

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON HUMAN SERVICES & AGING

Call to Order: By Angela Russell, Chair, on February 13, 1991,
at 3:15 p.m.

ROLL CALL

Members Present:

Angela Russell, Chair (D)
Tim Whalen, Vice-Chairman (D)
Arlene Becker (D)
Jan Brown (D)
Brent Cromley (D)
Tim Dowell (D)
Patrick Galvin (D)
Stella Jean Hansen (D)
Royal Johnson (R)
Betty Lou Kasten (R)
Thomas Lee (R)
Charlotte Messmore (R)
Jim Rice (R)
Sheila Rice (D)
Jessica Stickney (D)
Bill Strizich (D)
Rolph Tunby (R)

Members Excused: William Boharski, Wilbur Spring, Carolyn Squires

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

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

HEARING ON HB 521

Presentation and Opening Statement by Sponsor:

REP. EDWARD DOLEZAL, House District 34, Great Falls, stated that HB 521 was at the request of the Department of Institutions (DOI). The purpose is that current status for DOI does not include permit on the educational duties of this particular department. This bill will expand the responsibilities of DOI to include education and prevention. There is only one portion that this whole bill deals with on page 2, to add subparagraph (k). This paragraph specifies that these people do have the responsibilities of the education and prevention.

Proponents' Testimony:

Darryl Bruno, Alcohol and Drug Abuse Division, Department of Institutions, stated that there is a state authority for chemical dependency centers in the state. Some of our current legislative duties include improving and evaluating treatment programs, planning for chemical dependency services, certifying chemical dependency counselors (CDC), distributing state and federal funds to programs and the communities, and developing treatment and DUI standards. However, the bill doesn't state that the DOI does prevent the services or assist communities and agencies and citizens in providing prevention efforts. They are requesting that their duties be covered in 53-24-204, MCA. The alcohol and drug abuse division does not directly provide prevention services. They assist communities and agencies in doing that job through various activities.

Fred Fisher, Coordinator for Drug Prevention, Department of Justice, DARE Program, stated that the DOI requires that percentages of the money be allocated in prevention, education and interaction programs. With several state agencies like the Office of Public Instruction, it is important to feel that prevention and coordination is available throughout Montana.

Joan Cassidy, President, Montana Committees In Action, stated that for the past years she has worked in the field for treatment and prevention. The support of HB 521 would give them the ability to continue the coordination that needed to provide for prevention services in Montana. DOI has been an invaluable outlet to the adults and youths in the Montana.

Judy Garrity, Healthy Mothers, Healthy Babies, submitted written testimony. EXHIBIT 1

Robin E. Morris, Havre Encourages Long-Range Prevention, (H.E.L.P.), submitted written testimony. EXHIBIT 2

Marko Lucich, self, submitted written testimony. EXHIBIT 3

Opponents' Testimony: None

Questions From Committee Members:

REP. JOHNSON asked if DOI has done the long-term state chemical dependency plan. Mr. Bruno stated that they have done that plan.

Closing by Sponsor:

REP. DOLEZAL stated that the federal funds are allocated to the specific program. Some of those federal funds are based on the fact that these people do have a prevention program. This bill will clear up any question that prevention is part of the responsibility of the DOI.

EXECUTIVE ACTION ON HB 521

Motion/Vote: REP. STICKNEY MOVED HB 521 DO PASS. Motion carried unanimous.

HEARING ON HB 530

Presentation and Opening Statement by Sponsor:

REP. VIVIAN BROOKE, House District 56, Missoula, stated that this is to prohibit health and life insurers, health service cooperations and health maintenance organizations from excluding coverage or membership to any person on the basis of genetic condition, developmentally delayed or developmentally disabled and providing applicability. EXHIBIT 4

Proponents' Testimony:

Thomas Black and Margaret Green, submitted written testimony. EXHIBIT 5

Dr. John Opitz, self, stated that he supports HB 530 with the amendment included. He favors this bill with the explicit provisions. This bill exists in the law in Montana at this moment. The principal being equal protection for equal cooperation and equal risk. These provisions are law in Arizona and uniformity in place in several states and is highly regardable. He read paragraph (e) from the Arizona law.

Chris Valenkity, Developmentally Disabled Lobbyist, stated that she works with families who are not covered by insurance policies and sees what the implication is when a developmentally disabled child (DDC) is born to a family. Most issues deal with enforcement. Our families are not experiencing quick actions on their claims. When a DDC is born into a family there is turmoil in that family, medical bills have to be filed and the last thing the families need to do is deal with the insurance companies not covering them.

Opponents' Testimony:

Tanya Ask, Blue Cross & Blue Shield (BCBS), stated that BCBS sees this bill as a considerable expansion of conditions and services that would be covered by health insurance. Mandates are driving up the cost of health insurance. The 141,000 Montanans not currently insured will continue to go up. This bill does two things, it expands the number of individuals who will be covered by the policy and it expands the number of medical services that would be covered. There are serious problems with this particular proposal.

Tom Hopgood, Health Insurance Association of America, stated that there is comprehensive risk that should cover people that are not otherwise able to purchase health insurance. DDC should be covered by SSI and they should therefore be eligible for Medicaid on any level for disability.

Patrick Driscoll, American Council of Life Insurance, stated that there is a serious problem with amendment 4. It goes against the discrimination under the passive incest law.

James Tutwiler, Montana Chamber of Commerce, stated that any employer who has concerns and looks after needs of his employees is realizing that businesses to date are an important part of a package that every employer must keep in order to keep good employees. One major concern is the mandated benefits.

Questions From Committee Members:

REP. GALVIN asked if the level of disability from 0 to 10%, are unable to pay off. Mr. Hopgood stated that depending on the level of disability, they would qualify for social security and also for Medicare.

REP. MESSMORE asked if a couple has a child who is born with Down's Syndrome and that it is not because of a previous condition is that child covered. Ms. Ask stated that the child is automatically covered.

REP. STICKNEY asked what is the purpose of a comprehensive risk pool. Ms. Ask stated that the comprehensive health care association was enacted by the legislature and the issuance behind it was the Montana Diabetes Association. The purpose of the risk pool is to provide coverage for individuals because of a medical condition or an agent.

REP. BECKER asked what happens when people change jobs and need to get a new insurance policy. Ms. Ask stated that it would depend on how you are moving from one policy to another. For instance if you were employed and moving to a new employer, you have a certain enrolling time period that you should be able to enroll without a health statement.

Closing by Sponsor:

REP. BROOKE stated that she would encourage the committee to take a good look at the bill and the amendments. Perhaps amendment 4 would be rejected simply because people would not want the discrimination under the insurance statute. It seems that the insurance codes might be an appropriate place to put this new language. These amendments definitely help the bill. We are simply trying to say that people with genetic conditions and developmental disabilities also have the right to the basic health care coverage.

REP. RUSSELL APPOINTED A SUBCOMMITTEE FOR HB 530; REPS. BECKER, TUNBY AND WHALEN.

HEARING ON HJR 16

Presentation and Opening Statement by Sponsor:

REP. FLOYD "BOB" GERVAIS, House District 9, Browning, Blackfeet Reservation, stated that this resolution is very simple. The Department of Health and Human Services (DHHS) is discriminatory toward Native American veterans who have honorable discharges. People that were in the Service didn't know that we were giving up a right to contract services, services provided by the Indian Health Services (IHS). No one else on the Reservation is denied those services except for those veterans who have honorable discharges. If you have a dishonorable discharge, then the IHS will take a helicopter and fly you to Great Falls for treatment. If you are a Native American with an honorable discharge you have to drive yourself to Fort Harrison, which is inconvenient. This resolution is asking that the DHHS change their rules so the Native American veterans that have honorable discharges, can get IHS contract on the reservations.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members:

REP. J. RICE asked what the loophole was for the Native Americans. REP. GERVAIS stated that if you are Native American veteran and you have an honorable discharge then you have an alternate resource.

REP. J. RICE asked that if you have a dishonorable discharge then do you get some other type of treatment than you can if you are honorably discharged. REP. GERVAIS stated that is correct. If you have a dishonorable discharge you will get Indian Health services contract.

REP. TUNBY asked if he will have received the same services as an honorably discharged white person. REP. GERVAIS stated that yes, he would.

REP. J. RICE asked will this mean that Native Americans will be able to choose between either one of the services if you are honorably discharged. REP. GERVAIS said that is correct.

Closing by Sponsor: REP. GERVAIS closed on HJR 16.

EXECUTIVE ACTION ON HJR 16

Motion: REP. STRIZICH MOVED HJR 16 DO PASS.

Discussion:

REP. KASTEN asked where does this money come from. REP. RUSSELL stated that the IHS has a budget that is appropriated through Congress. They often put extra money in for contract health care and they are very protective of those monies.

Vote: Motion carried unanimously. HJR 16 DO PASS.

HEARING ON SB 135

Presentation and Opening Statement by Sponsor:

SEN. KENNEDY, Senate District 3, Kalispell, stated that this is a bill that is required to put in the Drug Marketing Act of 1987 as the Federal Drug Administration. The fiscal note is \$5,000 which will be covered by the license fees.

Proponents' Testimony: None

Opponents' Testimony: None

Questions From Committee Members: None

Closing by Sponsor:

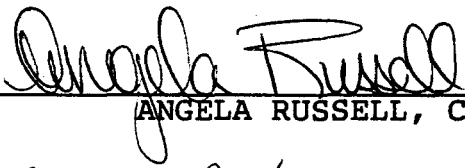
SEN. KENNEDY closed on SB 135.

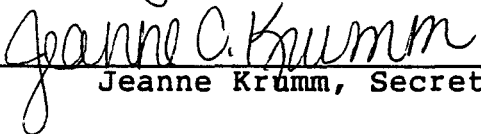
EXECUTIVE ACTION ON SB 135

Motion: REP. JOHNSON MOVED SB 135 BE CONCURRED IN. Motion carried unanimously.

ADJOURNMENT

Adjournment: 4:35 p.m.


ANGELA RUSSELL, Chair


Jeanne Krumm, Secretary

AR/jck

HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING COMMITTEE

ROLL CALL

DATE 2-13-91

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	✓		

HOUSE STANDING COMMITTEE REPORT

February 13, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Bill 521 (first reading copy -- white) do
pass .

Signed: Angela Russell
Angela Russell, Chairman

HOUSE STANDING COMMITTEE REPORT

February 13, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that House Joint Resolution 16 (first reading copy --
white) do pass .

Signed: Angela Russell
Angela Russell, Chairman

HOUSE STANDING COMMITTEE REPORT

February 13, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging
report that Senate Bill 135 (third reading copy -- blue) be
concurrent in .

Signed: Angela Russell
Angela Russell, Chairman

Carried by: Rep.



healthy mothers, healthy babies

February 13, 1991

Representative Angela Russell
Chairperson
Human Services and Aging Committee
of the House
Capitol Station
Helena, Montana 59620

Madame Chair and Members of the Committee:

Healthy Mothers, Healthy Babies (HMHB) has worked with the Department of Institutions on issues pertaining to children and families. Most recently, HMHB took part in the training provided by William Lofquist through the Department and thus became part of a statewide team focused on prevention and youth/community development.

We applaud the prevention-oriented activities of the Department and its work to support community-based services and strengthen community infrastructure. Through these efforts, problems which take both a heavy personal and financial toll can be averted.

We ask that the Committee also recognize and validate the prevention education which the Department is providing in the area of alcohol and drug abuse.

Thank you for your consideration.

Sincerely,

Judy Garrity
Assistant Director

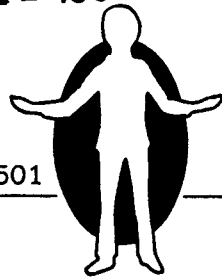
EXHIBIT 2
DATE 2-13-91
HB 521

HELP

(Havre Encourages Long-Range Prevention)

P.O. BOX 68 HAVRE, MONTANA 59501

FEB 11 1991



February 8, 1991

Angela Russell
Chairperson, Human Services
And Aging Committee of the House
Capital Station
Helena, MT 59620

COPY

Dear Ms. Russell:

It is a pleasure for me to write this letter of support for the rule change that will make prevention one of the official components of ADAD.

As a member of one of the oldest community-based prevention programs in Montana I have looked to the Department of Institutions for guidance, support, and expertise. As we are the recognized community-based prevention program in our region they are the recognized state-based prevention program. This rule change would simply formalize the Department of Institutions commitment to assisting communities in Montana fight this "war on drugs and illegal alcohol."

In addition, while I am voicing an opinion, I would like to emphasize the importance of appropriate funding for professionals, programs, resources and evaluation in the prevention area. Montana has lost so many key professionals to other states as a result of inadequate salaries and program funding. Without adequate funding, the number of youth, the quality of our programs, and our overall effectiveness will be affected.

I regret that I will not be available for additional information February 12-17; however, you may reach at my home number any time prior to the 12th at 265-5923. Again, I strongly support the rule change and the Department of Institutions.

Sincerely,

Robin E. Morris
H.E.L.P. Project Director

xc: Daryl Bruno, ADAD Division Administrator

HELP is a non-profit organization that was established to recognize and constructively deal with Havre and the surrounding communities needs regarding drug and alcohol abuse.

EXHIBIT 3
DATE 2-13-91
HB 521

February 13, 1991

Representative Angela Russell
Chairperson, Human Services and Aging Committee
Capitol Station
Helena, MT 59620

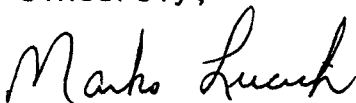
Dear Chairperson Angela Russell and Committee Members:

I would like to take this opportunity to address you regarding the Department of Institutions Alcohol and Drug Abuse Division. As a Deputy Youth Court Probation Officer and Chairperson of the Governor's Advisory Council on chemical dependency, I have had a chance to observe the Alcohol and Drug Abuse Division regarding their prevention efforts.

A.D.A.D. has been the leading force in co-sponsoring the Montana Caring for Kids Conference in Montana. This conference would have to rate as one of the best in the nation. It brings together anywhere from 700 to 1000 participants each year. The conference focus is not only on prevention, but giving adults and students throughout the state of Montana tools to deal with problems facing the students and adults of Montana regarding chemical abuse, parenting, teenage stress and suicide, and numerous other topic areas.

This division of the Department of Institutions, in my opinion, is one of the best offices in the state that delivers services to the people in Montana. I strongly support the continued funding of this division and urge your continued support. If you have any questions, please feel free to contact me at anytime.

Sincerely,



Marko Lucich
131 Rocky Mtn. Lane
Butte, MT 59701

Amendments to House Bill No. 530
First Reading Copy

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

Prepared by David S. Niss
February 12, 1991

1. Title, line 7.

Following: "PERSON"

Insert: "OR REFUSING TO CONSIDER AN APPLICATION FOR COVERAGE"

2. Title, line 8.

Following: "DISABILITY"

Insert: "; TO DEFINE UNLAWFUL DISCRIMINATION IN THE APPLICATION
OF INSURANCE RATES OR TERMS OR IN THE ISSUANCE OF AN
INSURANCE POLICY OR PENSION; AMENDING SECTION 49-2-309, MCA
"

3. Page 1.

Following: line 21

Insert: "(2) The issuer of a policy, certificate, or contract referred to in subsection (1) may not refuse to consider an application for the issuance, renewal, extension, or modification of the policy, certificate, or contract on the basis of a genetic condition, developmental delay, or developmental disability.

(3) The rejection of an application for or the determination of rates, terms, or conditions of a life or disability insurance contract on the basis of a genetic condition, developmental delay, or developmental disability constitutes unlawful discrimination, unless the applicant's medical condition and history and either claims experience or actuarial projections establish that substantial differences in claims are likely to result from genetic condition, developmental delay, or developmental disability."

Renumber: subsequent subsection

4. Page 2.

Following: line 4

Insert: "Section 2. Section 49-2-309, MCA, is amended to read:

"49-2-309. Discrimination in insurance and retirement plans. (1) It is an unlawful discriminatory practice for any financial institution or person to discriminate solely on the basis of sex, genetic condition, developmental delay, developmental disability, or marital status in the issuance or operation of any type of insurance policy, plan, or coverage or

in any pension or retirement plan, program, or coverage, including discrimination in regard to rates or premiums and payments or benefits.

(2) This section does not apply to any insurance policy, plan, coverage, or any pension or retirement plan, program, or coverage in effect prior to October 1, 1985."

Renumber: subsequent sections

5. Page 2, line 9.

Strike: "[This act]"

Insert: "(1) [Section 1]"

6. Page 2, line 10.

Following: "contracts"

Insert: "applied for,"

7. Page 2.

Following: line 12

Insert: "(2) [Section 2] applies to insurance policies, plans, or coverage issued and pension or retirement plans, programs, or coverage issued or operated in this state on or after October 1, 1991."

EXHIBIT 5
DATE 2-13-91
HB 530

323 East Central
Missoula, Mt. 59801
February 11, 1991

Honorable Vivian Brooke
House of Representatives
Helena, Mt. 59601

Dear Representative Brooke:

As parents of a daughter with Down Syndrome, we would like to lend our support to House Bill 530 making insurance available for her at competitive rates. We are in the fortunate position of having our child covered by insurance through our employers' group policy. However, if we were to change employment, it would probably be impossible or monetarily prohibitive to obtain insurance for our daughter, even though her needs have been no different from any other child's health needs.

Yours truly,

Thomas Black and Margaret Green

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Human Services & Aging COMMITTEE BILL NO. HB 521
DATE 2-13-91 SPONSOR(S) Rep. Dolezal

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
David Perry	Institute	✓	
Joan Cassidy-Burke	MT Communities in Action	✓	
Fred Fisher	Justice	✓	
Don Poirer	say		

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

**HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER**

Human Services & Aging COMMITTEE BILL NO. HB 530
DATE 2-13-91 SPONSOR(S) Rep. Brooke

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
John M. Opitz	Self	Amended ✓	
Tanya Ask	Blue Cross & Blue Shield		✓
PATRICK M. DRISCOLL	AMERICAN COUNCIL OF LIFE INSURANCE		✓
Cris Valuckay	DTD Lobbyist	✓	
Tom Hozgood	Health Ins. Assoc. of America		✓
Steve Feltstead	Self		
LARRY AXEY	MT ASSOC OF LIFE UNDERWRITERS		X
Jeffrey M. Smith	Self	X	
Jim Tutwiler	MT Chamber Commerce		✓

**PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.**