provides children and youth, whose families are not able to care for them, temporary, physical care, emotional support and other services to protect and promote their growth and development. Children come into foster care through the child welfare and the juvenile justice systems or are voluntary placed in foster care by their parents. Foster care is intended to last only until either the children can be reunited with their families, or a permanent placement, such as adoption, can be arranged.

Foster parents are volunteers. People become foster parents based on the high value they place on children. They do not become foster parents to make money from the child welfare system. Foster parents provide to children with a safe, nurturing family environment. In addition foster parents provide a relationship with a "parenting" person and a functional family.

The daily maintenance rates are payment to reimburse foster parents for the expense incurred in caring for foster children. Those expenses are food, shelter and recreation. Currently the rates are \$9.67 a day for a child 0-twelve and \$12.10 a day for children thirteen to eighteen. The rates have increased at a rate of 2% since fiscal year 1989 concluding fiscal

year 1991.

This bill proposes to use a consistent formula. The formula uses the 1989 USDA guidelines for the cost of raising a child, less education and medical expense based on the youth's age and adjusted for geographical area. As a basis to determine the daily maintenance rate for family foster care, an equal rate scale is established. The foster care program in Montana is recruiting and licensing large numbers of foster parents, but retaining only a few. Many foster parents leave foster care in the first year. The principle cause for the exodus of foster parents is the low reimbursement rate.

Foster parents are working men and women, not unlike any typical two-income family in Montana. Foster parents cannot afford to provide foster care. As an example, day care for a child under twelve, costs approximately \$10.00 dollars a day for 6-8 hours of care, whereas, foster parents are reimbursed \$12.10 a day for a twenty-four hour a day. The remaining \$2.10 clearly does not provide for the cost of raising a child.

This bill would raise the rate from \$9.47 a day to \$14.67 a day for children. The rate for youths would increase from \$11.86 to \$20.45 a day for youths.

The current rate system is inadequate to cover the costs foster parents incur in caring of Montana's children. Reimbursement rates are intended to cover foster childrens' living expenses such as food, shelter, recreation, and day care.

EXHIBIT 9
DATE 2-11-91
HB 488

An increase in rates will result in an increase in the number of available homes for foster care. Foster parent's love and provide care for other people's children with out salary or other compensation. An increase in the daily maintenance rate is a humane and just investment in Montana's children.

I support HB 488.

HB 489 Testimony of Ken Luraas
Montana State Foster Adoptive Parent Association

An act to define the requirements for payment for children placed in foster homes.

Children arrive in foster care with little or no clothing, often with just what they are wearing. The clothing allowance in this bill is to insure that the children in care have at least an acceptable wardrobe. The clothing allowance is not a part of the daily maintenance rate nor is it automatic reimbursement to foster parents. The allowance is in addition to funds from the monthly basic rate of care and is not meant to replace those funds. A need for clothing must be demonstrated.

Payment of a clothing allowance for a child placed in foster care is made based on need and the child must be placed in foster care for more than thirty days. Variables that are considered in the distribution of the clothing allowance are:

1. the situation in which the child is removed from his or her home
2. the age of the child
3. the growth of the child
4. the climate and season and other special needs
5. other special needs

This bill seeks to raise the current clothing allowance from \$100.00 a year to \$500.00 a year.

I support HB 489.

HB 490 Testimony of Ken Luraas
Montana State Foster Adoptive Parents Association

An act establishing a program for the recruitment, training and retention of licensed foster parent; to appropriate funds to the Department of Family Services.

With the rising incidence of child abuse and neglect, children are entering foster care in greater numbers, yet in the face of this increasing need there are fewer foster parents. In Montana, since 1984 there has been an average of 137 new placements per year. There were in 1990, according to Department of Family Services data: 3,125 children in care. There are 1200 family foster homes in Montana.

Greater difficulties and risks of providing foster care

Recruiting and retaining foster parents has become increasingly difficult. The critical shortage of foster parents in Montana is attributable to low foster care reimbursement rates, little respite for foster parents, (respite is a break from the seven day, twenty-four hour a day care) insufficient foster parent training and the poor public image of foster care. Increasing numbers of foster parents no longer provide care because they have not received support nor are they given recognition for dealing with the difficulties faced in caring for Montana's foster children. Foster parents must cope with such difficulties that may include violent and sexually precocious behavior, risks of communicable disease, property damage and often false allegations of abuse.

Foster children have complex problems

The children entering in foster care today are more difficult to work with than those in the past because they have been more severely harmed causing them to be more disturbed. Many children entering foster care have been battered, under-nourished, sexually abused, drug affected, developmentally or physically disabled. Often they exhibit behavior problems requiring long term counseling or specialized care.

Risks of foster parenting

The problems of foster children today expose foster parents and their families to physical, emotional and legal risks. The risks, such as violent "acting out" behavior, promiscuity toward other siblings, communicable disease and the cost of defending against accusations of abuse made by foster children or birth parents against foster parents are reasons for the shortage of foster parents.

Although foster parents for abused and neglected children presently receive a basic orientation from the Department of Family Services, there are limited opportunities for further training on the special problems and needs of severely disturbed foster children. An advanced, intensive training program designed to instruct all foster parents on the variety of problems they may encounter is desperately needed. The curriculum of this program should include courses on the sexually abused child, the emotionally disturbed child, constructive methods of discipline, building self-esteem, and culturally appropriate care and working with biological parents.

The resource pool for potential foster parents is decreasing while the foster care population is increasing . The problems the children bring with them into the system have become more complex. A rising trend in alcohol and drug abuse, AIDS, poverty , homelessness and domestic violence are all factors affecting the children of Montana. The foster child in the "90's" will require educated foster parents capable of meeting specialized and challenging needs.

By funding a recruitment, retention and training program foster parents will have the "tools" to respond to the childrens needs of Montana's children in foster care.

I support HB 490.

EXHIBIT 12
DATE 2-11-91
HB 491

HB 491

Testimony of Ken Luraas

Montana State Foster Adoptive Parent Association

An act requiring the Department of Family Services to provide respite care for children in licensed youth foster homes; providing for the recruitment, training, and employment of respite care providers; appropriating funds to the Department of Family Services.

Respite is designed to give foster parents temporary relief from their day to day responsibilities as foster parents. Respite care provides a needed breather from the 24 hour, 7 days a week intense care of foster children. Respite care addresses the primary cause of foster parent "burn out" and the retention of experienced, qualified foster parents.

Categories of children to be served are developmentally disabled, emotionally disturbed children, autistic, hyperactive, disturbed and severely "acting out" adolescence and medically demanding children. Because of the categories it is imperative a planned system of care be designed and funded.

As used in this act, respite care means the providing temporary or short term care, supervision for a foster child with difficult problems so the family gets a break. The care can be provided in emergencies or on an intermittent basis to relieve the daily stress and demands of caring for foster children. The care may be hourly, daily, overnight or weekly basis.

This bill would enhance the existing program of the Department of Family Services to recruit, train, and employ respite providers. The respite providers shall meet the qualifications and requirements of the

EXHIBIT 12
DATE 2-11-91
HB 491

Department of Family Service to insure proper care of foster children.

By designing and implementing a planned method of respite care children who have "special needs" will receive appropriate care. With a respite program foster families will get a well deserved break from the stress of specialized foster care.

I support HB491.

EXHIBIT 13
DATE 2-11-91
HB 260

Amendments to House Bill No. 260
Reading Copy

For the Committee on Human Services and Aging

Prepared by David S. Niss
February 4, 1991

1. Title, line 7.

Strike: "ON"

Insert: "TO"

2. Title, line 8.

Strike: "BASIS"

Insert: "EXTENT"

Strike: "OTHER DEPENDANTS"

Insert: "NATURAL CHILDREN OF THE INSURED"

3. Page 1, line 21.

Strike: "on"

Insert: "to"

Strike: "basis"

Insert: "extent"

4. Page 1, line 22.

Strike: "other dependants"

Insert: "natural children of the insured or subscriber"

5. Page 2, line 12.

Strike: "on"

Strike: "to"

6. Page 2, line 13.

Strike: "basis"

Insert: "extent"

Strike: "other dependants"

Insert: "natural children of the member"

7. Page 3, line 2.

Strike: "on"

Insert: "to"

Strike: "basis"

Insert: "extent"

Strike: "other dependants"

Insert: "natural children of the enrollee"

Amendments to House Bill No. 260
First Reading Copy

For the Committee on Human Services and Aging

Prepared by David S. Niss
February 7, 1991

1. Page 2, lines 5 and 6.

Strike: "in the physical custody of the adoptive parent"

Insert: "placement for adoption as defined in 40-8-10"

2. Page 2, lines 21 and 22.

Strike: "in the physical custody of the adoptive parent"

Insert: "placement for adoption as defined in 40-8-103"

3. Page 3, line 10 and 11.

Strike: "in the physical custody of the adoptive parent"

Insert: "placement for adoption as defined in 40-8-103"

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Human Services & Aging COMMITTEE BILL NO. HB 488
DATE 2-11-91 SPONSOR(S) Rep. Mark O'Keefe

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|--------------------|----------------|---------|--------|
| Ken Luvaco | MSFAPA | ✓ | |
| Bonnie Rutherford | " | ✓ | |
| Jan Bahnsen Helena | Foster Parents | ✓ | |
| Jim Smith | MRECA | ✓ | |
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**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Human Services & Aging COMMITTEE BILL NO. HB 489
DATE 2-11-91 SPONSOR(S) Rep. Mark O'Keefe

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[illegible]

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Human Services & Aging COMMITTEE BILL NO. HB 490
DATE 2-11-91 SPONSOR(S) Rep. Mark O'Keefe

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|--------------------------|-----------------------|----------|--------|
| <i>Ken Lucas</i> | <i>MSFADA</i> | <i>✓</i> | |
| <i>Bonnie Rutherford</i> | <i>"</i> | <i>✓</i> | |
| <i>Jan Bahlsen</i> | <i>Foster Parents</i> | <i>✓</i> | |
| <i>Jim Smith</i> | <i>MRCCA</i> | <i>✓</i> | |
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**HOUSE OF REPRESENTATIVES
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Human Services & Aging COMMITTEE BILL NO. HB 491
DATE 2-11-91 SPONSOR(S) Rep. Mark O'Keefe

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| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|-------------------|----------------|---------|--------|
| Ken Lucas | MSFAPA | ✓ | |
| Bonnie Rutherford | " | ✓ | |
| Jan Hansen | Foster Parents | ✓ | |
| Jim Smith | MRCCA | ✓ | |
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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Human Services & Aging

COMMITTEE

BILL NO. HB 515

DATE 2-11-91

SPONSOR(S) Rep. Thomas Lee

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PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|--------------|---------|--------|
| Bill Unger | DFS | ✓ | |
| Ann Gilkey | DFS | X | |
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HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

Human Services & Aging COMMITTEE BILL NO. HB 516
DATE 2-11-91 SPONSOR(S) Rep. Thomas Lee

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PLEASE PRINT

| NAME AND ADDRESS | REPRESENTING | SUPPORT | OPPOSE |
|------------------|--------------|---------|--------|
| Bill Unger | DFS | ✓ | |
| Ann Gilkey | DFS | X | |
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